

Grand Junction, Colorado

September 25, 1923

All the Councilmen having been duly notified the City Council of the City of Grand Junction met in special session at 5:00 o'clock P.M. Those present and answering to roll call were Councilmen Hirons, Meders, Miller, Dowrey, Hampson and Murr, City Manager Garrett, City Clerk Peck, City Attorney Jordan and City Engineer Thompson. Councilman Marshall was absent.

Written objections to the creation of the proposed Combined Sewer Dist. #2 were read. The first objection being that of J.S Pollard et al and Frank Burg et al.

It was moved by Councilman Murr, seconded by Councilman Miller that the objections of J.S. Pollard et. al. and Frank Burg et. al. be overruled as the objections offered were insignificant. Motion carried unanimously.

It was moved by Councilman Meders, seconded by Councilman Miller that the objections of J.H. Devereux by Henry Rhone Agt. against the creation of Combine Sewer Dist. #2 be overruled as the property owned by said Devereux would be benefited by said sewer. Motion unanimously carried.

It was moved by Councilman Murr, seconded by Councilman Meders that the objections of the Diocese of Colorado by Henry R. Rhone Agt. be over ruled as the land belonging to said Diocese of Colorado would be directly benefitted by the installation of said sewer. Motion unanimously carried.

Upon motion of Councilman Miller, seconded by Councilman Murr and unanimously carried the objections of Henry R. Rhone against the creation of Combined Sewer District No. 2 were overruled on the grounds that the land owned by said Henry R. Rhone would be benefitted by the construction of said sewer.

It was moved by Councilman Murr, seconded by Councilman Hampson that as to the objection by the Denver and Rio Grande Western Ry. Company that no deduction is proposed to be made from the estimated assessment against the described property of said company within said district (Combined Sewer District No. 2) for streets and alleys; that same be allowed and that the City Engineer be and he is hereby directed to make said deduction in his estimate, said deduction to amount to forty percent (40%) of the total area of the property of said company to be assessed; that as to the other objections contained in their objection the same and each thereof are hereby overruled, upon which motion the following vote was cast: Councilmen voting YEA, Hirons, Meders, Miller, Dowrey, Hampson and Murr. All the Councilmen present voting yea, the president declared the motion carried.

It was moved by Councilman Murr, seconded by Councilman Hampson that as to the objection of the Denver and Rio Grande Junction Ry. Company that no deduction is proposed to be made from the estimated assessment against the described property of said company within said district (Combined Sewer Dist. #2) for streets and alleys; that the same be allowed and that the City Engineer be and he is hereby directed to make said deduction in his estimate, said deduction to amount to forty percent (40%) of the total area of the property of said company to be assessed; that as to the other objections contained in their objection the same and each thereof are hereby overruled, upon which motion the following vote was cast: Councilmen voting YEA, Hampson, Miller, Meders, Dowrey, Hampson and Murr. All the Councilmen present voting YEA, the president declared the motion carried.

The following resolution was thereupon presented and read:

RESOLUTION

CREATING AND ESTABLISHING WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, A COMBINED SEWER DISTRICT TO BE KNOWN AS COMBINED SEWER DISTRICT NUMBER TWO: AUTHORIZING CONSTRUCTION IN SAID DISTRICT OF A SYSTEM OF DISTRICT SEWERS AND APPURTENANCES FOR (STORM AND) SANITARY DRAINAGE, ALL IN STRICT CONFORMITY WITH FULL DETAILS, SPECIFICATIONS, MAPS, ESTIMATES, NOTICES, AND ORDER HERETOFORE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, IN THE PREMISES: DESCRIBING THE REAL ESTATE CONSTITUTING SAID DISTRICT AND TO BE ASSESSED FOR THE COST OF SAID LOCAL IMPROVEMENT, PROVIDING FOR THE MANNER OF ASSESSING THE COST THEREOF, AND THE PAYMENT THEREOF: PROVIDING FOR THE ISSUE OF PUBLIC IMPROVEMENT BONDS TO PROVIDE FUNDS TO PAY FOR SAID LOCAL IMPROVEMENT, AND PRESCRIBING THE FORM OF SAID BONDS.

WHEREAS, in conformity with the Charter of the City of Grand Junction, Colorado, and Ordinance No. 178, adopted and approved the 11th day of June, A. D. 1910, as amended, the City Council of the City of Grand Junction, by resolution duly adopted and approved the 15th day of August, A. D. 1923, which declared the intention of the City Council to create a local improvement district in the City of Grand Junction, Colorado, to be known as Combined Sewer District Number Two; and

WHEREAS, by resolution duly adopted and approved the 20th day of August, A. D. 1923, details and specifications for the construction of a system of district sewers and appurtenances for storm and sanitary drainage within said proposed combined sewer district, were duly adopted and approved, and provision made for the requisite notice to all persons interested in the improvement proposed, the number of installments, and the time in which the cost of the improvement will be payable, the rate of interest on

unpaid installments, the extent of the district to be assessed by setting forth the boundaries thereof, the probable cost as shown by the estimate of the Engineer, the maximum share of said total estimate per square foot and per lot that will be assessed upon any lot or lands included in the district, and the time when the Council will consider the ordering of the proposed improvement, and hear all complaints and objections that may be made in writing concerning the proposed improvements; and that all maps and estimates and all proceedings of the Council in the premises, were on file, and could be seen and examined in the office of the City Clerk during business hours at any time prior to 8 o'clock P.M. on Monday, the 24th day of September, A. D. 1923, by any persons interested; and

WHEREAS, at the time and place specified in said resolution, and in said notices, J. S. Pollard and Frank Berg, and others, filed objections to the creation of said proposed Combined Sewer District Number Two, for the reasons that its construction is unnecessary and will be a useless burden upon the tax-payers; Henry R. Rhone, owner of Lots one (1) to eight (8) inclusive in Block 1 of Dundee Place Addition to the City of Grand Junction filed his objection on the ground that said proposed Combined Sewer District Number Two will not in any way benefit said property, and can not be used by said property, as now laid out, and also claiming that said property was included within the boundaries of said district for the purpose of taxation and for no other purpose; also, J. H. Devereux; and the Diocese of Colorado, owners of property in Dundee Place Addition, Keiths addition to the City of Grand Junction, filed their objections to the creation of said district, claiming that said property has an ample sewer connection, and that the creation of said district will not in any way benefit said property; also The Denver and Rio Grande Western Railroad Company, and the Rio Grande Junction Railway Company filed their objections, claiming among other things that no deduction is proposed to be made from the estimated assessment against the described property of said companies for streets and alleys; and a hearing was thereupon had upon said objections, and the matter was taken under advisement by the City Council until this date, and the Council being fully advised in the premises, finds that as to the objections filed by J. S. Pollard, Frank Berg and others, that the creation of said Combined Sewer District Number Two, is necessary and will not be a useless burden upon the tax-payers, and that said objections are hereby over-ruled; and as to the objections of Henry R. Rhone, J. H. Devereux, and the Diocese of Colorado, the Council finds that the creation of said proposed Combined Sewer District Number Two will be a benefit to the lands owned by said Henry R. Rhone, J. H. Devereux and the Diocese of Colorado, in Dundee Place Addition and Keiths addition to the City of Grand Junction, and included within said proposed Combined Sewer District Number Two, and that said objections, and each thereof, are hereby over-ruled; and as to the objections made by the Denver and Rio Grande Western Railroad Company and the Rio Grande Junction Railway Company, it was announced by the attorneys for said companies

that if a deduction was made from the estimated assessment against the described property of said companies, for streets and alleys, that the objections of said companies would be withdrawn, and the Council finds that to equitably assess said property of said companies, that a deduction should be made for streets and alleys and all conditions having now transpired authorizing said City Council to create said Combined Sewer District Number Two, and construct therein the said proposed improvements.

WHEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION;

Section No. 1 - That upon due consideration, the Council hereby finds that by virtue of the authority conferred upon it by the laws of the State of Colorado, the Charter of the City of Grand Junction, and Ordinance No. 178 of said city, as amended, the said improvements consisting of a system of district sewers and appurtenances, for storm and sanitary drainage in said Combined Sewer District No. 2, were duly ordered after notice given; that the objections in writing of J. S. Pollard, Frank Berg, Henry R. Rhone, J. H. Devereux, The Diocese of Colorado and others to the creation of said Combined Sewer District No. 2, were duly heard and considered by the Council, and after a hearing thereon, the Council found that said objections are not good, and thereupon overruled the same; that the Denver and Rio Grande Western Railroad Company and the Rio Grande Junction Railway Company filed certain objections to the creation of said Combined Sewer District No. 2, among which objections, was the objection that no deduction is proposed to be made from the estimated assessment against the property of said companies, within said proposed Combined Sewer District No. 2, for streets and alleys, which objection after a hearing thereon, the Council deemed to be good, and ordered said deduction to be made, and thereupon, said companies with-drew all objections to the creation of said Combined Sewer District No. 2; that no other complaints or objections were made or filed concerning same; that the City Council of the City of Grand Junction, in creating said Combined Sewer District No. 2, and ordering the construction therein of a system of district sewers and appurtenances for storm and sanitary drainage, has in all things complied with the laws of the State of Colorado, the requirements of the Charter of the City of Grand Junction, and said ordinance thereof designated as Ordinance No. 178, approved June 11th, A. D. 1910, as amended.

Section No. 2 - That a local improvement district be, and the same is hereby established and created out of that portion of the city of Grand Junction, bounded and described as follows, to-wit:

Beginning at the northwest corner of Section 14, Township 1 south, Range 1 west of the Ute M.; thence east along the section line to the northeast corner of Section 14, Township 1 south, Range 1, west of the Ute M.; thence south along the city limit line to its intersection with the center line of Chipeta Avenue;

thence east along the city limit line to its intersection with the center line of Fourteenth Street; thence south on the center line of Fourteenth Street to its intersection with the center line of the alley in blocks N and M, Keith's Addition to the City of Grand Junction; thence west along the center line of said alley to its intersection with the center line of Twelfth Street; thence south along the center line of Twelfth Street to its intersection with the center of the main track of the Denver and Rio Grande Western Railroad; thence southwesterly along the center of the main track of the Denver and Rio Grande Western Railroad to the point of its intersection with the west line of the Grand Junction Town & Development Company's Addition No. 1 extended north; thence south to the north line of Struthers Avenue; thence west along the north line of Struthers Avenue to the point of its intersection with the east line extended of the alley running north and south through Haggerty's First Subdivision of the City of Grand Junction; thence north 1,250 feet more or less to the south line of the Denver and Rio Grande Western Railroad property; thence west 210 feet; thence north 40 degrees 47' west 3,580 feet more or less to a point in the center of the main track of the Denver and Rio Grande Western Railroad where it intersects with the center line of the east and west alley in Block 9 Mobley's Subdivision extended to the east; thence west along the center line of the said alley extended to the city limit line; thence north 340 feet more or less along the city limit line to the point of its intersection with the center of the alley in blocks 2 and 3 Grand River Subdivision; thence east 1475.0 feet more or less to a point of intersection with the center line of the main track of the Little Book Cliff Railroad extended; thence northeasterly 980 feet more or less along the center line of the main track of the Little Book Cliff Railroad extended to the city limit line; thence east along the city limit line to its point of intersection with the center line of First Street; thence south along the center line of First Street to its intersection with the center line of Main Street; thence east along the center line of Main Street to its intersection with the center line of Seventh Street; thence north along the center line of Seventh Street to its intersection with the center line of Grand Avenue; thence west along the center line of Grand Avenue to the city limit line; thence north to the point of beginning. All of the land lying and being within the above boundaries as described is within the present corporate limits of the City of Grand Junction, Colorado.

Section No. 3 - That said district shall be known as, and the same is hereby designated: COMBINED SEWER DISTRICT NUMBER TWO.

Section No. 4 - That the construction of a system of district sewers and appurtenances for storm and sanitary drainage within said district, all strictly in accordance with the full details, plans, specifications, maps, estimates as herein amended notices and orders heretofore adopted by said Council in the premises be, and the same is hereby authorized and ordered, and

the City Clerk is hereby directed to advertise for bids for the construction of the said improvements ordered by and in conformity with this resolution, and the Charter of the City of Grand Junction; provided, however, that the cost of the same, including general expenses, shall not exceed the estimates of the Engineer, viz., \$73,825.69.

Section No. 5 - That said amount, viz., \$73,825.69 or so much thereof as may be required to pay the actual cost of said improvements, together with 2% additional for the cost of collection and other incidentals, and the cost and interest on the bonds to be issued from time to time, to raise funds for the payment of said actual cost, said interest to run from the time of issue of said bonds to the time the first installment will be due, shall be assessed wholly upon all the real estate in the district hereinbefore described, exclusive of public highways and the manner of apportioning the cost and collecting the assessments and all other matters incidental to said improvements shall be as heretofore and herein prescribed, and set forth in previous resolutions adopted by the Council.

Section No. 6 - That by virtue of and in pursuance of the Charter of the City of Grand Junction, and Ordinance No. 178 thereof, approved June 11, 1910, as amended, public improvement bonds of the City shall be issued for the purpose of raising funds to pay cash for the local improvements in this resolution described, authorized, and provided to be constructed in said Combined Sewer District Number Two, in an amount not to exceed the whole cost of said improvements, including engineering, inspection, collection, and other incidental expenses, and in no event to exceed the estimates of the cost of said improvements made by the engineer of said city pursuant to the preliminary order of said City Council adopted the 15th day of August, A. D. 1923, to-wit; \$\$73,825.69 with 2% additional for the cost of collection and other incidentals, and interest.

Section No. 7 - That said bonds shall be dated October first, A. D. 1923, shall bear the name of the district improved, shall be payable to the bearer twelve years from and after the date thereof, subject to call and prior payment, as by law provided, shall be subscribed by the President of the Council, attested by the Clerk, and the seal of the city thereunto affixed, and registered by the Treasurer; the said bonds shall be payable out of the moneys collected on account of assessments made for said improvements, shall bear interest at the rate of five and one-half per cent per annum, payable semi-annually on the first days of April and October, in each year; shall have twenty-four coupons thereto attached, subscribed by the facsimile signature of the City Treasurer evidencing said interest, shall be in denomination of Five Hundred Dollars each, and shall be numbered consecutively from one (1) upward. Both principal and interest shall be payable at the office of the City Treasurer in the City of Grand Junction, Colorado, or at the banking house of

Kountze Brothers, in the City of New York, U. S. A., at the option of the holder.

Section No. 8 - That said bonds and the coupons thereto attached shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO

CITY OF GRAND JUNCTION

Public Improvement Bond

COMBINED SEWER DISTRICT NUMBER TWO

No. _____ \$500.00

The City of Grand Junction, in the County of Mesa, and State of Colorado, for value received, acknowledges itself indebted, and hereby promises to pay to the bearer hereof, the sum of Five Hundred Dollars in lawful money of the United States of America, on the first day of October A.D. 1935, subject to call and payment, however, at any time prior thereto, with interest thereon from date until payment at the rate of five and one-half per cent per annum, payable semi-annually on the first days of April and October, in each year, both principal and interest being payable at the office of the City Treasurer of the City of Grand Junction, or at the banking house of Kountze Brothers, in the City of New York, U.S.A., at the option of the holder, upon presentation and surrender of the attached coupons as they severally become due.

This bond is issued for the purpose of paying the cost of local public improvements in Combined Sewer District Number Two, in the City of Grand Junction, State of Colorado, by virtue of and in full conformity with the Constitution and laws of the State of Colorado, the Charter of the City of Grand Junction, and the requisite resolutions and ordinances of said City of Grand Junction, duly adopted, approved, published and made laws of said city prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, State of Colorado, in said Combined Sewer District Number Two, especially benefited by said improvements, and the amount of the assessments upon the real estate in said district for the payment thereof, with accrued interest, is a lien upon said real estate and assessed under the Charter and ordinances of said city, said lien having priority over all other liens, except other bonds heretofore issued by said city and the lien of general taxes. And it is hereby certified and recited that the total issue of the bonds of said city for said district, including this bond, does not exceed the estimate of the city

Engineer of the cost of said improvements, nor the amount authorized by law, and it is further certified and recited that every requirement of law relating to the creation of said Combined Sewer District Number Two, the making of said improvements, and the issue of this bond, have been fully complied with by the proper officers of said City, and that all the conditions required to exist, and things required to be done precedent to and in the issue of this bond to render the same lawful and valid have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be subscribed by the President of the City Council, attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the fac-simile signature of the City Treasurer, this first day of October A. D. 1923.

/s/

President of City Council.

Attest:

City Clerk

(FORM OF COUPON)

No. _____ \$ _____

On the _____ day of _____, A. D. 19_____, the City of Grand Junction will pay the bearer _____, Dollars in lawful money of the United States of America, at the office of the City Treasurer, in Grand Junction, Colorado, or at the banking house of Kountze Brothers, in the City of New York, U.S.A., at the option of the holder, being six months interest on its local public improvement bond, issued for the construction of local improvements in Combined Sewer District Number Two, provided the bond to which this coupon is attached shall not have been paid. Attached to bond No. _____, dated Oct. first, 1923.

/s/ (Fac-simile signature)

City Treasurer

(Registration Certificate)

It is hereby certified that the within and foregoing bond has been duly registered in a suitable book kept for that purpose in the office of the City Treasurer, of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this _____ day of _____, A. D. 1923.

/s/

City Treasurer.

Section No. 9 - The City Clerk is hereby authorized and directed to have printed the bonds authorized by this resolution, and when said bonds are prepared, to deposit the same with the City Treasurer, to be issued and sold, as authorized by the City Council, provided however, that if the City Council shall so direct, the successful bidder for said bonds shall pay the expense of printing said bonds.

Section No. 10 - When said bonds are ready for delivery, they shall be delivered to the highest, reliable and responsible bidder for said bonds, after payment by said bidder of the purchase price therefor, the Council however, reserves the right to reject any or all bids.

It was moved by Councilman Miller, seconded by Councilman Murr, that the resolution as read be passed and adopted, upon which motion the following vote was cast: Councilmen voting YEA, Hirons, Meders, Miller, Dowrey, Hampson and Murr, All the Councilmen present voting YEA, the president declared the motion carried.

It was moved by Councilman Murr, seconded by Councilman Dowrey that the City Auditor be authorized to call for bids on \$78,000.00 of bonds for Combined Sewer District # 2 and to call for bids on \$43,000.00 of bonds on Paving District # 10. Said bids to be filed with the City Auditor not later than 8:00 o'clock P.M. October 15, 1923. Upon which motion the following vote was cast: Councilmen voting YEA, Hirons, Meders, Miller, Dowrey, Hampson and Murr. All the Councilmen present voting YEA, the president declared the motion carried.

Upon motion of Councilman Hampson, seconded by Councilman Murr and unanimously carried the meeting adjourned.

/s/ Fred A. Peck
City Clerk