

**RESOLUTION NO. 44-06**

**A RESOLUTION CREATING AND ESTABLISHING  
STREET IMPROVEMENT DISTRICT NO. ST-06, PHASE B  
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,  
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN  
STREETS AND 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 a Street Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to particular streets in the following area:

- From Maldonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue.

**WHEREAS**, the City Council has found and determined, and does hereby find and determine, that the construction of street 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 5th day of April, 2006, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Street Improvement District No. ST-06, Phase B, 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:

Lots 1 through 3, inclusive, Trujillo Subdivision, and also;  
Lots 1 through 6, inclusive, Maldonado Subdivision, and also;  
Lots 9 through 22, inclusive, Block 3, Carpenter’s Subdivision No. 2, and also;  
Lots 1 through 22, inclusive, Block 4, Carpenter’s Subdivision No. 2, and also;  
Lots 3, 4, and Lots 12 through 22, inclusive, Block 1 Carpenter’s Subdivision No. 2, and also;  
Lots 12 through 22, inclusive, Block 2, Carpenter’s Subdivision No. 2, and also;  
Lots 1 through 3, inclusive, and Lots 9 through 17, inclusive, Block 7, Carpenter’s Subdivision No. 2, and also;  
Lots 1 and 2, Coleman Subdivision, and also;  
Lot 10, Block 6, Six and Fifty West Subdivision, Filing No. Two, and also;  
Lots 4 and 5, inclusive, Block 7, Six and Fifty West Subdivision, Filing No. Two, and also;  
Lot 1, DeRush Subdivision, and also;  
Lot 1, Reman Simple Subdivision, and also;  
The East 460 feet of the South 660 feet of the SW 1/4 NE 1/4 of Section 15, T1S, R1W, of the Ute Meridian. All in the City of Grand Junction, Mesa County, Colorado.  
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 bituminous 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 street, as follows:

(a) The maximum Residential assessment rate shall be \$21.98 per each linear foot of property abutting the right-of-way. The Residential 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 maximum Commercial assessment rate shall be \$88.37 per each linear foot of property abutting the right-of-way for all commercial properties except those discussed in Section 3(c) below. The Commercial assessment rate shall apply to all properties which are used and occupied for any purpose other than residential purposes, and all vacant properties located within any zone other than residential;

(c) For those commercial properties on the north side of West Chipeta Avenue having previously signed a Power of Attorney for Alley Improvements, the fixed Special Commercial assessment rate shall be \$31.50 per each linear foot of property abutting the West Chipeta Avenue right-of-way. The Special Commercial assessment rate shall apply to all said properties which are used and occupied for any purpose other than residential purposes, and all vacant properties located within any zone other than residential;

(d) 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.

**PASSED** and **ADOPTED** this 17<sup>th</sup> day of May, 2006.

/s/ James J. Doody  
President of the Council

**Attest:**

/s/ Stephanie Tuin  
City Clerk