

Ordinance No. 178

An Ordinance Providing for the Creation of Local Improvement Districts, the Construction Therein of certain Local Improvements and Providing a Method of Payment Therefor.

Be it Ordained by the City Council of the City of Grand Junction, Colorado:

Public Improvements.

Section 1

The city shall have power to make local improvements, and to assess the cost thereof wholly or in part upon the property especially benefited, as hereinafter provided. All public improvements shall be constructed in accordance with the charter, ordinances and specifications prescribed by the Council, and shall be authorized by resolution.

Section 2

The Council may, in districts to be prescribed, order the paving (the term "paving" wherever used in this ordinance shall include macadamizing), grading, curbing, guttering, surfacing with an average thickness of three inches of suitable material, and the construction and reconstruction of sidewalks upon, and otherwise improving of, the whole or any part or parts of any street or streets, alley or alleys, or streets and alleys, in the city, or any combination of said improvements, including necessary grades, cross-walks, culverts, drains, re-adjusting man-holes and catch-basins, connections with existing water mains and such other incidentals, including incidental storm sewers, in the case of paving, as the Council may prescribe; and the Council may thereafter, under the conditions herein prescribed, do such further grading as may be necessary in paving or otherwise improving the same area; Provided:

First. Before ordering the improvements mentioned in this section, or any of them,

(Ordinance No. 178 - Continued)

the Council shall adopt full details and specifications for the same, determine the number of instalments and time in which the cost shall be payable, the rate of interest on unpaid instalments, and the district of lands to be assessed for the same, as in this ordinance provided; and shall cause the engineer to make an estimate of the total cost of such improvements, exclusive of the per centum for cost of collection and other incidentals, and of interest to the time the first instalment comes due, and a map of the district to be assessed, from which map the approximate share of said total cost that will be assessed upon each piece of real estate in the district may be readily ascertained; and no improvement shall be made at a cost exceeding the total estimate of the engineer.

Second. The Council shall by advertisement for five days each week for two consecutive weeks in a daily newspaper of general circulation, published in the city, give notice to the owners of the real estate in the district and to all persons interested generally, and without naming such owners or persons, of the kind of improvement proposed (without mentioning minor details or incidentals), the number of instalments and time in which the cost of the improvements will be payable, the rate of interest on unpaid instalments, the extent of the district to be assessed (by boundaries or other brief description), the probable cost as shown by the total estimate of the engineer, the maximum share of said total estimate per front foot, where the assessment is made per front foot, or per square foot or ordinary lot of twenty-five by one hundred and twenty-five feet, where the assessment is made according to area, that will be assessed upon any

(Ordinance No. 178 - Continued)

lot or lands in the district (and in case the assessment shall be made otherwise than per front foot or square foot, the said maximum share to be assessed upon any lot or lands in the district or to any persons shall be stated according to the method of assessment adopted in the district), and the time, not less than thirty (30) days after the first publication, 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 improvements, by the owner of any real estate to be assessed, or any persons interested, and that said map and estimate 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 within said period of thirty (30) days, by any person interested.

Third. If the owners of one-third of the frontage of the real estate to be assessed shall petition for paving, and name the kind of paving, whether asphalt, macadam, stone, brick or any other kind of substantial paving, then the improvements shall be ordered; Provided, The Council shall deem such proposed improvement good and sufficient for the particular locality, and the kind of pavement so named shall be used, except that no petition or specifications shall name any material from any specified locality, quarry or kiln or of any particular name, make, brand or source. The petition must be subscribed and acknowledged in the manner provided by law for acknowledgements of deeds of conveyance of real estate, by the owners or their agents duly thereunto authorized, by power of

(Ordinance No 178 - Continued.)

attorney acknowledged in like manner, of one-third of the frontage of the real estate to be assessed for the same. No petitioner, his heirs or assigns, shall be permitted to withdraw his name from the petition after the same has been filed with the Council, unless the Council fails to order such improvements, upon such petition within nine months from the time the petition is so filed. All requests for withdrawal must be subscribed and acknowledged as aforesaid.

Every petition shall state the maximum cost per front foot, exclusive of interest and cost of collection, for the entire improvement when completed, and the amount so named shall not be exceeded. All matters contained in the petition except the naming of the kind of pavement, as aforesaid, and of the maximum cost, as aforesaid, may be disregarded by the Council, and any one or more of the other improvements mentioned in this section may be added by the Council, if the maximum cost is not exceeded.

Where the paving petitioned for in any number of petitions is substantially the same, the improvement may be included in one district, but in such case each petition shall be considered as a unit for the purpose of petition and remonstrance, and may be considered as a unit for any other purpose, as the Council may direct. But no petition shall be required to authorize the Council to order any paving mentioned in this section.

Fourth. If within the time specified in said notice a remonstrance against the making of all the improvements proposed shall be filed with the Council, subscribed and acknowledged as above provided for petitions, by the owners of not less than

(Ordinance No 178. Continued)

thirty-five per centum of the frontage of the real estate to be assessed for paving alone, or for paving in combination with other improvements, or by the owners of a majority of the frontage of the real estate to be assessed for any other improvement or combination of improvements, without paving, the improvements shall not be made; Provided, That the construction of sewers shall not be subject to remonstrance.

No owner, his heirs or assigns, who shall have signed and not withdrawn from a paving petition before the same is filed with the Council, shall be permitted to sign a remonstrance against the paving proposed.

Fifth. In all specifications for material to be used in public improvements of every kind the Council shall establish a standard of purity, strength and quality, to be demonstrated by physical and chemical tests within limits of reasonable variations, such as rattle, crushing, absorption, chemical and other tests.

Sixth. All the proceedings by the Council may be modified, confirmed or rescinded by the Council at any time prior to the adoption of the resolution authorizing the improvements; Provided, That no substantial change in the district, map, details, specifications or estimate shall be made by the Council after the first publication of the notice to property owners.

Seventh. If at the time of the adoption of the resolution authorizing the improvements for any district, any piece of real estate in the district has the whole or any part of the proposed improvements, conforming or approximately conforming to the general plan, the Council may adopt the same, in whole or in part, or make the necessary changes to make the same conform to the

(Ordinance No. 178 - Continued)

general plan, and the owner of such real estate shall, when the assessment is made, be credited with the amount which is saved by reason of adopting or adapting such existing improvements.

Eighth. The finding of the Council by resolution, that any improvements provided for in this ordinance were duly ordered after notice duly given, or that a petition or remonstrance was, or was not filed, or was or was not duly subscribed and acknowledged by the required number of owners, as in this ordinance provided, shall be conclusive in every court or other tribunal.

Section 3

Whenever any grading or paving district shall be created, the City Council shall include in the area to be paved or graded the entire width of street from curb to curb, including the portion of said street or streets occupied by, or required by franchise obligation to be paved by, or chargeable or assessable to any railway company whose railroad runs through or across any street in said district, and shall charge to, assess and collect the proper proportion, as hereinafter provided, of the cost of the said improvement from such railway company, or companies, in the same manner as herein provided for in case of abutting property, and shall issue bonds for the same, which bonds shall be issued and made payable in like manner as bonds issued for the improvement to be assessed against the real estate specially benefited.

And in the meaning of this section, in the absence of a franchise obligation to grade or pave, a railway shall be held to occupy and shall be liable for the grading and paving of that part of the street lying between the rails of each track and two feet outside of each rail, and every railway company, whether street railway

(Ordinance No 178 - Continued)

or otherwise, shall be assessed for the cost of the paving and grading or any part or parts of any street or alley occupied by or required by franchise obligation to be paved by them, and the assessment levied for the cost of said improvements chargeable to a railway company shall be a first and prior lien against the entire franchise and property of the company within said district; and also without said district, but within the limits of the city or incorporated town where such improvement is made, subject only to general taxes; and all the terms, conditions and provisions in this ordinance contained relative to the collection of the amounts chargeable against assessed frontage, shall be applicable in the enforcement and collection of such assessment against such railway company and the property of such railway company shall, in case of default, in payment of such assessment, be sold as in cases of default in payment of general taxes levied thereon; but railway trackage shall not be considered or computed as assessable frontage, in determining the sufficiency of petitions as herein provided.

Section 4 In the case of improvement of any street as hereinbefore provided, except as otherwise provided in this ordinance, the cost of the improvements, except in the intersection of the streets and alleys, and except the share to be paid by street or other railway companies, shall be assessed upon all the lots and lands abutting on the streets improved, in proportion as the frontage of each lot or tract of land is to the frontage of all the lots and lands so improved, the sides of corner lots, which abut on the streets so improved, being regarded as frontage; Provided, That

(Ordinance No. 178 - Continued)

where the lots or lands abutting on the street improved are not of substantially equal depth, or where any of such lots or lands are less than one hundred and fifty feet in depth, then if the Council so determine, the real estate abutting on the street improved may be assessed to a substantially equal depth, not less than twenty and not more than one hundred and fifty feet from the street improved, without regard to lot or land lines, as the Council may determine; and in all such cases the Council may divide the depth of the real estate so to be assessed into from two to six zones, parallel with the street improved, and apportion the amount to be paid for the entire depth to the different zones, in proportion to the benefits received by each zone, and wherever a lot or land line lies within such zone, the Council may determine the proportion to be paid upon the real estate lying on each side of such line within the zone.

Section 5

In case of the improvement of any street, except as otherwise provided herein, the cost of the improvements in each street intersection, except the share to be paid by street or other railway companies, shall be assessed upon all the frontage on street improved, and on the intersecting streets within a distance of one-half block in each direction from such intersection, in proportion to the frontage of each piece of real estate on the street improved or on any intersecting street, or on both, within said distance; and the cost of the improvements of each street and alley intersection and of each alley intersection, except the share to be paid by street or other railway companies, shall be assessed upon all the frontage of the alley improved within a distance of one-half

(Ordinance No. 178 - continued)

block from each intersection in proportion to the frontage of each piece of real estate on the alley improved within said distance.

Section 6 The paving of any alley or alleys connecting with any paved street, when ordered by the Council, shall not be the subject of remonstrance, but owners of the frontage to be assessed shall have the right to present objections to such paving, as herein provided.

Section 7 When any real estate is "V" shaped or of any irregular form, the Council may make such re-adjustment or change in the assessment thereon as to them may seem equitable and just, or may refuse to make any such re-adjustment or change.

Section 8 Before paving in any district in pursuance of this ordinance, the City Council may order the owners of the abutting real estate to connect, in such manner as the Council may direct, their several premises, with the water mains, or with any other commodity in the street, adjoining their several premises; and upon default of the owners for thirty days after such order to make such connection, the city may make, or cause to be made, such connection at such distance, under such regulations, and in accordance with such specifications as may be prescribed by the Council, and the whole cost of such connection shall be assessed against the premises with which the connection is made. The proceedings shall be as required in the first, second and sixth provisos of Section Two of this ordinance. The cost shall be assessed and collected in the same manner as is provided in this ordinance for assessment and collection of the cost of paving, and upon default in the payment of any assessment, the real estate may be held in like manner and with like effect.

(Ordinance No. 178 - Continued)

Section 9 The term "street" as used in this ordinance, shall include avenues, boulevards and other highways; the term "real estate" or "property," shall be held to mean all lands, whether platted or unplatted, regardless of lot or land lines. It shall also include in its meaning the franchise of any railroad, whose tracks lie either lengthwise or crosswise, within any street improved under this ordinance. Lots, plots, blocks and other subdivisions may be designated in accordance with any recorded plat thereof, unplatted lands by any definite description thereof, and franchises by the name of the corporation owning the same.

Sidewalks.

Section 10 In districts for the construction and reconstruction of sidewalks alone, or in combination with other improvements, the work may include the necessary grading from curb line to lot line. The owners shall have the right to construct or reconstruct their own walks, in conformity with the plans and specifications for the district, under the supervision and direction of the city engineer within thirty days from the passage of the resolution, creating the district, or within such further time as may be fixed by resolution of the City Council.

Section 11 The whole cost of construction and reconstruction of sidewalks and necessary grading and removal of obstructions shall be assessed upon the lots or lands in front of which such improvements are made, as follows: The grading, removal of obstructions, and all other expenses, including cost of collection and interest, pro rata per front foot; new walks pro rata per front foot where constructed; and reconstructed walks upon each lot

(Ordinance No. 178 - Continued)

or piece of land where reconstructed according to the cost of reconstruction.

Section 12

The Council may order the construction or reconstruction of sidewalks otherwise than in districts, whenever in the opinion of the Council it shall be proper, because sufficient sidewalks have been laid in the vicinity, to make it reasonable that intervening sidewalk areas should be provided with sidewalks, or existing sidewalks should be reconstructed; in all such cases the Council shall notify the owner or his agent to construct or reconstruct such walks within thirty days from the date of the service of such notice. Said notice shall be in writing and served in person upon the owner, if found within the city, and if not, it may be served by registered United States mail or by publication for ten days in some daily newspaper published in the city. Whenever the owner shall be in default the Council may have the required work done, and when done, issue to the person doing the work its certificate therefor, stating the just amount due him, which certificate shall draw interest at the rate of one per centum per month until paid, and when recorded in the office of the County Recorder, shall be a lien upon the property in front of which the work was done, and said amount may be recovered by the holder of the certificate against the owner in any court of law, and said lien may be foreclosed by the holder of such certificate, if not paid within thirty days from its date. The Council may, by resolution, provide any further means for compelling the owners of such property to do the work in this section mentioned and referred to.

Section 13

All sidewalks ordered by the Council

(Ordinance No 178 - Continued)

shall be laid to the official grade, unless the owners of at least three-fourths of the frontage on any side of one block request that the sidewalk on such frontage be laid otherwise than to official grade, and the Council shall deem such request reasonable.

Sewers.

Section 14 The Council may establish and maintain separate or combined sewer systems, which systems may be divided into district and sub-district sewers for storm drainage, sanitary drainage, or both.

Section 15 Said sewers shall be established and constructed at such time, in such locations, or such extent, dimensions and materials, and in accordance with such full details and specifications as may be prescribed by the Council. Wherever necessary, rights of way for any sewers authorized by this ordinance may, upon the order of the Council, be purchased or condemned on behalf of the district, and the cost charged to such district.

Section 16 The Council may, by resolution, order the construction of district sewers and appurtenances for sanitary drainage for districts to be known as sanitary sewer districts; the construction of district sewers and appurtenances for storm drainage for districts to be known as storm sewer districts; the construction of district sewers and appurtenances for storm and sanitary drainage for districts to be known as combined sewer districts; the construction of intersecting sewers and appurtenances for storm drainage, sanitary drainage or both, for districts to be known as intercepting sewer districts, and the construction of district sewers and appurtenances for sanitary

(Ordinance No. 178-Continued)

drainage for districts to be known as special sanitary sewer districts, the same to be approved by resolution. Such sewers shall be constructed so as to connect, within or without the district, with some other or sufficient sewer or with some natural drainage. Such districts, except special sanitary sewer districts, may be composed of subdistricts to be specifically named or numbered in said resolution. District sewers, except as hereinafter provided, shall include all submains necessary to provide outlets for all sub-district laterals within the district. Special district sewers shall include the necessary mains to provide outlets for all laterals within the special sewer district.

Section 17 The Council may, at the time of ordering the construction of district sewers, or at any time or times thereafter, order the construction of subdistrict laterals in any such subdistricts, so as to connect the same with the submains or with the district sewer, the same to be approved by resolution as in the case of district sewers.

Section 18 The cost of district sewers shall be assessed upon all the real estate in the district, in proportion as the area of each piece of real estate in the district is to the area of all of the real estate in the district, exclusive of public highways, and the cost of subdistrict laterals shall be assessed in like manner upon all the real estate in the subdistrict; Provided, That the construction of any submain may be omitted until such time as it may be required, in which case subdistricts so left without submains shall not be assessed for any part of the costs of submains constructed along with and as a part of the district sewer.

(Ordinance No. 178 - Continued)

Whenever submains so omitted are required, their construction may be ordered as in this ordinance provided for other sewers, and their cost shall be assessed to the subdistricts which are thus supplied with submains.

Section 19 Temporary connections may be made with any sewer from property lying without districts, with the consent of the Council and upon such terms as the Council may require.

Section 20 Private sewers connecting with district sewers may be constructed under such restrictions and subject to such regulations as may be prescribed by the Council, but no expense shall be incurred by the city in constructing or maintaining them; and the Commissioner of Water and Sewers shall have power by order to compel the owners of any premises in any sewer district or sub-district to connect the same with the district or sub-district sewer at their own expense.

Section 21 In ordering the construction of sewers, the Council shall proceed as required in the first, second and sixth proviso of section 2 hereof, but the construction of such sewers shall not be subject to petition or remonstrance.

Section 22 The Council may extend and maintain any existing public sewer or any district sewer main hereafter constructed, from its outlet to any point within or without the city. Such sewer extensions shall be established and constructed at such times, in locations within or without the city, of such extent, dimensions and material and in accordance with such full details and specifications as may be prescribed by the Council. Necessary rights of way may, upon the order of the

(Ordinance No. 178 - Continued)

Council, be purchased or condemned on behalf of the city and the whole cost thereof, sewer and rights of way, shall be paid by the city or district as may be determined by the Council.

Section 23

No lots in any sewer district shall be connected with the district sewer unless all due assessments thereon have been paid.

Section 24

If in any sewer district any assessments upon the lots therein for the construction of a sewer therein has in any court of competent jurisdiction been held illegal, the owner of any lot in such district shall only be permitted to connect with or use such sewer upon payment into the treasury for the use of the holders of the warrants or bonds or bonds issued for the construction of such sewer, or if such warrants have been taken up, then into the general fund of the city such amount as may be fixed by resolution not less than the amount of said assessment.

Viaducts and Tunnels

Section 25

The Council may, by resolution, require railroad companies to construct, at their own expense, bridges and their approaches, tunnels or other conveniences at public crossings, and viaducts and their approaches over their tracks where the same cross or extend along public highways or streets. Whenever the Council shall deem any such improvement necessary, it may by resolution require the construction of such improvement, the character and location of such proposed improvement to be therein described with sufficient certainty and the estimated cost thereof to be stated; and where a viaduct or tunnel crosses or passes under the tracks of several rail-

(Ordinance No 178 - Continue)

road companies, the Council may apportion the cost thereof equitable among the different companies owning the said tracks; Provided, That no viaduct, bridge or tunnel shall be constructed under this section unless the Council shall have provided for the vacation of the street upon the completion of said viaduct, bridge or tunnel throughout that portion thereof, over, along or under which said public improvement is proposed to be constructed, the fee of the street to remain, nevertheless, in the city.

Assessment and Payment

Section 26 Upon completion of any local improvement, or, in the case of sewers, upon completion from time to time of any part or parts thereof affording complete drainage for any part or parts of the district, and upon acceptance thereof by the Council, or whenever the total cost of any such improvement, or of any such part or parts of any sewer, can be definitely ascertained, the Council shall prepare a statement, showing the whole cost of the improvement, or such parts thereof, including not to exceed six per cent additional for costs of collection and other incidentals and including interest to the next succeeding date upon which general taxes, or the first instalment thereof, are by the laws of this state made payable; and apportioning the same upon each lot or tract of land to be assessed for the same, as in this ordinance provided; and shall cause the same to be certified by the Mayor and filed in the office of the Clerk.

Section 27 The Clerk shall thereupon, by advertisement for ten days in some newspaper of general circulation, published in the city, notify the owners of the real estate to be

(Ordinance No. 178 - continue)

assessed, and all persons interested, generally and without naming such owners or persons, that said improvements have been or are about to be completed and accepted, specifying the whole cost of the improvements and the share so apportioned to each lot or tract of land or persons; and that any complaints or objections that may be made in writing by such owners or persons to the Council and filed with the clerk within thirty (30) days from the first publication of such notice, will be heard and determined by the Council at its first regular meeting after said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements.

Section 28

At the meeting specified in said notice, or any adjournment thereof, the Council shall hear and determine all such complaints and objections; the Council may thereupon make such modifications and changes as to it may seem equitable and just, or may confirm the first apportionment; and the Council shall thereupon, by ordinance, assess the cost of said improvements against all the real estate in said district and against such persons, respectively, in the proportions above mentioned.

Section 29

All assessments made in pursuance of this ordinance shall be a lien in the several amounts assessed against each lot or tract of land, from the final publication of the assessing ordinance, and shall have priority over all other liens except general taxes. As to any subdivisions of any real estate assessed in pursuance of this ordinance, the assessments shall in each case be a lien upon all the subdivisions in proportion to their respective areas. No

(Ordinance No. 178 Continued)

delays, mistakes, errors, defects, or irregularities in any act or proceeding authorized by this ordinance, shall prejudice or invalidate any final assessment, but the same shall be remedied by subsequent or amended acts or proceedings as the case may require, and when so remedied the same shall take effect as of the date of the original act or proceeding.

If in any court of competent jurisdiction any final assessment made in pursuance of this ordinance is set aside for irregularity in the proceedings, then the Council may, upon recommendation and notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this ordinance.

Section 30

The City Treasurer shall, from said statement and assessing ordinance, prepare a local assessment roll, in book form, showing in suitable columns each piece of real estate assessed, the total amount of the assessment, the amounts of each instalment of principal and interest, if in pursuance of this article the same is payable in instalments, and the date when such instalment will become due, with suitable columns for use in case of payment of the whole amount, or of any instalment or penalty, and after the lapse of thirty days from the final publication of the assessing ordinance, deliver the same to the County Treasurer for collection, and the same shall be certified by the clerk under the seal of the city with his warrant for the collection of the same, and the City Treasurer charging the amount of the assessment roll to the County Treasurer, receipting to the City Treasurer for the same.

The County Assessor shall provide in

(Ordinance No. 178 - Continued)

the assessment roll of general taxes a column wherein the County Treasurer may make memoranda of special assessments. The County Treasurer shall make suitable memoranda in such column, showing any unpaid special assessments levied before the receipt of the assessment roll, upon the property referred to in such memoranda. On request for the amount of the taxes against any property, the County Treasurer shall include in his statement special assessments. No error, failure, neglect or default on the part of the County Assessor or Treasurer in complying with the provisions of this section shall invalidate any tax or assessment or affect the lien thereof.

Section 31 All assessments made in pursuance of this ordinance shall be due and payable within thirty days of the final publication of the assessing ordinance, without demand; Provided, That all such assessments may at the election of the owners, be paid in instalments with interest as hereinafter provided. Failure to pay the whole assessment within said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such instalments. All persons so electing to pay in instalments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively held and considered as a waiver of any and all right to question the power or jurisdiction of the city to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

(Ordinance No. 178 - Continued)

- Section 32 In case of such election to pay in instalments, the assessments, except for paving alone or in combination with other improvements, shall be payable in not less than two nor more than ten equal annual instalments of principal; the assessments for paving alone, or in combination with other improvements, shall be payable in ten equal annual instalments of principal; with interest in all cases on the unpaid principal, payable annually at a rate not exceeding six per centum per annum; as the number of instalments, the period of payment and the rate of interest may be determined by the Council.
- Section 33 Subject to the foregoing requirements, all instalments, both of principal and interest, shall be payable at such times as may be determined in and by the assessing ordinance.
- Section 34 Failure to pay any instalments, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one per cent. per month or fraction of a month until the day of sale, as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent instalments, with interest at one per cent. per month or fraction of a month, as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in any instalments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any instalment or payment, may at any time pay the whole unpaid

(Ordinance 178 - continued)

- principal with the interest accrued.
- Section 35 Payments may be made to the City Treasurer at any time within thirty days after the final publication of the assessing ordinance, and an allowance of the per centum added for cost of collection and other incidentals, and of the interest from the date of payment to the time of the first instalment comes due, shall be made on all payments made during said period of thirty days.
- Section 36 The County Treasurer shall receive payments of all assessments against any real estate appearing upon said last mentioned roll, with interest, and in case of default in the payment of any instalment of principal or interest, when due, shall advertise and sell any and all real estate concerning which such default is suffered, for the payment of the whole of the unpaid assessments thereon; and said sales and advertisements shall be made at the same time or times, in the same manner, under all the same conditions and penalties, and with the same effect as are provided by general laws for the sale of real estate in default of payment of general taxes.
- Section 37 At any sale by the County Treasurer of any real estate in the City for the purpose of paying any special assessments for local improvements, the City Treasurer may purchase any such real estate without paying for the same in cash, and shall receive certificates of purchase in the name of the city, such certificates shall be received and credited at their face value, with all interest and penalties accrued, to the City Treasurer on account of the assessments in pursuance of which the sale was made. Said certifi-

(Ordinance No. 178. Continued)

certificates may thereafter be sold by the City Treasurer at their face value, with all interest and penalties accrued, and by him assigned in the name of the city, and the proceeds credited to the fund created by ordinance for the payment of such assessments respectively, such assessments shall be made without recourse upon the city in any event, and the sale, and the assignment, shall operate as a lien in favor of the city and of the holders of such certificates, as is provided by law in the case of sales of real estate for default in payment of general taxes.

Section 38 The owner of any divided or undivided interest may pay his share of any assessment.

Section 39 All collections made by the County Treasurer upon any such assessment roll, in any calendar month, shall be accounted for to the City Treasurer on or before the tenth day of the next succeeding calendar month, with separate statements of all such collections for each improvement.

Bonds.

Section 40 All local improvements shall be paid for in cash out of the proceeds derived from the sale of public improvement bonds of the city, of such date and in such form, as may be prescribed by the Council, the same bearing the name of the district improved, and payable to bearer in a sufficient period of years to cover the period of payments herein provided for, and the payment of the same may be guaranteed by the city but subject to call as hereinafter provided, in convenient denominations of not more than one thousand dollars each. All such

(Ordinance No. 178 - Continued)

bonds shall be issued in sufficient amount to provide funds to pay for the local improvements, expenses, rights of way and necessary interest before the first assessment can be collected, contemplated by this ordinance; and the treasurer shall preserve a record of the same in a suitable book kept for that purpose; said bonds shall be subscribed by the mayor, attested by the clerk and seal of the city and registered by the treasurer; the same to be payable only out of the moneys collected on account of the assessments made for said improvements, respectively; and all moneys collected on account of the assessments for any improvement shall be applied to the payment of the said bonds. And the Council shall arrange for the sale, upon such terms and conditions as it may determine, of sufficient of said bonds, to raise the funds required to carry out the provisions of this ordinance; Provided, however, that before any such sale is fully completed, or any bonds are issued under the provisions of this ordinance, the question of selling and issuing the same shall be submitted to a vote of the qualified electors of said city, at a regular or special election, for adoption or rejection. If at said election a majority of all the votes cast upon said question are in favor of such sale and issuance, the same may be sold and issued in the form, upon the terms, and in the manner proposed. The form, manner and time of such submission may be prescribed by resolution of the City Council.

Section 41

All such bonds shall bear interest at the rate of not more than six per

(Ordinance No. 178 - Continued)

cent per annum, as ordered by the Council, payable, semi-annually, the interest to be evidenced by coupons, attested by a fac-simile of the signature of the Treasurer.

All such bonds, principal and interest, shall be payable at the city of Grand Junction, but if the Council so orders they may also be payable at some national bank or trust company in the city of New York, in the state of New York, to be designated by the Council, and in all cases the bonds and coupons shall recite the place or places of payment, and when payable, also in the city of New York, the Treasurer is hereby authorized to remit the funds necessary for their payment, with exchange, to the institution so designated, always assuring himself that such institution is then perfectly solvent.

Section 42

Whenever considered prudent by the Treasurer, he may, and whenever funds may be in his hands to the credit of any improvement district exceeding six months' interest on the unpaid principal he shall by advertisement for five days in some newspaper of general circulation published in the city, call in a suitable number of the bonds of such district for payment; and at the expiration of thirty days from the first publication of said notice, the interest on the bonds so called shall cease. The notice shall specify the bonds so called by numbers; and all bonds shall be paid in their numerical order. The holder of any bonds may at any time furnish his postoffice address to the Treasurer and in such case a copy of said advertisement shall be mailed by the Treasurer to the holder of the bonds called, at

said address, on the first day of said publication.

Section 43

In carrying out the provisions of this ordinance the Council shall act by resolution or motion in all cases except that the cost of all improvements shall be assessed by ordinance.

Adopted and approved this 11th day of June, A. D. 1910

Thos M. Todd
Mayor

Attest:

Charles K Holmberg
City Clerk.

I hereby certify, that the foregoing ordinance entitled "An Ordinance Providing for the Creation of Local Improvement Districts, the Construction Therein of Certain Local Improvements and Providing a Method of Payment Therefor," was introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 31st day of May, A. D. 1910; that said ordinance was passed and adopted at a regular adjourned meeting of the City Council of said city, held on the 11th day of June, A. D. 1910, and that the same was published in full in the Daily News, a daily newspaper published and in general circulation in said city, at least ten days before its passage.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of said city this 11th day of June, A. D. 1910.

Charles K Holmberg
City Clerk.

