

ORDINANCE NO. 3671

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-46-04, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Sanitary Sewer Improvement District No. SS-46-04, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Sanitary Sewer Improvement District No. SS-46-04, and the apportionment of cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Sanitary Sewer Improvement District No. SS-46-04, in the City of Grand Junction, Colorado, which said Notice was caused to be published in the Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on August 20, 2004, and the last publication thereof appearing on August 22, 2004); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the

assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Sanitary Sewer Improvement District No. SS-46-04, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sanitary Sewer Improvement District No. SS-46-04 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$119,697.90, said sum including a one-time charge of six percent (6%) for costs of collection and other incidentals; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-034-00-071	BEG 11.4FT E OF SW COR NE4NE4SE4 SEC 3 1S 1W N1DEG19MIN E 44.7FT N 36DEG45MIN W 197.5FT N 50MIN W206FT TO S ROW OF CO RD SELY ALG RD 620FT MORE OR LESS TO S LI SAID NE4NE4SE4 W344FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-072	BEG 11.4FT E OF SE COR NW4NE4SE4 SEC 3 1S 1W N1DEG19MIN E 44.7FT N 36DEG45MIN W 197.5FT FOR BEG W385FT N 32DEG21MIN E 439.1FT S 41DEG40MIN E 221FT S0DEG50' E 206FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-079	BEG 1965.7FT N + 303.6FT W OF SE COR SEC 3 1S 1W W358.4FT S 146FT E 118.5FT S 3FT E 163.7FT NELY ALGRD 168.9FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-080	BEG 1792.8FT N OF SE COR SEC 3 1S 1W N 172.9FT W303.6FT SWLY ALG RD 193.5FT E 384.8FT TO BEG EXC E30FT FOR RD, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-081	BEG 1652.8FT N OF SE COR SEC 3 1S 1W N 140FT W 384.8FT SELY ALG RD 140.9FT E 381.2FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-083	BEG 1497.8FT N + 303.6FT W OF SE COR SEC 3 1S 1W W358.4FT N 149FT E 282.2FT SELY ALG RD 168.9FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90

2945-034-00-084	BEG 1497.8FT N OF SE COR SEC 3 1S 1W N 155FT W381.2FT SELY ALG RD 175.1FT E 303.6FT TO BEG EXC E30FT FOR RD, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-085	S 2.25A OF SE4NE4SE4 SEC 3 1S 1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-172	BEG 11.4FT E OF SE COR NW4NE4SE4 SEC 3 1S 1W N 1DEG19'E 44.7FT N 36DEG45' W 197.5FT W 300FT S 39DEG29'10SEC E 135.7FT TO N COR LOT 8 HARWOOD-TOLMAN SUB S 61DEG E 230FT N 83DEG35' E 119.04FTE 11.4FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-00-189	BEG N 1646.8FT & W 662FT W OF SE COR SEC 3 1S 1W N 169.9FT E 282.2FT THENCE BEG WITH A BEARING OF S 13DEG39.5' W FOLL 360FT RAD CURVE TO LEFT 171.7FT TO APOINT 282.2FT E OF POB W 282.2FT TO BEG & ALSO BEG N 1965.7FT & W 303.6FT &ALG CVE TO LEFT WHOSE RAD IS 360FT 169FT & W 282.2FT FR SE COR SD SEC 3 N 3FT E 118.5FT S3FT W 118.5FT TO BEG, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-001	LOT 1 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-002	LOT 2 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-003	LOT 3 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-004	LOT 4 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-005	LOT 5 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-006	LOT 6 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-007	LOT 7 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-02-009	LOT 9 HARWOOD-TOLMAN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-04-002	LOT 4 BROWN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-04-004	LOT 1 BROWN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90
2945-034-04-005	LOTS 2 & 3 INCLUSIVE BROWN SUB SEC 3 1S1W, CITY OF GRAND JUNCTION	\$5,699.90

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty (30) days shall be conclusively considered and held an election on the part of such owner to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of eight percent (8%) per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid

principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of eight percent (8%) per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at the rate of eight percent (8%) per annum as aforesaid; 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 piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty (30) days after the final publication of this Ordinance, and an allowance of the six percent (6%) added for cost of collection and other incidentals shall be made on all payments made during said period of thirty (30) days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Sanitary Sewer Improvement District No. SS-46-04 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Sanitary Sewer Improvement District No. SS-46-04, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading, shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten (10) days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the city of Grand Junction.

Introduced and Ordered Published this 15th day of September, 2004.

Passed and Adopted on the 6th day of October, 2004.

Attest:

/s/ Stephanie Tuin
City Clerk

/s/ Bruce Hill
President of the Council