

Grand Junction, Colo.

September 11 1924

The City Council of the City of Grand Junction met in adjourned session at the call of the chair at 8:00 o'clock P.M. with President Hirons presiding. Those present and answering at roll call were Councilmen: Hirons, Meders, Miller, Dowrey and Murr, City Manager Garrett, City Clerk Peck and City Attorney Jordan were present.

The following resolution was introduced and read:

WHEREAS, on the 6th day of August, A. D. 1924, the City Council passed a Resolution entitled, "A Resolution adopting details and specifications for constructing sidewalks on certain streets within the proposed sidewalk district in the City of Grand Junction, Colorado, to be designated as Sidewalk District No. 8, designating the materials to be used, the estimated cost thereof, and determining the number of installments, and the time in which the cost thereof shall be payable; the rate of interest on unpaid installments and the extent of the District to be assessed for the same" and

WHEREAS, the Attorneys for George W. Vallery & Company of Denver, Colorado, who contracted to purchase the bonds to be issued in said District have raised certain objections to the form of Notice given to property owners in said Resolution passed and adopted by the City Council on the 6th day of August, 1924, and insist that a new Notice be given the said property owners in said proposed Sidewalk District No. 8

Therefore be it resolved by the City Council of the City of Grand Junction:

That the Resolution heretofore passed and adopted by the City Council of the City of Grand Junction on the 6th day of August, A. D. 1924 entitled, "A resolution adopting details and specifications for constructing sidewalks on certain streets within the proposed sidewalk district in the City of Grand Junction, Colorado, to be designated as "Sidewalk District No. 8", designating the materials to be used, the estimated cost thereof, and determining the number of installments, and the time in which the cost thereof shall be payable, the rate of interest on unpaid installments, and the extent of the District to be assessed for the same including a notice to property owners therein be and the same is hereby rescinded and set aside.

It was moved by Councilman Dowrey, seconded by Councilman Miller that the resolution as read be passed and adopted, upon which motion the following vote was cast: Councilmen voting yea,

Hirons, Meders, Miller, Dowrey & Murr. All the Councilmen present voting yea, the President declared the motion carried.

The following resolution was introduced and read;

#### RESOLUTION

A RESOLUTION ADOPTING DETAILS AND SPECIFICATIONS FOR CONSTRUCTING SIDEWALKS ON CERTAIN STREETS WITHIN THE PROPOSED SIDEWALK DISTRICT IN THE CITY OF GRAND JUNCTION, COLORADO, TO BE DESIGNATED AS "SIDEWALK DISTRICT NO. 8", DESIGNATING THE MATERIALS TO BE USED, THE ESTIMATED COST THEREOF, AND DETERMINING THE NUMBER OF INSTALLMENTS, AND THE TIME IN WHICH THE COST THEREOF SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS, AND THE EXTENT OF THE DISTRICT TO BE ASSESSED FOR THE SAME.

WHEREAS, by Resolution passed and adopted at a Lawful meeting of the City Council of the City of Grand Junction on the 2nd day of April, A. D., 1924, it was found and declared that the establishment of a sidewalk district and the construction of sidewalks on certain Streets in said District have been petitioned for, and was and is public necessity, said District to be known as "Sidewalk District No. 8"; and

WHEREAS, by said Resolution, the City Engineer was directed to make and furnish an estimate of the total cost of said improvements and a map of the District to be assessed; and

WHEREAS, T. E. Thompson, the City Engineer of the City of Grand Junction, in pursuance of the order in said Resolution made, has reported to the Council the completion of all matters and things in said Resolution enjoined upon him, in the form and manner as therein directed and has filed with the City Clerk all the maps and certificates of survey of the said proposed Sidewalk District No. 8, as well as all schedules, plans, specifications and approximations of cost, and all other matters and things required of him in and by said Resolution in complete form and substance as therein required; and

WHEREAS, it appears to the City Council of the City of Grand Junction, and the Council so find that said Petition for the creation of said Sidewalk District was legally and properly subscribed and acknowledged by the owners of one-third or more of the frontage of the real estate to be assessed; or by persons legally authorized to so subscribe and acknowledge the same; and

WHEREAS, it appears to the Council and the City Council of the City of Grand Junction, doth hereby find from said maps, certificate of survey, schedules, plans, specifications and approximations of cost so prepared and filed by said Engineer, as aforesaid, that the extent of the District of said proposed Sidewalk District No. 8 to be assessed for said improvements is

all the real estate without regard to lot or land lines in said District as hereinafter bounded and described.

The Sidewalks to be laid are as follows:

Ninth Street on the West side of Blocks 42 and 47; Tenth Street on the West side of Blocks 46 and 43; and on the East side of Blocks 42 and 47; Eleventh Street on the West side of Block 44 and on the East side of Lot 17, Block 43; Hill Avenue on the North side of Block 42 and on the North side of Lots 1 to 10 inclusive in Block 43, and on the North side of Block 44; Gunnison Avenue on the North side of Block 47, and on the North side of Block 46 and on the North side of Block 45, except on the North side of Lots 1, 2, 3, 4, 9 and 10, in said Block 45.

The limits of said Sidewalk District No. 8, shall be as follows:

Beginning at the Southwest corner of Block 47; thence East 50 feet; thence North 145.4 feet; thence East 301.7 feet; thence South 145.4 feet; thence East to the Southeast corner of Lot 31, Block 46; thence North to the Southeast corner of Lot 2, Block 46; thence East to the Southeast corner of Lot 17, Block 45; thence North to the Northeast corner of Lot 17, Block 45; thence West to the Northwest corner of Block 47; thence South to the place of beginning, excepting therefrom Lots 1, 2, 3, 4, 9 and 10 in Block 45, in front of which said Lots sidewalks already have been constructed which conform approximately to the general plan to be adopted in said proposed District; also beginning at the Southwest corner of Block 42; thence East 50 feet; thence North 170.5 feet; thence East 302 feet; thence South 170.5 feet; thence East to the Southeast corner of Lot 31, Block 43; thence North to the Southeast corner of Lot 2, Block 43; thence East to the Southeast corner of Lot 10, Block 43; thence North to the Northeast corner of Lot 10, Block 43; thence West to the Northwest corner of Block 42; thence South to the place of beginning; also beginning at the Southwest corner of Lot 18, Block 43; thence North to the Southwest corner of Lot 15, Block 43; thence East to the Southwest corner of Lot 1, Block 44; thence North to the Northwest corner of Lot 1, Block 44; thence East to the Northeast corner of Lot 17, Block 44; thence South to the Southeast corner of Lot 17, Block 44; thence West to the Southeast corner of Lot 2, Block 44; thence South to the Southeast corner of Lot 33, Block 44; thence West to the place of beginning.

WHEREAS, it further appears from said Engineer's report that the estimated and probable total cost of said sidewalks including the grading and removal of obstructions therein specified, exclusive of the per centum of cost of collection and other incidentals, and of interest to the date the first installment of said cost becomes due is \$4,409.24.

That the method of assessment to be adopted in the District shall be an assessment pro rata per front foot upon all the lots or lands in said District in front of which said improvements are made or abutting on the same. Where said improvements abut on the side of any lot or tract of land in said District, said lots or tracts of land without regard to lot or land line to the depth of approximately fifty feet from said abutting improvements shall be divided into four equal zones parallel with the Street on which said abutting improvements are to be constructed, the depth of each of said zones to be approximately twelve and one-half feet. All lots or tracts of land to the full depth thereof, in said District, in front of which said improvements are to be made, shall be divided into four equal zones parallel with the Streets to be improved.

The maximum share of said total estimate pro rata per front foot that will be assessed upon any lot or land in front of which said improvements are made or abutting on said improvements in said proposed District, is \$.975.

To the above amount and rates or to so much thereof as may be necessary to pay the actual cost of said improvements and general expenses, there will be added two per centum for cost of collection and other incidentals and also interest at the rate of five and one-half per cent per annum on the bonds issued and sold to raise funds for the payment of said total cost; said interest to run from the time of the issue of said bonds to the time of the first installment when the assessments become due; and that the total cost of said improvements together with interest and the per centum to be added for collection, etc., as aforesaid, except as otherwise herein specified, will be assessed on the real estate in said District fronting on or abutting upon the Streets which are to be improved as aforesaid. The Manner of apportioning the cost of each zone will be as follows:

40% of the cost pro rata per front foot upon the zone immediately adjoining the Street to be improved.

30% upon the next adjoining or second zone.

20% upon the next adjoining or third zone.

10% upon the next adjoining or fourth zone.

Provided however, that for reconstructed walks assessment shall be upon each lot or piece of land where reconstructed according to the cost of reconstruction.

That the schedule showing the approximate amounts to be assessed upon the several lots or parcels of property within the District is as follows:

SCHEDULE OF ASSESSMENTS

Sidewalk District No. 8

Block 42	\$990.60
Block 43	
Lot No.	Assessment
1	\$118.30
2	61.68
3	24.49
4	24.49
5	24.49
6	24.49
7	24.49
8	24.49
9	24.49
10	24.49
17	104.08
18	44.61
31	44.61
32	104.08

Block 44	
1	118.22
2	61.67
3	24.38
4	24.38
5	24.38
6	24.38
7	24.38
8	24.38
9	24.38
10	24.38
11	24.38
12	24.38
13	24.38
14	24.38
15	24.38
16	24.38
17	53.48
33	44.61
34	104.08

Block No. 45	
5	24.38
6	24.38
7	24.38
8	24.38
11	24.38
12	24.38
13	24.38
14	24.38
15	24.38
16	24.38

17 53.06

Block No. 46

1	130.52
2	69.10
3	24.49
4	24.49
5	24.49
6	24.49
7	24.49
8	24.49
9	24.49
10	24.49
11	24.49
12	24.49
13	24.49
14	24.49
15	24.49
16	25.47
31	37.27
32	86.94

Block No. 47 \$977.87

WHEREFORE, be it resolved by the City Council of the City of Grand Junction, Colorado:

Section 1. That the report so made by T. E. Thompson, as Engineer of said City, with respect to said proposed Sidewalk District No. 8, be and the same is hereby approved, ratified and confirmed; that the said report together with details, specifications, estimates, maps and schedules prepared and filed with the Clerk, and the recommendation of said Engineer as to the kind of materials for use in said improvements, be and the same are hereby approved, ratified, confirmed and adopted by the Council as the details, plans, specifications, estimates and materials for use in said improvements, and that the survey and map of the said proposed Sidewalk District be the survey and map of said District.

Section 2. That to the above total amount of \$4,409.24 and the respective portions thereof to be assessed on the respective lots and lands in said District, as aforesaid, or to so much thereof as may be necessary to pay the actual cost of said improvements and the general expenses, there be added two per centum for the cost of collection and other incidentals, and that there also be added an amount sufficient to pay the interest to the next succeeding date upon which general taxes or the first installment thereof are, by the laws of the State of Colorado, made payable, not exceeding five and one-half per cent.

Section 3. That the said assessment shall be due and payable within thirty days of the final publication of the assessing Ordinance assessing the whole actual cost of said improvements against said real estate without demand; provided, however, that any owner who shall pay his full assessment within the period of thirty days after the final publication of the assessing Ordinance without demand, shall be entitled to an allowance of the per centum added for the cost of collection and other incidentals, and of the interest from the date of payment to the time when the first installment becomes due, on all payments made during the said period of thirty days, or in case any owner of real estate shall fail to pay the whole of said assessment against his property within the said thirty days from and after the final publication of the assessing Ordinance, assessing the same, then the whole cost of said improvements so assessed against his property shall be payable in ten equal annual installments of the principal with interest upon unpaid installments payable annually at the rate of five and one-half per cent per annum; the first of said installments of said principal shall be due and payable upon the next succeeding date after the final publication of the assessing Ordinance, assessing the same, upon which date the first installment of the general taxes is, by the laws of the State of Colorado, now in force, made payable, and the remainder of said installments, shall be due and payable successively on the same day in each year thereafter until all are paid in full.

Section 4. That the City Attorney be and he is hereby directed to prepare a Resolution in conformity with the Charter of the City of Grand Junction, and Ordinance No. 178, adopted and approved the 11th day of June, 1910, as amended, which Resolution, when duly adopted and in force, shall create within the corporate limits of the City of Grand Junction, a Sidewalk District to be known as Sidewalk District No. 8, with the same territory and extent as hereinbefore set forth, and providing in and by said Resolution and order of the City Council for the sidewalks in said District, as contemplated by said Charter and City Ordinance No. 178, as amended, and in accordance with the plans, maps, specifications, details and estimate of the Engineer of said City hereinbefore referred to, now on file in the office of the City Clerk.

Section 5. That the said proposed Resolution creating said Sidewalk District and ordering the proposed improvements therein, be considered for passage and adoption by the City Council on Wednesday the 15th day of October, 1924, at the hour of 8:00 o'clock P. M.

Section 6. That a Notice be issued by the City Clerk and published for two days each week for two consecutive weeks in The Daily Sentinel, a daily newspaper of general circulation, published in the City of Grand Junction, therein giving notice to the owners of real estate in proposed Sidewalk District No. 8 and

to all persons interested generally of the improvements proposed, the number of installments, and the time in which the cost of said improvements will be payable, and the rate of interest on unpaid installments, the extent of the District to be assessed, the probable cost as shown by the estimates of the Engineer, the maximum share of said total estimate per front foot, that will be assessed upon any lot or lands included within the district, and the time as hereinbefore set forth, to-wit: At the hour of 8:00 o'clock P. M. on Wednesday the 15th day of October, 1924, or as soon thereafter as the matter can be taken up when the Council will consider the ordering of the proposed improvements and hear all complaints and objections that may be made in writing, concerning the proposed improvements, by the owner of any real estate to be assessed or any persons interested; and that said map and estimate and all proceedings of the Council in the premises are on file and can be seen and examined at the office of the City Clerk during business hours at any time prior to 8:00 o'clock P.M. on the 15th day of October, 1924, by any person interested.

Section 7. That said Notice hereinbefore provided for shall be in words and figures as follows; to-wit:

NOTICE

OF THE PROPOSITION TO CREATE A SIDEWALK DISTRICT IN THE CITY OF GRAND JUNCTION, COLORADO, TO BE KNOWN AND DESIGNATED AS "SIDEWALK DISTRICT NO. 8", TO CONSTRUCT SIDEWALKS ON CERTAIN STREETS THEREIN AS PROVIDED BY ORDINANCE NO. 178 OF THE CITY OF GRAND JUNCTION, COLORADO, ADOPTED AND APPROVED THE 11th DAY OF JUNE, 1910, AS AMENDED.

All owners of real estate which is included within the extent of the District to be assessed, as hereinafter described and all persons interested generally, are hereby notified that the City Council of the City of Grand Junction, Colorado, has adopted full details and specifications for constructing sidewalks on certain Streets, including the necessary grading and removal of obstructions in the proposed Sidewalk District, within the corporate limits of the City of Grand Junction, Colorado, to be known and designated as "Sidewalk District No. 8" The Sidewalks are to be constructed on the following streets, to-wit:

Ninth Street on the West side of Blocks 42 and 47; Tenth Street on the West side of Blocks 46 and 43, and on the East side of Blocks 42 and 47; Eleventh Street on the West side of Block 44 and on the East side of Lot 17, Block 43; Hill Avenue on the North side of Block 42 and on the North side of Lots 1 to 10 inclusive in Block 43, and on the North side of Block 44; Gunnison Avenue on the North side of Block 47, and on the North side of Block 46 and on the North side of Block 45, except on the North side of Lots 1, 2, 3, 4, 9 and 10, in said Block 45.



That the extent of the District to be assessed for said improvements is bounded and described as follows, to-wit:

Beginning at the Southwest corner of Block 47; thence East 50 feet; thence North 145.4 feet; thence East 301.7 feet; thence South 145.4 feet; thence East to the Southeast corner of Lot 31, Block 46; thence North to the Southeast corner of Lot 2, Block 46; thence East to the Southeast corner of Lot 17, Block 45; thence North to the Northeast corner of Lot 17, Block 45; thence West to the Northwest corner of Block 47; thence South to the place of beginning, excepting therefrom Lots 1, 2, 3, 4, 9 and 10 in Block 45 in front of which said Lots, sidewalks already have been constructed which conform approximately to the general plan to be adopted in said proposed District; also beginning at the Southwest corner of Block 42; thence East 50 feet; thence North 170.5 feet; thence East 302 feet; thence South 170.5 feet; thence East to the Southeast corner of Lot 31, Block 43; thence North to the Southeast corner of Lot 2, Block 43; thence East to the Southeast corner of Lot 10, Block 43; thence North to the Northeast corner of Lot 10, Block 43; thence West to the Northwest corner of Block 42; thence South to the place of beginning; also beginning at the Southwest corner of Lot 18, Block 43; thence North to the Southwest corner of Lot 15, Block 43; thence East to the Southwest corner of Lot 1, Block 44; thence East to the Northeast corner of Lot 17, Block 44; thence South to the Southeast corner of Lot 17, Block 44; thence West to the Southeast corner of Lot 2, Block 44; thence South to the Southeast corner of Lot 33, Block 44; thence West to the place of beginning.

That the probable cost of said sidewalks and other improvements therein specified in said proposed Sidewalk District No. 8 as shown by the estimate of the Engineer of said City of Grand Junction, exclusive of the per centum of the cost of collection and other incidentals, and of interest to the date the first installment of said cost becomes due, is \$4,409.24. That the method of assessment to be adopted in the District shall be as follows:

That the method of assessment to be adopted in the District shall be an assessment pro rata per front foot upon all the lots or lands in said District in front of which said improvements are made or abutting on the same. Where said improvements abut on the side of any lot or tract of land in said District, said lots or tracts of land, without regard to lot or land line, to the depth of approximately fifty feet from said abutting improvement shall be divided into four equal zones parallel with the Street on which said abutting improvements are to be constructed, the depth of each of said zones to be approximately twelve and one-half feet. All lots or tracts of land to the full depth thereof, in said District, in front of which said improvements are to be made shall be divided into four equal zones parallel with the Streets to be improved; that the probable cost of said improvement as

shown by the total estimate of the Engineer is \$4,409.24, which does not include the cost of collection and other incidentals nor the cost of interest hereinafter referred to.

The maximum share per front foot that will be assessed upon any lot or lands fronting on or abutting upon the Streets to be so improved as aforesaid, is \$.975.

To the above amount and rates or to so much thereof as may be necessary to pay the actual cost of said improvements and general expenses, there will be added two per centum for cost of collection and other incidentals, and also interest at the rate of five and one-half per cent per annum on the bonds issued and sold from time to time to raise funds for the payment of said total cost, said interest to run from the date of issue of said bonds to the time the first installment of the assessment comes due; that the total cost of said improvements together with interest and the percentage to be added for cost, etc., as aforesaid, except as otherwise herein provided will be assessed upon the real estate in front of which said improvements are made, or abutting on same, as follows:

The total cost of said improvements including the grading, removal of obstructions and all other general expenses, including cost of collection and interest pro rata per front foot; new walks pro rata per front foot where constructed; and reconstructed walks upon each lot or piece of land where reconstructed according to the cost of reconstruction. The said assessment to be upon the lots or lands in front of which said improvements are made or abutting on same as in said District described. Said Lots or lands to be divided into four zones as follows:

Where said improvements abut on the side of any lot or tract of land in said District, said lot or tract of land, without regard to lot or land line to the depth of approximately fifty feet from said abutting improvement shall be divided into four equal zones parallel with the Street on which said abutting improvements are to be constructed, the depth of each of said zones to be approximately twelve and one-half feet. All lots or tracts of land to the full depth thereof, in said District, in front of which said improvements are to be made shall be divided into four equal zones parallel with the Street to be improved; the manner of apportioning the cost of each zone will be as follows:

40% of the cost pro rata per front foot upon the zone immediately adjoining the Street to be improved.

30% upon the next adjoining or second zone.

20% upon the next adjoining or third zone.

10% upon the next adjoining or fourth zone.

Provided however, that for reconstructed walks assessment shall be upon each lot or piece of land where reconstructed according to the cost of reconstruction.

The said assessments shall be due and payable without demand, within thirty days from and after the final publication of the assessing Ordinance, assessing the cost against said real estate, provided however, that any owner who shall pay his full assessment within said period of thirty days shall receive a discount of the two per centum added for cost of collection and other incidentals, and also a discount on such payment of five and one-half per cent per annum from the date of said payment to the date the first installment is payable; or in default thereof, in ten equal annual installments of the principal and interest thereon at five and one-half per cent per annum on unpaid installments, and the first of said installments shall be due and payable upon the next succeeding date after the final publication of said assessing ordinance, upon which the first installment of the general taxes is, by the laws of the State of Colorado, made payable, and the remainder of said installments shall be due and payable successively on the same day in each year thereafter until paid in full; that the map of said proposed Sidewalk District showing the streets to be improved and the extent and boundaries of the District to be assessed, and also each and every lot and tract of land to be assessed for the cost of said improvements, the estimates of the Engineer and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested at the office of the City Clerk during business hours at any time on or before 8:00 o'clock P. M. on Wednesday, the 15th day of October 1924, on which date and at said hour, the Council will hear in the Council Chambers in the City Hall in the City of Grand Junction, all complaints and objections concerning the proposed improvements, or any part thereof that may be made in writing, and in full conformity with the provisions of Ordinance No. 178 of said City of Grand Junction, as amended, by the owner of any real estate to be assessed, or any person interested.

That the owners shall have the right to construct or reconstruct their own walks within said District, in conformity with the plans and specifications for the District, under the supervision and directions of the City Engineer, within thirty days from the passage of the Resolution creating the District.

Dated at Grand Junction, Colorado, September the 11th 1924.

By Order of the City Council

/s/

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City Clerk

(SEAL)

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

The following resolution was introduced and read:

RESOLUTION

WHEREAS, the City water works system in 1923 and prior thereto was in immediate need of extension and improvement in order that ample water might be secured for fire protection, and domestic use of the inhabitants of the City of Grand Junction; and

WHEREAS, the City Council has heretofore caused a survey to be made for said enlargement and improvement of said water works system to be made by competent engineers, and said engineers have submitted plans, maps, estimates, details and specifications for said enlargement and improvements, which have been accepted by the City Council; and

WHEREAS, according to said plans, maps, estimates, details and specifications, there was provided for the building of a new city reservoir on Orchard Mesa and near the old city reservoirs and the laying of a new pipe from said new and old city reservoirs down to and under the Colorado River and into the City of Grand Junction, and laying of new and additional water mains throughout said City of Grand Junction; and

WHEREAS, the qualified voters of the City of Grand Junction have heretofore voted \$190,000.00 bonds under and by virtue of Ordinance No. 327 for said enlargement and improvements, and said bonds have been sold and the money therefrom has been paid to the City of Grand Junction, Colorado, and contracts have been entered into for the purchase of the necessary materials and for the construction of said enlargement and improvements; and

WHEREAS, said improvements have been constructed; and

WHEREAS, it was absolutely necessary that the said improvements to, and enlargement of said water system be made owing to the inadequate reservoir capacity and storage space for the storage of City water; and

WHEREAS, one A. E. Borschell, Trustee, is the owner of the following described tract of land, situate in Mesa County, State of Colorado, to-wit:

Beginning at a point on the North Line of Kimball Avenue in the City of Grand Junction, Colorado, 195.7 feet East of the

Southeast Corner of Lot 24, in Block 11 of Benton Canon's First Subdivision of the city of Grand Junction, Colorado; thence North to a point on the South line of Crawford Avenue 195.0 feet East of the Northeast corner of Lot 9, Block 3 of Benton Canon's First Subdivision of the City of Grand Junction, Colorado; thence East 20.0 feet; thence South to a point on the said North line of Kimball Avenue 215.7 feet East of the said Southeast corner of Lot 24, Block 11 of Benton Canon's First Subdivision of the City of Grand Junction; thence West 20.0 feet to the place of beginning; and

WHEREAS, according to said plans, maps, estimates, details and specifications of said Engineers and the contract entered into for the construction of said enlargement and improvements, and the completion of said contract for said enlargement and improvements, the said pipe line from the new and old city reservoirs to and into the City of Grand Junction crosses under and across a portion of the above described land belonging to said A. E. Borschell, Trustee, and

WHEREAS, it is necessary that the City of Grand Junction obtain a perpetual easement or right of way across said above described lands for the laying of said pipe line, and for the repairs thereto, and the laying of such additional water pipe lines should the occasion arise in the future, and that the description of the amount of said land necessary for said purpose is as above described; and

WHEREAS, it is necessary that immediate possession of the above described right of way for the purpose aforesaid, be had by the City of Grand Junction; and

WHEREAS, the City of Grand Junction is in possession of said right of way for the above described purpose but has no title thereto, or Decree of Court awarding such right to said above described land to said City of Grand Junction; and

WHEREAS, the said A. E. Borschell, Trustee, and the said City of Grand Junction are unable to agree as to the purchase price for said right of way to be paid for same; and

WHEREAS, the City Council finds that there is an immediate necessity for the acquiring of said described right of way for the purposes aforesaid, and that possession thereof for the purposes as aforesaid, be immediately acquired.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO

Section 1. That the City Manager and the City Attorney be and they are hereby authorized and directed to immediately take the proper and necessary legal proceedings to condemn a perpetual right of way across said above described land belonging to said

A. D. Borschell, which said right of way is described as follows, to-wit:

Beginning at a point on the North line of Kimball Avenue in the City of Grand Junction, Colorado, 195.7 feet East of the Southeast corner of Lot 24, Block 11, of Benton Canon's First Subdivision of the City of Grand Junction, Colorado; thence North to a point on the South line of Crawford Avenue 195.0 feet East of the Northeast corner of Lot 9, Block 3 of Benton Canon's First Subdivision of the City of Grand Junction, Colorado; thence East 20.0 feet; thence south to a point on the said North line of Kimball Avenue 215.7 feet East of the said Southeast corner of Lot 24, Block 11 of Benton Canon's First Subdivision of the City of Grand Junction, thence West 20.0 feet to the place of beginning.

Said right of way being twenty feet wide for the purpose of laying, building, constructing, completing, maintaining and operating said city water pipe line, or city main or mains of such size or sizes as the City Council may have heretofore or hereafter from time to time determine under, through, over and across said right of way, in whatsoever manner and according to whatsoever plans and specifications the City Council of said City may have heretofore or hereafter devise or adopt and to carry water there through; said City pipe line or lines, water main or mains to be laid at a depth of not less than four feet below the surface of said land within the boundaries of said right of way and for the aforesaid purposes, also the right to enter into and upon said right of way at all times to make such repairs to said pipe line or lines, or water main or mains, as may be necessary to maintain the same in repair, and also the right in and for said City of Grand Junction, its successors and assigns and its servants, employees, agents and licensees at all times to freely pass and repass on or over the same for the purposes aforesaid, and the right to lay therein or thereunder such additional water pipe line or lines, or water main or mains as the City Council may from time to time determine.

Section 2. That the City Attorney proceed to bring condemnation proceedings for and in behalf and in the name of the City of Grand Junction against the said A. E. Borschell, Trustee, to acquire said right of way for the purposes as aforesaid.

It was moved by Councilman Meders, 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 & Murr. All the Councilmen present voting yea, the President declared the motion carried.

There being no further business to come before the meeting the Council adjourned.

/s/ Fred A. Peck

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City Clerk