

ORDINANCE NO. 203.

An ordinance prescribing, establishing and creating Sanitary Sewer District Number One in the City of Las Animas, Colorado, and ordering the construction of a system of sanitary sewers for the sanitary drainage thereof, and providing for the issuance of the Bonds of said district in payment therefor.

Whereas, at a regular meeting of the Board of Trustees of the Town of Las Animas, held on the 4th day of January A.D. 1909, pursuant to an act of the General Assembly of the State of Colorado, entitled "An act to provide for the construction of local improvements in cities or all classes having a population of less than one hundred thousand, and incorporated towns, the issuance of local improvement bonds therefor, and the assessment and payment of the cost of said improvements, "Approved April 8, 1899, by resolution duly passed and adopted, it was found and declared by said Board that, the construction of private and public sanitary sewers, for the sanitary drainage of a certain portion of said town, was and is a sanitary necessity for the preservation of the health and lives of the inhabitants of said town; and the town engineer of said town was ordered to make a survey of that portion of said town designated in said resolution, with a view to the creation out said portion of said town of a public and private sanitary sewer district, and the construction therein and therefor of a public and private sanitary sewer system, with all necessary man holes, inlets and appurtenances and such mains outside of said proposed district as may be necessary to connect said district with natural drainage.

And Whereas, by said resolution said town engineer was directed to prepare and file with the Clerk of said Board a map of the proposed district, showing the exterior boundaries thereof and all streets, avenues and blocks within the same; that he also prepare and file with the Clerk of said Board the details of said survey, including the specifications for sewers to be constructed in said proposed district; the materials to be used therein; his estimate of the cost of such improvements; a schedule showing the approximate amount of such cost to be apportioned and assessed upon each lot and parcel of land, in said proposed district; in proportion as the area of each lot or parcel of land is to the area of all the real estate in the district, exclusive of public highways; all property indexed and all for the purpose of identification, signed by him as town engineer

And Whereas, said town engineer, in pursuance of said order so to him given did on the 15th day of March, A.D. 1909, make his report in the premises and filed with the Clerk of said Board therewith all the maps and certificates of said survey as well as all schedules, plans, specifications, approximations of cost and all other matters and things in complete form and substance as in said resolution required; said estimate showing among other things, that the probable cost of said improvements will be the sum of \$48757.40, and the schedules so filed showing among other things, that the amounts to be assessed upon the several lots and parcels of land in said district, exclusive of public highways, are estimated as follows; per square foot of the superficial area of each tract or parcel of land, 6.055 mills; per lot of 25 by 130 ft. \$19.68; 25 by 140 ft. \$21.19; 25 by 150 ft. \$22.70; 25 by 160 ft. \$24.22; 25 by 200 ft. \$30.27; 25 by 240 ft. \$36.33; and all other lots and tracts of land greater or less dimensions and superficial areas, in proportion to their respective areas; all of said estimate of cost being made exclusive of the cost of inspection, collection, incidentals and interest.

#203
pg 2

And Whereas, by resolution duly passed and adopted, by said Board on the 15th day March A.D. 1909, the report so made and filed by said town engineer was adopted, and the said report, together with the details, specifications, estimates, map, schedules and the kinds of material recommended by said town engineer to be used in the construction of said sewer system approved and adopted by said Board as the detail plans, specifications, estimates and materials for use in the construction of said sewer system, and the survey and map of said proposed sewer district to be the survey and map of the sewer district to be thereafter created.

And whereas, by said resolutions adopted as aforesaid, the Board of Trustees determined the number of installments and the time in which the cost of said improvements should be payable; the rate of interest on unpaid installments; the district of land to be assessed for the same; the probable cost of said sewers; the maximum amount of such total cost to be assessed upon each lot and parcel of land in said district, and directed the Clerk of said Board to publish in the Bent County Democrat, a newspaper of general circulation in said town, a notice to the owners of property to be assessed, of the kind of improvements proposed; the number of installments and the time in which the cost of said improvements will be payable; the rate of interest on deferred and unpaid installments; the extent of the district to be improved; the probable cost of said improvements, the estimated cost per square foot and per lot or tract of land; the time when an ordinance ordering the construction of district sanitary sewers in the sewer district proposed would be finally considered; that the map of said proposed district showing the exterior boundaries thereof and the location of said sewers, and the estimate and schedules showing the amounts to be assessed against each lot and parcel of land in said district, and all resolutions and proceedings of said Board relating to said proposed sewer district, and the proposed improvements therein, were on file and could be seen and examined by any person interested, at the office of said clerk at any time prior to six o'clock P.M. on Monday April 26th, 1909; that all complaints and objections made in writing concerning the proposed improvements therein described and contemplated to be made, by the owner or owners of any real estate to be assessed with the cost thereof, or by any person interested generally, would be heard and determined by said Board, and that at said time and after the determination of all complaints and objections so made, said Board would take up and consider an ordinance creating said district and ordering and authorizing the improvements therein proposed.

And whereas, the said town clerk, by advertisement for a period of over twenty days prior to the 26th day of April, 1909, published in the said Bent County Democrat, gave notice in form and substance of the matters and things above mentioned as having been ordered to be given;

And whereas, no objections were made and filed against the construction of said sewer system as proposed, or to the assessment of the cost thereof, by any owners of any lands within said proposed district, or by any person interested;

And whereas, more than thirty days have elapsed since the date of the first publication of said notice:

And whereas, The Town of Las Animas, Colorado, has, under and by virtue of the laws

#203
Pg 3

of the State of Colorado, and under and by virtue of Ordinance of said town of Las Animas, become and now is a City of the Second Class,

Therefore;

Be it ordained by the City Council of the City of Las Animas, Colorado:

Section 1.

That a sanitary sewer district be, and the same is hereby established and created out of that portion of the City of Las Animas, Colorado, bounded and described as follows, to-wit

In the City of Las Animas, County of Bent, State of Colorado:

Block No. 29, Lots 1 to 32 Inclusive

Block No. 30, Lots 1 to 32 Inclusive

Block No. 31, Lots 1 to 32 Inclusive

Block No. 48, Lots 3 to 16 Inclusive, and 19 to 32 Inclusive

Block No. 49, Lots 3 to 16 Inclusive and 19 to 32 Inclusive

Block No. 50, Lots 1 to 32 Inclusive

Block No. 51, Lots 1 to 32 Inclusive

Block No. 52, Lots 1 to 32 Inclusive

Block No. 53, Lots 1 to 32 Inclusive

Block No. 54, Lots 1 to 32 Inclusive

Block No. 55, Lots 1 to 32 Inclusive

Block No. 56, Lots 1 to 32 Inclusive

Block No. 57, Lots 1 to 32 Inclusive

Block No. 58, Lots 1 to 32 Inclusive

Block No. 59, Lots 1 to 32 Inclusive

Block No. 60, Lots 1 to 32 Inclusive

Block No. 61, Lots 1 to 32 Inclusive

Block 62, Lots 1 to 32 Inclusive

Block No. 63, Lots 1 to 32 Inclusive

Block No. 64, Lots 1 to 32 Inclusive

Block No. 65, Lots 1 to 32 Inclusive

Block No. 66, Lots 1 to 32 Inclusive

Block No. 67, Lots 1 to 32 Inclusive

Block No. 68, Lots 1 to 32 Inclusive

Block No. 69, Lots 1 to 32 Inclusive

Block No. 70, Lots 1 to 20 Inclusive

Block No. 71, Lots 1 to 12 Inclusive

Block No. 72, Lots 1 to 12 Inclusive

Block No. 73, Lots 1 to 12 Inclusive

Block No. 74, Lots 1 to 12 Inclusive

Block No. 75, Lots 1 to 12 Inclusive

Block No. 76, Lots 1 to 12 Inclusive

Block No. 77, Lots 1 to 12 Inclusive

Block No. 78, Lots 1 to 12 Inclusive

Block No. 79, Lots 1 to 12 Inclusive

Block No. 80, Lots 1 to 12 Inclusive

QUILL
So Fast
So Simple

#202
pg 4

Block No. 81, Lots 1 to 12 Inclusive
Block No. 82, Lots 1 to 12 Inclusive
Block No. 83, Lots 1 to 12 Inclusive
Block No. 84, Lots 1 to 12 Inclusive
Block No. 85, Lots 1 to 12 Inclusive
Block No. 86, Lots 1 to 12 Inclusive
Block No. 87, Lots 1 to 12 Inclusive
Block No. 88, Lots 1 to 12 Inclusive
Block No. 89, Lots 1 to 12 Inclusive
Block No. 90, Lots 1 to 12 Inclusive
Block No. 91, Lots 1 to 30 Inclusive
Block No. 92, Lots 1 to 30 Inclusive
Block No. 93, Entire Block
Block No. 94, Entire Block
Block No. 95, Lots 1 to 32 Inclusive
Block No. 96, Lots 1 to 32 Inclusive
Block No. 97, Lots 1 to 32 Inclusive
Block No. 98, Lots 1 to 32 Inclusive
Block No. 99, Lots 1 to 4 1/2 inclusive, and Lot 5 and lots 5 1/2 to 32 Inclusive
Block No. 100, Lots 1 to 32 Inclusive
Block No. 101, Lots 1 to 32 Inclusive
Block No. 102, Lots 1 to 32 Inclusive
Block No. 103, Lots 1 to 32 Inclusive
Block No. 104, Lots 1 to 32 Inclusive
Block No. 105, Lots 1 to 32 Inclusive
Block No. 106, Lots 1 to 32 Inclusive
Block No. 107, Lots 1 to 32 Inclusive
Block No. 108, Lots 1 to 20 Inclusive
Block No. 110, Lots 1 to 32 Inclusive
Block No. 111, Lots 1 to 32 Inclusive
Block No. 112, Lots 1 to 32 Inclusive
Block No. 113, Lots 1 to 32 Inclusive
Block No. 114, Lots 1 to 32 Inclusive
Block No. 115, Lots 1 to 32 Inclusive
Block No. 116, Lots 1 to 32 Inclusive
Block No. 117, Lots 1 to 32 Inclusive
Block No. 118, Lots 1 to 32 Inclusive
Block No. 119, Lots 1 to 32 Inclusive
Block No. 120, Lots 1 to 32 Inclusive
Block No. 121, Lots 1 to 32 Inclusive
Block No. 122, Lots 1 to 32 Inclusive
Block No. 146, Lots 1 to 24 Inclusive
Block No. 147, Lots 1 to 24 Inclusive
Block No. 148, Lots 1 to 24 Inclusive

#203
Pg 5

Block No. 154, Lots 1 to 24 Inclusive

Block No. 155, Lots 1 to 24 Inclusive

Also the following parcels of land situate within the City of Las Animas comprising part of the right of way of the Atchison, Topeka and Santa Fe Railway Company's right of way and described as follows to-wit: All those lands inclosed by the following metes and bounds: Beginning at a point where the North boundary line of the Right of Way of The Atchison, Topeka and Santa Fe Railway Company intersects the West boundary line of Bent Avenue, in said City of Las Animas; thence South along the said West line of Bent Avenue, a distance of four hundred and forty (440) feet to an intersection with the South line of the said Railway Company's right of way; thence West along the South line of said Railway Company's right of way, a distance of Three hundred (300) feet to an intersection with the East line of Carson Avenue; thence North along said East line of Carson Avenue a distance of Four hundred and forty (440) feet to an intersection with the North boundary line of said Railway Company's right of way; thence East along the North boundary line of said Railway Company's right of way a distance of Three hundred (300) feet to an intersection with the West boundary line of Bent Avenue, the same being the point of beginning; Also all those lands inclosed by the following metes and bounds; Beginning at a point on the North boundary line of the right of way of the Atchison, Topeka and Santa Fe Railway Company in said Town of Las Animas, where the West boundary line of Carson Avenue intersects; thence South along the said West line of Carson Avenue a distance of Four hundred and forty (440) feet to an intersection with the South boundary line of said Railway Company's right of way; thence West along said South boundary line of said Company's right of way a distance of three hundred (300) feet to an intersection with the East line of St. Ange Avenue; thence North along the said East line of St. Ange Avenue a distance of four hundred and forty (440) feet to an intersection with the North boundary line of said Company's right of way; thence East along the North boundary line of said Company's right of way a distance of three hundred (300) feet to an intersection with the said West line of Carson Avenue, the same being the point of beginning.

All the foregoing descriptions being given according to the plat of the Town of Las Animas, Colorado, made by George H. Hill, and filed for record in the office of the County Clerk and Recorder of Bent County, Colorado, on the 8th day of October A.D. 1888.

That said district shall and is hereby denominated, Las Animas Sanitary Sewer District Number One.

Section 2.

That the construction in and for said district of a system of sanitary sewers, for the sanitary drainage of said territory, with the necessary man-holes, inlets, appurtenances and incidentals, together with the mains outside of said district necessary to connect said systems with natural drainage, as shown in the plans, specifications and details and map thereof, prepared by the town engineer and approved by the Board of Trustees of said town and filed in the office of the Clerk and recorder of said town, be and the same is hereby ordered and authorized.

Section 3.

The cost of the construction of the system of sanitary sewers provided for in section two of this ordinance, with six per cent additional for cost of inspection, collection and

C-LINE #82033
CLEAR TOPPER

203
096

other incidentals, shall be paid in public improvements bonds of the City of Las Animas, in denomination of Five Hundred Dollars each, made payable to bearer on or before twenty years after date thereof, and bearing interest at the rate of six per cent. per annum, payable semi-annually, and shall be subscribed by the Mayor and attested by the Clerk and seal of the City; interest coupons attached to said bonds shall be subscribed by the Mayor and Clerk of said City; provided the facsimile signatures of said Mayor and Clerk may be lithographed and printed on said coupons, and such facsimile signatures when so lithographed and printed on said coupons shall be taken and held to be the signatures of such officers.

Said bonds shall be substantially in the following form:

"UNITED STATES OF AMERICA
"STATE OF COLORADO
"THE CITY OF LAS ANIMAS.

No. _____ \$ _____

"Las Animas Sanitary Sewer District Number One".

"On or before twenty years after date the City of Las Animas, Colorado, for value received, will pay to the bearer, at the office of the Treasurer of said City or at First National Bank N.Y. the principal sum of Five Hundred Dollars, in lawful money of the United States, with interest thereon at the rate of six per cent. per annum, payable semi-annually on the first day of January and the first day of July in each year, according to the tenor of the interest coupons hereto attached. This is one of a series of 108 public improvement bonds of the City of Las Animas, Colorado, numbered consecutively from 1 to 108 both inclusive, of like tenor. (denomination), and date, issued by the City of Las Animas, in payment for the improvements in Las Animas Sanitary Sewer District Number One of the City of Las Animas, Colorado, as said district was created by this ordinance and is payable only out of moneys to be collected by said City on account of the assessment to be made upon the real estate in said district for said improvements, as the same are authorized by law, not exceeding the total estimated cost of said improvements, to-wit: Forty-eight thousand and seven hundred and fifty-seven dollars and forty cents, (\$48,757.40), with cost of inspection, collection and other incidentals not to exceed six per cent. of said estimated cost, and interest.
This bond is issued pursuant to, upon the authority of and by full and strict compliance with the provisions of an Act of the General Assembly of the State of Colorado, entitled, "An act to provide for the construction of local improvements of all classes having a population of less than one hundred thousand, and in incorporated towns, the issuance of local improvement bonds therefor, and the assessment and payment of the cost of said improvements, "Approved April 8, 1899, and all acts amendatory thereto, and is subject to call for payment at any time by number and in its numerical order, on public notice by the City Treasurer, whenever said Treasurer shall have funds in his hands collected from said assessments sufficient to pay the same. The Lithographed and printed signatures of the Mayor and Clerk of said City upon the coupons attached to this bond are hereby adopted as and shall be taken and held to be the signatures of said officers.

#203
pg 1

"And it is hereby recited and certified that all acts and things required to be done and conditions and things required to exist precedent to an in the issuance of this bond to render the same lawful and valid have happened and been properly done and performed and did exist in regular and due time, form and manner as required by law. This bond is payable solely out of the proceeds of a special assessment to be levied upon the real estate situate in the City of Las Animas in said sanitary sewer District No. 1 specially benefited by said improvement and the amount of the assessment so to be made upon the real estate in said district for the payment thereof with accrued interest is a lien upon said real estate in the respective amounts to be apportioned to said real estate and assessed by ordinance of said city; said lien having a priority over all other liens except other bonds heretofore issued by said town and city and the lien of general taxes and that the total issue of the bonds of said city for said district, including this bond does not exceed the estimate of the City Engineer, the contract prices for said improvements nor the amount authorized by law.

In Witness Whereof these presents are subscribed by the Mayor and Attested by the Clerk and Corporate seal of said City, this first day of July A.D. 1909.

James Smythill
Mayor of the City of Las Animas, Colorado.

Attest:-

Lawrence J. Kelly
City Clerk.

(SEAL)

No. _____

"The City of Las Animas

"In the State of Colorado

"Will pay to the bearer the sum of Fifteen Dollars, on the _____ day of _____ A.D. at the office of the Treasurer of said City upon surrender of this coupon, the same being six months interest on a bond of Las Animas Sanitary Sewer District Number One of said City, or at the First National Bank of New York, for \$500.00 and is payable upon the terms and conditions in said bond set forth.

Attached to Bond No. _____ 6

City Clerk. Mayor

Section 4.

The Mayor is hereby authorized and directed to advertise, in the manner required by law, for bids for the construction of said improvements in accordance with the said details, plans and specifications.

Passed and approved by the City Council of the City of Las Animas, this 10th day of May A.D. 1909.

James Smythill
Mayor.

Attest:-

Lawrence J. Kelly
City Clerk.

CLINE #2033
CLEAR TOPPER

STATE OF COLORADO)
) (SS
County of Bent)

#203
Pg 8

I, Frances M. Cahill, City Clerk of the City of Las Animas, Colorado, do hereby certify that the above and foregoing Ordinance was introduced and read at a preceding regular meeting of the City Council, of the City of Las Animas, and published in full in the Bent County Democrat, a public newspaper of general circulation published in the City of Las Animas, for ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Las Animas, Bent County, Colorado, this 11th day of May 1909.

Frances M. Cahill

City Clerk.