

ORDINANCE NO. 3969

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-06 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 District No. ST-06 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 District No. ST-06 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 District No. ST-06 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 18, 2006, and the last publication thereof appearing on August 20, 2006); 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, 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 Alley Improvement District No. ST-06 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 District No. ST-06 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 \$65,067.65; 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 5TH STREET TO 6TH STREET, TELLER AVENUE TO BELFORD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-142-08-002	South 50 feet of Lots 1 through 5, inclusive, Block 16, City of Grand Junction	\$ 1,987.50
2945-142-08-003	Lots 6 & 7, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-004	Lots 8 & 9, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-005	Lots 10 & 11, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-006	Lots 12 through 14, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-007	Lots 15 & 16, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-008	Lots 17 & 18, Block 16, City of Grand Junction	\$ 795.00
2945-142-08-009	Lots 19 & 20, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-010	Lots 21 & 22, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-011	Lots 23 & 24, Block 16, City of Grand Junction	\$ 424.00
2945-142-08-012	Lots 25 through 27, inclusive, Block 16, City of Grand Junction	\$ 636.00
2945-142-08-013	North 75 feet of Lots 28 through 32, inclusive, Block 16, City of Grand Junction	\$ 1,987.50

ALLEY 10TH STREET TO 11TH STREET, MAIN STREET TO ROOD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-14-001	Lots 1 & 2, Block 109, City of Grand Junction	\$ 795.00

2945-144-14-002	Lots 3 & 4, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-003	Lots 5 & 6, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-004	Lots 7 & 8, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-005	Lots 9 & 10, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-006	Lots 11 & 12, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-007	Lots 13 & 14, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-008	Lots 15 & 16, Block 109, City of Grand Junction	\$ 795.00
2945-144-14-009	Lots 29-32, inclusive, Block 109, City of Grand Junction	\$3,339.00
2945-144-14-010	Lots 27 & 28, Block 109, City of Grand Junction	\$1,669.50
2945-144-14-011	Lots 25 & 26, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-012	Lots 23 & 24, Block 109, City of Grand Junction	\$ 424.00
2945-144-14-013	The West 10 feet of Lot 19 & all of Lots 20, 21 & 22, Block 109, City of Grand Junction	\$ 720.80
2945-144-14-014	Lots 17 & 18 and the East 15 feet of Lot 19, Block 109, City of Grand Junction	\$ 551.20

ALLEY 11TH STREET TO 12TH STREET, MAIN STREET TO ROOD AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-13-001	Lots 1 & 2, Block 110, City of Grand Junction	\$ 795.00
2945-144-13-002	Lots 3 & 4, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-003	Lots 5 & 6, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-004	Lots 7 & 8, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-005	Lots 9 & 10, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-006	Lots 11 & 12, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-007	Lots 13 & 14, Block 110, City of Grand Junction	\$ 424.00

	Junction	
2945-144-13-008	Lots 15 & 16, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-009	Lot 17, Block 110, City of Grand Junction	\$ 799.45
2945-144-13-010	Lots 33 & 34, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-011	Lots 31 & 32, Block 110, City of Grand Junction	\$ 424.00
2945-144-13-012	West 1/3 of Lot 27 and all of Lots 28, 29 & 30, Block 110, City of Grand Junction	\$1,324.95
2945-144-13-013	West 1/2 of Lot 24, all of Lots 25 & 26, and the East 2/3 of Lot 27, Block 110, City of Grand Junction	\$1,258.80
2945-144-13-015	West 1/4 of Lot 21, all of Lots 22 & 23, and the East 1/2 of Lot 24, Block 110, City of Grand Junction	\$ 583.00
2945-144-13-017	Lots 19 & 20, and the East 3/4 of Lot 21, Block 110, City of Grand Junction	\$1,093.13
2945-144-13-018	Lot 18, Block 110, City of Grand Junction	\$ 426.37

ALLEY 17TH STREET TO 18TH STREET, HALL AVENUE TO ORCHARD AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-123-01-001	Lot 5 Block 1, Elmwood Plaza Refile	\$ 254.40
2945-123-01-002	Lot 4 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-003	Lot 3 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-004	Lot 2 Block 1, Elmwood Plaza Refile	\$ 460.46
2945-123-01-005	Lot 1 Block 1, Elmwood Plaza Refile	\$ 763.20
2945-123-01-016	The East 35.1 feet of Lot 9 Block 1, North Sunnyvale Acres, and the West 34.9 feet of Lot 9 Block 1, Elmwood Plaza Refile	\$ 168.75
2945-123-01-029	Lot 7 Block 1, Elmwood Plaza Refile	\$ 720.80
2945-123-01-030	Lot 6 Block 1, Elmwood Plaza Refile	\$ 838.67
2945-123-01-035	Lot 8 and the East 17.6 feet of Lot 9, Block 1, Elmwood Plaza Refile	\$ 594.45

ALLEY 23RD STREET TO 24TH STREET, GRAND AVENUE TO OURAY AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-131-14-001	Lot 8, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-002	Lot 16, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-003	Lot 7, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-004	Lot 15, Block 3, Mesa Gardens Subdivision	\$ 508.80

2945-131-14-005	Lot 6, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-006	Lot 14, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-008	Lot 13, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-009	Lot 4, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-010	Lot 12, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-011	Lot 3, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-012	Lot 11, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-013	Lot 2, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-014	Lot 10, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-015	Lot 1, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-016	Lot 9, Block 3, Mesa Gardens Subdivision	\$ 508.80
2945-131-14-017	Lot 5, Block 3, Mesa Gardens Subdivision	\$ 508.80

ALLEY 22ND STREET TO LINDA LANE, ORCHARD AVENUE TO WALNUT AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-121-21-001	Lot 1 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-002	Lot 9 Block 1 Linda Lane Subdivision Amended	\$ 424.00
2945-121-21-003	Lot 2 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-004	Lot 8 Block 1 Linda Lane Subdivision Amended	\$ 424.00
2945-121-21-005	Lot 3 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-006	Lot 7 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-007	Lot 4 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-008	Lot 6 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-009	Lot 5 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-010	Lot 5 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-011	Lot 6 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-012	Lot 4 Block 1 Linda Lane Subdivision Amended	\$ 551.20
2945-121-21-013	Lot 7 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-014	Lot 3 Block 1 Linda Lane Subdivision Amended	\$ 593.60
2945-121-21-017	Lot 9 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-018	Lot 8 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-019	Lot 10 Block 3 Subdivision Del Rey Replat	\$ 508.80
2945-121-21-021	Beginning at the Southwest corner Lot 1 Block 1 Linda Lane Subdivision Amended; thence North 170 feet; thence East 60 feet; thence South 60.5 feet; thence West 45 feet; thence South 109.5 feet; thence West 15	\$1,441.60

	feet to the point of beginning.	
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ALLEY 21ST STREET TO 22ND STREET, WALNUT AVENUE TO BOOKCLIFF AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-121-18-001	Lot 20, Sungold Park Annex	\$ 508.80
2945-121-18-002	West 60 feet of Lot 1, Block 1, Subdivision Del Rey Replat	\$ 864.96
2945-121-18-004	Lot 21, Sungold Park Annex	\$ 508.80
2945-121-18-005	Lot 22, Sungold Park Annex	\$ 508.80
2945-121-18-006	Lot 2, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-007	Lot 23, Sungold Park Annex	\$ 508.80
2945-121-18-008	Lot 3, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-009	Lot 24, Sungold Park Annex	\$ 508.80
2945-121-18-010	Lot 25, Sungold Park Annex	\$ 508.80
2945-121-18-011	Lot 5, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-012	Lot 26, Sungold Park Annex	\$ 508.80
2945-121-18-013	Lot 6, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-014	Lot 27, Sungold Park Annex	\$ 508.80
2945-121-18-015	Lot 7, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-016	Lot 28, Sungold Park Annex	\$ 508.80
2945-121-18-017	Lot 8, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-018	Lot 29, Sungold Park Annex	\$ 508.80
2945-121-18-019	Lot 9, Block 1, Subdivision Del Rey Replat	\$ 527.88
2945-121-18-021	Lot 4, Block 1, Subdivision Del Rey Replat	\$ 527.88

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 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 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 District No. ST-06 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 District No. ST-06, 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 on First Reading this 6th day of September, 2006.

Passed and Adopted on the 20th day of September, 2006

Attest:

/s/: Stephanie Tuin
City Clerk

/s/: James J. Doody
President of the Council