

Grand Junction, Colorado

September 17th, 1926.

The City Council of the City of Grand Junction, Colorado, met in adjourned session at 7:30 o'clock P. M. Those present and answering to roll call were: Councilmen Logsden, Bear, Meders, Fairley, Moslander, Ellison, and Bell. President of the Council Bell presiding; City Manager Thompson, City Attorney Hinman, and City Clerk Bliss were also present.

City Attorney Hinman reported on the remonstrance against the inclusion of Chipeta Avenue in Paving District No. 17, that 54% of the property holders in that portion of the proposed Paving District No. 17 had signed the petition of remonstrance, but that some of the signatures and acknowledgments were technically not according to law, and might properly be stricken from the petition, but that in his opinion more than half the property owners in that portion of the proposed Paving District No. 17 had made an honest effort to remonstrate against the Paving of Chipeta Avenue, but that their remonstrance did not affect any other portion of said Paving district.

Moved by Councilman Logsden and seconded by Councilman Bear, that the petition of remonstrance be received and accepted as sufficient and that Chipeta Avenue be stricken out of the proposed Paving District No. 17. Vote was taken on roll call as follows: Fairley, no; Meders, yes; Bear, yes; Moslander, yes; Logsden, yes; Ellison, yes; Bell yes. The President declared the motion carried.

The request of The Grand River Valley Railway Co., of July 6th, relating to the discontinuance of the operating of the street cars and the removal of certain portions of their tracks, was taken up for consideration. Manager Rump and Attorney McMullin, of the Company, were present and addressed the Council. V. DeMerschman and Attorney Tupper of the Motorways Co. were also present and addressed the Council. No definite action was taken.

The following resolution was introduced and read:

RESOLUTION

CREATING AND ESTABLISHING WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, A PAVING DISTRICT TO BE KNOWN AND DESIGNATED AS "PAVING DISTRICT NO. 17" AUTHORIZING THE PAVING OF CERTAIN STREETS THEREIN: ALL IN STRICT CONFORMITY WITH THE DETAILS, MAPS, ESTIMATES, NOTICES AND ORDERS HERETOFORE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, IN THE PREMISES: DESCRIBING THE REAL ESTATE CONSTITUTING SAID DISTRICT AND TO BE ASSESSED FOR THE COST OF SAID LOCAL IMPROVEMENTS, AND PRESCRIBING THE FORM OF SAID BONDS, ALL OF SAID PROCEEDINGS BEING IN CONFORMITY WITH ORDINANCE NO. 178 OF CITY OF

GRAND JUNCTION, COLORADO, ADOPTED AND APPROVED THE 11th DAY OF JUNE, A. D. 1910, AS AMENDED.

WHEREAS in conformity with the Charter of the City of Grand Junction and Ordinance No. 178 entitled, "AN ORDINANCE PROVIDING FOR THE CREATION OF LOCAL IMPROVEMENT DISTRICTS; THE CONSTRUCTION OF CERTAIN LOCAL IMPROVEMENTS; PROVIDING A METHOD OF PAYMENT THEREFOR," adopted and approved the 11th day of June, A. D. 1910, as amended, the City Council of the City of Grand Junction, Colorado, by resolution duly adopted and approved the 6th day of January, A. D. 1926, declared the intent of the City Council to create a local improvement district in the City of Grand Junction, Colorado, to be known and designated as Paving District No. 17, and

WHEREAS by resolution duly adopted and approved the 4th day of August, A. D. 1926, adopting details and speci-

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of Grand Junction, Colorado, within the said proposed Paving District No. 17 by the owners of a portion of the frontage of the real estate to be assessed for the proposed improvements on said Chipeta Avenue from the East line of First Street to the West line of Seventh Street within said Paving District No. 17. That at the time and place specified in said resolution and in said notice, no complaints or objections or remonstrances in writing or otherwise were made concerning the proposed improvements on any of the other streets and alley within said Paving District No. 17, to-wit: First Street beginning at the North line of Main Street; thence North to the North city limit line at the intersection of First Street and North Avenue; Third Street from the North line of Main Street to the South line of Rood Avenue, and the alleyway connecting Second Street and Third Street between Main Street and Rood Avenue, and the Council desiring further time in which to consider the ordering of said improvements, and desiring further time to thoroughly check over said petitions or remonstrances, duly continued further consideration of the ordering of said improvements to Friday, the 17th day of September, 1926, at 7:30 o'clock P.M., and the further consideration of the ordering of the improvements having been continued to this date and all conditions having now transpired authorizing the City Council to create said Paving District No. 17 and construct the proposed improvements therein.

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

Section 1. That upon due consideration, the City 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, duly adopted and approved on the 11th day of June, A. D. 1910, as amended, the said improvements consisting of the paving of certain streets and

alleys hereafter described in said Paving District No. 17, the construction of curbs and gutters on said streets, provisions for the necessary drainage, and the connection of the lots fronting on said streets with the city water mains with lead pipe, were duly ordered after notice was duly given; that a petition or remonstrance against the making of the improvements proposed for that portion of Chipeta Avenue in said proposed Paving District No. 17, to-wit: Beginning with the West property line of Seventh Street to the East property line of First Street in said City by the owners of a portion of the frontage of the real estate to be assessed for the proposed improvements on said Chipeta Avenue from the West property line of Seventh Street to the East property line of First Street within said Paving District No. 17 was filed within the time specified in said resolution and notice. That upon due consideration the Council hereby finds that said petition or remonstrance against the making of the improvements proposed for Chipeta Avenue from the West property line of Seventh Street to the East property line of First Street within Paving District No. 17, and being all of the portion of Chipeta Avenue within said Paving District No. 17, was duly subscribed and acknowledged by the owners of not less than fifty-one (51) per cent of the frontage of the real estate to be assessed for the proposed improvements for all of Chipeta Avenue within said Paving District No. 17 shall not be made, and that Chipeta Avenue from the West property line of Seventh Street to the East property line of First Street has been remonstrated out of said Paving District No. 17, and is hereby excluded and withdrawn from said Paving District No. 17. That the paving and other improvements petitioned for Chipeta Avenue from the West property line of Seventh Street to the East property line of First Street was a separate petition, and by resolution of the Council heretofore passed and adopted was included with the proposed improvements petitioned for on certain other streets and alley in the City of Grand Junction in one proposed Paving District, to-wit: Paving District No. 17. That there were no remonstrances, complaints or objections filed concerning any of the proposed improvements for any of the other streets and alley within said Paving District No. 17 specified, to-wit: First Street, beginning at the North line of Main Street; thence North to the North city limit line at the intersection of First Street and North Avenue; Third Street from the North line of Main Street to the South line of Rood Avenue, and the alleyway connecting Second Street and Third Street between Main Street and Rood Avenue. That the remonstrances on Chipeta Avenue do not affect the improvements for said other streets and alley in said Paving District No. 17.

That the City Council of the City of Grand Junction, in creating said Paving District No. 17 and ordering the improvements therein as herein specified, 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 Ordinances thereof, designated as Ordinance No. 178, approved June 11, 1910, as amended.

Section 2. That a local improvement district be and the same is hereby established and created out of the portion of the City of Grand Junction, Colorado, bounded and described as follows:

First Street---

Beginning at the southeast corner of Lot 20, Block 100; thence north to a point 40 ft north of the northeast corner of Lot 5, Block 11; thence west to the city limit line; thence south along the city limit line to its intersection with the south property line of Grand Avenue extended; thence west along the city limit line 185 feet; thence south to the southwest corner of Lot 5, Block 6, Mobley's Subdivision of the City of Grand Junction; thence east to the point of beginning.

Also beginning at the northwest corner of Lot 1, Block 101; thence east to the northeast corner of Lot 5, Block 102; thence south to the southeast corner of Lot 28, Block 102; thence west to the southwest corner of Lot 32, Block 101; thence north to the point of beginning.

The description of streets and alleyway to be pave being as follows:

First Street beginning at the north line of Main Street; thence north to the north city limit line at the intersection of First Street and North Avenue; Third Street from the north line of Main Street to the south line of Rood Avenue, and the alleyway connecting Second Street and Third Street between Main Street and Rood Avenue.

#### WATER CONNECTIONS CONSTRUCTED OR RENEWED

Lead service pipe connections from the City water mains shall be made to all lots not already so connected before the paving foundation is laid.

Curbing and guttering to be extended and reconstructed on the streets to be paved to conform with ordinance covering location of curbing, except where curbs are not constructed in compliance with the ordinances and conforming to the aforesaid specifications and gutters are to be constructed to conform to the curbings. Necessary drainage to be provided as provided in the plans and specifications of the City Engineer heretofore filed and accepted.

#### TYPES OF PAVING TO BE LAID:

First Street from the north line of Main Street to the north city limit line at the intersection of First Street and North Avenue shall be paved with a 1 1/2" Warrenite Bithulithic pavement on a 2 1/2" black base and a 3" crushed rock sub-base.

Third Street from the north line of Main Street to the south line of Rood Avenue shall be paved with a 2 1/2" Warrenite Bitulithic pavement on a 5" Portland Cement concrete base, and the alleyway connecting Second Street and Third Street between Main Street and Rood Avenue shall be paved with a 6" Portland Cement concrete pavement.

THAT THE MANNER OF ASSESSMENT TO BE ADOPTED IN SAID DISTRICT IS AS FOLLOWS:

The method of assessment to be adopted in said district shall be an assessment per front foot upon the lots or lands within said district upon said streets in which said improvements are to be made. Said lots or lands to be divided into four equal zones paralleling the streets to be improved.

The maximum share of the total estimate per front foot that will be assessed upon the lots or lands within said district abutting upon the streets in which said improvements are to be made is \$\_\_\_\_\_.

To the above rate or to so much thereof as may be necessary to pay the actual cost of said improvements and general expenses, there will be added 2 per centum for cost of collection and other incidentals, and also interest at the rate of not exceeding 6 per centum per annum on the bonds issued and sold to raise funds for the payment of the total cost hereinafter stated:

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; the manner of apportioning the cost to each zone will be as follows:

40% of the cost per front foot upon the zone immediately joining the street to be improved, being Zone No. 1.

30% upon the next adjoining or Second Zone.

20% upon the next adjoining or Third Zone.

10% upon the next adjoining or Fourth Zone.

In case of the construction, repairing or extension of lead water pipe connections, the whole cost thereof shall be assessed to the lots to which the connections are made.

Section 3. That the said district shall be known as, and the same is hereby designated as Paving District No. 17.

Section 4. That the paving of the streets hereinbefore described, the construction of the curbing and guttering on said streets, the provision for the necessary drainage, and the connection of the lots fronting on said streets with the city water mains with lead pipe, all strictly in accordance with the full details,

plans, specifications, maps, estimates, notices and orders heretofore adopted and given by said council in the premises be and the same are hereby authorized and ordered; Provided, however, that the cost of the same, including general expenses, but excluding cost of said street and alley intersections to be paid for by the City of Grand Junction, shall not exceed the estimates of the Engineer, viz., \$28,864.81 with 2% added for the cost of collection and other incidentals and with interest on the bonds from date of bonds to the date when the first installment of taxes is due.

Section 5. That the City Council has heretofore under and by virtue of the authority given by the qualified electors of said City at an election held therein, issued and sold bonds for the paving of street and alley intersections in said City, and funds for such purpose are now available; that the total estimate of the City Engineer for the cost of paving the street and alley intersections in the streets to be paved in said Paving District No. 17 is \$12,805.24. That so much thereof as may be necessary for the cost of paving the street and alley intersections in the streets to be paved in said Paving District No. 17 shall be paid by the City of Grand Junction, out of said funds from bonds heretofore sold for the purpose of paving intersections and now available.

Section 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 Paving District No. 17 in an amount not to be exceed the whole cost of said improvements including engineering, inspection, collection and other incidental expenses, (excluding the amount to be paid by the City of Grand Junction for the paving of street and alley intersections) 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 council adopted August 4 1926, to-wit: \$28,864.81 with 2% added for the cost of collection and other incidentals and with interest on the bonds from date of bonds to the date when the first installment of taxes is due.

Section 7. That said bonds shall be dated October 1, A. D. 1926, and shall bear the name of the district improved, shall be payable to the bearer on or before 12 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 City Clerk and the Seal of the City thereunto affixed, and registered by the Treasurer; that 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 not to exceed 6% per annum, payable semi-annually on the 1st day of October and the 1st day of April in each year, and have 24

coupons thereto attached, subscribed by the fac-simile signature of the City Treasurer, and evidencing the semi-annual installments of said interest, shall be in the denomination of \$500.00 each, and shall be numbered consecutively from one upward. Both principal and interest shall be payable 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, United States of America, at the option of the holder.

Section 8. When said bonds are ready for delivery they shall be delivered to the highest reliable and responsible bidder for said bonds upon the payment by said bidder of the purchase price therefor. The Council, however, reserves the right to reject any or all bids.

Section 9. That said bonds and the coupons thereto attached shall be in substance in the following form:

PUBLIC IMPROVEMENT BOND

PAVING DISTRICT NO. 17.

No. \_\_\_\_\_

\$500.00

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of Five Hundred Dollars, lawful money of the United States of America, on the first day of October, A. D. 1938, subject to call and payment, however, at any time prior thereto, with interest thereon from date until payment at the rate of \_\_\_\_\_ per centum per annum, payable semi-annually, on the first day of April and the first day of October each year, both principal and interest, being payable at the office of the City Treasurer of the City of Grand Junction, or the Banking House of Kountze Brothers in the City of New York, United States of America, at the option of the holder, upon surrender of the attached coupons as they severally become due.

This bond is issued for the purpose of paying the cost of local improvements in Paving District No. 17, in the City of Grand Junction, by virtue of and in full conformity with the Constitution and the Laws of the State of Colorado, the Charter of the City of Grand Junction, and the requisite requirements and ordinances of said City, 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 in said Paving District No. 17, especially benefited by said improvement, and the amount of the assessments upon the real estate in said district for the payment thereof, with the accrued

interest, is a lien upon said real estate in the respective amounts apportioned to 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 hereby certified and recited, that every requirement of law, relating to the creation of said Paving District No. 17, and the making of said improvement, and the issue of this bond, have been fully complied with by proper officers of said City, and that all the conditions required to exist and those 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 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. 1926.

/s/

\_\_\_\_\_  
President of the 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, 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 of Paving District No. 17, provided the bond to which this coupon is attached shall not have been paid.

Attached to Bond, dated October 1, 1926.

/s/ (Fac-simile Signature)

\_\_\_\_\_  
City Treasurer.

Guarantee Certificate

Payment of the within bond is guaranteed by the City of Grand Junction, Colorado.

/s/

\_\_\_\_\_  
President of the Council.

Attest:

\_\_\_\_\_  
City Clerk.

(REGISTRATION CERTIFICATE)

It is hereby certified that the within and foregoing bond has been 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 ordinance under which the same is issued.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_,  
A. D. \_\_\_\_\_.

/s/

\_\_\_\_\_  
City Treasurer.

Section 10. 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 the printing of said bonds.

Moved by Councilman Meders and seconded by Councilman Moslander, that the Resolution be adopted as read. The vote was taken on roll call as follows: Fairley, yes; Meders, yes; Bear, yes; Moslander, yes; Logsdan, yes; Ellison, yes; Bell, yes. The President declared the motion carried.

A letter from Dr. Geo. H. Chiles was presented and read and ordered filed.

A request was presented from F. S. Carpenter that his auction license might be transferred to the firm Carpenter and Senter, and both members of the firm be allowed to hold auction sales on the one license, whereupon it was moved by Councilman Logsdan and seconded by Councilman Bear that the Clerk be authorized to change Carpenter's Auctioneer' License to Carpenter & Senter, both members of the firm to hold auction sales, provided both do

not hold two different auction sales at the same time. The motion carried.

Moved by Councilman Bear and seconded by Councilman Meders, that the session be adjourned. The motion carried.

/s/ C.P. Bliss  
City Clerk