

ORDINANCE NO. 375

AN ORDINANCE RELATING TO SIDEWALKS, CURBS AND GUTTERS, AND
DECLARING AN EMERGENCY.

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

SECTION 1. This ordinance is enacted for the purpose of implementing the City's powers provided in CRS 1963 139-32-1(20), 139-78-3(8) and 139-37-6 and of providing orderly procedures for the exercise of these powers.

SECTION 2. The City Council, when it deems necessary, on its own motion may order that any sidewalk, curb or gutter, or any portion thereof, shall be constructed, reconstructed, repaired, and in accordance with this ordinance may provide for the performance of such work and for the payment of the expenses thereof,

SECTION 3. RESOLUTION OF COUNCIL, The order of the City Council shall be by resolution duly adopted, which shall state the location and the nature of the improvement or improvements to be made, and shall provide that if the same are not made by the owner or owners of the adjacent or abutting property within 30 days from the date of service of notice, the City may make them or cause the work to be done, and shall assess the cost thereof against such adjacent or abutting property and the owner or owners thereof.

SECTION 4. NOTICE. Whenever such resolution is adopted, the City Clerk shall issue notice thereof in writing directed to the property owners and serve such notice by mailing the same by registered or certified mail, return receipt requested, to the property owners at their last known address. For the purpose of determining the name and last known address of any such property owner, the Clerk shall be entitled to rely upon the assessment rolls for general taxes in the Office of the County Assessor.

SECTION 5. PROTEST. Within 15 days after such notice is mailed, any owner of property affected by the improvement ordered to be made may file with the City Clerk a written remonstrance protesting the making of the improvement. If no remonstrance is filed within such period, that property owner shall be deemed to have waived any objection to the improvement ordered to be made. If a remonstrance is filed, the City Council shall hear and consider the same at the next meeting following the filing thereof, and the protestant may appear before the City Council and present any arguments and relevant evidence or statements of witnesses he may desire to produce.

SECTION 6. ACTION ON PROTEST. After hearing and considering any and all protests, the ^{Advisory} Board may (1) make any change or deletions in the proposed improvements that it feels necessary or in the public interest, or (2) determine to proceed with the improvements as ordered.

SECTION 7. CONSTRUCTION OR REPAIR BY PROPERTY OWNER. Whenever it is determined to proceed with the improvement either as ordered or as modified after hearing, the City Council may grant a reasonable extension of time for the owner to make the improvement, and if the owner shall fail, refuse or neglect to make the construction, re-construction or repairs as ordered within the 30 day period or any extension thereof, the City Council may order the performance of the work by the town employees or by independent contract or any combination thereof.

SECTION 8. ASSESSMENT ROLL. Upon the completion of any such improvement, the Clerk shall prepare and submit to the City Council a statement showing the

total cost of the improvement, including an additional amount not exceeding 15 per cent of said total cost for clerical, inspection, collection and other incidental expenses, together with an assessment roll showing a description of the adjacent or abutting property affected thereby, the name and last known address of the owners of such property, and the amount of the cost chargeable against each such tract of property. In the case of projects involving more than one property owner, the assessment shall be apportioned on the basis of lineal feet of improvement abutting the respective properties. The City shall pay for all such improvements within intersections.

SECTION 9. NOTICE OF ASSESSMENT. The Clerk shall also issue a notice in writing to each owner of property named on said assessment roll, stating that the improvement has been completed; that the assessment roll is on file in the office of the City Clerk and may be inspected by any person interested; the amount of the assessment against the property of said owner; that the assessment roll will be submitted to the City Council at its next regular meeting; and that the City Council at that time and place will hear and determine complaints and objections as to said assessment. The Clerk shall mail such notice to each property owner of property so improved by registered or certified mail at their last known address, return receipt requested. In the absence of specific knowledge of a better address, the Clerk shall be entitled to rely on the address of such owner as reflected by assessment roll for general taxes in the County Assessor's Office.

SECTION 10. LEVY OF ASSESSMENT. At the meeting designated in such notice the City Council shall hear and determine any complaints and objections made, and in its discretion may revise, correct, confirm or set aside, any assessment or charge contained in the assessment roll submitted to it and shall by resolution adopt and approve the assessment roll as finally determined.

SECTION 11. COLLECTION. All such assessments shall be due and payable without demand within 30 days from the effective date of the resolution adopting and approving such assessment, and if any assessment shall not be paid within such period, the Clerk shall certify such assessment to the Treasurer of Bent County, Colorado, who shall extend such assessment upon the tax roll of said County and collect the same in the same manner as other taxes assessed against said real property in accordance with the provisions of Colorado Statutes.

SECTION 12. ASSESSMENT A LIEN. All assessments made pursuant to this section shall constitute a perpetual lien in the several amounts assessed against each tract or parcel of land from the effective date of the assessing ordinance until paid, and this lien shall be superior to all other liens, claims and encumbrances except general taxes (CRS 1963, 139-37-6).

SECTION 13. SPECIFICATIONS FOR SIDEWALKS. Sidewalks upon all streets excepting streets where combined sidewalk and curb and gutter are approved for construction at the curb line by the zoning commission for complete blocks shall be four feet wide and shall be laid with the inner line one foot from the property line. The base concrete for the sidewalk shall be four inches thick, mixed in the proportion of not less than one part of Portland cement to five parts of clean, coarse gravel. The wearing surface shall be one-half inch thick, mixed in the proportion of not less than one part of Portland cement to two parts of sharp screened sand. The wearing surface shall be applied while the base concrete is still damp and finished by floating with ~~rough trowel~~ *rough trowel*. The sidewalks shall be cut ~~to a depth of one-half inch~~ *to a depth of one-half inch* into blocks approximately five feet long. Expansion joints one-half inch wide shall be provided not more than 30 feet apart. All walks shall slope one inch in their width away from the inner side.

SECTION 14. SPECIFICATIONS FOR CURB AND GUTTER. All curbs and gutters shall be constructed in one unit and shall be made of concrete and shall

C-LINE #82033
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be located ^{on an alignment to be designated by city engineers in accordance with the design of the street} ~~one foot from the property line~~, except that the Planning Commission may approve combined curb, gutter and sidewalk on the property line on whole block frontages. All street curbing constructed or repaired within the limits of the City shall be constructed or repaired with concrete mixed in the same proportion as provided above for sidewalks, not less than six inches thick, ~~1 1/2~~ inches deep and the gutter shall be not less than 24 inches in width. The curb shall be placed deep enough in the ground so that the top of the curb shall be slightly below the outer edge of the sidewalk so as to make a gradual slope of the park between the curb and the sidewalk sloping from the outer edge of the sidewalk to the top of the curb.

SECTION 15. CONSTRUCTED ACCORDING TO CITY PLAN. All curbs and gutters shall be constructed and finished to a grade which shall be provided by the City Engineer or Superintendent of Streets and Alleys.

SECTION 16. The City Council finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health and safety and shall take effect 10 days from and after its passage.

Kitty Ann Long
MAYOR

ATTEST: *Lila M. Marjine*
CITY CLERK.

This Ordinance was passed & adopted on third & final reading by the City Council this 1st day of April, 1968.