

ORDINANCE NO. 311

An Ordinance amending Section 2 of Ordinance No. 178, passed June 11th, 1910, and 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", as amended by Section 1 of Ordinance No. 294, passed and adopted October 13th, 1920.

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

Section 1. That Section 2 of Ordinance No. 178, passed and adopted June 11th, 1910, and 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", as amended by Section 1 of Ordinance No. 294, passed and adopted October 13th, 1920, and entitled "An ordinance amending portions of Ordinance No. 178 of the City of Grand Junction, Colorado, passed June 11, 1910, and also amending Ordinance No. 208 of said City, passed March 4, 1913", be and the same hereby is amended to read as follows:

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, unser 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, the council shall adopt full details and specifications for the same, determine the number of installments and time in which the cost shall be payable, the rate of interest on unpaid installments, 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 percentum for cost of collection

and other incidentals, and of interest to the time the first installment 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 two 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 kinds of improvement proposed (without mentioning minor details or incidentals), the number of installments and time in which the cost of the improvements will be payable, the rate of interest on unpaid installments, the extent of the district to be assessed (by boundaries of 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 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 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 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 two or more types 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, provided, however, that the council may receive bids on any other type of paving which the council deems suitable for the particular locality. The petition must be subscribed and acknowledged in the manner provided by law for acknowledgements of deeds of conveyance or real estate, by the owners or their agents duly thereunto authorized, by power of 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. The council shall have discretionary power to elect which type of paving shall be adopted after the receipt of bids thereon; provided, that if the owners of a majority of the frontage of the real estate to be assessed shall petition for paving, and name one particular kind of paving which they desire to be used, then the kind of paving so designated shall be used provided the council shall deem such proposed improvement good and sufficient for the particular locality. The petition must be subscribed and acknowledged in the manner as provided by law for acknowledgments of deeds of conveyance of real estate, by the owners or their agents duly thereunto authorized, by power of attorney acknowledged in like manner, of a majority 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 except as aforesaid. All requests for withdrawal must be subscribed and acknowledged as aforesaid.

Every petition shall state the maximum cost per square foot for surface and base, per lineal foot for curb and gutter and per cubic yard for grading, 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 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; provided that when the petition by the owners of a majority of the frontage of the real estate to be assessed designates one type or kind of paving, all matter contained therein, except the naming of the kind of pavement, and 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 fifty-one percentum 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 rattler, crushing, absorption, chemical and other tests.

Sixth. All 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 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 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.

Passed and Adopted this 1<sup>st</sup> day of March, A.D. 1922

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/s/W.G.Hirons\_\_\_\_\_  
President of Council

Attest:

— /s/ Fred A. Peck  
Cityn 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", as amended by Section 1 of ordinance No. 294, passed and adopted October 13, 1920" was introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colo, held on the 1<sup>st</sup>. day of March A.D. 1922, and that the same was published in full in then Daily News, a daily newspaper published and in general circulation in said city, at least ten days before it's passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official os said city, this 1<sup>st</sup> day of March A.D. 1922.

/s/ Fred A. Peck  
City Clerk