ORDINANCE NO. 855

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING AND SIDEWALK DISTRICT NO. 49, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 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.

WHEREAS, the City Council and Municipal Officers of the City of Grand Junction, in the State of Colorado, have compiled with all the provisions of law relating to certain improvements in Paving and Sidewalk District No. 49 in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, and pursuant to the various resolutions, orders, and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvement in said Paving and Sidewalk District No. 49, and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Paving and Sidewalk District No. 49, in said City of Grand Junction, Colorado, which said notice was caused to be published in the Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on February 26, 1952 and the last publication thereof appearing February 28, 1952; and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the Clerk within thirty days from the first publication of said notice, to-wit: On or before and up to 5:00 o'clock P.M. on the 27th day of March, 1952, and recited that such complaints would be heard and determined by the Council at the first regular meeting after said thirty days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, Pursuant to said notice no written complaints were filed with respect to the proposed assessment of the cost of said improvements; and

WHEREAS, The City Council has duly confirmed the statement prepared by the City Engineer and certified by the President of the City Council, showing the whole cost of said improvements and the apportionment thereof heretofore made as contained in that certain notice to property owners in Paving and Sidewalk District No. 49, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered

that the cost of said improvements in said Paving and Sidewalk District No. 49 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid notice; and

WHEREAS, From the statement made and filed with the City Clerk by the City Engineer, it appears that the whole cost of said improvements is \$160,093.89 (which excludes the cost of improving the street and alley intersections, which is to be borne by the City of Grand Junction) said amount including six per cent additional for cost of collection and other incidentals and including interest to the 28th day of February, 1952, at the rate of 3.75 per cent per annum on the bonds heretofore sold to raise funds for the construction of said improvements; and

WHEREAS, From said statement it also appears that the City Engineer has apportioned a share of the whole cost to each lot or tract of land in said District in the following proportions and amounts, severally, to-wit:

ASSESSMENT ROLL

PAVING & SIDEWALK DISTRICT NO. 49

<spc;1></spc;1>	City of Grand Junction
Block 4	Lots 1 to 16 inclusive, \$46.23; Lots 17 to 32, inclusive, \$149.53.
Block 2	Lots 1 to 32 inclusive, \$46.23.
Block 28	Lots 1 to 10 inclusive, Lots 21 to 30 inclusive, \$46.23; Lots 11, 20, \$20.47; Lots 12, 19, \$34.13; Lots 13, 18, \$50.81; Lots 14, 17, \$64.48; Lots 15, 16, \$78.14.
Block 53	Lots 1 to 32 inclusive, \$46.23.
Block 83	Lots 1 to 5 inclusive, Lots 27 to 31 inclusive, \$46.23; Lot 6, \$62.17; Lot 7, \$73.29; Lot 8, \$84.41; Lots 9, 15, \$95.52; Lot 10, \$106.64; Lot 11, \$32.00; Lots 12, 21, \$54.37; Lots 13, 20, \$68.07; Lots 14, 19, \$81.76; Lots 16, 17, \$109.13; Lot 22, \$96.96; Lot 23, \$87.65; Lot 24, \$78.35; Lot 25, \$69.06; Lot 26, \$59.75;
Block 110	Lots 1 to 16 inclusive, Lots 19 to 34 inclusive, \$46.23; Lots 17, 18, \$89.46.

Block 122	Lots 1 to 24 inclusive, \$46.23.
Block 123	Lots 1 to 32 inclusive, \$46.23.
Block 3	Lots 17 to 32 inclusive, \$106.31.
Block 19	Lots 1 to 16 inclusive, \$106.31.
Block 20	Lots 1 to 11 inclusive, Lot 19, \$106.31; Lot 20, \$75.99; Lot 21, \$45.68; Lot 17, \$166.95; Lot 18, \$136.63; Lot 12, \$148.98; Lot 13, \$179.33; Lot 14, \$209.62; Lot 15, \$239.88; Lot 16, \$270.24.
Block 21	Lots 5, 25, \$45.68; Lots 4, 29, \$75.99; Lots 1, 32, \$166.95; Lots 2, 31, \$136.63; Lots 3, 30, \$106.31.

<spc;1></spc;1>	Bookcliff Park Subdivision
Block 7	Lots 9, 18, \$549.86; Lots 10, 17, \$389.14; Lots 11, 16, \$247.62; Lots 12, 13, 14, 15, \$239.70; Lots 1, 8, \$619.02; Lots 2, 7, \$348.83; Lots 3, 4, 5, 6, \$250.03.
Block 8	Lot 9, \$369.67; Lot 10, \$656.38; Lot 11, \$652.22; Lot 12, \$355.45; Lots 7, 8, Lots 13 to 19, inclusive, \$244.42; Lot 20, \$257.90.
Block 6	Lots 3, 12, 13, 14, \$257.90; Lot 1, \$474.83; Lot 2, \$276.47; Lot 4, \$157.50; Lot 9, \$91.30; Lot 10, \$378.33; Lot 11, \$251.89; Lot 15, \$358.93; Lot 16, \$616.97.

Block 5	Lots 18, 19, 20, \$257.90; Lot 16, \$269.80; Lot 17, \$234.30; Lot 21, \$239.02.
Block 4	Lots 10 to 15, inclusive, \$257.90; Lot 16, \$163.58
Block 1	Lot 6, \$1127.40; Lot 4, \$132.57; Lot 5, \$333.67.

<spc;1></spc;1>	High School Addition
Block 1	Lot 1, \$295.57; Lot 2, \$159.00; Lot 3, \$24.81.
Block 2	Lots 1, 9, \$262.86; Lots 2 to 8, inclusive, \$259.90

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<spc;1></spc;1>	Capital Hill Subdivision
The south 20 feet of the north 50 feet, Lot 22	\$212.06
South 75 feet of the north 125 feet, Lot 22	\$608.68
South 25 feet of the north 150 feet and the south 50 feet of the north 200 feet, Lot 22	\$319.00
North 100 feet of Lot 18	\$342.10
South 50 feet of north 100 feet of south 250 feet and north 50 feet of south 250 feet, Lot 19	\$342.10
North 100 feet of south 150 feet, Lot 19	\$342.10
South 100 feet of north 215 feet, Lot 21	\$342.10
South 92 feet of north 192 feet, Lot 18	\$315.16
North 140 feet of south 265 feet, Lot 18	\$477.84

North 75 feet of south 125 feet, Lot 18	\$257.89
South 75 feet of north 125 feet, Lot 19	\$257.89
North 75 feet of south 167 feet, Lot 20	\$257.89
South 69 feet of north 115 feet, Lot 21	\$237.67
South 142 feet of north 342 feet, Lot 22	\$484.58
North 125 feet of south 175 feet, Lot 22	\$427.32
South 50 feet, Lot 18	\$173.67
North 50 feet, Lot 19	\$173.67
South 50 feet of north 175 feet, Lot 19	\$173.67
South 50 feet, Lot 19	\$173.67
North 50 feet, Lot 20	\$173.67
South 50 feet of north 100 feet, Lot 20	\$173.67
South 50 feet of north 150 feet, Lot 20	\$173.67
South 50 feet of north 200 feet, Lot 20	\$173.67
South 50 feet of north 250 feet, Lot 20	\$173.67
South 50 feet of north 350 feet, Lot 20	\$173.67
South 50 feet of north 265 feet, Lot 21	\$173.67
North 50 feet of south 150 feet, Lot 21	\$173.67
North 50 feet of south 100 feet, Lot 21	\$173.67
South 50 feet, Lot 21	\$173.67
South 50 feet, Lot 22	\$173.67
South 46 feet of north 221 feet, Lot 19	\$160.20
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North 46 feet of south 296 feet, Lot 19	\$160.20
North 1/2 of south 92 feet, Lot 20	\$160.20
South 1/2 of south 92 feet, Lot 20	\$160.20
North 46 feet, Lot 21	\$160.20
North 51 feet of south 252 feet, Lot 21	\$177.04
North 51 feet of south 201 feet, Lot 21	\$177.04

<spc;1></spc;1>	Craig's Subdivision
Block 2	Lot 13, \$55.78; Lot 14, \$166.94; Lot 15, \$214.10. Lot 16, 17, 18, 19, \$89.46; Lot 20, \$139.99
Block 1	Lots 17, 18, 19, 20, \$89.46; Lot 13, \$522.98; Lot 14, \$172.46; Lot 15, \$151.71; Lot 16, \$104.55; Lot 21, \$106.30; Lots 1 to 11 inclusive, \$89.46; Lot 12, \$113.04.

<spc;1></spc;1>	Rose Park Subdivision
Block 2	Lots 1, 2, \$268.23; Lot 3, \$264.13; West 151.2 feet of Lot 4, \$832.09; East 53.6 feet of Lot 4, \$185.80; Lot 18, \$660.22; Lot 19, 393.33; Lots 20 to 29 inclusive, \$220.83; Lot 30, \$229.82; Lot 16, \$135.42; Lot 17, \$329.10.
Block 3	Lots 1, 2, \$215.78; Lot 3, \$221.68; Lot 4, \$241.99; Lot 5, \$224.20; Lot 6, \$259.57; Lot 7, \$227.57; Lot 8, \$360.70; Lot 9, \$611.85; Lot 10, \$550.94; Lot 11, \$366.62; Lot 12, \$233.50; Lot 13, \$266.35; Lot 14, \$230.04; Lot 15, \$248.20; Lot 16, \$227.45; Lot 17, 18, \$221.40.

Block 4	Lots 1, 2, \$221.40; Lot 3, \$227.45; Lot 4, \$248.20; Lot 5, \$230.04; Lot 6, \$266.35; Lot 7, \$233.50; Lot 8, \$366.62; Lot 9, \$550.94; Lot 10, \$400.37; Lot 11,
	\$116.40.

Elm Avenue Subdivision

Lot 14, \$503.30; Lot 15, \$366.17; Lot 1, \$413.84; Lot 26, \$214.10; Lots 27 to 32, inclusive, \$89.46.

Nelms Subdivision

Lots 1 to 10 inclusive, \$163.37; Lots 11 to 20 inclusive, \$168.49; Lots 21 to 26 inclusive, \$172.43; Lots 27, 28, \$156.83; North 50 feet of Lot 29, \$451.71; South 76.5 feet of North 126.5 feet of Lot 29, \$464.55; South 50 feet of Lot 29, \$173.67.

<spc;1></spc;1>	SOUTH MESA SUBDIVISION
Block 1	Lot 1, \$257.25; Lot 2, \$361.41; Lot 3, \$528.96; Lot 4, \$312.96; Lot 5, \$164.48; Lot 6, \$24.50
Block 2	Lot 1, \$15.50; Lot 2, \$121.90; West 102.63 feet of Lot 3, \$225.53; East 60 feet of Lot 3, \$207.36.

<spc;1></spc;1>	Mesa Subdivision
Block 4	Lot 1, \$230.53
Block 1	Lot 1, \$309.36; Lot 2, \$263.78; Lots 3, 4, \$171.18; Lot 5, \$168.28; Lot 6, \$177.62; Lot 7, \$210.73; Lot 8, \$298.04; Lot 9, \$174.15; Lot 10, \$275.47.

Block 2	Lot 12, \$268.53; Lots 13, 14, \$252.47; Lots 15, 16, \$200.00; Lot 17, \$221.24; Lots 18, 19, \$187.55; Lots 20, 21, 22, \$188.13.
Block 3	Lots 1, 11, \$219.62; Lots 2 to 10 inclusive, \$210.73.

<spc;1></spc;1>	College Subdivision
Block A	Lots 1 to 11, inclusive, \$177.04; Lot 12, \$170.31;

<spc;1></spc;1>	Tope School Subdivision \$413.17
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<spc;1></spc;1>	East Main Street Addition
Block A	Lots 1 to 16 inclusive, \$106.30; Lots 17 to 32 inclusive, \$182.66.
Block B	Lots 1 to 9 inclusive, \$106.30; Lot 10, \$51.70; Lot 11, \$91.76; Lots 12 to 20 inclusive, \$182.66.
Block C	Lots 1 to 9 inclusive, \$182.66; Lot 10, \$91.66.
Block D	Lots 1 to 16 inclusive, \$182.66
Block 1	Lot 9, \$163.24; Lot 10, \$293.30; Lot 11, \$508.93; Lot 12, \$418.32; Lot 13, \$273.57; Lot 14, \$207.36; Lot 15, \$367.42; Lot 16, \$276.08; Lots 17, 18, \$227.57; Lots 19, 20, \$134.60.

Block 2	Lot 1, \$156.83; Lot 2, \$132.58; Lots 3, 4, \$257.89; Lots 5, 6, 7, \$308.42; Lot 8, \$406.56; Lot 9, \$631.30; Lot 10, \$627.94; Lot 11, \$406.56; Lots 12, 13, 14, 18, \$308.42; Lots 15, 16, \$257.90; Lot 17, \$259.90.
Block 3	Lot 1, \$225.05; Lot 2, \$150.02; Lot 3, \$16.65; Lot 19, \$207.36; Lot 20, \$308.42; Lot 21, \$271.39; Lot 22, \$417.05; Lot 23, \$445.43.
Block 4	Lot 1, \$565.70; Lot 2, \$374.95; Lots 3, 5, 18, \$207.36; Lots 4, 19, \$308.42; Lot 20, \$250.55; Lot 21, \$377.35; Lot 22, \$521.10.
Block 5	Lot 1, \$243.30; Lots 2 to 6 inclusive, \$207.36.

<spc;1></spc;1>	McMullin & Gormley Subdivision
Block 1	Lots 1 to 48 inclusive, \$46.23
Block 2	Lots 1 to 24 inclusive, \$46.23; Lots 25 to 48 inclusive, \$148.40.
Block 3	Lots 1 to 13 inclusive, \$46.23; Lot 14, \$63.77; Lot 15, \$76.08; Lot 16, \$88.38; Lot 17, \$100.70; Lot 18, \$113.00; Lot 19, \$200.58; Lot 20, \$190.80; Lot 21, \$181.00; Lot 22, \$171.24; Lot 23, \$161.46; Lots 24 to 36 inclusive, \$148.40;
Block 6	Lot 1, \$67.34; Lots 2, 3, 4, \$46.23; Lot 5, \$85.34; Lot 6, \$113.80; Lot 7, \$142.30; Lot 8, \$170.79; Lot 9, \$199.28.

<spc;1></spc;1>	Prospect Park Subdivision
Block 1	Lot 16, \$156.83; Lots 17, 18, \$173.67; Lot 19, \$190.52; Lot 20, \$196.41; Lots 21 to 29, inclusive, \$87.44; Lot 30, \$98.17.
Block 2	Lot 1, \$98.17; Lots 2 to 10 inclusive, \$87.44; Lots 11, 12, 13, 14, \$173.67; Lot 15, \$196.41; Lots 16, 17, 18, \$200.65; Lot 19, \$207.36; Lot 20, \$254.86; Lots 21, 22, \$219.50; Lots 23 to 30 inclusive, \$134.60.

<spc;1></spc;1>	Henderson Heights Subdivision
Block 1	Lots 1 to 5 inclusive, \$106.30; Lot 6, \$65.88.
Block 2	North 62.5 feet of Lots 1, 2, 3, 4, \$280.12; south 62.5 feet of Lots 1, 2, 3, 4, \$134.60; Lots 5 to 17 inclusive, \$106.30.
Block 3	Lots 18 to 34 inclusive, \$89.46.
Block 4	Lot 7, \$106.30; Lots 8 to 12 inclusive, \$140.00.

<spc;1></spc;1>	DeVoe's Subdivision
Block 1	Lot 1, \$177.85; Lot 2, \$122.67; Lot 3, \$94.85; Lot 4, \$66.08; Lot 5, \$35.37; Lot 11, \$111.02; Lots 12, 13, 14, 15, \$89.46; Lot 16, \$113.92; Lot 17, \$140.00; Lot 18, \$164.87; Lot 19, \$190.14; Lot 20, \$267.53; Lot 21, \$161.76; Lot 22, \$105.92; Lot 23, \$80.66; Lot 24, \$55.80; Lot 25, \$26.70.

Block 2	Lot 1, \$270.42; Lot 2, \$245.96; Lot 3, \$221.50; Lot 4, \$115.87; Lot 5, and beg. 502.85 feet north of the SE corner of Lot 1, Grandview Subd., Sec. 12, TIS, R1W, UM, west 46.5 feet, north 125 feet, east 46.5 feet, south to POB, \$312.53; Lot 6 and beg. 359.05 feet north of the SE corner of Lot 1, Grandview Subd., Sec.
	12, T1S, R1W, UM, west 46.8 feet, north 125 feet, east 46.8 feet, south to POB, \$61.90; Lot 7, \$35.26; Lot 8, \$86.77; Lot 9, \$111.22; Lot 10, \$135.68.

All the following are in Grandview Subdivision.

Section 12, Township 1 South, Range 1 West, Ute Meridian.

North 125 feet of: beginning at the NW corner of Lot 7, thence east 110 feet, south to the center line of said Lot 7, west 110 feet, north to point of beginning \$450.90

North 125 feet of: East 120 feet of the west 230 feet of the north half of Lot 7. \$491.32

North 125 feet of: West 66.66 feet of: beginning at the NW corner of north 1/2 Lot 7, east 100 feet, south to the center line of said Lot 7, west 100 feet, north to point of beginning \$274.70

North 125 feet of: beginning at the NW corner Lot 2, east 198.56 feet, south 314.04, west to west line of said Lot 2, north to point of beginning \$1,083.00 West 154 feet of the east 308.95 feet of the north 100 feet of Lot 2, \$839.63

The east 154.95 feet of the north 100 feet, Lot 2 \$844.75

The east 150 feet of the south 1/4, Lot 7. \$818.07

Beg. 150 feet west of the SE corner Lot 7, north to the north line of the south 1/4 of said Lot 7, west 75 feet, south to the south line of said Lot 7, east 75 feet to point of beg., except south 20 feet for roadway. \$413.84

Beg. 225 feet west of the SE corner Lot 7, north to the north line of the south 1/4 of said Lot 7, west 75 feet, south to south line of said Lot 7, east 75 feet to point of beg., except south 20 feet for roadway. \$413.84

Beg. 264 feet east of the SW corner Lot 7, north 159.5 feet, east 75 feet, south 159.5 feet, west 75 feet to point of beg. \$413.84

The east 8 rods of the west 16 rods of the south 1/2 of the south 1/2 of Lot 7. \$721.06

The west 8 rods of the south 1/2 of the south 1/2, Lot 7. \$721.06

North 125 feet of: beg. 308.95 feet west of the NE corner Lot 2, south 314.06 feet, west 66.18 feet, north 314.06 feet, east to point to beg. \$362.93

North 125 feet of: beg. 198.56 east and 183.62 feet north of the SW corner of the north 1/2 Lot 2, east 66.19 feet, North 135.42 feet, west 66.19 feet, south to point of beg. \$362.93

Mesa College Campus \$7,654.92

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

SECTION 1. That the whole cost and apportionment of same, as hereinbefore set forth, is hereby assessed against all the real estate in said District, and to and upon each lot or tract of land within said District, and against such persons and in the portions and amounts which are severally hereinbefore set forth and described.

SECTION 2. That said assessments, together with all interest and penalties for default in payment thereof, and all cost in collecting same, shall from the time of final publication of this ordinance, constitute a perpetual lien, against each lot or tract of land herein described, on a parity with the tax lien for General, State, County, City and School taxes, and no sale or such property to enforce any General, State, County, City or School tax or other lien shall extinguish the perpetual lien of such assessment.

SECTION 3. That said assessment shall be due and payable within thirty days after the final publication of this ordinance without demand; provided that all such assessments may at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the 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 installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work, and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

SECTION 4. That in case of such election to pay in installments the assessments shall be payable in ten equal annual installments of the principal, with interest upon unpaid installments payable annually at the rate of 3.75 per cent per annum. The first of said installments of said principal shall be due on the 1st day of June, 1952; shall be payable on or before said day, and the remainder of said installments shall be due on the 28th day of February of each year thereafter until all of said installments are paid in full.

SECTION 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole 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 eight per cent per annum until the day of sale, as by law provided, but at any time prior to the day of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 3.75 per cent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments 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 installment, may at any time pay the whole of the unpaid principal, with interest, accrued.

SECTION 6. That payment may be made to the City Treasurer at any time within thirty days after the final publication of this ordinance, and an allowance of the six per cent added for cost of collection and other incidentals and of interest from the date of payment to the 28th day of February, A.D. 1952, shall be made on all payments made during said period of thirty days.

SECTION 7. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, shall govern and taken to be a part of this ordinance with respect to the creation of said Paving and Sidewalk District No. 49, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

SECTION 8. That this ordinance, after its introduction and first reading, shall be published once in full in The Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage it shall again be published once in The Daily Sentinel, the official newspaper of the City, and after its final passage shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the Certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise by the Charter of the City of Grand Junction provided.

Introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 2nd day of April, A. D. 1952.

Adopted and approved the 16th day of April, A. D. 1952.

Authenticated and approved the 16th day of April, A. D. 1952.

/s/ W. D. Ela President of the Council

ATTEST:

/s/ Helen C. Tomlinson City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 755, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 2nd day of April, 1952, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said city at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 16th day of April, 1952.

/s/ Helen C. Tomlinson City Clerk

1st Pub April 4, 1952

Final Pub April 18, 1952