

Grand Junction, Colorado

July 18, 1934

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 Carson, Ross, Oates, Boston, Roberts, Hall, and President Holcombe. City Manager Soderstrum, City Attorney Bowie, and City Clerk Tomlinson were present.

The minutes of the regular meeting held July 5th, 1934 were read and approved.

This meeting was the time set for remonstrance for Proposed Curb and Gutter District No. 2.

The City Clerk reported that Mrs. Katherine Martin had filed a written protest to the proposed improvements in the block between 7th Street and 8th Street on North Ave. Mrs. Martin owns all of the property on the North side of the Street and nine lots on the south side of the street.

After discussion of the remonstrance in the Proposed Curb and Gutter District No. 2, the following resolution was presented:

RESOLUTION

CREATING AND ESTABLISHING WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AN IMPROVEMENT DISTRICT TO BE KNOWN AND DESIGNATED AS "CURB AND GUTTER DISTRICT NO. 2", AUTHORIZING THE IMPROVEMENT OF A CERTAIN STREET 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 6th day of June, A. D. 1934, 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 Curb and Gutter District No. 2; and

WHEREAS, By resolution duly adopted and approved the 6th day of June, A. D. 1934, adopting details and specifications for the construction of a Portland Cement Concrete curb and gutter, and excavation necessary for the construction of same, in said 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. 2, 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 land 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 Wednesday, the 18th day of July, A. D. 1934, 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 objections filed by the owner of the majority of the property along the following described property:

Beginning at a point 125 feet north of the Southwest corner of Lot 17, Capitol Hill Subdivision; thence east 441 feet; thence south to a point 49 feet east of the southeast corner of Lot 21, Block 5; thence west to the southwest corner of Lot 7, Block 5, thence north to the place of beginning

in said proposed district, which the Council finds and determines to be sufficient and said block between Seventh St. and Eighth Street on North Avenue is therefore taken out of said proposed district, and all conditions have now transpired authorizing the said City Council to create said Curb and Gutter District No. 2 and construct therein the said proposed improvements;

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 the said City, duly adopted and approved on the 11th day of June, A. D. 1910, as amended, the said improvements consisting of the construction of a Portland Cement concrete curb and gutter, and excavation necessary for the construction of same, in said Curb and Gutter District No. 2, were duly ordered and notice given; that there were no remonstrances, complaints, or objections filed concerning the same except to improvements on a certain block as heretofore noted, which has been

taken from said district; that the City Council of the City of Grand Junction, in creating said Curb and Gutter District No. 2 and ordering the construction therein of a Portland Cement concrete curb and gutter and excavation necessary for the construction of same, has in all things complied with the laws of the State of Colorado and 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 created out of that portion of the City of Grand Junction, Colorado, bounded and described as follows, to-wit:

Beginning at a point 125 feet north and 441 feet east of the southwest corner of Lot 17, Capitol Hill Subdivision; thence east to the west line of Twelfth Street; thence south to the southeast corner of Lot 17, Block 1; thence west to a point 31 feet west of the southwest corner of Lot 1, Block 4; thence north to the point of beginning.

Beginning at the southwest corner of Lot 21, Block 81; thence north to the northwest corner of Lot 12, Block 8; thence east to the northeast corner of Lot 5, Block 7; thence south to the southeast corner of Lot 28, Block 82; thence west to the place of beginning.

DESCRIPTION OF STREETS TO BE IMPROVED IN THE PROPOSED CURB AND GUTTER DISTRICT NO. 2.

North Avenue from the east end of the bridge on Eighth Street to the west line of Twelfth Street.

North Fifth Street from the north line of White Avenue to the south line of North Avenue.

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 street in which said improvement is to be made. Said lots or lands to be divided into five 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 street in which said improvement is to be made is \$1.00.

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 two percentum for cost of collection and other incidentals, and also interest at the rate of not exceeding six percentum 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 assessment becomes due; the manner of apportioning the cost to each zone will be as follows:

32% of the cost per front foot upon the zone immediately adjoining the street to be improved being Zone No. 1.

26% of the cost upon the next adjoining or Second Zone.

20% of the cost upon the next adjoining or Third Zone.

14% of the cost upon the next adjoining or Fourth Zone.

8% of the cost upon the next adjoining or Fifth Zone.

SECTION 3. That the said district shall be known as, and the same is hereby designated as, Curb and Gutter District No. 2.

SECTION 4. That the construction of a Portland Cement concrete curb and gutter, and excavation necessary for the construction of same within said district, 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: \$8,151.80.

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 improving 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 improving the street and alley intersections of the street to be improved in Curb and Gutter District No. 2 is \$1,143.25. That so much thereof as may be necessary for the cost of improving the street and alley intersections in the street to be improved in Curb and Gutter District No. 2 shall be paid by the City of Grand Junction, out of funds from bonds heretofore sold for the purpose of improving 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 \$8,151.80 or so much thereof as may be required to pay the actual proportionate cost of said improvements, plus two percentum 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 11th, 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 Curb and Gutter District No. 2, 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 June 6th, 1934, to-wit: \$8,151.80, 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, 1934, 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 1st day of September and the 1st day of March in each year, and have twenty-four coupons thereto attached, subscribed by the facsimile 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.

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

PUBLIC IMPROVEMENT BOND  
CURB AND GUTTER DISTRICT NO. 2

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 \_\_\_\_\_ per centum per annum, payable semi-annually on the first day of September and the first day of March of each year, both principal and interest being payable at the office of the City Treasurer of the City of Grand Junction, 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 Curb and Gutter District No. 2 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 Curb and Gutter District No. 2, 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 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 Curb and Gutter District No. 2 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 facsimile 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, being six months' interest on its local public improvement bond of Curb and Gutter District No. 2, provided the bond to which this coupon is attached shall not have been paid.

Attached to bond dated September 1st, 1934.

/s/ (Facsimile 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 ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1934.

/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 City Treasurer shall purchase same for investment of various funds of the City.

SECTION 12. It appearing to the said City Council and the City Council doth find and determine that said improvements can be efficiently made by the City, therefore, it is hereby provided that all said improvements shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by the purchase of all necessary material, supplies, and equipment, and subject to the further supervision of the City Council, as provided in Section 2, Ordinance No. 178, as amended.

/s/

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

ATTEST:

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

It was moved by Councilman Carson and seconded by Councilman Oates that the resolution be passed and adopted as read. Roll was called on the motion with the following result:

Councilmen voting AYE - Carson, Ross, Oates, Boston, Hall, Holcombe.

Councilmen voting NO - Roberts.

A majority of the Councilmen voting AYE, the President declared the motion carried.

Some discussion was had on the Teller "40", located just east of the Lincoln Park Golf Course.

Councilman Hall moved that the following resolution be passed and adopted:

RESOLVED, By the City Council that the City Manager purchase from Minnie T. Teller her title to and equity in that tract of land situated immediately east of the Municipal Golf Course, consisting of approximately 40 acres, for the consideration of \$800.00; that the City Manager be and he is authorized and empowered to enter into a contract on behalf of the City with Minnie T. Teller for such purchase; providing that payment of such consideration shall be handled under such escrow agreement and upon such terms as the City Manager may deem advisable.

Councilman Roberts seconded the motion.

Roll was called with the following result: Councilmen voting AYE, Carson, Ross, Oates, Boston, Roberts, Holcombe, and Hall. Councilmen voting NO - None. All of the Councilmen voting AYE, the President declared the motion carried.

Several other matters were brought up - the proposed ordinance concerning the regulation of the parking of busses on down town streets was laid over as the first matter to be brought up at the next regular meeting.

The water situation, uniforms for police officers, slot machines, and various other matters were considered.

The motion was made, seconded and carried that the meeting adjourn.

/s/ Helen C. Tomlinson  
City Clerk