

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 145-08

**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- 09, PHASE A 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 3rd to 4th, between Glenwood Avenue and Kennedy Avenue
- East/West Alley from 9th to 10th, between Main Street and Rood Avenue
- East/West T Alley from 17th to 18th, between North Avenue and Glenwood 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, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction; and also,
The South 40 feet of Lots 1 through 3, inclusive, and Lots 4 through 32, inclusive, Block 108, City of Grand Junction; and also,
Lots 1 through 8, inclusive, and Lots 13 through 15, inclusive, Block 7, Elmwood Plaza Refiling, except the West 5 feet of said Lot 15; and also, Lot 1, Mitchell Replat; and also Lots 5 & 6, Block 4, Parkplace Heights, including that portion of the vacated alley, described in Book 1111, Page 739 in the Mesa County records, between said Lots 5 and 6, except the alley right of way through said Lot 5 as described in Book 1133, Page 903 in said records. All in the City of Grand Junction, and Mesa County, Colorado.

2. That the assessment 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 50 percent of the assessable cost per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of 25 percent of the assessable cost per abutting foot;

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of 25 percent of the assessable cost per abutting foot.

Properties located in a single-family residential zone shall be assessed at 15 percent of the assessable cost 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 570.96 feet and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 836.16 feet; and the total amount of assessable footage receiving the non-residential rate is 1,516.66 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 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, as required by the Mesa County Treasurer's office, 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-09, Phase A, 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-09, PHASE A, 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-09, Phase A, in said City for the purpose of reconstructing and paving certain alleys to serve the property hereinafter described which lands are to be assessed with the cost of the improvements, to wit:

Lots 1 through 4, inclusive, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction; and also,
The South 40 feet of Lots 1 through 3, inclusive, and Lots 4 through 32, inclusive, Block 108, City of Grand Junction; and also,
Lots 1 through 8, inclusive, and Lots 13 through 15, inclusive, Block 7, Elmwood Plaza Refiling, except the West 5 feet of said Lot 15; and also, Lot 1, Mitchell Replat; and also Lots 5 & 6, Block 4, Parkplace Heights, including that portion of the vacated alley, described in Book 1111, Page 739 in the Mesa County records, between said Lots 5 and 6, except the alley right of way through said Lot 5 as described in Book 1133, Page 903 in said records. All in the City of Grand Junction, and Mesa County, Colorado.

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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.

The assessment 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 50 percent of the assessable cost per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of 25 percent of the assessable cost per abutting foot;

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of 25 percent of the assessable cost per abutting foot.

Properties located in a single-family residential zone shall be assessed at 15 percent of the assessable cost 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 570.96 feet and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 836.16 feet; and the total amount of assessable footage receiving the non-residential rate is 1,516.66 feet.

To the total assessable cost of \$86,884.95 to be borne by the property owners, there shall be, as required by the Mesa County Treasurer's Office, added six (6) percent for costs of collection and 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 added for costs of collection and 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, as required by the Mesa County Treasurer's Office, 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 (8) percent per annum shall be charged on unpaid installments.

On January 7, 2009, at the hour of 7:00 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.

PASSED and ADOPTED this 3rd day of December, 2008.

By: /s/: Stephanie Tuin
City Clerk

/s/: Gregg Palmer
President of the Council

Attest:

/s/: Stephanie Tuin
City Clerk