

ORDINANCE NO. 329

AN ORDINANCE CREATING SPECIAL IMPROVEMENT DISTRICT NO. 68-1 IN THE TOWN OF BERTHOUD, COLORADO; ORDERING THE CONSTRUCTION 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, the Board of Trustees of the Town of Berthoud, Colorado, pursuant to the Laws of the State of Colorado, hereby finds and determines that there exists a necessity for the creation of a special improvement district in said Town and the construction therein of street paving, curb, gutter and necessary drainage improvements, together with necessary incidentals, as described herein; and

WHEREAS, the Board of Trustees has heretofore directed the Engineer to prepare plans, specifications, maps and schedules in accordance with said laws; and

WHEREAS, the Engineer has filed with the Clerk of said Town all the reports, maps and certificates of his survey, as well as schedules, plans, specifications, approximations of cost and all other matters and things in complete form and substance as required by law; and

WHEREAS, the said report so made and filed, together with details, specifications, estimates, maps and schedules, are hereby approved and adopted by said Board of Trustees; and

WHEREAS, the Board of Trustees directed the Town Clerk to publish in the Berthoud Bulletin, a newspaper published and of general circulation in said Town, Notice of a proposition to create said District and that at a meeting on June 17, 1968, all

complaints and objections that might be made in writing concerning the proposed improvements by the owner or owners of any real estate to be assessed, or any person or persons interested generally, would be heard and determined by the Board of Trustees before final action of Board thereon and that after the disposition of all complaints and objections was made, the Board of Trustees would take up and consider an ordinance creating the District and ordering the proposed improvements; and

WHEREAS, the Town Clerk, by advertisement in four consecutive weekly editions of the Berthoud Bulletin, give Notice in form and substance of the matters and things above mentioned, as ordered to be given, in all respects in accordance with law and said order; and

WHEREAS, the City Clerk has mailed to each known owner of real property to be assessed with the cost of said improvements, a Notice of Intention to Create said District, as provided by a Resolution previously adopted by the Board of Trustees; and

WHEREAS, a Hearing on all protests and objections concerning the proposed Improvement District was held on June 17, 1968, at 7:30 o'clock P.M., at which time a quorum of the Town Board failing to be present was regularly adjourned until 7:30 o'clock on June 18, 1968, at which time all objections and protests were duly heard and considered, as follows:

<u>Name</u>	<u>Substance of Remarks</u>	<u>Action Taken</u>
Mr. and Mrs. Dennis Archer 539 - 9th Street Berthoud, Colorado	objection raised on one-half assessment since improvement is not to be directly in front of their property, but to the avenue directly north of their property.	Denied

<u>Name</u>	<u>Substance Of Remarks</u>	<u>Action Taken</u>
None	None	None

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. 68-1", and that all proceedings heretofore taken and adopted in connection with said District are hereby ratified, approved and confirmed. That said improvements, herein-after described are ordered after Notice duly given and Hearing duly held.

Section 2. That the property to be assessed for the cost of said improvements shall be the property specially benefited by the construction of the improvements, as more particularly described in the Resolution adopted and approved by the Board of Trustees on May 20, 1968.

Section 3. 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 4. That the proposed improvements of Special Improvement District No. 68-1 shall be 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:

- a. 8th Street from north side of Mountain Avenue to north side of Turner Avenue.
- b. 7th Street from north side of Mountain Avenue to south side of Franklin Avenue.
- c. 6th Street from north side of Mountain Avenue to south side of Franklin Avenue.
- d. 5th Street from south side of Lake Avenue to alley between Welch Avenue and Bimson Avenue.
- e. Lake Avenue, east line of 8th Street to the alley between 5th and 6th Streets.
- f. Turner Avenue, west side of 8th Street to alley between 4th and 5th Streets.
- g. Massachusetts Avenue, east line of 9th Street to the west side of 4th Street.
- h. Welch Avenue from midway between 5th and 6th Streets to midway between 4th and 5th Streets.

As shown by the estimates of the Engineer, the probable total cost of said improvements in said District will not exceed \$104,500.00. 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 20th day of May, 1968, 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. By virtue of and in pursuance of the aforesaid laws, local improvement bonds of the Town of Berthoud shall be issued for the purpose of paying for the local improvements in this Ordinance described and provided to be constructed in said Improvement District in an amount not to exceed the cost of the improvements, including engineering and all incidental expenses, excluding, however, 6% for collection, inspection and interest as in said laws provided.

Section 7. The issuance of said bonds and provision for the payment of principal and interest thereon shall be authorized by an Ordinance later to be passed in accordance with the Laws of the State of Colorado.

Section 8. The Mayor and Town Clerk are hereby authorized to advertise for bids to construct such improvements, and for bids for bonds to be issued, 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. 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 10. 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, and after becoming effective, shall be irrepealable until the bonds are paid in full.

Section 11. 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 18th day of June, 1968.

(S E A L)

R. B. Fickel

Mayor

ATTEST:

Amora Williams
Town Clerk