

ORDINANCE NO. 4383

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-09, PHASE A AND ALLEY IMPROVEMENT DISTRICT ST-09, 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 District No. ST-09, Phase A and Alley Improvement District ST-09, 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 District No. ST-09, Phase A and Alley Improvement District ST-09, 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 District No. ST-09, Phase A and Alley Improvement District ST-09, 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 2, 2009, and the last publication thereof appearing on September 4, 2009); 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-09, Phase A and Alley Improvement District ST-09, 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 District No. ST-09, Phase A and Alley Improvement District ST-09, 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 \$103,957.32; 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 3RD STREET TO 4TH STREET, GLENWOOD AVENUE TO KENNEDY AVENUE | | |
|--|--|-------------------|
| TAX SCHEDULE NO. | LEGAL DESCRIPTION | ASSESSMENT |
| 2945-113-16-002 | Lot 2, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction | \$3,615.87 |
| 2945-113-16-003 | West 70 feet of Lot 3, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction | \$2,469.38 |
| 2945-113-16-008 | Lot 3 except the West 70 feet thereof, Block 12, and the West 125 of Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, together with the vacated alley between said Lots 3 & 4 of said Subdivision, City of Grand Junction | \$4,850.56 |
| 2945-113-16-009 | Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 125 feet thereof, City of Grand Junction | \$2,998.53 |
| 2945-113-16-010 | The West 100 feet of Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction | \$3,527.68 |
| 2945-113-16-011 | Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 100 feet thereof, City of Grand Junction | \$4,409.60 |

ALLEY 9TH STREET TO 10TH STREET, MAIN STREET TO ROOD AVENUE

| TAX SCHEDULE NO. | LEGAL DESCRIPTION | ASSESSMENT |
|-------------------------|---|-------------------|
| 2945-144-15-003 | Lots 4 & 5, Block 108, City of Grand Junction | \$ 881.92 |
| 2945-144-15-004 | Lots 6 & 7, Block 108, City of Grand Junction | \$ 528.94 |
| 2945-144-15-006 | Lot 10, Block 108, City of Grand Junction | \$ 264.47 |
| 2945-144-15-008 | Lots 13 & 14, Block 108, City of Grand Junction | \$ 528.94 |
| 2945-144-15-009 | Lots 15 & 16, Block 108, City of Grand Junction | \$ 528.94 |
| 2945-144-15-005 | Lots 8 & 9, Block 108, City of Grand Junction | \$ 528.94 |
| 2945-144-15-010 | Lots 30 to 32, inclusive,, Block 108, City of Grand Junction | \$2,645.76 |
| 2945-144-15-013 | Lots 22 to 24, inclusive, Block 108, City of Grand Junction | \$2,645.76 |
| 2945-144-15-015 | Lots 17 to 19, inclusive, Block 108, City of Grand Junction | \$1,322.88 |
| 2945-144-15-014 | Lots 20 & 21, Block 108, City of Grand Junction | \$ 528.94 |
| 2945-144-15-016 | Lot 29, Block 108, City of Grand Junction | \$ 881.92 |
| 2945-144-15-018 | South 40' of Lots 1 through 3, inclusive, Block 108, City of Grand Junction | \$2,645.76 |
| 2945-144-15-017 | Lots 27 & 28, Block 108, City of Grand Junction | \$1,763.84 |
| 2945-144-15-975 | Lots 25 & 26, Block 108, City of Grand Junction | \$1,763.84 |
| 2945-144-15-977 | Lots 11 & 12, Block 108, City of Grand Junction | \$ 881.92 |

ALLEY 17TH STREET TO 18TH STREET, NORTH AVENUE TO GLENWOOD AVENUE

| TAX SCHEDULE NO. | LEGAL DESCRIPTION | ASSESSMENT |
|-------------------------|---|-------------------|
| 2945-123-25-001 | Lot 8, Block 7, Elmwood Plaza Refiling | \$1,171.19 |
| 2945-123-25-002 | Lot 7, Block 7, Elmwood Plaza Refiling | \$ 702.43 |
| 2945-123-25-003 | Lot 5, Block 7, Elmwood Plaza Refiling | \$ 607.12 |
| 2945-123-25-004 | Lot 4, Block 7, Elmwood Plaza Refiling | \$ 607.12 |
| 2945-123-25-005 | Lot 3, Block 7, Elmwood Plaza Refiling | \$ 607.12 |
| 2945-123-25-006 | Lots 1 & 2, Block 7, Elmwood Plaza Refiling | \$2,024.19 |
| 2945-123-25-007 | Lot 5, Block 4, Parkplace Heights together with north 10 feet of vacated alley per Book 1111, Page 739, except alley right of way per Book 1133, Page 903 | \$4,447.35 |
| 2945-123-25-011 | Lot 6, Block 4 Parkplace Heights together | \$4,868.20 |

| | | |
|-----------------|--|------------|
| | with south 10 feet of vacated alley per Book 1111, Page 739 | |
| 2945-123-25-013 | East 42 feet of Lot 14 and all of Lot 13, Block 7, Elmwood Plaza Refiling | \$4,907.35 |
| 2945-123-25-015 | Lot 6, Block 7, Elmwood Plaza Refiling | \$ 607.12 |
| 2945-123-25-017 | The East 116.5 feet of the following: the west 61 feet of Lot 14 & all of Lot 15, except the west 5 feet of said Lot 15, Block 7, Elmwood Plaza Refiling | \$4,575.76 |
| 2945-123-25-021 | Lot 1, Mitchell Replat | \$4,684.75 |
| 2945-123-25-018 | West 48 feet of Lot 15, Block 7 Elmwood Plaza Refiling, except the west 5 feet thereof. | \$4,267.43 |

| ALLEY 11TH STREET TO 12TH STREET, HILL AVENUE TO TELLER AVENUE | | |
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| TAX SCHEDULE NO. | LEGAL DESCRIPTION | ASSESSMENT |
| 2945-141-18-005 | Lots 25, 26 and the East 1/2 of Lot 27, Block 23, City of Grand Junction | \$ 1,102.40 |
| 2945-141-18-006 | Lots 23 & 24, Block 23, City of Grand Junction | \$ 528.94 |
| 2945-141-18-009 | Lot 18, Block 23, City of Grand Junction | \$ 1,890.84 |
| 2945-141-18-981 | Lots 33 & 34, Block 23, City of Grand Junction | \$ 1,763.84 |
| 2945-141-18-998 | The West 11.5 feet of Lot 29 and all of Lots 30 through 32, Block 23, City of Grand Junction | \$ 3,086.72 |
| 2945-141-18-014 | Lots 19 through 22, inclusive, Block 23, City of Grand Junction | \$ 3,527.68 |
| 2945-141-18-951 | The West half of Lot 27, Lot 28 and the East 13.5 feet of Lot 29, Block 23, City of Grand Junction | \$ 1,763.84 |
| 2945-141-18-959 | Lots 1 through 17, inclusive, Block 23, City of Grand Junction | \$ 16,001.56 |

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-09, Phase A and Alley Improvement District ST-09, 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 District No. ST-09, Phase A and Alley

Improvement District ST-09, 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 on First Reading this 31st day of August, 2009.

Passed and Adopted on the 5th day of October, 2009

Attest:

/s/ Stephanie Tuin
City Clerk

/s/ Bruce Hill
President of the Council