

Grand Junction, Colorado

Feb. 24, 1931

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 Bear, Glassford, Hall, Hirons, Penberthy, Sievert, Rogers. City Manager Soderstrum, City Attorney Adams, and City Clerk Tomlinson were present.

A number of citizens interested in the matter of a municipal light and power plant were present.

Wood & Weber Mun. light plant proposition

The letter of transmittal from Messrs. Wood & Weber submitting a proposed contract for a municipal electric light and power plant was read.

Councilman Bear moved and Councilman Penberthy seconded the motion that the City Council request Messrs. Wood & Weber to initiate their proposition by petition. Upon which motion the following vote was cast. Councilmen voting YEA - Bear, Penberthy, Rogers. Councilmen voting NO - Glassford, Hall, Hirons, Sievert. A majority of the Councilmen voting NO - the President declared the motion lost.

A number of the citizens present spoke on the subject of municipal ownership - some being opposed to it and some in favor of it.

Councilman Glassford moved and Councilman Sievert seconded the motion that the following resolution be passed and adopted:

BE IT RESOLVED by the City Council of the City of Grand Junction that after careful consideration of the various plans submitted by Wood & Weber Inc. for a municipal electric light plant, the Council is of the opinion that their proposal is not feasible or wise from a business standpoint and consequently the Council declines to submit the plan at the city election to be held on April 7, 1931, and orders the proposal tabled.

After considerable discussion on the proposition Mr. Wood made a few remarks and stated that he would withdraw the proposition from the Council.

A vote was taken on Councilman Glassford's motion to adopt the above resolution, with the following result:

Councilmen voting YEA - Glassford, Hall, Hirons, Sievert.

Councilmen voting NO - Bear, Penberthy, Rogers.

A majority of the Council voting YEA, the President declared the motion carried.

The following resolution was presented and read:

RESOLUTION

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE A LOCAL IMPROVEMENT DISTRICT, SAID DISTRICT TO BE KNOWN AS CURB AND GUTTER DISTRICT NO. 1.

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 improvement of certain streets within the boundaries hereinafter described, and that a curb and gutter district be created within the hereinafter described boundaries, which said boundaries and the streets therein described are as follows, to-wit:

Beginning at the Northeast corner of Lot 17, Block 1; thence south to the southeast corner of Lot 18, Block 44; thence west to the southwest corner Lot 21, Block 44; thence north to the northwest corner of Lot 14, Block 1; thence east to the northeast corner of Lot 17, Block 1, the place of beginning.

That the description of the street to be improved as in said petition stated is as follows: North Twelfth Street from the North line of Gunnison Avenue to the South line of North Avenue.

That the petition for the improvement of North Twelfth Street above described further states that the type of improvement shall be a Portland Cement Concrete curb and gutter, and excavation necessary for the construction of same.

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, 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 creation of an improvement district therein to be known as Curb and Gutter District No. 1 within the boundaries in said petition and hereafter described,

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

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 construction of a Portland Cement Concrete curb and gutter, and excavation necessary for the construction of same, on North Twelfth Street in said City from the North line of Gunnison Avenue to the South line of North Avenue; and the said boundaries of said street herein mentioned to be improved shall include territory to be known as Curb and Gutter District No. 1, and said Engineer shall furnish an estimate of the total cost of said improvements exclusive of the percentum of 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 Curb and Gutter District No. 1 shall be described as follows, to-wit:

Beginning at the Northeast corner of Lot 17, Block 1; thence south to the southeast corner of Lot 18, Block 44; thence west to the southwest corner of Lot 21, Block 44; thence north to the northwest corner of Lot 14, Block 1; thence east to the northeast corner of Lot 17, Block 1, the place of beginning.

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

North Twelfth Street from the North line of Gunnison Avenue to the South line of North Avenue.

/s/

President of the Council

ATTEST

/s/

City Clerk

It was moved by Councilman Hall and seconded by Councilman Hirons that the resolution be passed and adopted as read. Upon which motion the following vote was cast: Councilmen voting YEA - Bear, Hall, Hirons, Glassford, Penberthy, Sievert, Rogers. Councilmen voting NO - None. All the Councilmen voting YEA, the President declared the motion carried.

J. P. Soderstrum, City Engineer, presented plans, estimates, maps, and specifications for Curb and Gutter District No. 1.

The following resolution was presented and read:

RESOLUTION

A RESOLUTION ADOPTING DETAILS AND SPECIFICATIONS FOR IMPROVING CERTAIN STREETS IN THE CITY OF GRAND JUNCTION, COLORADO, TO BE DESIGNATED AS CURB AND GUTTER DISTRICT NO. 1; 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 24th day of February, A. D. 1931, the City Engineer was ordered and directed to prepare and furnish full details and specifications for the construction of a Portland Cement Concrete curb and gutter, and excavation necessary for the construction of same, on North Twelfth Street within the hereinafter described boundaries, which boundaries shall include territory known as Curb and Gutter District No. 1; 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 curb and gutter and necessary excavation 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 Curb and Gutter District No. 1 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 Curb and Gutter District No. 1 is comprised of the lots and parcels of land embraced within the boundaries hereinafter described and in said maps and surveyor's certificates as follows, to-wit:

Beginning at the Northeast corner of Lot 17, Block 1; thence south to the southeast corner of Lot 18, Block 44; thence west to the southwest corner of Lot 21, Block 44; thence north to the northwest corner of Lot 14, Block 1; thence east to the northeast corner of Lot 17, Block 1, the place of beginning.

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

North Twelfth Street from the North line of Gunnison Avenue to the South line off North Avenue.

WHEREAS, It further appears from said Engineer's report that the estimated and probable total cost of said curb and gutter, and

excavation necessary for the construction of same, 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 improving the street and alley intersections of said street, is \$1,046.80.

WHEREAS, It further appears from said Engineer's report that the estimated and probable total cost of improving the street and alley intersections of said street, to be paid for by the City of Grand Junction is as follows: \$675.95.

WHEREAS, It further appears from said Engineer's report that the estimated and probable total cost of said curb and gutter, and excavation necessary for the construction of same, 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: \$1,712.75.

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 the west side of the aforesaid street which is to be improved. That the probable cost of said improvements as shown by the total estimate of the Engineer is \$1,046.80 for Portland Cement Concrete curb and gutter, and excavation necessary for the construction of same on said street; which amount does not include the cost of collection and other incidentals, nor the cost of interest hereinafter referred to, nor the cost of improving the street and alley intersections of 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 shall not exceed the following, \$1.00

To the above amount 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 improving street and alley intersections) 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 percentum 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 improving 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 percentum 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 street which is 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% of the cost upon the next adjoining or Third Zone.
10% of the cost upon the next adjoining or Fourth Zone.

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

SECTION 1. That the reports so made by J. P. Soderstrum, as Engineer of said City with respect to said proposed Curb and Gutter District No. 1 be and the same are hereby accepted; and the report of said Engineer, together with details, specifications, estimates, plans, maps and schedules prepared and filed with the Clerk and the recommendations of said Engineer as to the kinds of materials to be used in said improvement, be and the same are hereby approved and adopted.

SECTION 2. That to the above total estimated and probable total cost of the aforesaid improvements, 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 improving 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 improving the 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 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 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 an improvement district known as Curb and Gutter District No. 1, 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 improvements 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 improvements to be constructed 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 curb and gutter district and ordering the proposed improvements therein be considered for passage and adoption by the City Council on Wednesday, the 1st day of April, A. D. 1931, at the hour of 7:30 o'clock P. M.

SECTION 6. That a notice be issued by the City Clerk and published for one issue 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 Curb and Gutter District No. 1 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 1st day of April, 1931, at the hour of 7:30 o'clock 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 five o'clock on Wednesday, the first day of April A. D. 1931, 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 AN IMPROVEMENT DISTRICT IN THE CITY OF GRAND JUNCTION, COLORADO, TO BE KNOWN AND DESIGNATED AS CURB AND GUTTER DISTRICT NO. 1.

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 improving a certain street hereinafter described in the proposed curb and gutter district within the corporate limits of the City of Grand Junction, Colorado, to be known and designated as Curb and Gutter District No. 1, the boundaries of said District being described as follows:

Beginning at the Northeast corner of Lot 17, Block 1; thence south to the southeast corner of Lot 18, Block 44; thence west to the southwest corner of Lot 21, Block 44; thence north to the northwest corner of Lot 14, Block 1; thence east to the northeast corner of Lot 17, Block 1, the place of beginning.

THE STREET TO BE IMPROVED IN THE PROPOSED CURB AND GUTTER DISTRICT NO. 1 IN THE CITY OF GRAND JUNCTION, COLORADO, IS AS FOLLOWS:

North Twelfth Street from the North line of Gunnison Avenue to the South line of North Avenue.

That the probable cost of said curb and gutter, and excavation necessary for the construction of same, therein specified, in said proposed Curb and Gutter District No. 1, 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 improvement of the street and alley intersections of the street to be improved, which is to be paid by the City) is as follows: \$1,046.80.

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 the West side of the aforesaid street which is to be improved.

That the probable cost of said improvements as shown by the total estimate of the City Engineer, which amount does not include the cost of collection and other incidentals nor the cost of interest hereinafter referred to, is as follows: \$1,712.75.

That the probable cost of improving the street and alley intersections of said street to be improved, to be borne by the City of Grand Junction, is as follows: \$675.95

That 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, is as follows: \$1.00

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 improvement of the street and alley intersections of the street to be improved) there will be added two percentum 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 improving the 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 street which is to be improved as aforesaid, to be divided into four equal zones paralleling the street 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 street 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 the 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 curb and gutter district, showing the street to be improved and the

boundaries and extent of the 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 Wednesday the 1st day of April, A. D. 1931, 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 made in writing, and in full conformity with the provisions of Ordinance No. 178 of the City of Grand Junction, as amended, by the owner of any real estate to be assessed or by any persons interested.

Dated at Grand Junction, Colorado February 24th, 1931.

/s/ Fred A. Rogers
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

It was moved by Councilman Sievert and seconded by Councilman Hall that the resolution be passed and adopted as read.

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

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

Councilmen voting NO - None.

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

It was moved by Councilman Hirons and seconded by Councilman Glassford that the meeting adjourn to meet at the call of the President. Motion carried.

/s/ Helen C. Tomlinson
City Clerk