

RESOLUTION NO. 97-03

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY ALLEY IMPROVEMENT DISTRICT NO. ST-04 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 Alley Improvement District be created for the construction of improvements as follows:

Location of Improvements:

- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue
- "T" shaped Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- "T" shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue

Type of Improvements - To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as 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 lands to be assessed is described as follows:

Lots 1 through 4, inclusive; Lots 9 through 12, inclusive; and the south 59.1 ft. of Lot 6 and the north 10.9 ft. of Lot 7; and the south 44.1 ft. of Lot 7, Block 3, Prospect Park Subdivision; and also,
Lots 1 through 32, inclusive, Block 57, City of Grand Junction; and also,
Lots 1 through 11, inclusive, Block 3, Mesa Subdivision; and also
Lots 14 through 22, inclusive, Block 3, Mesa Subdivision; and also
The north 50 ft. of Lots 12 and 13, Block 3, Mesa Subdivision; and also,
Lots 1 through 12, inclusive, Block 1, Henderson Heights Subdivision; and also
BEG NW COR LOT 7 GRAND VIEW SUB E 60FT S 130FT W 60FT N TO BEG
EXC ALY ON S; and also
BEG 60FT E OF NW COR LOT 7 GRAND VIEW SUB S 145.2FT E50FT N
145.2FT W TO BEG EXC ALY ON S; and also

BEG 110FT E OF NW COR LOT 7 GRAND VIEW SUB SEC 12 1S 1W E 60FT S 125.2FT W 60FT N TO BEG; and also
E 60FT OF BEG 110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 145.2FT W 120FT N TO BEG EXC ALY ON S; and also
BEG 230 FT E OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 145.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 280 FT E OF NW COR N2 LOT 7 GRAND VIEW SUB E 50 FT S 135.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 330 FT E+10FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 115.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 380 FT E+10 FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 115.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 30 FT S & 137.37FT W OF C-L ELM AV & N 15TH ST SEC 12 1S 1W W 71FT S 118.85FT E 60FT N 49.25FT E 11FT N 69.6FT TO BEG; and also
BEG 135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC KENNEDY AVE + EXC ALY ON N + LOT 7 EXC W 5FT BLK 1 HENDERSON HEIGHTS SUB; and also
BEG 110FT E+155.2FT S OF NW COR LOT 7 GRAND VIEW SUB W 60FT S TO S LI N2 LOT 7 E 60FT N TO BEG EXC ALY ON N; and also
BEG 145.2FT S+110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 138.12FT N86DEG47MINW 120.18FT N 131.38FT TO BEG EXC ALY ON N; and also
BEG 230 FT E+145.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also
BEG 330FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB W 50FT S TO S LI N2 LOT 7 E 50FT N TO BEG EXC ALY ON N; and also
BEG 330FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also
BEG 380FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also
N 50FT OF S 180FT OF E 231.6FT OF NE4 LOT 7 GRAND VIEW SUB EXC ALY ON N + EXC 20FT ALY ON W; and also
N 50FT OF S 130FT OF E 231.6FT OF NE4 LOT 7 GRAND VIEW SUB + S 80FT OF E 231.6FT OF N2 LOT 7 GRAND VIEW SUB EXC KENNEDY AVE + EXC 20FT ALLEY ON W; and also,
Lots 1 through 32, inclusive, Block 13, City of Grand Junction; and also,
Lots 14 through 32, inclusive, Elm Avenue Subdivision, City of Grand Junction; and also
Lots 1 through 12, Amended Kennedy Subdivision, City of Grand Junction.
All in the City of Grand Junction, Mesa County, Colorado.

2. That the assessments to be levied against the respective properties will be as follows per each linear foot directly abutting the alley right-of-way:

Properties located within any zone other than residential and properties which are used and occupied for any purpose other than residential shall be assessed \$31.50 per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot; further provided, that any single-family uses within a non-residential zone shall be assessed at the single family rate of \$8.00 per abutting foot.

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of \$15.00 per abutting foot; provided, however, that any single family uses within a multi-family zone shall be assessed at the single family rate of \$8.00 per abutting foot.

Properties located in a single family residential zone shall be assessed at \$8.00 per abutting foot; provided, however, that existing multi-family uses within a residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot.

Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

If the use of any property changes, or if a property is rezoned any time prior to the assessment hearing, the assessment shall reflect that change.

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 5,694.45 feet, the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 934.91 feet and the total amount of assessable footage receiving the non-residential rate is estimated to be 601.3 feet.

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(s) 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 be added to the principal 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 such paving; and a map of the district depicting the real property to be assessed from which the amount of 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 Alley Improvement District No. ST-04, 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 ALLEY IMPROVEMENT DISTRICT NO. ST-04, 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 Alley Improvement District No. ST-04 in said City for the purpose of reconstructing and paving certain alleys to serve the properties hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

That the District of lands to be assessed is described as follows:

Lots 1 through 4, inclusive; Lots 9 through 12, inclusive; and the south 59.1 ft. of Lot 6 and the north 10.9 ft. of Lot 7; and the south 44.1 ft. of Lot 7, Block 3, Prospect Park Subdivision; and also,
Lots 1 through 32, inclusive, Block 57, City of Grand Junction; and also,
Lots 1 through 11, inclusive, Block 3, Mesa Subdivision; and also
Lots 14 through 22, inclusive, Block 3, Mesa Subdivision; and also
The north 50 ft. of Lots 12 and 13, Block 3, Mesa Subdivision; and also,
Lots 1 through 12, inclusive, Block 1, Henderson Heights Subdivision; and also
BEG NW COR LOT 7 GRAND VIEW SUB E 60FT S 130FT W 60FT N TO BEG EXC ALY ON S; and also
BEG 60FT E OF NW COR LOT 7 GRAND VIEW SUB S 145.2FT E 50FT N 145.2FT W TO BEG EXC ALY ON S; and also
BEG 110FT E OF NW COR LOT 7 GRAND VIEW SUB SEC 12 1S 1W E 60FT S 125.2FT W 60FT N TO BEG; and also
E 60FT OF BEG 110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 145.2FT W 120FT N TO BEG EXC ALY ON S; and also
BEG 230 FT E OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 145.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 280 FT E OF NW COR N2 LOT 7 GRAND VIEW SUB E 50 FT S 135.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 330 FT E+10FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 115.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 380 FT E+10 FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S 115.2FT W 50FT N TO BEG EXC ALY ON S; and also
BEG 30 FT S & 137.37FT W OF C-L ELM AV & N 15TH ST SEC 12 1S 1W W 71FT S 118.85FT E 60FT N 49.25FT E 11FT N 69.6FT TO BEG; and also
BEG 135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC KENNEDY AVE + EXC ALY ON N + LOT 7 EXC W 5FT BLK 1 HENDERSON HEIGHTS SUB; and also
BEG 110FT E+155.2FT S OF NW COR LOT 7 GRAND VIEW SUB W 60FT S TO S LI N2 LOT 7 E 60FT N TO BEG EXC ALY ON N; and also

BEG 145.2FT S+110FT E OF NW COR LOT 7 GRAND VIEW SUB E 120FT S 138.12FT N86DEG47MINW 120.18FT N 131.38FT TO BEG EXC ALY ON N; and also

BEG 230 FT E+145.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also

BEG 330FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB W 50FT S TO S LI N2 LOT 7 E 50FT N TO BEG EXC ALY ON N; and also

BEG 330FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also

BEG 380FT E+135.2FT S OF NW COR LOT 7 GRAND VIEW SUB E 50FT S TO S LI N2 LOT 7 W 50FT N TO BEG EXC ALY ON N; and also

N 50FT OF S 180FT OF E 231.6FT OF NE4 LOT 7 GRAND VIEW SUB EXC ALY ON N + EXC 20FT ALY ON W; and also

N 50FT OF S 130FT OF E 231.6FT OF NE4 LOT 7 GRAND VIEW SUB + S 80FT OF E 231.6FT OF N2 LOT 7 GRAND VIEW SUB EXC KENNEDY AVE + EXC 20FT ALLEY ON W; and also,

Lots 1 through 32, inclusive, Block 13, City of Grand Junction; and also,

Lots 14 through 32, inclusive, Elm Avenue Subdivision, City of Grand Junction; and also

Lots 1 through 12, Amended Kennedy Subdivision, City of Grand Junction; and also

All in the City of Grand Junction, Mesa County, Colorado.

Location of Improvements:

- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue
- “T” shaped Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- “T” shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue

Type of Improvements: To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer.

2. That the assessments to be levied against the respective properties will be as follows per each linear foot directly abutting the alley right-of-way:

Properties located within any zone other than residential and properties which are used and occupied for any purpose other than residential shall be assessed \$31.50 per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot;

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of \$15.00 per abutting foot.

Properties located in a single-family residential zone shall be assessed at \$8.00 per abutting foot.

Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

If the use of any property changes, or if a property is rezoned any time prior to the assessment hearing, the assessment shall reflect that change.

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 5,694.45 feet, and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 934.91 feet, and the total amount of assessable footage receiving the non-residential rate is 601.3 feet.

To the total assessable cost of \$78,120.20 to be borne by the property owners, there shall be added a one time charge of six percent (6%) for costs of collection and other 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(s) 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 be added to the principal 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 percent (8%) per annum shall be charged on unpaid installments.

On November 19th, 2003, 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 15th day of October, 2003.

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

By: /s/: Stephanie Tuin
City Clerk

PASSED and **ADOPTED** this 15th day of October, 2003.

/s/: Jim Spehar
President of the Council

Attest:

/s/: Stephanie Tuin
City Clerk