

**RESOLUTION NO. 150-99**

**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-43-99 ,  
AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND  
SPECIFICATIONS FOR THE SAME, AND GIVING NOTICE OF A HEARING**

WHEREAS, a majority of the owners of the property 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 a Sanitary Sewer Improvement District be created for the design, construction and installation of sanitary sewer facilities and appurtenances related thereto for the special benefit of the real property hereinafter described; and

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction and installation of sanitary sewer facilities as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said district; and

WHEREAS, the City Council deems it necessary and appropriate to take the necessary preliminary proceedings for the creation of a special sanitary sewer improvement district, to be known as Sanitary Sewer Improvement District No. SS-43-99, to include the services and facilities as hereinafter described for the special benefit of the real property as hereinafter described.

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

1. That the real property (also known as the "District Lands") to be assessed with the total actual costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Beginning 586.48 feet North of the West ¼ corner of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 60.6 feet; thence S 88°25' E 480.7 feet; thence N 83°03' E 202.2 feet; thence S 88°25' E 34 feet to Highline Canal Lateral No. 6; thence Southwesterly along said Lateral to a point 670 feet east of the Point of Beginning; thence West to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-009; and also

Beginning 586.48 feet North and 30 feet East of the Southwest corner of the NW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 650 feet; thence South 100 feet; thence West 650 feet; thence North to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-010; and also

Beginning 386.48 feet North and 30 feet East of the Southwest corner of the NW ¼ of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 100 feet; thence East 553.25 feet; thence S 58°21' W 191 feet; thence West 391 feet to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-011; and also

Beginning 286.48 feet North and 30 feet East of the Southwest corner of the NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 100 feet; thence East 391 feet; thence S 50°26' E 156.9 feet; thence West 512 feet to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-012; and also

Beginning 286.48 feet North of the Southwest corner of the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 325 feet; thence South 50 feet; thence West 145 feet; thence South 100 feet; thence West 180 feet to the Point of Beginning, Except for road right-of-way described by instrument recorded in Book 829 at Page 362 in the office of the Mesa County Clerk and Recorder, also known by Mesa County Tax Schedule No. 2701-362-00-013; and also

Beginning 236.48 feet North and 180 feet East of the Southwest corner of the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 145 feet; thence South 100 feet; thence West 145 feet; thence North 100 feet to the Point of Beginning, Except for road right-of-way described by instrument recorded in Book 829 at Page 362 in the office of the Mesa County Clerk and Recorder, also known by Mesa County Tax Schedule No. 2701-362-00-014; and also

Beginning 286.48 feet North and 325 feet East of the Southwest corner of the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 187 feet; thence S 50°51' E 82.2 feet; thence S 21°10' W 53.1 feet; thence S 20°26' E 51.9 feet; thence West 249.6 feet; thence North 150 feet to the Point of Beginning, also known by Mesa County Tax Schedule No 2701-362-00-015,

all in the County of Mesa, State of Colorado.

2. That the proposed services, labor, materials and improvements (also known as the “District Improvements”) necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation and placement of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, compensation or fees required for easements, permits or other permanent or temporary interests in real property which may be required to accommodate the installation, operation, maintenance, repair and replacement of the District Improvements, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer, all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon the District Lands shall be based upon the total actual costs of the District Improvements. The City Engineer has estimated the total probable costs of the District Improvements to be \$83,303.00. Based on the aforesaid estimate of the City Engineer, the assessments to be levied against and upon each individual parcel are estimated to be \$11,900.00. Notwithstanding the foregoing estimates, the total costs of the District Improvements, whether greater or less than said estimates, shall be assessed against and upon the District Lands. The assessments to be levied against and upon the District Lands do not include other costs and fees which the owners of the District Lands will be required to pay prior to making connection to the District Improvements, including, but not limited to, costs to extend the service lines from the stub-outs to the building(s) to be served, Plant Investment Fees and any other fees which may be required prior to making physical connections to the District Improvements.

4. That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. 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 such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of 8 percent (8%) per annum on the unpaid balance and 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 until paid in full.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with and a map of the district depicting the District Lands to be assessed from which the amount of the estimated assessments 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.

6. That Notice of Intention to Create said Sanitary Sewer Improvement District No. SS-43-99, 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-43-99, 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 owners of the property to be assessed, 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, has declared its intention to create Sanitary Sewer Improvement District No. SS-43-99, in said City, for the purposes of installing sanitary sewer facilities and related appurtenances to serve the property hereinafter described, which lands are to be assessed with the total costs of the improvements, to wit:

Beginning 586.48 feet North of the West  $\frac{1}{4}$  corner of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 60.6 feet; thence S  $88^{\circ}25'$  E 480.7 feet; thence N  $83^{\circ}03'$  E 202.2 feet; thence S  $88^{\circ}25'$  E 34 feet to Highline Canal Lateral No. 6; thence Southwesterly along said Lateral to a point 670 feet east of the Point of Beginning; thence West to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-009; and also

Beginning 586.48 feet North and 30 feet East of the Southwest corner of the NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 650 feet; thence South 100 feet; thence West 650 feet; thence North to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-010; and also

Beginning 386.48 feet North and 30 feet East of the Southwest corner of the NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 100 feet; thence East 553.25 feet; thence S  $58^{\circ}21'$  W 191 feet; thence West 391 feet to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-011; and also

Beginning 286.48 feet North and 30 feet East of the Southwest corner of the NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence North 100 feet; thence East 391 feet; thence S  $50^{\circ}26'$  E 156.9 feet; thence West 512 feet to the Point of Beginning, also known by Mesa County Tax Schedule No. 2701-362-00-012; and also

Beginning 286.48 feet North of the Southwest corner of the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 36, Township 1 North, Range 1 West of the Ute Meridian; thence East 325 feet; thence South 50 feet; thence West 145 feet; thence South 100 feet; thence West 180 feet to the Point of Beginning, Except for road right-of-way described by instrument recorded in Book 829 at Page 362 in the office of the Mesa County Clerk and Recorder, also known by Mesa County Tax Schedule No. 2701-362-00-013; and also

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all in the County of Mesa, State of Colorado.

**Location of Improvements:** The proposed improvements would be made in the vicinity of Marsh Lane located east of 27 Road and south of Interstate 70.

**Type of Improvements** - The improvements requested include the installation or construction of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, together with engineering, inspection, administration and any other services or facilities required to accomplish this request as deemed necessary by the City Engineer, hereinafter referred to as the "District Improvements", all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements, which have been estimated by the City Engineer to be \$83,303.00, shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. 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 such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of 8 percent (8%) per annum on the unpaid balance and 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 until paid in full.

On January 19, 2000, at the hour of 7:30 o'clock P.M. in the City Council Chambers located at Two Rivers Convention Center, 159 Main 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 estimated 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 15th day of December, 1999.

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

**By:** /s/ Stephanie Nye  
City Clerk

**PASSED** and **ADOPTED** this 15th day of December, 1999.

/s/ Gene Kinsey  
President of the Council

**Attest:**

/s/ Stephanie Nye  
City Clerk