

AN ORDINANCE AUTHORIZING AND ORDERING THE FORMATION OF A SPECIAL IMPROVEMENT DISTRICT FOR THE INSTALLATION OF CURBS AND GUTTERS ON MAIN STREET OF THE TOWN OF NUCIA, COLORADO, AND DESCRIBING THE EXTENT OF SAID DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, The Board of Trustees have heretofore found and declared it to be necessary for the health, welfare and safety of the adjoining and butting owners of property on the Main Street of the Town of Nucla, State of Colorado, to install curbs and gutters along the said Main Street according to the extent hereinafter described, and to form a special improvement district to effect such improvement.

WHEREAS, Under and by virtue of the provisions of 1963 Colorado Revised Statutes 89-2-1 to 39, inclusive, said Town is authorized to form a special improvement district hereinafter described.

WHEREAS, Formation of the said district has been approved and requested by the owners of a majority of the frontage directly abutting on Main Street of the Town of Nucla, Colorado, within the district hereinafter described, as is required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCIA, COLORADO:

Section 1: That there be, and hereby is, formed Curb and Gutter District No. 1 of the Town of Nucla, Colorado, comprising the hereinafter described territory, situated in the County of Montrose and State of Colorado, to-wit:

Those lots and parcels of land facing on Main Street of the Town of Nucla, Colorado, within the Town Limits of said Town, according to the official plat thereof on file in the Office of the Clerk and Recorder for Montrose County, Colorado, excepting therefrom only that tract facing said Main Street at the South end and on the East side of said Main Street, described in Book 476, page 309, of the Public Records of said County and State aforesaid.

Section 2: That such District shall be formed and such improvements

Section 3: That the cost of said curbs and gutters shall be assessed to the property within the said District abutting on the Main Street of the Town of Huala, Colorado, on a cost per foot basis, and such improvements shall be paid for by the owners of said property according to the terms to be later specified by ordinance.

Section 4: That before contracting for or ordering any work to be constructed, a preliminary order shall be made by the Board of Trustees for the Town of Huala, Colorado, adopting full details and specifications, definitely describing the materials to be used, or stating that one of several specified materials shall be chosen, determining the number of installments and time in which the cost of the said curbs and gutters shall be payable, the rate of interest to be paid on unpaid and deferred installments, and the property to be assessed for the same, and requiring an estimate of the cost to be made by an engineer employed by the State of Colorado, Department of Highways for such purpose. The said order shall further require that a map of the said District shall be made and a schedule showing the approximate amount to be assessed upon the several lots or parcels of property within the said District. The said order shall further require that no contract shall be let or entered into for any amounts exceeding the estimate so made, except the cost of collection, inspection, incidentals and interest which may be added thereto. The said order shall further specify that the Town Clerk shall give notice, by advertisement once a week for three (3) consecutive weeks in a newspaper of general circulation in the Town of Huala, Colorado, to the owners of the property to be assessed, specifying the following:

- a) The kind of improvements proposed;
- b) The number of installments;
- c) The time in which the cost will be payable;
- d) The rate of interest to be paid on unpaid and deferred installments;

- g) The time, not less than twenty (20) days after the first publication, when an ordinance authorizing the improvements will be considered;
- h) That said map and estimate and schedule showing the approximate amount to be assessed, and all resolutions and proceedings are on file and can be seen and examined by any person interested at the Office of the Town Clerk, or other designated place, at any time within said period of twenty days; and

- 1) That all complaints and objections that may be made in writing concerning the proposed improvements by the owners of any real estate to be assessed, will be heard and determined by the Board of Trustees for the Town of Huehls, Colorado, before final action thereon.

ADOPTED AND APPROVED, This \_\_\_\_\_ day of October, 1967.

(SEAL)

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

It was then moved by Trustee \_\_\_\_\_ and seconded by Trustee \_\_\_\_\_ that all rules of the Board which might prevent, unless suspended, the final passage and adoption of said Ordinance at this meeting, be and the same are hereby suspended, for the purpose of permitting the final passage and adoption of the said Ordinance at this meeting.

The question being upon the adoption of said motion and the suspension of the rules, the roll was called with the following results:

Those voting Aye: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ members of the Board of Trustees having voted in favor of said motion, the presiding officer declared said motion carried and rules suspended.

Trustee \_\_\_\_\_, then moved that the said ordinance be passed and adopted as read.

Trustee \_\_\_\_\_ seconded the motion, and the question being upon the final passage and adoption of said ordinance, the roll was called with the following results:

Those voting Aye: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Those voting Nay: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ members of the Board having voted in favor of the passage and adoption of said ordinance, the presiding officer thereupon declared said ordinance was duly passed and adopted.

On motion duly adopted, it was ordered that said ordinance be numbered \_\_\_\_\_, and after its approval by the Mayor and attestation by the Town Clerk, it be published in the Kueksa Formu, the official newspaper of the Town of Kueksa, Colorado, and be recorded by the Town Clerk in the Ordinance Book according to law.

Thereupon the meeting adjourned.

\_\_\_\_\_  
Mayor

(SEAL)

STATE OF COLORADO )  
 )  
COUNTY OF MONTROSE ) ss.  
 )  
TOWN OF NUCLA )

The Town Council of the Town of Nucla, in the County of Montrose, and State of Colorado, met in regular session in full conformity with the laws and ordinances and rules of said Town at the Town Hall in the said Town, being the regular meeting place of the said Town Council on the 19<sup>th</sup> day of August, 1968, at 7:30 P.M..

Upon roll call, the following were found to be present:

Joe Sampack  
Frank Wiley  
Paul Wood  
Don Little  
Harold Rosenberg

Absent:

Phil Engerer

Thereupon the following proceedings, among others, were had and taken, to-wit: Trustee Joe Sampack introduced the following resolution:

RESOLUTION

WHEREAS, the Town of Nucla has duly adopted and passed Ordinance No. 92 for the formation of curb and gutter District No. 1, and

WHEREAS, the Statute of the Board of Trustees prior to

matters set forth in C. R. S. 89-2-2, now therefore, the following preliminary order is hereby made:

#### SPECIFICATIONS

Specifications for the concrete curbs and gutters shall be as shown by the drawings hereto attached hereafter referred to as Schedule "A", and designated as "Standard M-609-A" as published on July 1, 1965, by the Department of Highways, State of Colorado, and specifically "Type 2" as therein shown, and the radius of all corners and construction of driveway approaches shall be as therein specified.

#### C O S T

The maximum estimated cost of said curbs and gutters is \$3.40 per lineal foot which includes engineering service, but does not include cost of collection, inspection, incidentals, and interest, and if existing curbs and gutters are required to be removed, the said cost shall be increased by 50¢ per lineal foot. It is contemplated however that existing curbs and gutters adjacent to Blocks 30, 31, and 61, Town of Nucla, Colorado, will be removed and replaced only to the extent that such removal and replacement shall be deemed necessary because of deteriorated condition. It is also contemplated and hoped that actual bids received will be less than the maximum estimated cost, but said Statute requires that a preliminary estimate be made.

#### PAYMENT OF ASSESSMENT

The said curbs and gutters shall be paid for by owners of the property benefited thereby on a per foot basis for new curbs and gutters, repairs to old curbs and gutters or both, and such payments may be made in ten (10) equal annual installments, plus interest of six per cent. (6%) upon unpaid principal balances. The first such

thirty (30) days after publication of said ordinance. Thereafter each annual payment plus accrued interest shall be payable on the first day of January of each year until the principal plus interest has been paid in full. Provided further however that interest shall be payable semi-annually with accrued interest being payable, as aforesaid on the 1st day of January each year, and also on the 1st day of July of each year.

Payments of principal and accrued interest whether such interest be for January 1, or July 1, shall be considered delinquent on the 1st day of August of each year and failure to pay the same prior to delinquency thereof shall cause the whole amount of said unpaid principal and accrued interest to become due and payable immediately, and thereafter, the whole amount of said principal and accrued interest shall draw interest at the rate of one per cent. (1%) per month or portion of a month until sale; but at any time prior to the day of sale, the owner or his representative may pay the amount of all unpaid installments with interest, 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 property not in default as to any installment or payment, may at any time pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment of interest or principal.

Provided further that payments may be made to the Town Treasurer at any time within thirty (30) days after publication of the assessing ordinance and an allowance of five per cent. (5%) shall be made on all payments made during such period, but not thereafter. At the expiration of said thirty (30) day period, the assessment roll shall be certified to the County Treasurer who shall thereafter

property concerning which such default is suffered, for the payment of the whole of the unpaid assessments thereon. Said advertisement and sale shall be made at the same times, in the same manner, under all the same conditions and penalties and with the same effect as is provided by general law for sales of real estate in default of payment of general taxes.

PROPERTY TO BE ASSESSED

The property to be assessed is as shown by Schedule "B" attached hereto and made a part hereof, and the amount of such assessment shall be the footage on Main Street of Nucla, Colorado, times the actual bid, not to exceed \$3.40 per lineal foot, plus costs of collection, inspection, incidentals, and interest ~~except~~ for such property which has curbs and gutters which need to be removed, and the cost of such removal shall not exceed 50¢ per foot, and except for Blocks 30, 31, and 61 where only such repairs and installation will be made as is needed, but such installation shall not exceed the above estimates on a lineal foot basis. Also providing that certain of the said property as herein designated shall be assessed for additional footage required for intersection corners.

M A P

There shall be made available at the Town Hall for the Town of Nucla a map of said Town showing generally the location of all lots and tracts in the Town of Nucla, for general identification of location of the property to be assessed. The said map, Schedule "A" and Schedule "B", shall be made available at the Town Hall for the Town of Nucla separate and apart from this order for examination by anyone interested.

Forum, to the owners of the property to be assessed, specifying the following:

- (a) The kind of improvements proposed;
- (b) The number of installments;
- (c) The time in which the cost will be payable;
- (d) The rate of interest to be paid on unpaid and deferred installments;
- (e) The extent of the District to be improved;
- (f) The probable cost per front foot;
- (g) The time, not less than twenty (20) days after the first publication, when an ordinance authorizing the improvements will be considered;
- (h) That said map and estimate and schedule showing the approximate amounts to be assessed, and all resolutions and proceedings are on file and can be seen and examined by any person interested at the office of the Town Clerk at any time prior to passage of the said ordinance;
- (i) That all complaints and objections that may be made in writing concerning the proposed improvement by the owners of any real estate to be assessed, will be heard and determined by the Town Council before final action thereon.

Trustee Paul Wilson seconded

the motion, and the question being upon adoption of said resolution, the roll was called with the following results:

Those voting Aye:

Joe Sambrook

Paul Wilson

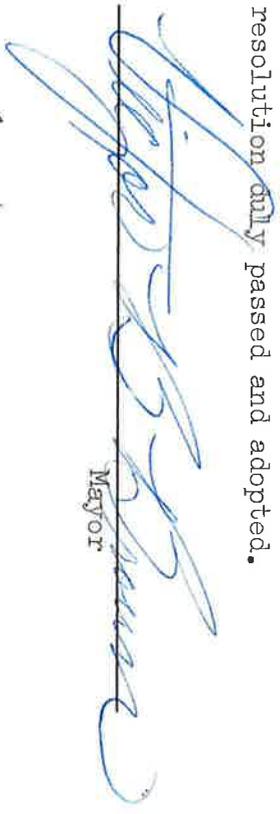
Paul Wilson

Ken Little

Therese Longmire

Those voting Nay:

thereupon declared said resolution duly passed and adopted.



Handwritten signature in blue ink, appearing to read "Robert J. ...".

Mayor

ATTEST



Handwritten signature in blue ink, appearing to read "Charles ...".

City Clerk