

RESOLUTION NO. 44-97

DECLARING THE INTENTION OF THE CITY COUNCIL
OF THE CITY OF GRAND JUNCTION, COLORADO, TO AMEND
STREET IMPROVEMENT DISTRICT NO. ST-96 FOR THE
CONSTRUCTION OF HICKORY COURT

WHEREAS, On the 17th day of January, 1996, the City Council of the City of Grand Junction, Colorado, passed Resolution No. 8-96 creating and establishing Street Improvement District No. ST-96 authorizing the construction of Hickory Court, adopting details, plans and specifications for the paving thereon and providing for the payment thereof; and

WHEREAS, The actual bid amount to construct Hickory Court exceed the original estimate as stated in Resolution No. 8-96 and as stated in the original Petition signed and submitted by a majority of the property owners to be assessed; and

WHEREAS, The District Lands are comprised of six lots within Sunset Terrace Replat as more specifically described herein. A portion of the actual bid amount to construct Hickory Court includes the installation of a domestic water line to serve four of the six lots; and

WHEREAS, A portion of the actual bid amount to construct Hickory Court includes the installation of storm drainage facilities that would not only serve Hickory Court, but also cure existing storm drainage problems on Hickory Drive and Ash Drive. City staff has concluded that 81.37% (\$20,254.66) of the storm drainage work will alleviate existing problems which are not attributable to the construction of Hickory Court; and

WHEREAS, A majority of the property owners to be assessed have signed and submitted a Petition requesting the City Council amend Street Improvement District No. ST-96 whereby the estimated costs to each property owner would increase to reflect the actual bid amount and whereby the City would pay for 81.37% of the costs associated with the storm drainage work.

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

1. That the District Lands to be assessed are described as follows:

City of Lots 12 through 17, inclusive, Block 2 of Sunset Terrace Replat, a subdivision
 situate in Section 35, Township 1 North, Range 1 West of the Ute Meridian,
 Grand Junction, County of Mesa, State of Colorado.

2. That the total assessable costs of the District Improvements are estimated to be \$69,368.02. The total assessable costs shall be assessed against and upon the District Lands based upon the actual engineering, administrative and construction costs, estimated as follows:

- (a) The cost per lot for Lots 13, 14, 15 and 16, Block 2 of Sunset Terrace Replat, is estimated to be \$8,854.97, said estimated per lot cost

constituting one-sixth (1/6th) of all costs exclusive of the domestic water service lines and one-fourth (1/4th) of all costs inclusive of the domestic water service lines;

- (b) The cost per lot for Lots 12 and 17, Block 2 of Sunset Terrace Replat, is estimated to be \$6,846.74, said estimated per lot cost constituting one-sixth (1/6th) of all costs exclusive of the domestic water service lines;
- (c) The costs to be paid by the City are estimated to be \$20,254.66, constituting 81.37% of all costs inclusive of the storm drainage facilities;

provided, however, that the total project costs may be more or less than the above stated estimated assessable costs and that the assessments to be levied against and upon the District Lands shall be based upon the actual project costs; provided, further, that the above stated estimated assessable costs do not include: tap fees and/or other fees and charges to be charged by the Ute Water Conservancy District, which tap fees must be paid by the Owners prior to making connection to the domestic water service lines, and; costs to extend, install and tap into other utilities prior to the City's installation or construction of the District Improvements, including, but not limited to, the extension of natural gas mains and service lines.

3. That the assessments to be levied against and upon the District Lands shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during said thirty (30) day 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 costs of collection and other incidentals, which additional amount shall be added to the principal amount and shall be payable in ten (10) annual installments, the first of which shall be due and 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 at the City's Internal Investment Rate of Return, at the time the ordinance approving the assessments is adopted, being charged to the declining balance.

4. That the City Engineer has heretofore prepared full details, plans and specifications for such paving; and a map of the district depicting the real property to be assessed from which the amount of assessments to be levied against and upon each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, of the City of Grand Junction, Colorado.

5. That the Notice of Intention to amend said Street Improvement District No. ST-96, 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 AMEND STREET IMPROVEMENT DISTRICT NO. ST-96 IN THE CITY OF GRAND JUNCTION, COLORADO OF A HEARING THEREON

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the request of a majority of the property owners to be assessed, to the owners of the 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 amend Street Improvement District No. ST-96 in said City for the purpose of constructing and paving Hickory Court to serve the property hereinafter described, which lands are to be assessed with the costs of the improvements, to wit:

Lots 12 through 17, inclusive, in Block 2 of Sunset Terrace Replat, a subdivision situate in Section 35, Township 1 North, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado.

Location of Improvements: Hickory Court

Type of Improvements: To include base course material under a mat of Hot Mix Bituminous paving, curbing, gutter, storm drainage facilities and domestic water service lines, together with engineering, inspection, administration and any other services or facilities required to accomplish the request of a majority of the property owners to be assessed as deemed necessary by the City Engineer.

The total assessable costs of the District Improvements are estimated to be \$69,368.02. The total assessable costs shall be assessed against and upon the District Lands based upon the actual engineering, administrative and construction costs, estimated as follows:

- (a) The cost per lot for Lots 13, 14, 15 and 16, Block 2 of Sunset Terrace Replat, is estimated to be \$8,854.97, said estimated per lot cost constituting one-sixth (1/6th) of all costs exclusive of the domestic water service lines and one-fourth (1/4th) of all costs inclusive of the domestic water service lines;
- (b) The cost per lot for Lots 12 and 17, Block 2 of Sunset Terrace Replat, is estimated to be \$6,846.74, said estimated per lot cost constituting one-sixth (1/6th) of all costs exclusive of the domestic water service lines;
- (c) The costs to be paid by the City are estimated to be \$20,254.66, constituting 81.37% of all costs inclusive of the storm drainage facilities;

provided, however, that the total project costs may be more or less than the above stated estimated assessable costs and that the assessments to be levied against and upon the District Lands shall be based upon the actual project costs; provided, further, that the above stated estimated assessable costs do not include: tap fees and/or other fees and charges to be charged by the Ute Water Conservancy District, which tap fees must be paid by the Owners prior to making connection to the domestic water service lines, and; costs to extend, install and tap into other utilities prior to the

City's installation or construction of the District Improvements, including, but not limited to, the extension of natural gas mains and service lines.

The assessments to be levied against and upon the District Lands shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during said thirty (30) day 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 costs of collection and other incidentals, which additional amount shall be added to the principal amount and shall be payable in ten (10) annual installments, the first of which shall be due and 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 at the City's Internal Investment Rate of Return, at the time the ordinance approving the assessments is adopted, being charged to the declining balance.

On August 20, 1997, at the hour of 7:30 o'clock p.m. in the City Council Chambers located in City Hall at 250 North 5th Street in said City, the City 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 regular business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 16th day of July, 1997.

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

By _____
City Clerk

PASSED and ADOPTED this 16th day of July, 1997.

Attest:

/s/ Janet Terry
President of the Council

/s/ Stephanie Nye
City Clerk