

Grand Junction, Colorado

October 25, 1939

The City Council of the City of Grand Junction, Colorado, met in regular adjourned session at 7:30 o'clock P.M. Councilmen present and answering at roll call were: Ross, Garrison, Luebbert, Campbell, Carson, Treece, and President Boston. City Attorney Hinman, Acting City Manager Brownson, and City Clerk Tomlinson were present.

The following entitled proposed ordinance was presented and read: "AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. 44 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED JUNE 11, 1910, AS AMENDED: APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT: ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT: AND APPROVING THE APPORTIONMENT OF SAID COST: AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS". It was moved by Councilman Carson and seconded by Councilman Luebbert that the proposed ordinance be passed for publication. Motion carried.

The City Clerk reported that no protests had been filed against the creation of Paving District No. 45.

The following resolution was presented and read:

RESOLUTION

CREATING AND ESTABLISHING PAVING AND SIDEWALK DISTRICT NO. 45 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE PAVING OF CERTAIN STREETS AND ALLEYS AND THE CONSTRUCTION OF SIDEWALKS THEREIN, AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR

WHEREAS, on the 20th day of September, A. D. 1939, the City Council of the City of Grand Junction, Colorado, passed a Resolution adopting details, plans and specifications for Paving and Sidewalk District No. 45 within said City and authorizing Notice of Intention to create said District, and

WHEREAS, Notice of Intention to create said District was duly published, 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, and

WHEREAS, the improvements specified in the petitions filed therefor, is substantially the same and the improvements therein

may be included in one District:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Grand Junction:

1. That said Paving and Sidewalk District No. 45 be and the same is hereby created and established, and that the paving and other improvements therein be and the same are hereby authorized and directed, in accordance with the details, plans and specifications prepared and filed therefor.

2. That the improvements in said District were duly ordered, after Notice duly given; that petitions therefor, duly subscribed and acknowledged by the required number of property owners, were duly filed; that no remonstrances, protests or objections were filed against the creation or establishment of said District, or any of the proceedings adopted therefor, and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178 as amended, of said City have been strictly complied with.

3. That the streets, avenues and alleys to be paved and improved, the sidewalks to be constructed, the boundaries of said Paving and Sidewalk District, the amounts to be assessed, the number of installments of assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolutions adopted for said District on the 20th day of September, 1939, and in accordance with the published Notice of Intention to create said District. That the following streets and avenues therein be improved by constructing a thirty-six foot pavement with a four-inch gravel base surfaced with a two-inch layer of plant-mix oil treated gravel, together with suitable Portland cement concrete curb and gutter, to-wit:

Ute Avenue from Eleventh to Twelfth.

College Place from the north line of North Avenue to the South line of Elm Avenue.

and that the following streets and avenues therein, be improved by constructed a thirty-foot pavement with a four-inch gravel base surfaced with a two-inch layer of plant-mix oil treated gravel, together with suitable Portland cement concrete curb and gutter, to-wit:

Houston Avenue from the north line of North Avenue to the south line of Elm Avenue.

Bunting Street from the west line of College Place to the east line of Cannell Avenue.

West Ute Avenue from Chuluota Avenue to Lawrence Avenue.

Fairview Avenue from Rockaway Avenue to Lawrence Avenue.

and that the following alleys therein be improved by excavating and constructing a sixteen-foot pavement with a four-inch gravel base surfaced with a two-inch layer of plant-mix oil treated gravel, to-wit:

The alley between First and Second Streets and Hill and Gunnison Avenues.

The alley between Fifth and Sixth Streets and Chipeta and Gunnison Avenues.

The alley between Ouray and Chipeta Avenues and Second and Third Streets;

The alley between Grand and Ouray Avenues and First and Second Streets.

The alley between Eighth and Ninth Streets and Main Street and Rood Avenue.

The alley between Eleventh and Twelfth Streets and Pitkin and Ute Avenues.

and that the following streets and avenues be improved by constructing a Portland cement concrete sidewalk four inches thick and five feet wide, to-wit:

College Place from the north line of North Avenue to the south line of Elm Avenue.

Houston Avenue from the north line of North Avenue to the south line of Elm Avenue.

Bunting Street from the west line of College Place to the east line of Cannell Avenue.

The north side of North Avenue from the east line of Cannell Avenue to a point 150 feet east of the east line of College Place.

4. That for the purpose of paying the cost and expenses of constructing said improvements in said District, including engineering, inspection, collection and other incidental expenses (excluding the amount to be paid by the City of Grand Junction for the paving of intersections) said City shall issue Public Improvement Bonds of said Paving and Sidewalk District, dated the 1st day of November, A.D. 1939, in the denomination of \$500.00 each, numbered 1 to 43 inclusive, due and payable on the 1st day of November, A. D. 1951, subject to call and payment, however, at any time prior to the maturity of said bonds, to bear interest at the rate of six per centum per annum, payable semi-annually on the

1st day of November and the first day of May of each year, as evidenced by coupons attached to said bonds, principal and interest being payable at the office of the City Treasurer of the City of Grand Junction, Colorado. Said bonds and the guaranty certificate endorsed thereon, shall be signed by the President of the City Council and attested by the City Clerk; the coupons shall be signed with the original or facsimile signature of the City Treasurer and when so executed, said bonds shall be registered by the City Treasurer.

5. Said bonds, the coupons to be attached thereto, and the registration and guaranty certificates to be endorsed thereon shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND
PAVING AND SIDEWALK DISTRICT NO. 45

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 November, 1951, subject to call and payment, however, at any time prior thereto, with interest thereon from date until payment at the rate of six per centum per annum, payable semi-annually on the first day of November and the first day of May 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 and this bond as they severally become due, or are called for payment.

This bond is issued for the purpose of paying the cost of local improvements in Paving and Sidewalk District No. 45, in the City of Grand Junction, by virtue of and in full conformity with the Constitution and laws of the State of Colorado, the Charter of the City of Grand Junction, and requisite resolutions 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 and Sidewalk District No. 45, especially benefited by said improvement, and the amount of the assessments upon the real estate in said District for the payment hereof, with the accrued interest is a lien upon said real estate in the respective amounts to be apportioned to said real estate, and assessed under the Charter and ordinances of said City, on a parity with the lien of general taxes.

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 Paving and Sidewalk District No. 45 and the making of said improvements and the issue of this bond has been fully complied with by proper officers of said City, and that all conditions required to exist and 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 November, A. D. 1939.

President of the City Council

ATTEST:

City Clerk

(FORM OF COUPON)

No. _____

\$ _____

On the _____ day of _____, A. D. _____ 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 Paving and Sidewalk District No. 45, provided the bond to which this coupon is attached shall not have been paid.

Attached to bond dated November 1, A. D. 1939.

No.

/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 ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this _____ day of _____ A. D. 1939.

City Treasurer

(GUARANTY CERTIFICATE)

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

President of the City Council

ATTEST:

City Clerk

6. The City Clerk is hereby authorized and directed to have printed the bonds authorized by this Resolution and when the same have been executed, to deposit the same with the City Treasurer, who shall deliver them to the lawful purchaser thereof, on receipt of the purchase price.

7. The City Council finds and determines that all 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 with work done under a W.P.A. project, using relief labor furnished by and under the terms of the Works Projects Administration, 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.

ADOPTED AND APPROVED this _____ day of October, A. D. 1939.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Ross and seconded by Councilman Carson that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council voting AYE.

A letter from Mr. Hinman was read, in which he stated that after consideration, he and Mr. McGillis had concluded, that the ordinance concerning the changing of zone on the West Side, passed by a bare majority of the Councilmen at the last meeting, was open to serious question as to its validity, and that a 3/4 majority vote of the Council would have been necessary to pass the ordinance. Under the circumstances, Mr. Hinman recommended that if a change was desired in this zoning district, a new petition should be instituted.

It was moved by Councilman Ross and seconded by Councilman Carson that Mr. Hinman's report be accepted and filed. Motion carried. It was then declared by President Boston that the motion passed on October 18th, 1939 that the proposed ordinance entitled, "An Ordinance to Amend the Zoning Map Accompanying Ordinance No. 432, and Being a Part Thereof", be passed and adopted, numbered 615 and published was lost, and the ordinance not passed.

The matter of seeding the slopes of the approach fills for the Grand Avenue overpass was brought up, Mr. Brownson reading a letter which he had received from the State Highway Department in regard to same.

It was moved by Councilman Carson and seconded by Councilman Ross that Bruce Brownson, Acting City Manager be authorized to sign an agreement whereby the City would sponsor a Soil Conservation Service project for the seeding of the approach fills to the overpass, the State Highway doing the engineering work and the City doing the watering in order to get the planting established. Motion carried.

The balance of the meeting was devoted to the study of the 1940 budget.

It was moved by Councilman Campbell and seconded by Councilman Garrison that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Clerk