

RESOLUTION NO. 102-02

**CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-03
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

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 an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the following described alleys:

- "T" Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue
- "Cross" Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements 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, on the 2nd day of October, 2002, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-03 Authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and Authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

WHEREAS, Notice of Intention to create said district was duly published.

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 a portion of the costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

LOT 1 BLK 13 SHERWOOD ADD; and also,
ALL THAT PT LOT 2 BLK 13 SHERWOOD ADD N OF A LI EXTENDING FR

MIDPOINT ON WLY BDRY TO MIDPOINT OF ELYBDRY LOT; and also,
BEG INTERS OF SWLY LI LOT 3 BLK 13 SHERWOOD ADD WISELY ROW OF
EAST SHERWOOD DR NELY ALG DR 50FT S43DEG36MIN E 126.24FT TO ALY S
28DEG W ALG ALY 52.65FT TO SWLY LI LOT 3 N 43DEG36MIN W ALG LI 143.35FT
TO BEG; and also,
N 80FT OF LOT 5 BLK 13 SHERWOOD ADD; and also,
S 100FT OF LOT 5 BLK 13 SHERWOOD ADD; and also,
UNIT 1 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS SHERWOOD PARK
CONDOMINIUM AS RECD RECEPTION NO 1014611; and also,
UNIT 2 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS SHERWOOD PARK
CONDOMINIUM AS RECD RECEPTION NO 1014611; and also,
A PORTION OF LOT 4 SHERWOOD ADD SEC 11 1S 1W DESC AS FOLLOWS
BEG SE COR SD LOT 4 N 89DEG42' W 75FT N 0DEG13' W 119.05FT ALG CVE TO
RIGHT 51.5FT RAD 583.3FT CHORDBEAR S 68DEG39'08SEC E 51.48FT ALG CVE
TO RIGHT 38.68FT RAD 20FT CHORD BEARS S 55DEG24'13SEC E 32.86FTS
0DEG13' E 119.53FT TO BEG; and also,
BEG S 0DEG13' E 97FT FR NE COR LOT 6 BLK 13 SHERWOOD ADD SEC 11 1S 1W
S 0DEG13' E 43FT N 89DEG36'30SEC W 190.53FT N 44DEG54'45SEC W 7.11FT
N 0DEG13' W 112.16FT N 28DEG08' E 25.81FT S 89DEG36'30SEC E 51.78FT S
0DEG13' E 97FT S 89DEG36'30SEC E 131.50FT TO BEG; and also,
UNITS 101 THRU 105 INC & UNITS 201-202-204 & 205 SHERWOOD PARK PLAZA
RECPT NO1274960 DECL RECD B-1343 P-570 THRU P-600 MESA CO RECDS &
COMMON ELEMENTS; and also,
LOTS 1-2-3 BLK 4 SHAFROTH RODGERS ADDITION SEC 11 1S 1W & BEG 520FT E
OF SWCOR SD SEC 11 N 400FT E 50FT S 400FT W TO BEG & THAT PT OF W 10FT
OF VAC ROW OF 3RD ST ADJ ON E PER CITY ORD DESC IN B-1704 P-668 EXC N
10FT FOR ALLEY AS DESC IN B-1020 P-965 MESA CO RECORDS; and also,
BEG 470FT E OF SW COR SEC 11 1S 1W N 390FT E 50FT S 390FT W TO
BEG EXC S 50FT FOR RD AS PER B-1451 P-530 MESA CO RECORDS; and also,
BEG 420FT E OF SW COR SEC 11 1S 1W N 390FT E 50FT S 390FT W TO
BEG EXC S 50FT FOR RD AS PER B-1451 P-530 MESA CO RECORDS.
AND ALSO; Lots 1 through 32, inclusive, Block Q, Keiths Addition.
AND ALSO; Lots 1 through 34, inclusive, Block 89, Grand Junction.
AND ALSO; Lots 1 through 32, inclusive, Block 2, Dundee Place.
AND ALSO; Lots 1 through 4, inclusive; and Lots 16 through 20, inclusive, Block 1,
Eastholme in Grandview Subdivision.
AND ALSO; Lots 1 through 32, inclusive, Block K, Keiths Addition.
All in the City of Grand Junction, and Mesa County, Colorado.

2. That the proposed services, labor, materials and 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, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer ("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.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997,

and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, as follows:

(a) The Residential Single-Family assessment rate shall be \$8.00 per each linear foot of property abutting the alley right-of-way. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be \$15.00 per each linear foot of property abutting the alley right-of-way. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be \$31.50 per each linear foot of property abutting the alley right-of-way. Except as provided in Section 2(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted (“home occupation”) which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the 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. The 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 eight 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 a map of the District depicting the District Lands to be assessed from which the amount of the 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.

Dated at Grand Junction, Colorado, this 6th day of November, 2002.

BY ORDER OF THE CITY COUNCIL

CITY OF GRAND JUNCTION, COLORADO

By: /s/: Stephanie Tuin
City Clerk

PASSED and **ADOPTED** this 6th day of November, 2002.

/s/: Cindy Enos-Martinez
President of the Council

Attest:

/s/: Stephanie Tuin
City Clerk