

ORDINANCE NO. 11

AN ORDINANCE FOR THE ESTABLISHMENT OF GRADES ON LOGAN STREET AND REGULATING THE ERECTION OF SIDEWALKS AND STREET GRADES THEREON, AND REGULATING THE HEIGHT OF STEPS CONNECTED THERETO, AND RESTRICTING AND SPECIFYING THE AMOUNT OF SIDEWALK USED THEREON.

Be it ordained by the Board of Trustees' of the Town of Fleming, Colorado.

Section 1. That the grade of Logan Street in the Town of Fleming, Colorado, on both sides thereof, beginning on the North side of Railway Street and extending to the South line of Douglas Street in said Town, is hereby established as follows:

A bench mark being established at the Northeast corner of Block Sixty-four (64) of said town, the same being set on the outer edge of the sidewalk with an assumed elevation of 50. From this bench mark the elevation at the North line of Railroad Street was found to be 49.60; thence rising in a uniform grade to the South line of Arapahoe Street to an elevation of 50.40, and from said point rising in a uniform grade to the South line of Douglas Street to an elevation of 52.00.

Section 2. Profile-- all elevations indicated in the profiles shall be from said established datum plane and for the accurate ascertainment and establishment of said grade of said street and sidewalks reference shall be had to the profile of said street for said grade as surveyed and platted by E. J. Youngquist, City Engineer, and which said profile is hereby declared to be official and shall in conjunction with this ordinance be used in all matters pertaining to said grade.

Section 3. Grades Established--The grades as given in detail upon said official profile in the City Clerk's office and

established by the City Council shall be, and the same are hereby declared to be the established grades upon the street and part of street as therein shown.

Section 4. Alterations.-- It shall be the duty of the City Engineer to make such alterations upon the official profile and upon the duplicates of said profile that may from time to time become necessary to indicate any changes that may have been made by order of the City Council or may hereafter be ordered in the established grade of said street, or part of street, or in the width of any established park line.

Section 5. Cross Sections- How Established*- The cross section of a street is established as follows: Commencing on either side of the street the sidewalk of the outer line of the street shall be at grade; thence descending two-tenths (2-10) of a foot to the top of the curb stone at the edge of gutter, thence dropping to the bottom of the gutter one foot, or 1.2 feet to below grade; thence rising with a line curving upward to the center of the street, which shall also be at grade.

Section 6. Park or Curb Line.-- The park or curb line upon the street of that part of said city described in a preceding section shall be a line parallel to the street or building line at a distance therefrom of twelve (12) feet.

Section 7. Profile, When Filed.* That the said profile was filed in the office of the City Clerk of said City on the _____ day of _____, and that the said day of said filing is written by the City Clerk upon said profile.

Section 8. That a plat of all of the part of said city affected by this ordinance has also been made by the City Engineer and filed with the City Clerk of the same date as the profile mentioned in the preceding paragraph, and that the said plat shall remain on file in said office for reference to grades and profile, etc., from and after the passage of this ordinance.

Section 9. The city shall in no event be at any expense for establishing lot or block corner lines.

Section 10. It shall be unlawful for any steps or any building hereafter to be erected on said Logan Street, to be on or project over the sidewalk in front of the same. And it shall be unlawful for any step or door, in any building hereafter to be erected on said street, joining the sidewalk in front thereof, to be more than six (6) inches higher than the sidewalk.

Section 11. All sidewalks, of any description, or street grades, that are now on said street, or which may, hereafter be erected thereon, must comply with and be in accordance with the grades established in Section 1 of this ordinance, and any sidewalks, or street grade, on said street, which may hereafter be erected, thereon, and not be in accordance with the grades herein named, shall be deemed a public nuisance, and the owner or person, who shall have erected the same, shall on written notice, given him by the Mayor or Street Commissioner of said town, within one week thereafter, remove said sidewalk or street grade, or change the same to comply with and be in accordance with the grades as established in Section 1 of this ordinance. All steps and doors hereafter erected and joined on to the sidewalk of said Logan Street, shall be in compliance with Section 10 of this ordinance; and any step or door, or any building, hereafter erected and joined on the sidewalk of said street, not in accordance with the provisions of Section 10 of this ordinance, shall be deemed a public nuisance, and the owner or person, who shall have erected the same, shall upon written notice, given him by the Mayor or Street Commissioner of said town, within one week hereafter, remove the same or change the same to comply with the provisions named in Section 10 of this ordinance.

Section 12. ^{from} For and after the passage of this ordinance all sidewalks constructed or repaired on Logan Street, from the North line of the Chicago, Burlington & Quincy Railway right of way, to the North line of Lot 7 in Block 3, formerly and originally known as the Town of Fleming, now described as the North

line of Lot 7, Block 5, Sanders Addition to the Town of Fleming; and from the North line of the Chicago, Burlington & Quincy Railroad Right of Way, to the North line of Lot 9, Block 2, of the original Town of Fleming, shall be in conformity with, as to material, construction and dimensions as herein after set forth, to-wit: All sidewalks within the limits herein last above described shall be constructed of cement, and shall be made of a mixture composed of not less than one part cement to five parts sand or gravel; said walks shall be not less than four inches in thickness in any place, and shall be covered with a top coating of one inch composed of a mixture of one part cement to one part sand or gravel. The said walk, herein designated, shall be ten(10) feet in width from the lot line, toward the center of Logan Street, and at a distance of eighteen (18) inches from the street edge of said sidewalk, a six (6) inch curb, shall be constructed, according to the grades herein before established, which said curb shall be connected with a gutter eighteen (18) inches in width, and said curb and said gutter shall be constructed of cement composed of a mixture of not less than one part concrete to one part sand or gravel. From the South line of the Chicago, Burlington & Quincy Railroad Right of Way thence North on Logan Street to the North edge of Chicago, Burlington & Quincy Right of Way, a walk shall be constructed composed of brick, which shall be six (6) feet in width.

Section 13. The description of the property in front of which said sidewalks shall be constructed, and the names of the owners thereof, is as follows, to-wit:

CHICAGO, BURLINGTON & QUINCY RAILROAD RIGHT OF WAY.
BLOCK FOUR(4)

Lot 1. James H. Gruer.
Lot 2. J.N. Sanders.
Lot 3. Geo. Smith.
Lot 4. W. S. Winnmer. *Cheramy*
Lot 5. Wm. C. Chamberlain. *Hart*
Lot 6. J.P. Hradecky.
Lot 7. Harold Jefferies.
Lot 8. Sarah L. Jefferies.
Lot 9. J.L. & E.R. Morris.
Lot 10. H.L. & E.R. Morris.
Lot 11. Chas. O'Rourke.
Lot 12. E.M. Brown.

BLOCK NINE(9)

Lot 1. Fleming State Bank.
Lot 2. M.C. Detamore. *Smith*

Lot 3. F. W. Whitaker.
Lot 4. Citizens Lumber Co.
X Lot 5. Citizens Lumber Co.
Lot 6. Citizens Lumber Co.
Lot 7. Citizens Lumber Co.

BLOCK THREE (3).

Lot 7. Harrie A. Scott.
Lot 8. Harrie A. Scott.
Lot 9. Celia Anna Nellie Gilbert.)
Lot 10. Celia Anna Nellie Gilbert.) Assessed to
Lot 11. Celia Anna Nellie Gilbert.) J. H. Rogers.
Lot 12. Celia Anna Nellie Gilbert.)

BLOCK TWO (2).

Lot 7. Geo G. Grauberger.
Lot 8. Geo G. Grauberger.
Lot 9. Geo G. Grauberger.
Lot 10. Geo. G. Grauberger.

BLOCK FIVE (5).

Lot 7. Farmers Bank of Fleming.
Lot 8. Farmers Bank of Fleming.
Lot 9. J. A. Brooks.
Lot 10. W. A. Brown.
Lot 11. W. A. Brown.
X Lot 12. Mary Olson.
Lot 13. Miss M. C. Detamore.
Lot 14. Miss M. C. Detamore.
Lot 15. Nellie M. Gusselir. *Kan*
Lot 16. Nellie M. Gusselir.
Lot 17. Miss M. C. Detamore. *Rudel*
Lot 18. Miss M. C. Detamore.

BLOCK EIGHT(8)/

Lot 7. J. W. Edgar.
Lot 8. Knight & Rudel.
Lot 9. Knight & Rudel.
X Lot 10. John H. & Jas. H. Acott.
Lot 11. John H. & Jas. H. Acott.
Lot 12. John H. & Jas. H. Acott.
Lot 13. John H. & Jas. H. Acott.
Lot 14. John H. & Jas. H. Acott.
Lot 15. W. A. Brown.

Section 14. Within sixty (60) days from the adoption and posting of this ordinance, all sidewalks on Logan Street, within the limits herein above described, shall be extended so that the same shall be in conformity with this ordinance.

Upon the adoption and posting of this ordinance, the town Recorder shall give notice to all property owners, affected by this ordinance, whose sidewalks are to be extended or constructed within the time provided by this ordinance, that they will be

required to extend or construct their walk , and that they will be required so to do, within ten (10) days, after the serving of said notice, and upon their failure to so construct, repair or extend in conformity with this ordinance, the town of Fleming shall then proceed to construct, repair or extend any walks or curbs in conformity with this ordinance, and the cost of the same will be assessed to the property adjoining such improvement, and the amount so assessed shall be a lien upon the said property until the same is paid. In case of the failure of the property owner or his agent to pay such assessment within ten (10) days after such assessment shall be made, the town Recorder shall cause notice of said assessment to be published in a newspaper, of general circulation in the County, for one week. The said notice shall contain a notice to the property owner of the amount assessed against his or her property and if such assessments are not paid within ten (10) days after publication, of the said notice, the town Recorder shall certify such assessment to the officer having custody of the tax liens, and said officer shall place upon the said tax lists, for the current year, the said assessment, and shall add thereto, a 10% penalty to defray the costs of collection as provided by law, and the said assessment shall be collected the same as other taxes, ^{by} the County Treasurer of Logan County.

Passed, approved and adopted this 3rd day of June, A. D. 1918.

Chas. D. Patton
Mayor

attest

C. R. Summs
Recorder