

Grand Junction, Colorado
June 4, 1952,

The City Council of the City of Grand Junction met in regular session at 7:30 o'clock, P. M. Councilmen present and answering roll call were Harper, Severson, Colescott, Walt, Hanson and President Ela. Councilman Hoisington was absent. Also present were City Manager Toyne, City Attorney Groves and City Clerk Tomlinson.

Mr. J. D. Severson who had been appointed to fill the vacancy caused by the resignation of Porter Carson was sworn into office as Councilman from the City at Large.

It was moved by Councilman Harper and seconded by Councilman Walt that the minutes of the meeting held May 21, 1952 be approved as written. Motion carried.

TO INVESTIGATE REQUEST FOR ANNEXATION OF PROPERTY ON 25TH ST. Mr. L. H. Tomlin and a delegation who own property on 25th St. north of KEXO were present and asked the Council for consideration in annexing their property to the City. They are very anxious to have water service and sewer service and want to come into the City as soon as possible. It was moved by Councilman Colescott and seconded by Councilman Walt that the City Manager and City Engineer cooperate with this delegation in making plans for annexation and to furnish petitions for bringing this area into the City. Motion carried.

TO GRANT D&RGW SPUR TRACK ON 4TH AVE. An application was filed by Mr. Silmon Smith, local counsel for the D&RG, for a revocable permit to construct a railroad spur on the north thirty feet of Fourth Avenue from its present line on Ninth St. to the east side of Eleventh Street. Mr. Smith spoke in regard to the construction of this spur. Mr. Frank Jaros, Jr., who owns property in this area which would be served by the spur track, was also present and asked the Council to be sure that all utilities and everything were located so as not to detract from the value of the property or to add additional cost to any improvements that the owners might wish to make at a later date.

The following resolution was presented and read:

APPLICATION

THE CITY OF GRAND JUNCTION: June 4, 1952

COMES NOW The Denver & Rio Grande Western Railroad Company and makes application to the City of Grand Junction for a resolution granting to The Denver & Rio Grande Western Railroad Company a revocable permit to construct and operate a standard gauge railroad spur on the north thirty feet of Fourth Avenue in the City of Grand Junction from its present line on Ninth Street to the east side of Eleventh Street, according to the terms of the following resolution, to-wit:

RESOLUTION

BE IT RESOLVED by the City Council of Grand Junction at a regular meeting of the City Council on the 4th day of June, 1952, that

1. A revocable permit is hereby granted to The Denver & Rio Grande Western Railroad Company and its successors and assigns to

(a) Construct, operate and maintain a standard railroad spur track over and along the north thirty feet of Fourth Avenue between the point on Ninth Street now occupied by a railroad spur track easterly to the east line of Eleventh Street of the city of Grand Junction.

2. During the term of this revocable permit the grantee shall be subject to the following conditions:

(a) That said track shall be laid upon and conform to the grade of said street and shall at all times be maintained by the grantee to conform to the grade of said street.

(b) That if said grade is afterwards changed by ordinance of the City Council, the grantee shall, at its own expense, change the elevation of the track so as to conform to the same.

(c) Said track shall be laid and the road operated so as to cause no unnecessary impediment to the common and ordinary use of said street upon which it is laid.

(d) The City of Grand Junction reserves the right to regulate and control the speed of all trains, engines and cars operated by the grantee, its successors and assigns, upon said track.

(e) Said grantee shall put in and maintain such crossings of said track as shall from time to time be required by the City Council.

(f) Good and sufficient conduits to convey water shall be laid and maintained in good condition at the expense of said grantee in all water ditches crossed by said track so as to admit a free passage of water.

3. Nothing in this grant shall be so construed as to prevent the City of Grand Junction or its authorized agents, or contractors, or persons or corporations to whom a franchise or revocable permit may have been or may hereafter be granted, from paving, sewerage, laying gas or water mains, pipes or conduits, altering, repairing or in any manner improving said street.

4. Said grantee herein, its successors and assigns, shall and by the acceptance of the privileges and revocable permit herein granted, and in consideration of the same, does hereby bind itself, its successors and assigns, upon its acceptance of the permit, to save said City harmless from all suits, claims, demands and judgments whatsoever

whether in law or in equity which shall be asserted, found or rendered in any manner whatsoever against said City for injury or damage to abutting property, or personal injury or otherwise, by reason of the granting of this permit, or by reason of the construction or operation of and upon said track, and that the grantee herein, its successors and assigns, will pay the amount of any judgment, determination or adjudication which in any suit or proceeding may or shall be found against the City of Grand Junction; provided, however, that said grantee, its successors and assigns, shall have had notice of any such suits and an opportunity to appear and defend the same; and said grantee, its successors and assigns, shall appear in and defend all actions brought against the City of Grand Junction for any injury or damage by reason of the construction, operation or maintenance of and upon said track.

5. Unless this grant and permit and the terms and conditions thereof shall be accepted in writing by the grantee herein with in sixty days after the adoption of this resolution, and unless such track be constructed within one year from the date of the adoption of said resolution, then this resolution shall be null and void.

Councilman _____ moved for adoption of said resolution; the motion was seconded by Councilman _____; the motion was submitted to vote. Ayes:

Nays:

Dated June 4, 1952.

The terms, conditions and obligations set forth above for revocable permit are accepted by the grantee, The Denver & Rio Grande Western Railroad Company, this _____ day of _____, 1952.

THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY

By

(Recorded 10/9/52, Book 572, Page 494, Reception No. 567432)

ATTEST:

It was moved by Councilman Walt and seconded by Councilman Harper that the Resolution be adopted and roll was called upon the motion with the following result:

Councilman Hanson asked to be excused from voting as he was an interested party in the development of that area.

Councilmen voting "AYE:" Harper, Severson, Colescott, Walt & Ela

Councilmen voting "NAY:" None

All of the Councilmen present and eligible voting "AYE," the President declared the motion carried.

REBATE BLDG., ELECTRICAL & PLUMBING FEES TO LATTER DAY SAINTS.

The Church of Jesus Christ of Latter Day Saints is building an addition to their Church at 740 Gunnison, and asked that all fees in connection with the building of this addition be rebated to them. It was moved by Councilman Harper and seconded by Councilman Hanson that the building, electrical and plumbing fees for the new building of Latter Day Saints be rebated. Roll was called on the motion with the following results:

Councilmen voting "AYE:" Severson, Hanson, Harper, Colescott, Walt and President Ela.

Councilmen voting "NAY:" None

All of the Councilmen present voting "AYE," the President declared the motion carried.

PASS ORDINANCE #861 - IMPOUNDING VEHICLES. The Proof of Publication to the proposed ordinance entitled "AN ORDINANCE AMENDING SECTION 90 OF ORDINANCE 780 CONCERNING TRAFFIC AND THE IMPOUNDING OF VEHICLES," was introduced and read. It was moved by Councilman Hanson and seconded by Councilman Colescott that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Walt and seconded by Councilman Hanson that the ordinance be called up for final passage. Motion carried.

The ordinance was then read and upon motion of Councilman Colescott and seconded by Councilman Harper was passed and adopted, numbered 861 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

PROPOSED ORDINANCE - COLLECTION AND DISPOSAL OF GARBAGE. A proposed ordinance entitled "AN ORDINANCE CONCERNING THE COLLECTION AND DISPOSAL OF GARBAGE: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND REPEALING ALL ORDINANCES CONCERNING GREASE TRAPS AND ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE," was introduced and read. It was moved by Councilman Hanson and seconded by Councilman Walt that the proposed ordinance be passed for publication. Motion carried.

FILE LETTER FROM RIVERSIDE PTA. A letter from the Riverside P.T.A. was read thanking the Council for the check sent them making their play area possible. It was moved by Councilman Harper and seconded by Councilman Hanson that the letter be filed. Motion carried.

ANDERSON & HALLENBECK WATER. Councilman Walt asked about the Anderson and Hallenbeck water situation. City Attorney Groves stated that they were working on the law in the matter and would have a report before too long.

TO SEND RESOLUTION TO BURWELL ON LOVELAND PASS TUNNEL. Councilman Walt moved and Councilman Hanson seconded the motion that a Resolution commending Mr. Burwell, President of the Grand Junction Chamber of Commerce, for the stand taken by him in connection with the construction of the Loveland Pass Tunnel be passed by the Council and a copy sent to Mr. Burwell informing him that the Council would be behind him and help in any way possible in this work. Roll was called on the motion with all Councilmen present voting "AYE." The President declared the motion carried.

RESOLUTION

WHEREAS, Mr. Blair Burwell, president of the Grand Junction Chamber of Commerce, has recently taken affirmative steps to bring about a highway tunnel through Loveland Pass; and

WHEREAS, the proposed Loveland Pass Tunnel would, in the opinion of the City Council of Grand Junction, be of great benefit to Western Colorado and the City of Grand Junction; and

WHEREAS, it is the desire of the City Council of the City of Grand Junction to approve of the action taken by Mr. Burwell and to commend him for his efforts;

NOW THEREFORE, be it resolved by the City Council of the City of Grand Junction, Colorado;

That Mr. Blair Burwell, President of the Grand Junction Chamber of Commerce, be commended for the action he has taken in promoting the Loveland Pass Tunnel;

That the Council of the City of Grand Junction is in accord with any work Mr. Burwell might do in that respect and will assist him in any manner possible to promote the said Loveland Pass Tunnel.

Passed and adopted this 4th day of June, 1952.

/s/

President of the City Council

Attest:

/s/

City Clerk

I hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by the City Council of the City of Grand Junction, Colorado, on June 4, 1952.

/s/

City Clerk

PASS RESOLUTION ON RANGELY ROAD. It was moved by Councilman Harper and seconded by Councilman Walt that the following resolution be sent to the City of Rangely telling them that the City Council is interested in promoting the construction of Rangely-Grand Junction Highway #139 in whatever manner would be necessary to get the project going. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

RESOLUTION

WHEREAS, the Town of Rangely is now taking affirmative steps to promote the improvement and construction of State Highway No. 139 from Rangely, Colorado, to Grand Junction, Colorado via Douglas Pass; and

WHEREAS, the City Council of the City of Grand Junction is desirous of approving of the action of the Town of Rangely in respect to such highway and extending its assistance in that regard;

NOW THEREFORE, be it resolved by the City Council of the City of Grand Junction, Colorado:

That the City Council of the City of Grand Junction declare, and it does hereby declare, it is interested in promoting the improvement and construction of State Highway No. 139 between Rangely, Colorado and Grand Junction, Colorado via Douglas Pass;

That the City Council of the City of Grand Junction cooperate with the Town of Rangely in securing such improvements and construction in whatever manner reasonably possible; and

That the City Council of the City of Grand Junction assist and aid the Town of Rangely in securing the improvements and construction of the said Highway No. 139; and

That the City Clerk be instructed to forward a certified copy of this resolution to the proper officials of the Town of Rangely.

Passed and adopted this 4th day of June, 1952.

/s/

President of the City Council

Attest:

/s/

City Clerk

I hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by the City Council of the City of Grand Junction, Colorado, on June 4, 1952.

/s/

City Clerk

ACCEPT INVITATION TO BASEBALL GAME. City Manager Toyne stated that the Semi-Pro Baseball Organization had extended an invitation to the members of the Council to attend the first Eagle game of the season on Saturday night, June 7th, in a body as their guests, and President Ela would be asked to throw the first ball of the season. Several Councilmen stated that they would be present at the baseball game.

C. M. L. CONFERENCE. City Manager Toyne also gave the Council particulars on the Conference of the Colo. Municipal League to be held in Grand Junction June 11, 12 and 13 and stated that the Council members should attend as many sessions, luncheons and dinners as they could and participate in acting as hosts to the visitors.

It was moved by Councilman Walt and seconded by Councilman Hanson that the meeting adjourn. Motion carried.

/s/Helen C. Tomlinson
CITY CLERK