

ORDINANCE NO. 343

AN ORDINANCE CREATING SPECIAL IMPROVEMENT DISTRICT NO. 69-1 IN THE TOWN OF BERTHOUD, COLORADO; ORDERING THE CONSTRUCTION AND INSTALLATION THEREIN OF STREET PAVING, CURB, GUTTER AND NECESSARY DRAINAGE IMPROVEMENTS, TOGETHER WITH NECESSARY INCIDENTALS; PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT FOR SAID IMPROVEMENTS; MAKING PROVISION FOR NOTICE TO CONTRACTORS AND FOR NOTICE TO BIDDERS FOR SPECIAL IMPROVEMENT DISTRICT BONDS OF SAID TOWN; AND DECLARING AN EMERGENCY.

WHEREAS, petitions have been filed with the Clerk of the Town of Berthoud, for the construction and installation of street paving, curb, gutter and necessary drainage improvements, together with necessary incidentals; and

WHEREAS, the Board of Trustees has heretofore determined that such petitions have been signed by the owners of a majority of frontage directly abutting on that portion of each of the streets and avenues on which it is proposed to construct and install such improvements, and that such petitions have been signed and filed in accordance with law; and

WHEREAS, the Board of Trustees has further determined that there exists a necessity for the creation of a special improvement district and for the construction and installation therein of street paving, curb, gutter and necessary drainage improvements, together with necessary incidentals; and

WHEREAS, notice of a public hearing concerning the creation of the District and the construction and installation of the improvements therein has been published once a week for four consecutive weeks in the Berthoud Bulletin, a newspaper published and of general circulation in the

Town, and in addition, a copy of the notice has been mailed, postage prepaid, to each known owner of real property within the proposed district; and

WHEREAS, at the time and place specified in said notice, the Board of Trustees met in open session for the purpose of hearing any objections or protests that might be made against the proposed district or the improvements to be constructed or installed; and

WHEREAS, the Board of Trustees considered the following protests and objections:

WHEREAS, all objections and complaints having been duly heard and considered, the Board has determined that such objections should be denied except as indicated above:

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

Section 1. That a special improvement district is hereby created and established in accordance with the Laws of the State of Colorado, to be known and designated as "Special Improvement District No. 69-1", and that all proceedings heretofore taken and adopted in connection with said District are hereby ratified, approved and confirmed.

Section 2. That the Engineers' reports, together with all of the details, specifications, estimates, maps and schedules thereto attached or appended, are hereby approved and adopted.

Section 3. The real property to be assessed with the cost of the improvements and included within the boundary of the District, shall be all of the real property fronting or abutting on that portion of each street and avenue to be improved, or within one-half block of such street or avenue, as hereafter set forth.

Section 4. The kind of improvements proposed and the streets and avenues to be improved are as follows:

- a. Curb and gutter of streets and widths designated on the Plat as necessary.
- b. Necessary excavation.
- c. Seal Coat.
- d. Install 4-inch base course gravel.
- e. Install 2-inch hot asphalt.
- f. Install drainage pans.
- g. Necessary and incidental structures to complete streets in accordance with plans and specifications.

Such improvements shall be installed on the following streets and avenues:

1. 7th Street from 240' South of Welch Avenue Avenue to South line of Mountain Avenue.
2. 6th Street from North line of Bimson Avenue to South Line of Welch Avenue.
3. 5th Street from 113 Ft. South of Bimson Avenue to alley North of Bimson Avenue.
4. 5th Street from North line of Lake Avenue to South line of Capitol Avenue.
5. 4th Street from alley South of Welch Avenue to South line of Mountain Avenue.
6. 4th Street from 150 Ft. South of Massachusetts Avenue to South line of Turner Avenue.
7. 3rd Street from 113 Ft. South of Bimson Avenue to South line of Franklin Avenue
8. 2nd Street from North line of Welch Avenue to South line of Mountain Avenue.
9. Franklin Avenue from alley West of 5th Street to West line of 4th Street.
10. Lake Avenue from alley West of 5th Street to West line of 3rd Street, excluding intersection of 4th Street.
11. Welch Avenue from 150 Ft. West of 7th Street to 1/2 block East of 6th Street.
12. Welch Avenue from 150 Ft. West of 4th Street to West line of 1st Street.
13. Bimson Avenue from East line of 5th Street to West line of 3rd Street.
14. Massachusetts Avenue, from West side of Third Street to East side of Fourth Street.

As shown by the estimates of the Engineer, the probable total cost of said improvements in said District will not exceed \$120,775.. The probable cost per front foot for street paving, curb, gutter and drainage improvements on each of the streets to be assessed will not exceed those amounts set forth in the Notice of a Proposition to create a Special Improvement District previously adopted by the Board of Trustees on the 18th day of August, 1970, which is incorporated herein by specific reference.

Said improvements are wholly within the boundaries of the Town of Berthoud, Larimer County, Colorado.

Section 5. That construction of the street paving, curb, gutter and necessary drainage improvements, together with necessary incidentals in and for said District, as shown by the plans, specifications and maps thereof, prepared by the Engineer and approved by the Board of Trustees of said Town and now on file in the office of the Town Clerk, be and the same is hereby authorized and ordered, the material to be used in the construction of said street improvements to be in accordance with such maps, plans and specifications.

Section 6. The assessments will be due and payable without demand within thirty days from and after the final publication of an ordinance assessing the whole cost of the improvements against the real property in the District. In the event that any owner of real property shall fail to pay the whole of such assessment against his property within said thirty days, then the assessment shall be payable in not more than ten (10) equal annual installments of principal. The dates for the payment of installments of assessment, and the rate of interest to be paid on unpaid and deferred installments shall be determined by the Board of Trustees and set forth in the assessing ordinance at a later date.

Section 7. By virtue of and pursuant to Chapter 89, Article 2, Colorado Revised Statutes, 1963, as amended, local improvement bonds of the Town of Berthoud shall be issued for the purpose of paying for the local improvements described in this Ordinance and provided to be constructed in said Special Improvement District in an amount not to exceed the cost of the improvements, including engineering and all incidental expense. The bonds shall be issued

upon estimates approved by the Board of Trustees, and the Town Treasurer shall preserve a record of the same in a suitable book kept for that purpose. Such bonds shall be payable out of the moneys collected on account of the assessments to be made for the improvements. The maximum net effective interest rate for the issue of bonds shall not exceed 9-1/2% per annum, the exact interest rate or rates to be determined at a later date and set forth in the ordinance authorizing the issuance of bonds.

Section 8. The Mayor and Town Clerk are hereby authorized to advertise for bids to construct such improvements, and for bids for the purchase of bonds, in four (4) consecutive weekly issues of the Berthoud Bulletin, a newspaper published and of general circulation in said Town. Such advertisements may be published concurrently with the publication of this Ordinance.

Section 9. The Board of Trustees hereby finds and determines that the improvements proposed to be constructed and installed will confer a special benefit upon the property within the District and a general benefit upon the Town as a whole.


Section 10. By reason of the fact that the completion at the earliest possible date of the improvements described in this Ordinance is necessary to the immediate preservation of the public property, health, peace and safety, it is hereby declared that an emergency exists and that this Ordinance shall take effect five days after publication.

Section 11. All ordinances, or parts thereof in conflict herewith are hereby repealed. This Ordinance, after its passage, shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and Town Clerk, shall be published in the Berthoud Bulletin.

Section 12. If any one or more parts of this Ordinance should be judicially adjudged invalid or unenforceable, such Judgment shall not affect or impair the remaining provisions hereof, the intention being that the provisions hereof are severable.

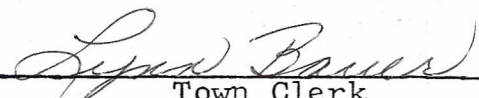
ADOPTED AND APPROVED, this 22nd day of September, 1970.

(S E A L)



Mayor

ATTEST:



Town Clerk

It was thereupon moved by Trustee Beck
and seconded by Trustee Freddy that the foregoing
Ordinance read in full at this meeting as aforesaid, be adopted
and approved, and be published in full in the Berthoud Bulletin,
a newspaper of general circulation published in the Town of
Berthoud, in its issue of October 1, 1970.

The question being upon the adoption of said motion,
the roll was called with the following result:

Those voting AYE:


Trustees:	John S. Angelos
	John L. Beck
	Thomas C. Bein
	John Erickson
	Norman Erickson
	Dan Freddy
	Dick Holzmeister

Those voting NAY: Dick Holzmeister

6 members of the Board of Trustees having voted
in favor of said motion, and said number being at least 3/4 of the
membership of the Board of Trustees, the presiding officer thereupon
declared said motion carried.


After consideration of other business to come before the
Council, the meeting thereupon adjourned.

(S E A L)



Mayor

ATTEST:



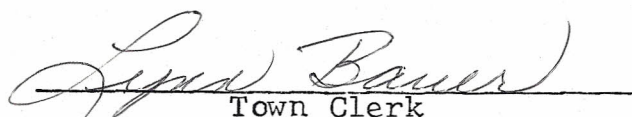
Town Clerk

STATE OF COLORADO)
COUNTY OF LARIMER) ss.
TOWN OF BERTHOUD)

I, Lynn Bauer, the Town Clerk of the Town of Berthoud, Colorado, do hereby certify that the foregoing pages numbered 21 to 29, inclusive, constitute a true and correct copy of the proceedings of the Board of Trustees of said Town, taken and adopted at a special meeting held on September 22, 1970, at 7:30 o'clock P.M., insofar as the minutes relate to the passage of an ordinance relating to the creation of a special improvement district in the Town of Berthoud; that said ordinance has been authenticated by the signatures of the Mayor, as presiding officer of the Board of Trustees and by myself, as Clerk of the Town of Berthoud, and recorded in a book kept for that purpose in my office. The ordinance has been published in full in the Berthoud Bulletin, a newspaper published in the Town of Berthoud, in the issue dated October 1, 1970, as evidenced by an affidavit of publication attached hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said Town this _____ day of _____, 1970.

(S E A L)


Town Clerk