

ORDINANCE NO. 378

AN ORDINANCE CALLING AN ELECTION AND PROVIDING FOR THE SUBMISSION TO THE VOTE OF THE QUALIFIED TAXPAYING ELECTORS OF THE CITY OF GRAND JUNCTION, COLORADO, THE QUESTION OF AUTHORIZING THE CITY COUNCIL OF SAID CITY TO ISSUE THE NEGOTIABLE COUPON BONDS OF THE CITY FOR THE PURPOSE OF PAYING ONE-HALF THE COST OF PAVING FIRST STREET IN SAID CITY FROM THE NORTH LINE OF MAIN STREET TO THE NORTH CITY LIMIT LINE, EXCLUSIVE OF THE COST OF THE PAVING OF THE STREET AND ALLEY INTERSECTIONS IN SAID STREET, AND EXCLUSIVE OF THE PORTION OF THE COST OF SAID IMPROVEMENT TO BE PAID BY THE BOOK CLIFF RAILROAD COMPANY, PROVIDING FOR THE ISSUANCE OF SUCH BONDS, IF AUTHORIZED, PROVIDING FOR THE PAYMENT OF SAID BONDS AND THE INTEREST THEREON.

WHEREAS, The City Council of the City of Grand Junction, by resolution heretofore passed and adopted, has declared the intention of the City Council of the City of Grand Junction to create a local improvement district in said City, to be known as Paving District No. 13, for the paving therein of First Street from the North line of Main Street to the North City Limit Line, and in said resolution ordered and directed the City Engineer to prepare and furnish full details and specifications for said proposed improvements, as well as an estimate of the total cost of said proposed improvement, and furnish a map of the district; and

WHEREAS, said Engineer has filed with the City Clerk the maps, certificates of survey, as well as all schedules, plans, specifications, and approximations of costs and all other matters and things required of him in and by said resolution in complete form and substance as in said resolution required, which, by resolution of the City Council of the City of Grand Junction, have been approved and adopted; and

WHEREAS, First Street from the North line of Main Street to the North City Limit Line is the main highway leading from the business district of the City of Grand Junction to the state highway North and West of said City; and

WHEREAS, said First Street from the North line of Main Street to the North City Limit Line is in an unsafe condition and to make said Street safe for travel, should be paved; and

WHEREAS, the benefits to said City of Grand Junction to be received from said improvements of said Street is 50% or one-half of the total benefits; and

WHEREAS, the City Council has heretofore apportioned the cost of said proposed improvement (excepting the cost of the Street and alley intersections to be paid by the City of Grand Junction, and the portion of the cost of said improvement to be paid by The Book Cliff Railroad Company), that is to say, the cost of the surface and base of said pavement and the laying thereof, the cost of the curb and gutter and the cost of grading, between the City of Grand Junction, and all the lots or lands in said District abutting on said street, to be improved, as follows; to-wit: One-half thereof to the City of Grand Junction, and one-half thereof to all the lots or lands in said District abutting on said street to be improved, which is according to the respective benefits to be received from said improvements, so that each shall bear its relative equitable proportion; and

WHEREAS, the city of Grand Junction is required to pay its proportionate cost of said improvement according to the benefits to said City of Grand Junction to be received from said proposed improvement; and

WHEREAS, the City of Grand Junction does not have in its Treasury sufficient funds for such payments, making it necessary to issue the negotiable coupon bonds of the City; first submitting the question of authorizing the issuance of said bonds to the taxpaying electors of said City

as required by the provisions of the City Charter;

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

Section 1. That an election of the qualified taxpaying electors of the City of Grand Junction, Colorado, be called, and said election is hereby called, for Tuesday, the 7th day of April, A. D. 1925.

Section 2. That at said election the following question shall be and it is hereby submitted to the vote of the qualified taxpaying electors of the City, to-wit:

QUESTION SUBMITTED

Shall the City Council of the City of Grand Junction contract an indebtedness on behalf of the City and upon the credit thereof, by issuing the negotiable coupon bonds of the city in the aggregate amount of Thirteen Thousand Dollars (\$13,000.00) for the purpose of paying one-half of the cost (excepting the cost of paving the street and alley intersections which is to be paid by the City of Grand Junction, and the portion of the cost of said improvement to be paid by The Book Cliff Railroad Company) of paving First Street in said City from the North line of Main Street to the North City Limit Line?

Section 3. Only qualified registered taxpaying electors of the City shall be permitted to vote upon the question hereby submitted, and such election shall in all respects, as nearly as may be, be held and conducted in the manner prescribed by law in cases of elections for municipal officers.

Section 4. The question so submitted shall be voted on at said election by voters qualified as aforesaid, at the several election precincts in the City of Grand Junction in the State of Colorado, designated as follows:

District A	City	Voting	Precinct 9	Polling	Place	City Hall
District B	City	Voting	Precinct 10	Polling	Place	Western Slope Garage
District C	City	Voting	Precinct 11	Polling	Place	Y. M. C. A.
District D	City	Voting	Precinct 12	Polling	Place	701 Main St.
District E	City	Voting	Precinct 16	Polling	Place	Christia n Church

Section 5. The ballots to be used in voting upon the question above submitted shall be prepared and furnished by the City Clerk to the judges of election, to be by them furnished to the voters, and shall contain a statement of the question submitted and the words "For First Street Paving Bonds" and the words "Against First Street Paving Bonds." Each voter shall place a cross (X) opposite the words which express his choice and shall deposit his ballot in the ballot box.

Section 6. The Judges and Clerks for said election shall be selected as required by the Charter and Ordinances of said City.

Section 7. The vote cast at said election on the question aforesaid

shall be canvassed and returned and the return made and the result declared in the same manner, as nearly as may be, as provided by law for the canvass, return and declaring the result of votes at an election of municipal officers.

Section 8. A notice of the time and place of said special election shall be published in The Daily Sentinel, a newspaper of general circulation printed in the City of Grand Junction, in the County of Mesa and State of Colorado, at least fifteen days before such election, and also a copy of such notice shall be posted at the place of voting in each district or voting precinct at least fifteen days before such election, and the Clerk of the City of Grand Junction is hereby charged with the duty of effectuating this provision.

The form of said notice to be published and posted as aforesaid shall be as prescribed by resolution.

Section 9. That if a majority of the votes cast at said election are marked "For First Street Paving Bonds", the City shall without further authority issue the negotiable coupon bonds thereof in the aggregate amount of Thirteen Thousand Dollars (\$13,000.00) consisting of Ten (10) bonds in the denomination of One Thousand Dollars each, and Four (4) bonds in the denomination of Five Hundred Dollars each, payable in gold coin of the United States and bearing interest from and after the first day of July A. D. 1925, at the rate of five per centum per annum, payable semi-annually on the first day of January and the first day of July in each year, and evidenced by coupons attached to said bonds. Said bonds shall be numbered in regular and consecutive order, commencing with number one, and shall be absolutely due and payable as follows:

<u>Year</u>	<u>Amount</u>

1926	\$1000.00
1927	1000.00
1928	1250.00
1929	1250.00
1930	1250.00
1931	1250.00
1932	1500.00
1933	1500.00
1934	1500.00
1935	1500.00

Said bonds shall bear date the first day of July A. D. 1925, and shall be signed by the President of the City Council, attested by the City Clerk under the official seal of said City, countersigned by the City Treasurer, and shall be recorded in a book to be kept by the said City Clerk for that purpose; all coupons shall bear the original or facsimile signatures of the Treasurer of said City.

Section 10. Said bonds and the coupons thereto attached shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION

NO. _____ \$ _____

FIRST STREET PAVING BOND

The City of Grand Junction, in the County of Mesa and State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to bearer _____ Dollars in gold coin of the United States of America of or equal to the present standard of weight and fineness, on the first day of July, A. D. 19_____, with interest thereon at the rate of five per centum per annum, payable semi-annually on the first day of January and the first day of July in each year, upon presentation and surrender of the annexed coupons as they severally become due, both principal and interest being payable at the banking house of Kountze Brothers, in the City of New York, U.S.A.

This bond is issued by the City of Grand Junction for the purpose of paying one-half of the cost (exclusive of the cost of the street and alley intersections and the portion of the cost to be paid by The Book Cliff Railroad Company) of paving First Street in said City from the North line of Main Street to the North City Limit Line, under the authority of and in full conformity with the Constitution and laws of the State of Colorado, the provisions of the City Charter, and an Ordinance of said City duly adopted, published and made a law of said City prior to the issuance of this bond.

It is hereby certified and recited that the issuance of this bond has

been authorized at an election of the qualified taxpaying electors of said City, lawfully called and duly held in said City prior to the issuance hereof, that all the requirements of law have been fully complied with by the proper officials in the issue of this bond, that the total debt of the City including that of this bond, does not exceed any limit of indebtedness prescribed by the Constitution and laws of the State of Colorado, or the Charter of said City, and that provisions have been made for the levy and collection of an annual tax sufficient to pay the interest on this bond and also discharge the principal thereof when the same become due.

The faith and credit of the City of Grand Junction are hereby pledged for the punctual payment of the principal of and the interest on this bond.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be signed by the President of the City Council of said City, attested by the Clerk thereof under the seal of the City, countersigned by its Treasurer, and the coupons to be signed with the facsimile signature of the City Treasurer this First day of July, A. D. 1925.

/s/ W. G. Hirons

President of the Council

ATTEST:

/s/ Fred A. Peck

City Clerk

COUNTERSIGNED:

/s/

City Treasurer

(FORM OF COUPON)

NO. _____

\$ _____

On the first day of January, and July, A. D. 19_____, the City of Grand Junction, in the County of Mesa and State of Colorado, will pay to bearer _____ dollars in gold coin of the United States of America of or equal to the present standard of weight and fineness at the banking house of Kountze Brothers, in the City of New York, U. S. A., being six months' interest on Grand Junction First Street Paving Bonds dated July 1st, 1925.

NO. _____

/s/ (Facsimile Signature)

Treasurer

Section 11. If said bonds are authorized as aforesaid, they shall, when executed, be delivered to the purchaser thereof, and said bonds and the funds raised thereby shall be applied solely and exclusively for the purpose aforesaid, the payment of one-half of the cost (exclusive of the cost of Street and Alley Intersections and the portion to be paid by The Book Cliff Railroad company) of the paving of First Street in said City from the North line of Main Street to the North City Limit Line, and for no other purpose whatsoever, but the purchaser of said bonds shall in no manner be responsible for the application or disposal by said City or any of its officers of any of the funds derived from the sale thereof.

Section 12. That if said bonds are authorized, and issued the interest falling due on January 1st, 1926 shall be paid out of the general revenue fund of the City, and for the purpose of reimbursing said general revenue fund for said installment of interest and to meet the interest accruing on said bonds after July 1st, 1925, and for the purpose of raising funds for the ultimate redemption of said bonds there shall be levied on all of the taxable

property in said City, in addition to all other taxes, direct annual taxes as follows:

Year	Principal	Interest	Total
1925	1,000.00	950.00	1,950.00
1926	1,000.00	575.00	1,575.00
1927	1,250.00	518.75	1,768.75
1928	1,250.00	456.25	1,706.25
1929	1,250.00	393.75	1,643.75
1930	1,250.00	331.25	1,581.25
1931	1,500.00	262.50	1,762.50
1932	1,500.00	187.50	1,687.50
1933	1,500.00	112.50	1,612.50
1934	1,500.00	37.50	1,537.50

Said taxes, when collected, shall be applied solely to the purpose of the payment of the said interest and the principal of said bonds, respectively, and for no other purpose whatever, until the indebtedness so contracted, under this ordinance, both principal and interest, shall have been fully paid, satisfied and discharged, but nothing herein contained shall be so construed as to prevent said City from applying any other funds that may be in the City Treasury and available for that purpose to the payment of said interest or principal, as the same respectively mature, and the levy or levies herein provided for may thereupon to that extent be diminished.

And the sums hereinbefore provided for to meet the interest on said bonds and to discharge the principal thereof when due, are hereby appropriated for that purpose, and said amount for each year shall also be included in the annual appropriation bills passed by the City Council of said City in each year respectively.

Section 13. It shall be the duty of the City Council of said City, annually, at the time and in the manner provided by law for levying other City taxes, if such action shall be necessary, to effectuate the provisions hereof with reference to the levying and collection of taxes; and shall require the officers of and for said City to levy, extend and collect such taxes in the manner provided by law for the purpose of creating a fund for the payment of the principal of said bonds, and interest thereon, and such taxes, when collected, shall be kept for and applied only to the payment of the interest and principal of said bonds as hereinbefore specified.

Section 14. All ordinances, resolutions, by-laws and regulations of the City of Grand Junction in conflict with this Ordinance are hereby repealed.

Section 15. If said bonds are issued as aforesaid this Ordinance shall be and remain irrevocable until said bonds and the interest thereon shall have fully paid, satisfied and discharged, as herein provided.

Adopted and approved this 19th day of February, A. D. 1925.

/s/ W. G. Hirons

President of the Council

ATTEST:

/s/ Fred A. Peck

City Clerk

I HEREBY CERTIFY, that the foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th day of February, A. D. 1925, and that the same was ordered published by said body, and was published in The Daily Sentinel, a daily newspaper published and in general circulation in said city, at least ten days before its final passage.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said city, this 19th day of February, A. D. 1925.

/s/ Fred A. Peck

City Clerk