

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 4123**

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-07 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-07 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-07 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-07 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 7, 2007, and the last publication thereof appearing on September 9, 2007); 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-07 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-07 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 \$75,587.50; 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:

<b>ALLEY 3RD STREET TO 4TH STREET, OURAY AVENUE TO CHIPETA AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-142-34-003	Lots 4 and 5, Block 58, City of Grand Junction	\$ 424.00
2945-142-34-004	Lots 6 and 7, Block 58, City of Grand Junction	\$ 424.00
2945-142-34-005	Lots 8 and 9, Block 58, City of Grand Junction	\$ 424.00
2945-142-34-006	Lots 10 and 11, Block 58, City of Grand Junction	\$ 424.00
2945-142-34-008	South 75 feet of Lots 12 through 16, inclusive, Block 58, City of Grand Junction	\$1,987.50
2945-142-34-009	Lot 17 and the East 1/2 of Lot 18, Block 58, City of Grand Junction	\$ 318.00
2945-142-34-010	The West 1/2 of Lot 18 and all of Lots 19 through 21 inclusive, Block 58, City of Grand Junction	\$1,391.25
2945-142-34-011	Lots 22 and 23, Block 58, City of Grand Junction	\$ 424.00
2945-142-34-012	Lots 24 and 25, Block 58, City of Grand Junction	\$ 795.00
2945-142-34-013	Lot 26 and the East 1/2 of Lot 27, Block 58, City of Grand Junction	\$ 318.00
2945-142-34-014	The West 1/2 of Lot 27 and all of Lot 28, Block 58, City of Grand Junction	\$ 318.00
2945-142-34-015	Lots 29 and 30, Block 58, City of Grand Junction	\$ 424.00
2945-142-34-016	Lots 31 and 32, Block 58, City of Grand Junction	\$ 795.00

2945-142-34-017	The East 9 feet of Lot 2 and all of Lot 3, Block 58, City of Grand Junction	\$ 288.32
2945-142-34-018	Lot 1 and the West 16 feet of Lot 2, Block 58, City of Grand Junction	\$ 347.68

**ALLEY 7TH STREET TO 8TH STREET, TELLER AVENUE TO BELFORD AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-141-11-001	Lots 6 & 7 and the South 1/2 of Lot 8, Block 18, City of Grand Junction	\$4,674.60
2945-141-11-002	The North 1/2 of Lot 8 and all of Lots 9 & 10, Block 18, City of Grand Junction	\$ 530.00
2945-141-11-005	Lots 14 & 15, Block 18, City of Grand Junction	\$ 424.00
2945-141-11-006	Lots 16 & 17, Block 18, City of Grand Junction	\$ 424.00
2945-141-11-008	Lots 4 & 5, Block 18, City of Grand Junction	\$4,674.60
2945-141-11-009	Lots 1,2 & 3, Block 18, City of Grand Junction	\$2,504.25
2945-141-11-011	The West 0.6 feet of Lot 25, Lot 26 & the East 1/2 of Lot 27, Block 18, City of Grand Junction	\$ 323.09
2945-141-11-012	Lots 24 & 25, except the West 0.6 feet thereof, Block 18, City of Grand Junction	\$ 785.46
2945-141-11-013	Lots 22 & 23, Block 18, City of Grand Junction	\$ 795.00
2945-141-11-015	The South 65 feet of Lots 18 & 19, Block 18, City of Grand Junction	\$ 424.00
2945-141-11-017	The North 59 feet of Lots 20 & 21, Block 18, City of Grand Junction	\$ 424.00
2945-141-11-020	Lot 28 & the West 1/2 of Lot 27, Block 18, City of Grand Junction	\$1,060.00
2945-141-11-021	Lots 11, 12 & 13, Block 18, City of Grand Junction	\$1,987.50

**ALLEY 10TH STREET TO 11TH STREET, OURAY AVENUE TO CHIPETA AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-141-32-001	Lots 1 and 2, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-002	Lots 3 and 4, Block 65, City of Grand Junction	\$ 795.00
2945-141-32-003	Lots 5 and 6, Block 65, City of Grand Junction	\$ 795.00

2945-141-32-004	Lots 7 through 10, inclusive, Block 65, City of Grand Junction	\$1,590.00
2945-141-32-006	Lots 11 and 12, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-007	Lots 13 and 14, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-008	Lots 15 and 16, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-009	Lots 31 and 32, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-010	Lots 29 and 30, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-011	Lots 27 and 28, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-012	Lots 25 and 26, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-013	Lots 23 and 24, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-014	Lots 21 and 22, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-015	Lots 19 and 20, Block 65, City of Grand Junction	\$ 424.00
2945-141-32-016	Lots 17 and 18, Block 65, City of Grand Junction	\$ 424.00

<b>ALLEY 12TH STREET TO 14TH STREET, ELM AVENUE TO TEXAS AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-123-13-003	Lot 3, Block 2, Prospect Park, except the South 8 feet thereof	\$ 517.28
2945-123-13-004	Lot 4, Block 2, Prospect Park, except the South 8 feet thereof	\$ 517.28
2945-123-13-005	Lot 5, Block 2, Prospect Park, except the South 8 feet thereof	\$ 517.28
2945-123-13-006	Lot 6, Block 2, Prospect Park, except the South 8 feet thereof	\$ 517.28
2945-123-13-007	Lot 7, Block 2, Prospect Park	\$ 517.28
2945-123-13-008	Lot 8, Block 2, Prospect Park	\$ 517.28
2945-123-13-009	Lot 9, Block 2, Prospect Park, except the South 8 feet of the West 16 feet thereof	\$ 517.28
2945-123-13-010	Lot 10, Block 2, Prospect Park	\$ 517.28
2945-123-13-011	Lot 11 & the West 6.75 feet of Lot 12, Block 2, Prospect Park	\$ 902.33
2945-123-13-012	The East 43.25 feet of Lot 12 & the West 6.75 feet of Lot 13, Block 2, Prospect Park	\$ 424.00

2945-123-13-013	The East 43.25 feet of Lot 13 & all of Lot 14, except the East 43.25 feet thereof, Block 2, Prospect Park	\$ 795.00
2945-123-13-014	The East 43.25 feet of Lot 14 & the West 6.75 feet of Lot 15, Block 2, Prospect Park	\$ 795.00
2945-123-13-015	All of Lot 15 except the West 6.75 feet thereof, Block 2, Prospect Park	\$ 687.68
2945-123-13-022	The West 47 feet of Lot 21 & all of Lot 22, Block 2, Prospect Park, except the North 16 feet thereof	\$ 848.00
2945-123-13-023	The East 6 feet of Lot 21 & Lot 20 except the East 2.5 feet thereof, Block 2, Prospect Park	\$1,037.48
2945-123-13-024	Lot 19 & the East 2.5 feet of Lot 20, Block 2, Prospect Park	\$ 834.75
2945-123-13-025	Lot 18, Block 2, Prospect Park	\$ 409.92
2945-123-13-026	Lots 16 & 17, Block 2, Prospect Park	\$1,537.21
2945-123-13-028	Lots 23, 24 & 25, Block 2, Prospect Park, except the North 8 feet thereof	\$3,052.80
2945-123-13-921	Lots 26, 27, & 28, Block 2, Prospect Park, except the North 8 feet thereof	\$3,052.80

**ALLEY 17TH STREET TO 18TH STREET, OURAY AVENUE TO CHIPETA AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-132-14-001	Lots 1 & 2, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-002	Lots 23 & 24, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-003	Lots 3 & 4, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-004	Lots 21 & 22, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-005	Lots 5 & 6, and the North 1 foot of Lot 7, Block 6, Slocomb's Addition	\$ 432.48
2945-132-14-006	Lots 19 & 20, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-007	The South 24 feet of Lot 7 and all of Lot 8, Block 6, Slocomb's Addition	\$ 415.52
2945-132-14-008	Lots 9 & 10, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-009	Lots 11 & 12, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-010	Lots 13 & 14, Block 6, Slocomb's Addition	\$ 424.00
2945-132-14-942	Lots 15 through 18, inclusive, Block 6, Slocomb's Addition	\$3,339.00

**ALLEY 22ND STREET TO 23RD STREET, OURAY AVENUE TO GUNNISON AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-131-16-001	Lot 13, Block 2, Mesa Gardens Subdivision	\$ 766.17
2945-131-16-002	Lot 12, Block 2, Mesa Gardens Subdivision	\$ 534.24
2945-131-16-003	Lot 11, Block 2, Mesa Gardens Subdivision	\$ 534.24

2945-131-16-004	Lot 4, Block 2, Mesa Gardens Subdivision	\$6,228.51
2945-131-16-005	Lot 10, Block 2, Mesa Gardens Subdivision	\$ 534.24
2945-131-16-006	Lot 9, Block 2, Mesa Gardens Subdivision	\$ 534.24
2945-131-16-007	Lot 8, Block 2, Mesa Gardens Subdivision	\$ 534.24
2945-131-16-008	Lot 3, Block 2, Mesa Gardens Subdivision	\$ 551.20
2945-131-16-009	Lot 7, Block 2, Mesa Gardens Subdivision	\$ 534.24
2945-131-16-010	Lot 6, Block 2, Mesa Gardens Subdivision	\$ 534.24
2945-131-16-011	Lot 5, Block 2, Mesa Gardens Subdivision	\$ 559.93
2945-131-16-012	Lot 2, Block 2, Mesa Gardens Subdivision	\$ 610.56
2945-131-16-013	Lot 1, Block 2, Mesa Gardens Subdivision	\$ 636.00

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-07 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-07, 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 5<sup>th</sup> day of September, 2007.

**Passed and Adopted** on the 17<sup>th</sup> day of October, 2007

Attest:

/s/ Stephanie Tuin  
City Clerk

/s/ James J. Doody  
President of the Council