ORDINANCE NO. 93

AN ORDINANCE AUTHORIZING CURBS AND GUTTERS TO BE CONSTRUCTED WITHIN CURB AND GUTTER DISTRICT NO. 1 FOR THE TOWN OF NUCLA, COLORADO; AUTHORIZING THE MAYOR AND TOWN CLERK OF THE TOWN OF NUCLA, COLORADO, TO EXECUTE ANY NECESSARY AGREEMENT WITH THE STATE HIGHWAY DEPARTMENT FOR THE STATE OF COLORADO, WHICH MAY BE NECESSARY FOR CONSTRUCTION OF SAID CURBS AND GUTTERS: FIXING LIMITATIONS ON SUCH AUTHORITIES; AND DECLARING AN EMERGENCY.

WHEREAS, The Town of Nucla has duly adopted and passed Ordinance No. 92 for the formation of Curb and Gutter District No. 1 for the Town of Nucla, Colorado, and

WHEREAS, The Board of Trustees for the Town of Nucla, Colorado, has caused a notice to be published in the Nucla Forum in conformity with C.R.S. 89-2-2, as required by law, and

WHEREAS, The Department of Highways, State of Colorado is willing to undertake the task of obtaining a suitable contractor for the construction of curbs and gutters within the said District,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO, AS FOLLOWS:

SECTION 1: The extent of the District to be improved is 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 excepting therefrom that Tract facing said Main Street at the South end and on the East side thereof, described in Book 476, Page 309 of the Public Records of the said County and State aforesaid.

SECTION 2: The kind of improvements shall consist of curbs and gutters where required, and where such curbs and gutters exist in Blocks 30, 31, and 61, Town of Nucla, Colorado, the same will be removed and replaced only to the extent that such removal and replacement shall be deemed necessary because of deteriorated condition. The specifications for said curbs and gutters shall be "Type 2" as established by "Standard M-609-A" as published on July 1, 1966, by the Department of Highways, State of Colorado, and also the radius of all corners and construction of driveway approaches shall be as therein specified.

SECTION 3: The maximum estimated cost of the said curbs and gutters shall not exceed $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.

SECTION 4: The said curbs and gutters shall be paid for by owners of 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%) on unpaid principal balances. The first such payment shall be due on the 1st day of January following publication of the assessing ordinance, plus interest thereon at said rate from thirty (30) days after publication of said ordinance. Thereafter each annual payment plus accrued interest shall be payable on the 1st 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 first day of January each year, and also on the first 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. per month or portion of a month until sale; but at any time prior to said 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 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 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 collect said assessments. In case of default in the payment as above provided, the County Treasurer shall advertise and sell any and all property concerning which such default is suffered, for the payment of the whole of the unpaid assessments thereon. Said advertisements 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.

SECTION 5: The Mayor and Town Clerk for the Town of Nucla, Colorado, are hereby authorized to enter into an agreement with the Department of Highways, State of Colorado, whereby the said Department of Highways, State of Colorado, will undertake to obtain Contractors' bids for the construction of said curbs and gutters provided, however, the bids obtained by the Department of Highways, State of Colorado do not exceed the cost estimates herein contained, and providing further that the specifications for such construction, are substantially in conformity herewith.

ADOPTED AND APPROVED THIS 19th DAY OF AUGUST, 1968.

Victor B. Brown
Mayor

ATEST:

Carolyn Boulden
Town Clerk

Published October 31, 1968

BEER—toast to A

The brewing industry is a
the national economy. Ea
dollars into commerce and

- $1.4 billion in state and
- $3 billion to employees,
- $875 million in agricult
materials.

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prosperity.

UNITED STATES BREWERS A

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