

Grand Junction, Colorado

September 12th, 1929

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

It was moved by Councilman Hirons and seconded by Councilman Glassford that the Council reconsider its former action concerning the inclusion of Ute Avenue in Paving District No. 23, and in lieu thereof, BE IT RESOLVED That the remonstrance filed to the inclusion of Ute Avenue in said district be determined and found to be insufficient for the reason that the original petition was signed and acknowledged in proper form by 41% of the property owners and said remonstrance was properly signed and acknowledged by only 21.45% of the property owners on said street, according to the abstractor's records. & that Ute Avenue be included in Paving District No. 23.

The question being upon the inclusion of Ute Avenue in Paving District No. 23, the roll was called with the following result:

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

Councilmen voting NO - None.

All the Councilmen voting YEA, the President declared the motion carried.

The following resolution was presented 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. 23", 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 THE 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 7th day of August, A. D. 1929, 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. 23; and

WHEREAS, By resolution duly adopted and approved the 7th day of August, A. D. 1929, adopting details and specifications for paving certain streets in said proposed paving district within the corporate limits of the City of Grand Junction, Colorado, to be known and designated as Paving District No. 23, a provision was made for the requisite notice to all persons interested in the improvement proposed; the number of installments; the time in which the cost of the improvement will be payable; the rate of interest on unpaid installments; extent of the district to be assessed, by setting forth the boundaries thereof, including a description of the streets to be improved; the probable cost of said improvements as shown by the estimates of the Engineer; the maximum share of said total estimate per front foot that will be assessed upon any lots or lands included within the district; the time when the Council will consider the ordering of the proposed improvements, hear all complaints or objections that may be made in writing concerning the proposed improvements; and that all maps and estimates and proceedings of the Council in the premises were on file and could be seen and examined at the office of the City Clerk during business hours at any time on or before 7:30 o'clock P. M. on Saturday, the 7th day of September, A. D. 1929, by any person interested; and

WHEREAS, At the time and place specified in said resolution and said notice, no complaints or remonstrances in writing or otherwise were made concerning the proposed improvements except remonstrances to the inclusion of Ouray Avenue in said paving district, properly signed and acknowledged by the owners of 48.1% of the property affected; and remonstrances to the inclusion of Ute Avenue in said district, properly signed and acknowledged by the owners of 21.45% of the property affected, and all conditions have now transpired authorizing the said City Council to create said Paving District No. 23 and construct the said proposed improvements therein.

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

Section 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, 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 in said Paving District No. 23, using the following types of pavement, to-wit:

2" Warrenite Bitulithic pavement on a 5" Portland Cement concrete base, or a 1 1/2" Warrenite Bitulithic pavement on a 2 1/2 asphaltic concrete base on a 3" crushed rock sub-base on Ute Avenue from Second Street to Fifth Street; and

1 1/2" Warrenite Bitulithic pavement on a 2 1/2" asphaltic concrete base on Chipeta Avenue from Fourth Street to Seventh Street.

the construction of curbs and gutters on said streets, provisions for the necessary drainage, and the connection of the lots fronting on said streets to be improved with the city water mains with lead pipe where necessary, were duly ordered after notice was duly given; that there were no remonstrances, complaints or objections filed concerning the same except the remonstrance to Ouray Avenue, which the Council determines and finds sufficient because signed by a greater percentage of the property owners than had signed the original petition; and remonstrances to Ute Avenue which the Council determines and finds insufficient because signed by a much less percentage of the property owners than had signed the original petitions for paving.

That the City Council of the City of Grand Junction, in creating said Paving District No. 23 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 ordinance thereof designated as Ordinance No. 178, adopted and approved June 11th, 1910, as amended.

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

Ute Avenue --

Beginning at the northwest corner of lot 32, block 123, thence east to the northwest corner of lot 17, block 125; thence south to the southeast corner of lot 16, block 140; thence west to the southwest corner of lot 1, block 142; thence north to the northwest corner of lot 32, block 123; the place of beginning.

Chipeta Avenue --

Beginning at the northwest corner of lot 32, block 52; 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 59; thence north to the northwest corner of lot 32, block 52, the place of beginning.

DESCRIPTION OF STREETS TO BE IMPROVED IN THE PROPOSED DISTRICT NO. 23 IN THE CITY OF GRAND JUNCTION, COLORADO:

Ute Avenue from the east line of Second Street to the west line of Fifth Street; and Chipeta Avenue from the west line of Fourth Street to the west line of Seventh Street.

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

Section 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, 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 in said Paving District No. 23, using the following types of pavement, to-wit:

2" Warrenite Bitulithic pavement on a 5" portland cement concrete base, or a 1 1/2" Warrenite Bitulithic pavement on a 2 1/2" asphaltic concrete base on a 3" crushed rock sub-base on Ute Avenue from Second Street to Fifth Street; and

1 1/2" Warrenite Bitulithic pavement on a 2 1/2" asphaltic concrete base on Chipeta Avenue from Fourth Street to Seventh Street.

the construction of curbs and gutters on said streets, provisions for the necessary drainage, and the connection of the lots fronting on said necessary, streets to be improved with the city water mains with lead pipe where necessary, were duly ordered after notice was duly given; that there were no remonstrances, complaints or objections filed concerning the same except as hereinbefore set forth.

that the City Council of the City of Grand Junction, in creating said Paving District 23 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 ordinance thereof designated as Ordinance No. 178, adopted and approved June 11, 1910, as amended.

Section 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, Colorado, bounded and described as follows:

Ute Avenue --

Beginning at the northwest corner of lot 32, block 123; thence east to the northwest corner of lot 17, block 125; thence south to the southeast corner of lot 16, block 140; thence west to the southwest corner of lot 1, block 142; thence north to the northwest corner of lot 32, block 123, the place of beginning.

Chipeta Avenue --

Beginning at the northwest corner of lot 32, block 52; 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 59; thence north to the northwest corner of lot 32, block 52, the place of beginning.

DESCRIPTION OF STREETS TO BE IMPROVED IN THE PROPOSED DISTRICT NO. 23 IN THE CITY OF GRAND JUNCTION, COLORADO:

Ute Avenue from the east line of Second Street to the west line of Fifth Street; and Chipeta Avenue from the east line of Fourth Street to the west line of Seventh Street.

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. 23.

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 where necessary, 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: \$25,753.50

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. 23 is \$6,999.20. 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. 23 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 of said total amount of the cost of construction of the improvements heretofore set forth, the sum of \$25,753.50 or so much thereof as may be required to pay the actual proportionate cost of said improvements, plus two per centum additional for the cost of collection and other incidentals, and the cost of and interest on the bonds to be issued from time to time to raise funds for the payment of said actual proportionate cost, said interest to run from the time of the issue of said bonds to the time the first installment will be due, shall be assessed wholly upon the real estate hereinbefore described; the manner of apportioning the cost and collecting the assessments and all other matters incidental to said improvements shall be as heretofore and herein specified and as set forth in previous motions and resolutions adopted by the Council.

Section 7. 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. 23 in an amount not to 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 7th, 1929, to-wit: \$31,725.06, with 2% added for the cost of collection and other expenses, and with interest on the bonds from the date thereof to the date when the first installment of taxes is due.

Section 8. That said bonds shall be dated September 1st, 1929 and shall bear the name of the district improved, shall be payable to the bearer on or before 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 City Clerk and the seal of the City thereunto affixed, and registered by the Treasurer; that said bonds shall be payable out of the monies collected on account of assessments made for said improvements; shall bear interest at the rate of not to exceed six per cent per annum, payable semi-annually on the first day of September and the first day of March in each year, and have twenty-four 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 Knoutze Brothers in the City of New York, United States of America, at the option of the holder.

Section 9. 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 10. That said bonds and the coupons thereto attached shall be in substance in the following form:

PUBLIC IMPROVED BOND
PAVING DISTRICT NO. 23

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 _____, A. D. 19_____, subject to call and payment, however, at any time prior thereto, with interest thereon from date until payment at the rate of _____ percentum per annum, payable semi-annually on the first day of _____ and the first day of _____ 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. 23 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. 23, especially benefited by said improvements, 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 on a parity with 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. 23 and the making of said improvement and the issue of this bond has 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 1st day of _____, A. D. 19_____.

/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 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 of Paving District No. 23, provided the bond to which this coupon is attached shall not have been paid.

Attached to bond dated _____.

/s/

(Fac-simile signature)

City Treasurer.

(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. 19_____.

/s/

City Treasurer.

(GUARANTY CERTIFICATE)

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

/s/

President of the Council.

ATTEST:

City Clerk.

Section 11. 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.

Councilman Sievert moved and Councilman Bear seconded the motion that the resolution as read, be passed and adopted.

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

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

Councilmen voting NO - None.

All the Councilmen voting YEA, the President declared the motion carried.

Bonds Pav. Dist. No. 23 sold to New Mex. Cons. Co.

Councilman Penberthy moved and Councilman Sievert seconded the motion that the bid of the New Mexico Construction Company of \$980.00 per \$1000.00 for bonds for the construction of Paving District No. 23, which was submitted Saturday, September 7th, 1929, be accepted.

The question being upon the acceptance of the bid of the New Mexico Construction Co. for Paving District No. 23 bonds, the roll was called with the following result.

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

Councilmen voting NO - None.

All the Councilmen voting YEA - the President declared the motion carried.

New Mex. Cons. Co. awarded contract for Pav. Dist. No. 23

Councilman Hirons moved and Councilman Bear seconded the motion that the bid of the New Mexico Construction Company for the construction work of Paving District No. 23 be accepted and that 1 1/2" Warrenite Bitulithic Top, 2 1/2" Asphaltic Concrete Base, and 3" Crushed rock sub-base be designated as the material to be used for paving of Ute Ave. in said Paving District No. 23. Upon which motion the following vote was cast:

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

Councilmen voting NO - None.

Will the Councilmen voting YEA, the President declared the motion carried.

There being no further business to come before the meeting, on motion duly made, seconded, and carried, the meeting adjourned.

/s/ Helen C. Niles
City Clerk