

ORDINANCE NO. 3836

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICTS NO. ST-05 AND ST-05 PHASE B 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 DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; 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 Alley Improvement Districts No. ST-05 and ST-05 Phase B 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 Alley Improvement Districts No. ST-05 and ST-05 Phase B and the apportionment of the 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 Alley Improvement Districts No. ST-05 and ST-05 Phase B 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 September 10, 2005, and the last publication thereof appearing on September 12, 2005); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said Districts assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the 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, two written complaints (by one property owner) 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 Alley Improvement Districts No. ST-05 and ST-05 Phase B duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement Districts No. ST-05 and ST-05 Phase B 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 \$70,626.19; 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:

ALLEY 1ST STREET TO 2ND STREET, OURAY AVENUE TO CHIPETA AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-142-36-003	Lots 3 & 4, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-004	Lots 5 & 6, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-005	Lot 7 & the W 6.25 ft of Lot 8, Block 56, City of Grand Junction	\$265.00
2945-142-36-006	E 3/4 of Lot 8 & W 1/2 Lot 9, Block 56, City of Grand Junction	\$265.00
2945-142-36-007	E 1/2 of Lot 9, all of Lot 10, and the W 1/2 of Lot 11, Block 56, City of Grand Junction	\$795.00
2945-142-36-008	E 1/2 of Lot 11 & all of Lot 12, Block 56, City of Grand Junction	\$596.25
2945-142-36-011	Lots 17 & 18, Block 56, City of Grand Junction	\$ 424.00
2945-142-36-012	Lots 19 & 20, Block 56, City of Grand Junction	\$1,669.50
2945-142-36-013	Lot 21 & the E 21 ft of Lot 22, Block 56, City of Grand Junction	\$1,535.94
2945-142-36-014	W 4 ft of Lot 22 & all of Lots 23 & 24, Block 56, City of Grand Junction	\$1,803.06
2945-142-36-015	Lots 1 & 2, Block 56, City of Grand Junction	\$1,669.50

2945-142-36-016	Lots 13 through 16 inclusive, Block 56, City of Grand Junction	\$1,590.00
ALLEY 9TH STREET TO 10TH STREET, ROOD AVENUE TO WHITE AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-10-001	Lots 1 & 2, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-002	Lots 3 & 4, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-003	Lots 5 & 6, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-004	Lots 7 & 8, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-005	Lots 9 & 10, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-006	Lots 11 & 12, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-007	Lots 13 & 14, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-008	Lots 15 & 16, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-009	N 42' 10 1/2" of Lots 31 & 32, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-011	Lots 29 & 30, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-012	Lots 27 & 28, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-013	Lots 25 & 26, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-014	Lots 23 & 24, Block 91, City of Grand Junction	\$ 795.00
2945-144-10-015	Lots 21 & 22, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-016	Lots 19 & 20, Block 91, City of Grand Junction	\$ 424.00
2945-144-10-017	Lots 17 & 18, Block 91, City of Grand Junction	\$ 424.00

ALLEY 9TH STREET TO 10TH STREET, OURAY AVENUE TO CHIPETA AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-33-001	Lots 1 & 2, Block 64, City of Grand Junction	\$ 424.00

2945-141-33-002	Lots 3 & 4, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-003	Lots 5 & 6, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-004	Lots 7 & 8, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-005	Lots 9 & 10, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-006	Lots 11 & 12, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-007	Lots 13 & 14, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-008	Lots 15 & 16, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-009	Lots 31 & 32, Block 64, City of Grand Junction	\$ 795.00 \$ 400.00
2945-141-33-010	Lots 29 & 30, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-011	Lots 27 & 28, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-012	Lots 25 & 26, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-013	Lots 23 & 24, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-014	Lots 21 & 22, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-015	Lots 19 & 20, Block 64, City of Grand Junction	\$ 424.00
2945-141-33-016	Lots 17 & 18, Block 64, City of Grand Junction	\$ 795.00

ALLEY 11TH STREET TO 12TH STREET, TELLER AVENUE TO BELFORD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-07-001	Lots 1 & 2, Block 22, City of Grand Junction	\$ 424.00
2945-141-07-004	Lots 6 & 7, Block 22, City of Grand Junction	\$ 424.00
2945-141-54-001	All of Shoberg Simple Subdivision	\$ 795.00
2945-141-07-006	Lots 10 through 13 inclusive, Block 22, City of Grand Junction	\$1,590.00
2945-141-07-007	Lots 14 through 17 inclusive, Block 22, City of Grand Junction	\$2,044.74

2945-141-07-012	Lots 18 through 32 inclusive, except the W 10 ft of Lot 32, Block 22, City of Grand Junction	\$6,251.88
2945-141-07-014	The W 10 ft of Lot 32 and all of Lots 33 & 34, Block 22, City of Grand Junction	\$ 954.00
2945-141-07-011	Lots 3 through 5 inclusive, Block 22, City of Grand Junction	\$ 636.00

ALLEY 18TH STREET TO 19TH STREET, OURAY AVENUE TO CHIPETA AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-132-15-001	Lots 23 & 24, Block 5, Slocomb's Addition	\$ 424.00
2945-131-15-002	Lots 1 & 2, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-003	Lots 3 & 4, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-004	Lots 21 & 22, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-006	Lots 19 & 20, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-008	Lots 17 & 18, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-009	Lots 8 & 9 and the N 1/2 of Lot 10, Block 5, Slocomb's Addition	\$ 530.00
2945-132-15-010	Lots 15 & 16, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-011	S 1/2 of Lot 10 and all of Lots 11 & 12, Block 5, Slocomb's Addition	\$ 530.00
2945-132-15-012	Lots 13 & 14, Block 5, Slocomb's Addition	\$ 424.00
2945-132-15-013	Lots 5 through 7, inclusive, Block 5, Slocomb's Addition	\$ 636.00

ALLEY 18TH STREET TO 19TH STREET, CHIPETA AVENUE TO GUNNISON AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-132-02-001	N 20 ft of Lot 24 and all of Lots 25 & 26, Block 12, Slocomb's Addition	\$1,113.00
2945-132-02-002	N 12.5 ft of Lot 20, Lots 21 through 23, inclusive and the S 5 ft of Lot 24, Block 12, Slocomb's Addition	\$1,470.75
2945-132-02-004	N 5 ft of Lot 16, Lots 17 through 19, inclusive, and the S 12.5 ft of Lot 20, Block 12, Slocomb's Addition	\$1,470.75

2945-132-02-005	Lots 14 & 15 and the S 20 ft of Lot 16, Block 12, Slocomb's Addition	\$1,113.00
2945-132-23-001	Lot 1, Greenwood Subdivision	\$ 512.28
2945-132-23-002	Lot 2, Greenwood Subdivision	\$ 339.20
2945-132-23-003	Lot 3, Greenwood Subdivision	\$ 339.20
2945-132-23-004	Lot 4, Greenwood Subdivision	\$ 339.20
2945-132-23-005	Lot 5, Greenwood Subdivision	\$ 339.20
2945-132-23-006	Lot 6, Greenwood Subdivision	\$ 339.20
2945-132-23-007	Lot 7, Greenwood Subdivision	\$ 512.19

ALLEY 23RD STREET TO 24TH STREET, OURAY AVENUE TO GUNNISON AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-131-15-001	Lot 9, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-002	Lot 18, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-003	Lot 17, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-004	Lot 8, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-005	Lot 7, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-006	Lot 16, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-007	Lot 6, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-008	Lot 15, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-009	Lot 5, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-010	Lot 14, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-011	Lot 4, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-012	Lot 13, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-013	Lot 3, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-014	Lot 12, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-015	Lot 2, Block 4, Mesa Gardens Subdivision	\$ 534.24

2945-131-15-016	Lot 11, Block 4, Mesa Gardens Subdivision	\$ 534.24
2945-131-15-017	Lot 1, Block 4, Mesa Gardens Subdivision	\$ 527.88
2945-131-15-018	Lot 10, Block 4, Mesa Gardens Subdivision	\$ 527.88

S 1/2 N/S ALLEY 6TH STREET TO 7TH STREET, GRAND AVENUE TO OURAY AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-37-004	Lots 19, 20, and 21, Block 72, City of Grand Junction	\$ 636.00
2945-142-42-006	Lot 22, Block 72, City of Grand Junction	\$4,173.75

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said Districts, and to and upon each lot or tract of land within said Districts, 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 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, 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 as 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 8 percent 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 8 percent 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 8 percent 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 days after the final publication of this Ordinance, and an allowance of the six percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement Districts No. ST-05 and ST-05 Phase B 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 Alley Improvement Districts No. ST-05 and ST-05 Phase B, 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 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 7th day of September, 2005.

Passed and Adopted on the 19th day of October, 2005

Attest:

/s/ Stephanie Tuin
City Clerk

/s/ Bruce Hill
President of the Council

From: John Shaver
To: Jodi Romero; Stephanie Tuin
Date: 11/4/05 2:17:00 PM
Subject: Alley Assessment

Steph & Jodi,

Peggy has brought to my attention an error in the alley improvement assessment for the property located at 902 Ouray Avenue. Because the City and the owner agree on what the correct assessment should be, I see no reason to formally amend the assessing ordinance. Instead I would advise that the error be deemed a scrivener's error and be corrected administratively.

Included herein below is a copy of the e-mail from Mike Grizenko describing the problem and stating, on behalf of the alley ID, the correct amount of the assessment. Please amend your records accordingly. If the owner requests evidence that the error has been corrected, please feel free to give him a copy of this communication as well a copy of your records that shows the interlineated correction.

If you need a more formal communication from me or if you have questions or if I may otherwise be of assistance, please let me know.

John

Peggy,

The property owner at 902 Ouray Avenue, Wayne Petefish, contacted me on Monday October 31st regarding his alley assessment bill and that it was in error. After research, I agree that his published assessment was in error and that his bill should be \$400.00 and not the published amount of \$750.00 for his property.

Could you take care of this appropriately to correct the error?

Thanks,
Mike G.

CC: Mark Relph; Peggy Holguin