

**CITY OF GRAND JUNCTION, CO  
ORDINANCE NO. 4116**

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR BLUFFS SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-48-06, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11<sup>TH</sup> 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 Bluffs Sanitary Sewer Improvement District No. SS-48-06, 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 Bluffs Sanitary Sewer Improvement District No. SS-48-06, 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 Bluffs Sanitary Sewer Improvement District No. SS-48-06, 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 17, 2007, and the last publication thereof appearing on August 19, 2007); 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 Bluffs Sanitary Sewer Improvement District No. SS-48-06, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Bluffs Sanitary Sewer Improvement District No. SS-48-06 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 \$216,194.75, 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
2945-082-00-051	Beginning at a point 20 feet South and S 89° 55' E 970 feet from the West 1/4 corner of Section 8, T1S, R1W, Ute Meridian; thence North 572.54 feet to the South bank of the Colorado River; thence Southeasterly along the River to East line of the Southwest 1/4 of Northwest 1/4(SW1/4NW1/4); thence South along the East line of the SW1/4NW1/4 to a point 20 feet South of Southeast corner of the SW1/4NW1/4; thence N89°55'W 350 feet more or less to the point of beginning, except the road in Book 951, Page 408 of the Mesa County Clerks office.	\$9,880.93
2945-082-00-054	Beginning at a point 30 feet East and 24.26 feet South of the W¼ Corner of Section 8, Township 1 South, Range 1 West of the Ute Meridian, thence North 418.53 feet, thence South 81°10'40" East 194 feet, more or less, to the Westerly line of Bluff Court, thence along the Westerly line of Bluff Court S06°35' W 159.44 to E 1/2 Road, thence Southwesterly 97.38 feet along the arc of curve to the left having a radius of 75 feet (the chord bears S63°12'W 90.69 feet); thence S26°00' W 210.75	\$9,880.93

	feet to the point of Beginning.	
2945-082-00-070	<p>Beginning at the W<math>\frac{1}{4}</math> Corner of Section 8, Township 1 South, Range 1 West of the Ute Meridian, thence South 142.8 feet, thence N26°00'E 330.45 feet, thence along the arc of a 50.0 foot radius curve to the right, 102.76 feet (the chord of which bears N84°52'30"E 85.6 feet), thence S36°15'E 150.0 feet, thence along the arc of a 150.5 foot radius curve to the left 140.97 feet (the chord of which bears S63°05' East 135.87 feet), thence North 988.81 feet to the South Bank of Colorado River, thence N53°45'W 266.96 feet to the Centerline of Goat Ranch Wash, thence along said Wash S28°00'W 414.69 feet, thence N89°55'W 30.0 feet to the West line of said Section 8, thence South 759.93 feet to the W<math>\frac{1}{4}</math> Corner of said Section 8, and the Point of Beginning, EXCEPTING therefrom the following: Beginning at a point on the North right of way of E<math>\frac{1}{2}</math> Road from whence the W<math>\frac{1}{4}</math> Corner of said Section 8 bears S54°49'W 306.6 feet, thence S36°15'E 150.0 feet, thence along the arc of a 125.5 foot radius curve to the left 117.55 feet (the chord of which bears S63°05'E 113.3 feet), thence North 353.5 feet, thence N81°10'40"W 117.83 feet, thence along the arc of a 50.0 foot radius curve to the right 76.59 feet (the chord of which bears S52°42'10"W 69.32 feet), thence S06°35'W 158.35 feet to the Point of Beginning, AND EXCEPT Beginning at a point 30 feet East and 24.26 feet South of the W<math>\frac{1}{4}</math> Corner of said Section 8, thence North 418.53 feet, thence S81°10'40"E 194 feet, more or less, to the Westerly line of Bluff Court, thence along the Westerly line of Bluff Court S06°35'W 159.44 feet to E<math>\frac{1}{2}</math> Road, thence Southwesterly 97.38 feet along the arc of a curve to the having a radius of 75 feet (the chord bears S63°12'W 90.69 feet, thence S26°00'W 210.75 feet to the point of beginning, AND ALSO EXCEPT tracts conveyed to Mesa County for roads in Book 986 at Page 253 and in Book 1371 at Page 271.</p>	\$9,880.93
2945-082-00-084	<p>Commencing at a point on the North right of way of E1/2 Road from whence the W 1/4 Corner of Section 8, Township 1 South, Range 1 West of the Ute Meridian bears South 54°49' West 306.6 feet; thence North 06°35' East 30.35 feet for a Point of Beginning; thence North 06° 35' East 128 feet;</p>	\$14,228.54

	thence along the arc of a 50 foot radius curve to the right 76.59 feet (the chord of which bears North 52°42'10" East 69.32 feet); thence South 81°10'40" East 117.83 feet; thence South 150 feet; thence West to the Point of Beginning.	
2945-082-00-085	Commencing at a point on the North right-of-way of E 1/2 Road from whence the W 1/4 corner of Section 8, Township 1 South, Range 1 West of the Ute Meridian bears South 54°49' West 306.06 feet; thence North 06°35' East 30.35 feet for a Point of Beginning; thence South 06°35' West 30.35 feet; thence South 36°15' East 150 feet; thence along the arc of a 125.5 feet radius curve to the left 117.73 feet ( the chord of which bears South 63°07'30" East 113.46 feet); thence North 203.5 feet; thence South 89°39'50" West 186.43 feet to the point of beginning.	\$14,228.54
2945-082-00-092	Beginning S89°59'E 649.00 feet and 5.0 feet North of the W 1/4 Corner of Section 8, T1S, R1W, of the Ute Meridian; thence N04°47'13"E 765.28 feet; thence S53°45'E 158.94 feet; thence S46°15'E 175.48 feet; thence South 547.54 feet; thence N89°55'W 321.0 feet to the point of beginning.	\$9,880.93
2945-082-00-101	Commencing at the W¼ corner of Section 8, T1S, R1W, of the Ute Meridian; thence S89°55'00"E a distance of 585.00 feet; thence N00°00'00"E 272.82 feet to the point of beginning; thence continuing N00°00'00"E 211.30 feet; thence S89°55'00"E 41.43 feet; thence S00°00'00"W 191.70 feet, thence S65°03'06"W 45.69 feet to the point of beginning; together with: Commencing at the W¼ corner of said Section 8, thence S89°55'00"E along a distance of 455.00 feet, thence N00°00'00"E 212.15 feet, thence N65°03'06"E 38.60 feet to the point of beginning; thence N00°00'00"E 13.67 feet; thence S89°55'00"E 29.29 feet; thence S65°03'06"W 32.30 feet to the point of beginning; together with: Commencing at the W1/4 corner of said Section 8, thence S89°55'00"E a distance of 440.00 feet, thence N00°00'00"E 5.00 feet to the point of beginning; thence continuing N00°00'00"E 963.81 feet; thence S53°45'00"E 179.80 feet, thence S00°00'00"W 378.86 feet; thence S89°55'00"E 41.43 feet; thence S00°00'00"W 191.70 feet; thence S65°03'06"W 189.07 feet; thence S00°00'00"W 207.15 feet; thence N89°55'00"W 15.00 feet to the	\$9,880.93

	point of beginning.	
2945-082-00-102	Commencing at the W $\frac{1}{4}$ corner of Section 8, T1S, R1W, Ute Meridian; thence S89°55'00"E a distance of 455.00 feet; thence leaving said South line N00°00'00"E 5.00 feet to the point of beginning; thence continuing N00°00'00"E 207.15 feet; thence N65°03'06"E 180.07 feet; thence N00°00'00"E 191.70 feet; thence N89°55'00"W 41.43 feet; thence N00°00'00"E 378.86 feet; thence S53°45'00"E 161.30 feet; thence S04°57'13"W 765.28 feet; thence N89°55'00"W 194.00 feet to the point of beginning.	\$9,880.93
2945-083-00-078	Commencing at the West Quarter Corner of Section 8, T1S, R1W, Ute Meridian; thence South 521.3 feet; thence South 89°55' East 880.00 feet to the point of beginning; thence North 476.30 feet; thence South 89°55' East 160.00 feet; thence South 476.30 feet; thence North 89°55' West 160.00 feet to the point of beginning.	\$9,880.93
2945-083-00-079	Beginning 521.3 feet South and S89°55'E 880 feet from the W $\frac{1}{4}$ corner of Section 8, T1S, R1W, Ute Meridian; thence S89°55' East 440.00 feet to the East line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8; thence North 501.3 feet (said point bears South 20.0 feet from the NE corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8); thence N89°55'W 440.0 feet; thence South 501.3 feet to the point of beginning. EXCEPT beginning at the NW corner of said tract herein described; thence South 25.0 feet; thence S89°55'E 346.7 feet; thence along the arc a 50.0 foot radius curve to the left 104.72 feet (the chord of which bears S89°55'E 86.6 feet); thence S89°55'E 6.7 feet to the East line of the tract herein described; thence North 25.0 feet to the Northeast corner of the tract herein described; thence N89°55'W 440.0 feet to the point of beginning. ALSO EXCEPT beginning at a point 521.3 feet South and S89°55'E 880.00 feet from the West $\frac{1}{4}$ corner of said Section 8; thence North 476.30 feet; thence S89°55'E 160.00 feet; thence South 476.30 feet; thence N89°55'W 160.00 feet to the point of beginning.	\$9,880.93
2945-083-00-094	Beginning at a point which bears South 521.30 feet and S89°55'E 440.00 feet from the W $\frac{1}{4}$ corner of Section 8, T1S, R1W of the Ute Meridian; thence S89°55'E 70.08 feet; thence N31°26'30"E 350.12	\$9,880.93

	feet; thence N10°50'E 141.30 feet; thence N06°14'30"E 38.72 feet; thence North 25.00 feet; thence N89°55'W 283.50 feet; thence South 501.30 feet to the point of beginning. EXCEPT tract conveyed to County of Mesa, State of Colorado by instrument recorded October 16, 1970 in Book 951 at page 408 for road right of way.	
2945-083-00-095	Beginning South 521.30 feet and S89°55'E 510.08 feet from the W 1/4 corner of Section 8, T1S, R1W, Ute Meridian; thence S89°55'E 369.92 feet; thence North 501.30 feet; thence N89°55'W 156.50 feet; thence South 25.0 feet; thence S06°14'30"W 38.72 feet; thence S10°50'W 141.30 feet to the point of beginning; EXCEPT the North 25.00 feet for road right of way.	\$9,880.93
2945-083-08-002	Lot 2, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-003	Lot 3, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-004	Lot 4, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-005	Lot 5, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-006	Lot 6, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-008	Lot 8, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-011	Lot 1, Del Monte Park Replat, a Replat of Lots 7, 9, and 10, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-012	Lot 2, Del Monte Park Replat, a Replat of Lots 7, 9, and 10, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93
2945-083-08-013	Lot 3, Del Monte Park Replat, a replat of Lots 7, 9, and 10, Del Monte Park Subdivision, City of Grand Junction	\$9,880.93

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 Bluffs Sanitary Sewer Improvement District No. SS-48-06 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 Bluffs Sanitary Sewer Improvement District No. SS-48-06, 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 (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 on First Reading this 15<sup>th</sup> day of August, 2007.

Passed and Adopted on the 19<sup>th</sup> day of September, 2007

Attest:

/s/: Stephanie Tuin  
City Clerk

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