

RESOLUTION NO. 16-04

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY MUSIC LANE AREA SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-46-04, AUTHORIZING THE CITY UTILITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME, AND GIVING NOTICE OF A HEARING

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 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 properties 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-46-04, 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:

Lots 1-4, inclusive, Brown Subdivision, Mesa County Colorado, AND ALSO

All that part of the NE 1/4 SE 1/4 Section 3, T1S, R1W, of the Ute Meridian, lying south of the Grand Valley Canal, EXCEPT for the following described parcels:

Lot 8, Harwood-Tolman Subdivision, AND EXCEPT

Beginning 15.06 ft S of the NW corner NW 1/4 NE 1/4 SE 1/4 Section 3, T1S, R1W, Ute Meridian; thence S 0°14' E, 895.95 ft; thence N 44° E, 493 ft; thence N 39°29'10" W 135.70 ft; thence W 85 ft; thence N 6°46' E 426.9 ft; thence N 86°47' W 225.48 ft to the point of beginning, AND EXCEPT

Beginning 1152.8 ft W and 2168.7 ft N of the SE corner Section 3, T1S, R1W, Ute Meridian; thence N32°21' E 439.1 ft; thence N 41°40' W 60.03 ft; thence N 86°47' W 145 ft; thence S 6°46' W 426.9 ft to the point of beginning.

All in the City of Grand Junction, 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 Utility 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 Utility Engineer has estimated the total probable costs of the District Improvements to be \$173,015.00. Based on the aforesaid estimate of the City Utility Engineer, the assessments to be levied against and upon each individual parcel are estimated to be \$8,239.00; provided, however, that pursuant to a Joint Resolution by the City Council and the Board of Commissioners of Mesa County, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. 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; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-46-04 shall not have the election of paying the assessment to be levied against and upon such

new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

5. That the City Utilities 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-46-04, 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 SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-46-04, 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 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-46-04, 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:

Lots 1-4, inclusive, Brown Subdivision, Mesa County Colorado, AND ALSO

All that part of the NE 1/4 SE 1/4 Section 3, T1S, R1W, of the Ute Meridian, lying south of the Grand Valley Canal, EXCEPT for the following described parcels:

Lot 8, Harwood-Tolman Subdivision, AND EXCEPT

Beginning 15.06 ft S of the NW corner NW 1/4 NE 1/4 SE 1/4 Section 3, T1S, R1W, Ute Meridian; thence S 0°14' E, 895.95 ft; thence N 44° E, 493 ft; thence N 39°29'10" W 135.70 ft; thence W 85 ft; thence N 6°46' E 426.9 ft; thence N 86°47' W 225.48 ft to the point of beginning, AND EXCEPT

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

Location of Improvements: Located in an area west of 26 Road between Meander Drive and F 1/2 Road.

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 Utility 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 Utility Engineer to be \$173,015.00; provided, however, that pursuant to a Joint Resolution by the City Council and the Mesa County Board of Commissioners, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Assessments 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; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-46-04 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

On April 7, 2004, at the hour of 7:30 o'clock P.M. in the City Council Chambers located at 250 N. 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 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 18th day of February, 2004.

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

By: /s/ Stephanie Tuin
City Clerk

PASSED and ADOPTED this 18th day of February, 2004.

/s/ Jim Spehar
President of the Council

Attest:

/s/ Stephanie Tuin
City Clerk