

RESOLUTION NO. 52-95

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-40-95, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, a majority of the property owners to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Sanitary Sewer Improvement District be created for the construction of improvements as follows, subject to the appropriation of sufficient funds for this purpose in 1995:

Location of Improvements - Mays Subdivision, Section 16, T1S, R1W, Mesa County Colorado;

;

Type of Improvements - Sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, and any other services or facilities deemed necessary by the City Engineer; and

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a Local Improvement District.

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

1. That the District of land to be assessed is described as follows:

Lots 1 through 8, inclusive, Block 2, Mays Subdivision;

AND ALSO Lots 2, 6, 7, 8, 12 through 21, inclusive, Block 1, Mays Subdivision;

AND ALSO that part of Lot 10 Mays Subdivision as follows: Beginning at the NE Corner of Lot 10, thence N47°45'W 173.07 ft., S10°47'W 72.26 ft., S79°13'E 23.6 ft., S70°54'E 125.34 ft. To beginning and Lot 11, Block 1, Mays Subdivision;

AND ALSO that part of Lot 9, Block 1, Mays Subdivision, Beginning at the NE Corner of said Lot 9, N59°28'W 86.91 ft., S10°47'W 81.36 ft., N68° 21'E 96.91 ft to beginning and all Lot 10, Block 1, Mays Subdivision, except beginning at the NE Corner of Lot 10, N47°45'W 173.07 ft., S10°47'W 72.26 ft., S79°13'E 23.60 ft., S70°54'51"E 125.34 to beginning;

AND ALSO Lot 9, Block 1, Mays Subdivision Except Beginning NE Corner of said Lot 9, N59°28'W 86.91 ft., S10° 47'W 81.36 ft., N68°21'E 96.91 ft. to beginning;

AND ALSO part of Lot 1, Block 1, Mays Subdivision described as follows: Beginning on the West line of Lot 1 from which point the SE Corner Section 16, T1S, R1W, bears S61°38'E 1094.1 ft., thence N71°50'30"E 142.3 ft., N0°28'E 70 ft. Along the arc of a curve to the left a distance 25.1 ft., Radius 20 ft., chord bears N35°26'30"W 23.5 ft., S64°52'W, 167.4 ft., S25°08'E 68.9 ft. to beginning;

All in Section 16, T1S, R1W, Mesa County Colorado;

2. That the maximum assessments to be levied against the respective properties will be based upon the actual engineering, administrative and construction costs as follows: The maximum cost per lot will be Six thousand nine hundred seventy-seven and 08/100 dollars (\$6,977.08). We understand, however, that the total project costs may be less than the estimate of the City Engineer and that the assessment against and upon each lot shall be based upon the actual project costs not to exceed the maximum costs as stated herein. We understand that the stated estimated costs do not include the Plant Investment Fee of seven hundred and fifty dollars (\$750.00) per lot and costs to extend the service lines from the stub-outs to the buildings, which must be paid by the Owners prior to making connection to the sanitary sewer.

3. That the assessments to be levied against the properties in said District to pay the cost of such improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided, however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals which shall then be added to the principal and become payable in ten (10) annual installments, the first of which 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.

4. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for sanitary sewer improvements; and a map of the district depicting the real property to be assessed from which the amount of the maximum assessment to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

5. That Notice of Intention to Create said Sanitary Sewer Improvement District No. SS-40-95, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice Shall be in substantially the form set forth in the attached "NOTICE".

NOTICE

OF INTENTION TO CREATE SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-40-95 IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the request of a majority of the affected property owners, to the owners of real estate in the district hereinafter described and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Sanitary Sewer Improvement District No. SS-40-95, subject to the appropriation of sufficient funds for this purpose for 1995, in said City for the purpose of installing or constructing sanitary sewer improvements to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

Lots 1 through 8, inclusive, Block 2, Mays Subdivision;

AND ALSO Lots 2, 6, 7, 8, 12 through 21, inclusive, Block 1, Mays Subdivision;

AND ALSO that part of Lot 10 Mays Subdivision as follows: Beginning at the NE Corner of Lot 10, thence N47°45'W 173.07 ft., S10°47'W 72.26 ft., S79°13'E 23.6 ft., S70°54'E 125.34 ft. To beginning and Lot 11, Block 1, Mays Subdivision;

AND ALSO that part of Lot 9, Block 1, Mays Subdivision, Beginning at the NE Corner of said Lot 9, N59°28'W 86.91 ft., S10° 47'W 81.36 ft., N 68° 21'E 96.91 ft to beginning and all Lot 10, Block 1, Mays Subdivision, except beginning at the NE Corner of Lot 10, N47°45'W 173.07 ft., S10°47'W 72.26 ft., S79°13'E 23.60 ft., S70°54'51"E 125.34 to beginning;

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AND ALSO part of Lot 1, Block 1, Mays Subdivision described as follows: Beginning on the West line of Lot 1 from which point the SE Corner Section 16, T1S, R1W, bears S61°38'E 1094.1 ft., thence N71°50'30"E 142.3 ft., N0°28'E 70 ft. Along the arc of a curve to the left a distance 25.1 ft., Radius 20 ft., chord bears N35°26'30"W 23.5 ft., S64°52'W, 167.4 ft., S25°08'E 68.9 ft. to beginning;

All in Section 16, T1S, R1W, Mesa County Colorado;

Location of Improvements -Mays Subdivision, Section 16, T1S, R1W, Mesa County Colorado;

Type of Improvements - Sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, and any other services or facilities deemed necessary by the City Engineer.

The assessments to be levied against the respective properties will be based upon the actual engineering, administrative and construction costs as follows: The maximum cost per lot will be Six thousand nine hundred seventy-seven and 08/100 dollars (\$6,977.08). We understand, however, that the total project costs may be less than the estimate of the City Engineer and

that the assessment against and upon each lot shall be based upon the actual project costs not to exceed the maximum costs as stated herein. We understand that the stated estimated costs do not include the Plant Investment Fee of seven hundred and fifty dollars (\$750.00) per lot and costs to extend the service lines from the stub-outs to the buildings, which must be paid by the Owners prior to making connection to the sanitary sewer. The total amount of assessments to be levied against the benefitting properties shall not exceed \$181,404.04.

To the total assessable cost of \$181,404.04 to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period, the amount added for costs of collection and incidentals shall be deducted; provided however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals which shall be added to the principal and become payable in ten (10) annual installments which shall become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Simple interest at the rate of eight (8) percent per annum shall be charged on unpaid installments.

On June 21, 1995 at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall located at 250 North 5th Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 3rd day of May, 1995.

**BY ORDER OF THE CITY COUNCIL
CITY OF GRAND JUNCTION, COLORADO**

By: /s/ Stephanie Nye
City Clerk

PASSED and **ADOPTED** this 3rd day of May, 1995.

/s/ Ron Maupin
President of the Council

Attest:

/s/ Stephanie Nye
City Clerk