

Grand Junction, Colorado

June 19, 1929

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P. M. Those present and answering at roll call were: Councilmen Penberthy, Glassford, Bear, Hirons, Hall, Sievert, Rogers. City Manager, Thompson, City Attorney, Hinman, and City Clerk, Niles, were present.

The minutes of the regular meeting held June 5th and the regular adjourned meeting held June 17th were read and approved.

The bond of Price & O'Neil, plumbers, having been approved as to form by the City Attorney, was presented. Councilman Penberthy moved that the bond be accepted and filed. Councilman Bear seconded the motion. Motion carried.

The bond of W. R. Hinman, City Attorney was presented. Councilman Penberthy moved that the bond be accepted and filed. Councilman Glassford seconded the motion. Motion carried.

Mr. J. W. McMahan presented an offer of \$72.00 for the tax certificates which the City of Grand Junction holds against Lots 23 and 24, Block "K", Keith's Addition. Councilman Penberthy moved that the offer of Mr. J. W. McMahan be accepted. Councilman Glassford seconded the motion.

The question being upon the adoption of the motion, the roll was called with the following result. Councilmen voting YEA - Penberthy, Glassford, Bear, Hirons, Hall, Sievert, Rogers. Councilmen voting NO - None. All the Councilmen voting YEA, the President declared the motion carried.

The following resolution was presented and read:

RESOLUTION

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION TO CREATE A LOCAL PUBLIC IMPROVEMENT DISTRICT, SAID DISTRICT TO BE KNOWN AS PAVING DISTRICT NO. 22.

WHEREAS, A Petition of the owners of one-third or more of the frontage of the real estate to be assessed, as hereinafter described, has been filed with the City Council for the paving of certain streets within the boundaries hereinafter described, and that a paving district be created within the hereinafter described boundaries, which said boundaries and streets therein described are as follows:

Beginning at the northwest corner of lot 24, block 55; thence east to the northeast corner of lot 17, block 50; thence south to the southeast corner of lot 15, block 61; thence west to

the southwest corner of lot 1, block 56; thence north to the northwest corner of lot 24, block 55, the place of beginning.

The description of the street to be paved as in said petition is as follows:

Chipeta Avenue from the east line of First Street to the west line of Seventh Street.

That said petition provides that a two course gravel surfacing six inches thick after compression, with a portland cement concrete curb and gutter, be laid on said street, said paving to be thirty-six feet wide from curb to curb; and providing that the maximum cost per square foot for surfacing shall not exceed six cents; and that the maximum cost per lineal foot for combined curbing and guttering shall not exceed seventy cents; and that the maximum cost per cubic yard for grading shall not exceed seventy cents; and

WHEREAS, It appears to the City Council of the City of Grand Junction and the Council so finds that said petition 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 subscribe and acknowledge the same; and

WHEREAS, The City Council believes and the Council so finds that a two course gravel surfacing six inches thick after compression is a suitable pavement to be laid in said Chipeta Avenue; and

WHEREAS, It appears to the City Council of the City of Grand Junction and the Council so finds that there exists an immediate necessity for the creating of a paving district therein, to be known as Paving District No. 22, within the boundaries in said petition and hereinafter described.

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

Section 1. That the City Engineer of the City of Grand Junction be and he is hereby ordered and directed to prepare full details and specifications for the laying of a two course gravel surfacing six inches thick after compression, with a portland cement concrete curb and gutter, in Chipeta Avenue from the east line of First Street to the west line of Seventh Street; and the said boundaries of said street herein mentioned to be paved shall include territory to be known as Paving District No. 22, and said Engineer shall furnish an estimate of the total cost of said improvement exclusive of the percentum for the cost of collection and other incidentals and of interest to the time the first installment of the cost becomes due, and furnish a map of the district, from which map the approximate share of the total cost

that will be assessed upon each piece of real estate in the district may be readily ascertained.

Section 2. The boundaries of the said proposed Paving District No. 22 shall be described as follows, to-wit:

CITY OF GRAND JUNCTION

PAVING DISTRICT NO. 22.

Beginning at the northwest corner of lot 24, block 55; thence east to the northeast corner of lot 17, block 50; thence south to the southeast corner of lot 15, block 61; thence west to the southwest corner of lot 1, block 56; thence north to the northwest corner of lot 24, block 55, the place of beginning.

The description of the street to be paved is as follows:

Chipeta Avenue from the east line of First Street to the west line of Seventh Street.

Councilman Penberthy moved that the resolution, as read, be passed and adopted. Councilman Hall seconded the motion. The question being upon the adoption of the resolution, the roll was called with the following result:

Councilmen voting YEA - Penberthy, Glassford, Bear, Rogers, Sievert, Hall, Hiron.

Councilmen voting NO - None.

All the Councilmen voting YEA, the President declared the motion carried and the resolution duly passed and adopted.

T. E. Thompson, City Engineer, presented, plans, maps, and specifications, for Proposed Paving District No. 22.

The following resolution was presented and read:

RESOLUTION

A RESOLUTION ADOPTING DETAILS AND SPECIFICATIONS FOR PAVING CERTAIN STREETS IN THE CITY OF GRAND JUNCTION, COLORADO, TO BE DESIGNATED AS PAVING DISTRICT NO. 22; DESIGNATING 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 DISTRICT OR LANDS TO BE ASSESSED FOR THE SAME.

WHEREAS, By resolution heretofore passed and adopted by the City Council of the City of Grand Junction, Colorado, on the 19th day of June A. D. 1929, the City Engineer was ordered and directed to prepare and furnish full details and specifications for the laying of a two course gravel surfacing six inches thick after compression, with a portland cement concrete curb and gutter, on Chipeta Avenue within the hereinafter described

boundaries, which boundaries shall include territory known as Paving District No. 22, and that said Engineer make and furnish an estimate of the total cost of said improvements, exclusive of the percentum of the cost of collection and other incidentals, and of interest to the time the first installment of the cost becomes due, as well as a map of the district, from which map the approximate share of the total cost of said paving and improvements that will be assessed upon each piece of real estate in the district may be readily ascertained; and

WHEREAS, Said Engineer has filed with the City Clerk all the maps, specifications and surveys of said proposed Paving District No. 22, as well as all schedules, plans and specifications and approximations of cost and all other matters and things required of him in and by said Council in complete form and substance as therein required; and

WHEREAS, It appears to the Council and said Council does hereby find from the said maps, certificates of survey, schedules, plans specifications and approximations of cost as provided and filed by said Engineer as aforesaid, that the proposed Paving District No. 22 is comprised of the lots and parcels of land embraced within the boundaries hereinafter described and in said maps and surveyors certificates as follows, to-wit:

Chipeta Avenue--

Beginning at the northwest corner of lot 24, block 55; thence east to the northeast corner of lot 17, block 50; thence south to the southeast corner of lot 15, block 61; thence west to the southwest corner of lot 1, block 56; thence north to the northwest corner of lot 24, block 55, the place of beginning.

The description of the street to be paved being as follows:

Chipeta Avenue from the east line of First Street to the west line of Seventh Street.

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 ordinances covering location of curbing, except where curbs are now 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.

WHEREAS, It further appears from said Engineer's report that the estimated and probable cost of the type of paving and other

improvements therein specified, exclusive of the percentum of the cost of collection and other incidentals and of interest to the time the first installment becomes due, and excluding the cost of the paving of the street and alley intersections of said streets, as follows:

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, and other improvements therein specified, \$11,297.74.

WHEREAS, It further appears from said Engineer's report that the estimated and probable total cost of paving for street and alley intersections of said street to be paid for by the City of Grand Junction is as follows:

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, \$2,872.93.

WHEREAS, It further appears from said Engineer's report that the estimated and probable total cost of the type of paving and other improvements therein specified, exclusive of the percentum of the cost of collection and other incidentals and of interest to the time the first installment of said cost becomes due, is as follows:

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, \$14,170.67

WHEREAS, The method of assessment to be adopted shall be as follows: That the extent of the district to be assessed for said improvements is all the real estate within said district abutting on each side of the aforesaid streets which are to be improved. That the probable cost of the type of paving and improvements as shown by the total estimate of the Engineer is \$11,297.74 for a two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter; which amount does not include the cost of collection and other incidentals, nor the cost of interest hereinafter referred to, nor the cost of paving of the street and alley intersections in said street;

The maximum share of said total cost per front foot that will be assessed upon any lot or lands abutting upon the street to be improved as aforesaid for the said type of paving shall not exceed the following:

CHIPETA AVENUE

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, and other improvements therein specified, \$2.161.

The above specified total cost per front foot does not include the cost of lead service, and to the above amounts and rates, or to so much thereof as shall be necessary to pay the actual cost of said improvements and general assessments (except the amount for paving street and alley intersections of the streets to be paved), there will be added the cost of lead service connections, also two per centum for cost of collection and other incidentals, and also interest at the rate of not to exceed six per centum per annum on the bonds issued and sold from time to time to raise funds for the payment of said total cost (except the amount for paving street and alley intersections), said interest to run from the time of issue of said bonds to the time of the first installment when the assessment becomes due; 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 upon the real estate in said district abutting on the streets which are to be improved as aforesaid, said district to be divided into four equal zones paralleling the street to be improved. The manner of apportioning the cost to each zone to be as follows:

- 40% of the cost per front foot upon the zone immediately adjoining the street to be improved being Zone No. 1.
- 30% of the cost 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, repair or extension of lead service pipe connections, the whole cost thereof shall be assessed to the lots to which connections are made.

That the width of the pavement to be laid in the street to be paved is as follows: Thirty-six feet wide from curb to curb on Chipeta Avenue from the east line of First Street to the west line of Seventh Street.

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

Section 1. That the reports so made by T. E. Thompson as Engineer of said city with respect to said proposed Paving District No. 22 be and the same are hereby accepted, and the report of said Engineer, together with details, specifications, estimates, plans, maps, schedules prepared and filed with the Clerk, and the recommendation of said Engineer as to the kinds of materials to be used in each type of paving and other improvements, be and the same are hereby approved and adopted.

Section 2. That to the above total estimated and probable total cost of the aforesaid types of paving to be designated, and other improvements therein specified, and the respective portions thereof to be assessed upon the respective lots and lands in said district as aforesaid, or so much thereof as may be necessary to pay the actual cost of said improvements and the general expenses

(except the cost of paving the street and alley intersections), will be added two per cent 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.

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 (except cost of paving street and alley intersections) against said real estate without demand; providing, 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 comes 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 said thirty days from and after the final publication of the assessing ordinance, assessing the same, then the whole cost of said improvement so assessed against his property shall be payable in ten equal annual installments of the principal with interest upon said unpaid installments, payable semi-annually at the rate of not exceeding six per cent per annum; the first of said installments 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 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 each year thereafter until all are paid.

Section 4. That the City Attorney is hereby directed to prepare a resolution in accordance with the Charter of the City of Grand Junction and Ordinance No. 178, adopted and approved on the 11th day of June, 1910, as amended, which resolution when duly adopted and enforced shall create within the corporate limits of the City of Grand Junction a paving district known as Paving District No. 22 with the same territory and boundaries as hereinbefore set forth and provided in and by said resolutions and the order of the City Council for the paving 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 estimates of the Engineer of said city hereinbefore referred to and now on file in the office of the City Clerk, which said resolution shall also designate the type of paving to be laid in the street in said district hereinbefore described, and in accordance with the order or resolution of the City Council hereafter to be made.

Section 5. That the said proposed resolution creating said Paving District and ordering the proposed improvements therein be

considered for passage and adoption by the City Council on Wednesday, the 31st day of July, A. D. 1929, at the hour of 7:30 P. M.

Section 6. That a notice be issued by the City Clerk and published once 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 said proposed Paving District No. 22 and to all persons interested generally of the improvements proposed; number of installments and time at which the cost of improvements 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 estimates of the Engineer; the maximum share of said total estimate per front foot that will be assessed upon any lot or lands included in the district at the time hereinbefore set, Wednesday, the 31st day of July, 1929, at the hour of 7:30 P. M., 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 improvement by owners of real estate to be assessed or any person interested, and that said maps and estimates 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 7:30 P. M. Wednesday, the 31st day of July, A. D. 1929, by any person or persons interested.

Said notice hereinbefore provided for shall be in words and figures as follows, to-wit:

NOTICE

Of a proposition to create a Paving District in the City of Grand Junction, Colorado, to be known and designated as Paving District No. 22.

All owners of real estate which is included within the boundaries hereinafter described, and all persons interested generally, are hereby notified that the City Council of the City of Grand Junction has adopted full details and specifications for paving certain streets hereinafter described, for constructing curbs and gutters on said streets, to provide for drainage, and for connecting the lots fronting on said streets to the city water mains with lead pipe, in the proposed paving district within the corporate limits of the City of Grand Junction, Colorado, to be known and designated as Paving District No. 22, the boundaries of said district being described as follows:

Chipeta Avenue--

Beginning at the northwest corner of lot 24, block 55; thence east to the northeast corner of lot 17, block 50; thence south to the southeast corner of lot 15, block 61; thence west to

the southwest corner of lot 1, block 56; thence north to the northwest corner of lot 24, block 55, the place of beginning.

THE STREETS TO BE PAVED IN THE PROPOSED PAVING DISTRICT NO. 22 IN THE CITY OF GRAND JUNCTION, COLORADO, ARE AS FOLLOWS:

Chipeta Avenue from the east line of First Street to the west line of Seventh Street.

Curb and gutter to be constructed, extended and reconstructed on the streets to be paved; gutters are to conform to the curbing.

Necessary drainage to be provided. 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.

That the probable cost of said paving for the following described type of paving and other improvements therein specified in said proposed Paving District No. 22, as shown by the estimate of the City Engineer, exclusive of the percentum of the cost of collection and other incidentals, and of interest to the time the first installment of said cost becomes due (and exclusive of the estimated cost of the paving of the street and alley intersections in the streets to be paved, which is to be paid by the city), is as follows:

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, \$11,297.74.

That the method of assessment to be adopted in the district shall be as follows: The extent of the district to be assessed for said improvements is all the real estate within said described district abutting upon each side of the aforesaid streets which are to be improved.

The probable cost of said improvements as shown by the total estimate of the City Engineer using the following described type of paving, which amount does not include the cost of collection and other incidentals, nor the cost of interest hereinafter referred to, is as follows:

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, \$14,170.67.

That the probable cost of the type of paving for the paving of the street and alley intersections in said street to be borne by the city of Grand Junction is as follows:

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, \$2,872.93.

The maximum share per front foot that will be assessed upon any lot or lands abutting upon the street to be so improved, as aforesaid:

Two course gravel surfacing, six inches thick after compression, with a portland cement concrete curb and gutter, \$2.161.

To the above amounts and rates, or so much thereof as may be necessary to pay the actual cost of said improvements and general expenses (excepting the amount to be paid by the City of Grand Junction for the paving of the street and alley intersections in the street to be paved), there will be added two per centum for cost of collection and other incidentals, and also interest at the rate of not to exceed six per cent per annum on the bonds issued and sold from time to time to raise funds for the payment of said total cost (excepting the cost of street and alley intersections): Said interest to run from the date of issue of said bonds to the time the first installment becomes due; that the total cost of the said improvements, together with interest and the percentage to be added for collection, etc., as aforesaid, except as otherwise herein provided, will be assessed upon the real estate in said district abutting on the streets which are to be improved as aforesaid, to be divided into four equal zones paralleling the streets to be improved. The manner of apportioning the cost of each zone will be as follows:

- 40% of the cost per front foot upon the zone immediately adjoining the streets to be improved being Zone No. 1.
- 30% of the cost upon the next adjoining or Second Zone.
- 20% of the cost upon the next adjoining or Third Zone.
- 10% of the cost upon the next adjoining or Fourth Zone.

That the said assessment shall be due and payable without demand within thirty days from and after the final publication of the assessing ordinance, assessing the whole cost (except cost of street and alley intersections) against said real estate; provided, however that any owner who shall pay his full assessment within said period of thirty days may receive a discount of the two per cent added for the cost of collection and other incidentals, and also a discount on such payment not exceeding six 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 principal and interest thereon not to exceed six 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 maps of said proposed paving district showing the street to be improved and the boundaries and

extent of said district 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 7:30 o'clock P. M. Wednesday, the 31st day of July, 1929, on which date and at said hour the Council will hear, in the Council Chamber 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 in writing, and in full conformity with the provisions of Ordinance \$178 of the City of Grand Junction, as amended, by the owner of any real estate to be assessed, or by any person interested.

Dated at Grand Junction, Colorado, June 19th, 1929.

By Order of the City Council.

/s/ Helen C. Niles

City Clerk

Councilman Hirons moved that the resolution be passed and adopted as read. Councilman Hall seconded the motion.

The question being upon the adoption of the resolution, the roll was called, with the following result:

Councilmen voting YEA - Penberthy, Glassford, Bear, Hirons, Hall, Sievert, Rogers.

Councilmen voting NO - None.

All the Councilmen present voting YEA - the President declared the motion carried, and the resolution duly passed and adopted.

Change date of Inters. Bonds

An Ordinance entitled: "AN ORDINANCE AMENDING SECTIONS 9 and 10 OF ORDINANCE NO. 447 ADOPTED AND APPROVED ON THE 6th DAY OF MARCH, A. D. 1929, SO FAR AS SAID SECTIONS PRESCRIBE THE DATE, MATURITY AND INTEREST PAYMENT OF STREET INTERSECTION BONDS AUTHORIZED AT THE ELECTION HELD IN SAID CITY ON THE 2nd DAY OF APRIL, A. D. 1929, PROVIDING THAT SAID BONDS SHALL BE DATED JULY 1, A. D. 1929, SHALL MATURE ON JULY FIRST IN THE YEARS SPECIFIED IN SAID ORDINANCE: THAT THE INTEREST ON SAID BONDS SHALL BECOME DUE ON JANUARY AND JULY FIRST IN EACH YEAR, REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE AND DECLARING AN EMERGENCY", WAS INTRODUCED AND READ.

It was moved by Councilman Hall and seconded by Councilman Penberthy that all rules of the Council which might prevent, unless suspended, the final passage and adoption of said

ordinance at this meeting, be and the same are hereby suspended, for the purpose of permitting the final passage and adoption of said ordinance at this meeting.

The question being upon the adoption of said motion and the suspension of the rules, the roll was called with the following result:

Those voting YEA: Penberthy, Glassford, Bear, Hiron, Hall, Sievert, Rogers.

Those voting NO: None.

All the members of the City Council having voted in favor of the said motion, the President declared said motion carried and the rules suspended.

Councilman Penberthy then moved that said ordinance be now placed upon its final passage. Councilman Bear seconded the motion.

The question being upon the placing of said ordinance upon its final passage, the roll was called with the following result:

Those voting YEA: Penberthy, Glassford, Bear, Hiron, Hall, Sievert, Rogers.

Those voting NO: None.

All the Councilmen voting YEA, the President declared the motion carried and the ordinance placed upon its final passage.

Councilman Sievert thereupon moved that said ordinance be finally passed and adopted as introduced and read, that it be numbered 450 and published in the Daily Sentinel in its issue of June 20th, 1929. Councilman Hiron seconded the motion.

The question being upon the final passage and adoption of said ordinance, the roll was called with the following result:

Those voting YEA: Penberthy, Glassford, Bear, Hiron, Hall, Sievert, Rogers.

Those voting NO: None.

President of the Council, Rogers then declared that all the members of the City Council, duly elected, qualified and acting as such, having voted in favor thereof, the said motion was carried and said ordinance finally passed and adopted.

Committees appointed

President Rogers announced the appointment of the following committees to serve during his term of office:

Police Committee
Committee on Public Affairs
Committee on Water & Improvements

Hall, Hirons.
Penberthy, Glassford.
Bear, Sievert.

Re salary of Police Judge

Mr. C. E. Cherrington, Judge of the Municipal Court appeared before the Council and discussed the matter of raising the salary of the Municipal Judge. The matter was referred to the Police Committee for their investigation and recommendations.

Councilman Penberthy moved, Councilman Hirons seconded the motion that the meeting adjourn.

/s/ Helen C. Niles
City Clerk