

Grand Junction, Colorado

February 21, 1928

The City Council of the City of Grand Junction met in regular adjourned session at 7:30 o'clock P.M. Those present and answering at roll call were: Councilmen Penberthy, Meders, Bear, Rogers, Hall, Ellison, Moslander. City Clerk Niles, City Manager Thompson, and City Attorney Hinman were present.

Request to put a Tent on South 7th Street Used Car Lot:

Mr. Richard Warren appeared before the Council and presented a written request that he be allowed to put up a tent-approximately 10 feet by 10 feet in size- on the two lots on the West side of South Seventh Street directly South and across the alley from the White Eagle filling station.

These lots have been leased for a used car lot and are fifty feet by one hundred and twenty-five feet, the tent to be located fifty feet back from the sidewalk and in the middle of the lot and is to be used as an office and shelter.

Councilman Penberthy moved, Councilman Hall seconded the motion that the request be granted. Motion carried.

Paving District No. 18:

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. 18 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178 ADOPTED AND APPROVED JUNE 11th, 1910, AS AMENDED, APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT, ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT, AND APPROVING THE APPORTIONMENT OF SAID COST, AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS.

WHEREAS, The City Council and municipal officers of the City of Grand Junction in the State of Colorado have complied with all the provisions of law relating to certain improvements in Paving District No. 18, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance, and

WHEREAS, The City Council has heretofore caused to be published the notice of the completion of said improvement in said Paving District No. 18, and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of

land known as Paving District No. 18, in the City of Grand Junction, Colorado, which said notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing January 20th, 1928, and the last publication thereof appearing January 23rd, 1928); and

WHEREAS, Said notice recited the share to be apportioned to and upon each lot and tract of land, and other real estate, and recited that complaints or objections might be made in writing to the Council and filed with the Clerk within thirty days from the first publication of said notice, to-wit: On or before and up to 5:00 o'clock P.M. on the 21st day of February, 1928, and recited that such complaints would be heard and determined by the Council at its first regular meeting after said thirty days and before the passage of any ordinance assessing the cost of said improvements: and

WHEREAS, Pursuant to said notice, no written complaints were filed with respect to the proposed assessment of the cost of said improvements; and

WHEREAS, The City Council has duly confirmed the statement prepared by the City Council and certified by the President of the Council, showing the whole cost of said improvements and the apportionment thereof heretofore made as contained in that certain notice to property owners in Paving District No. 18, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said paving and improvements in said Paving District No. 18, be assessed and apportioned against all of the real estate in said district; and

WHEREAS, From the statement made and filed with the City Clerk by the City Engineer, it appears that the whole cost of said improvements is \$53,529.07 (which excludes the cost of the paving of the street and alley intersections, which is to be borne by the City of Grand Junction) said amount including two per cent additional for cost of collection and other incidentals and including interest to the 29th day of February, 1928, at the rate of four and one-half per cent per annum on the bonds heretofore sold to raise funds for the construction of said improvements: and,

WHEREAS, From said statement it also appears that the City Engineer has apportioned the said sum of \$49,682.62, for paving and other costs, and \$3,846.45, for installing lead pipe water services, against the real estate in said District and against the owners thereof respectively as hereinafter specified and has apportioned a share of the said whole cost to each lot or tract of land and other real estate in said District in the following proportions and amounts severally, to-wit:

(Note: Wherever in the following descriptions the numbers of the first and last lots of a series of lots are mentioned, they shall

be taken to include the first, the intermediate and the last named lots and the amount given shall be for each lot. Assessments are given for each lot or tract of land in the District except where the lots or tracts have been re-subdivided, in which case the lot or tract has been divided into four equal zones parallel with the street paved, the zone adjacent to the pavement being assessed forty percent of the whole cost, the next or second zone thirty per cent of the whole cost, the third zone twenty per cent of the whole cost, and the fourth or last zone ten per cent of the whole cost.)

Block 6-- Lot 17-\$25.88; Lot 18-\$38.82; lot 19-\$51.76; lot 20-\$77.65; lot 21-\$90.59; lot 22-\$103.53; lots 23, 25, 27, 29, & 31-\$71.85; lots 24, 26, 28, 30 & 32-Paving \$71.85, lead service \$23.67.

Block 7-- Lots 17, 18, 20, 21, 22, 24, 25, 27 to 32-\$72.08; lots 19, 23, 26-Paving \$72.08; lead service \$23.67.

Block 8-- Lots 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 31-\$72.02; lots 21, 28, 30, 32-Paving \$72.02, lead service \$23.67.

Block 9-- Lots 17 to 20 and 22 to 32-\$72.13; lot 21-Paving \$81.31, lead service, \$23.67.

Block 10-- Lots 17 to 32-\$72.08.

Block 11-- Lots 13 to 24-\$71.79.

Block 12-- Lots 1 to 6-\$71.79; N1/2 lots 7 to 12-\$301.52; S1/2 lots 7 to 12, \$129.22.

Block 13-- Lots 1 to 16--\$72.08.

Block 14-- Lots 1 to 10 and 12 to 16-\$72.13; lot 11-Paving \$72.13, lead service-\$23.67.

Block 15-- Lots 1 to 6 and 8 to 11-\$72.02; lot 7-Paving \$72.02, lead service \$23.67; S1/2 lots 12 to 16-\$108.03; N1/2 lots 12-13-Paving \$100.83, lead service \$23.67; N1/2 lots 14, 15, 16-Paving \$151.24, lead service-\$23.67.

Block 16-- N3/5 lots 1 to 5-\$281.11; S2/5 lots 1 to 5-\$79.29; lots 6, 9, 11, 13-Paving \$72.08, lead service \$23.67; lots 7, 8, 10, 12, 14, 15, 16-\$72.08.

Block 17-- Lots 1, 2, 3, 5, 6, 7, 8-\$71.85; lots 4, 9-Paving \$71.85, lead service, \$23.67; lot 10-Paving \$71.85, lead service \$7.89; lot 11-Paving \$124.24, lead service \$23.67; lot 12, \$100.94; lot 13-\$77.65; lot 14-\$54.35; lot 15-\$31.06.

Block 23-- Lots 18-Paving \$130.50; lead service \$23.67; lots 19, 20, 22, 24-27, 29, 31, 32, 33-\$62.24; lot 21, 23, 26, 28, 30, 34, Paving \$62.24, lead service, \$23.67; lot 25, Paving \$71.72.

Block 24-- Lots 17, 20, 22, 23, 25, 28, 29-Paving \$62.54, lead service \$23.67; lots 18, 19, 21, 24, 26, 27, 30, 31, 32-\$62.54.

Block 25-- Lots 17, 18, 20, 23, 24, 25, 26, 28 to 32-\$62.54; lots 19, 21, 22, 27-Paving \$62.54, lead service, \$23.67.

Block 26-- Lots 17, 19, 20, 21, 22, 23, 25, 26, 28, 30, 31-\$62.54; lots 18, 24, 27, 29, 32-Paving \$62.54, lead service \$23.67.

Block 27-- Lot 1-\$112.41; lot 2-\$91.33; lot 3-\$70.25; lot 4-\$49.18; lot 5-\$28.10; lots 20, 21, 22, 23-\$62.89; lot 24-\$50.27; lots 25 & 26-Paving \$45.21, lead service \$23.67; lot 27-\$45.22; lot 28-Paving \$46.61, lead service \$23.67.

Block 28-- Lot 16-\$31.10; lot 17-\$54.43; lot 18-\$77.76; lot 19-\$101.10; lot 20-Paving \$124.41, lead service \$23.67; lots 21, 23, 29-Paving \$71.96, lead service \$23.67; lots 22, 24 to 28 and 30-\$71.96.

Block 29-- Lots 17, 21, 23, 24, 26, 28-\$72.10; lots 18, 22, 25, 27, 31-Paving \$72.10, lead service \$23.67; S1/2 lots 29, 30-Paving \$100.94, lead service \$23.67.

Block 30-- Lots 17, 19, 20, 21, 22, 24, 25, 27, 30, 31, 32-\$72.10; lots 18, 23, 26, 28-Paving \$72.10, lead service \$23.67; lot 29-Paving \$72.10, lead service \$37.13.

Block 31-- Lots 17, 19, 23, 25, 28, 31, Paving \$72.10; lead service \$23.67; lots 18, 20, 21, 22, 26, 27, 29, 30, 32-\$72.10; S 90 Ft. lot 24-\$63.16; N. 35 ft. lot 24-\$8.94.

Block 32-- Lots 17, 22, 23, 25, 27, 30, 32-Paving \$72.10, lead service \$23.67; lots 18, 21, 24, 26, 28, 29, 31-\$72.10.

Block 33-- Lots 13, 15 to 22 & 24-\$71.81; lots 14, 23-Paving \$71.81, lead service \$23.67.

Block 34-- Lots 1, 3 to 10 & 12-\$71.81; lots 2, 11-Paving \$71.81, lead service \$23.67.

Block 35-- Lots 3, 5, 6, 8, 9, 10, 11-\$72.10; lots 4, 7, 12-Paving \$72.10, lead service \$23.67; N1/2 lots 13 to 16-Paving \$201.88, lead service \$23.67; S1/2 lots 13 to 16-\$86.52.

Block 36-- Lots 1, 3, 11, 14-Paving \$72.10, lead service \$23.67; lots 2, 4 to 10 & 12, 13, 15, 16-\$72.10.

Block 37-- Paving \$1,153.30, lead service \$47.34.

Block 38-- S1/2 lots 1 to 5-\$108.15; lots 6, 10, 12-Paving \$72.10, lead service \$23.67; lots 7, 8, 9, 11-\$72.10; N 75 ft. lots 13 to 16-Paving \$224.95, lead service \$23.67; S50 ft. lots 13 to 16 - Paving \$63.45, lead service \$29.58.

Block 39-- Lots 1, 3, 4, 5, 7, 8, 9-\$71.96; lots 2, 6, 10-Paving \$71.96, lead service \$23.67; lot 11 Paving \$124.41, lead service \$23.67; lot 12-\$101.10; lot 13-\$77.76; lot 14-\$54.43; lot 15-\$31.10.

Block 40-- Lot 7-\$28.10; lot 8-\$49.18; lot 9-\$70.26; lot 10-\$91.33; lot 11-\$112.41; lots 12, 13, 15, 16, 17, 18, 20-\$62.89; lots 14 to 19-Paving \$62.89, lead service \$23.67.

Block 41-- Lots 1 to 16-\$62.54.

Block 42-- Paving \$1,000.35.

Block 43-- Lots 1, 3 to 8 & 10, 11, 14, 16-\$62.54; lots 2, 9, 12, 13, 15-Paving \$62.54, lead service \$23.67.

Block 44-- Lots 1, 6, 9, 11-Paving \$62.24; lead service \$23.67; lots 2, 3, 4, 5, 7, 8, 10 & 12 to 16-Paving \$62.24; lot 17-\$130.50.

Block 99-- Lots 13, 16, 17, 18, 19, 21, 23, 24-\$47.80; lots 14, 15, 22-Paving \$47.80, lead service \$25.00; W1/2 lot 20-Paving \$23.90, lead service \$25.00; E1/2 lot 20, \$23.90.

Block 100-- Lots 1 to 7-\$47.80; lot 8-Paving \$47.80, lead service, \$25.00.

Block 111-- Lot 18-Paving \$146.89, lead service \$23.67; lots 19, 22, 28-Paving \$74.22, lead service \$23.67; lots 20, 21, 23 to 27 & 29 to 34-\$74.22.

Block 112-- Lots 17, 18, 19, 21, 23, 24, 26, 28, 29, 31, 30-\$74.40; lots 20, 22, 25, 27, 32-Paving \$74.40, lead service \$23.67.

Block 113-- Lots 17 to 26 & 28, 30, 32-\$74.40; lots 27-29, 31-Paving \$74.40, lead service \$23.67

Block 114-- Lots 17, 23, 26, 28, 32-Paving \$74.40; lead service \$23.67; lots 18 to 22 & 24, 25, 27, 29, 31-\$74.40; W 6 ft. of lot 30-\$17.86; E 19 ft. of lot 30-Paving \$56.54, lead service \$23.67.

Block 115-- Lot 1-\$133.39; lot 2-\$108.38; lot 3-\$83.37; lot 4-\$58.35; lot 5-\$33.34; lots 20, 23, 25, 26, 28-\$74.51; lots 21, 22, 24, 27-Paving \$74.51, lead service \$23.67.

Block 128-- Lot 6-\$33.34; lot 7-\$58.35; lot 8-\$83.37; lot 9-\$108.38; lot 10-\$133.39; lots 11, 13, 14, 17-\$74.51; lots 12, 15-Paving \$74.51, lead service \$23.67; W 2 ft. of lot 16-\$5.96; E 23 ft. lot 16-Paving \$68.55, lead service \$23.67, N 82 1/2 ft. lots 18, 19-Paving \$123.39, lead service \$23.67; S 42 1/2 ft. lots 18, 19-Paving \$25.63, lead service \$23.67.

Block 129-- Lots 1, 2, 3, 5, 6, 8, 9, 10, 11, 13, 14, 16-\$74.40; lots 4, 12, 15-Paving \$74.40, lead service \$23.67; W1/2 lot 7, Paving \$37.20, lead service \$23.67; E1/2 lot 7-Paving \$37.20, lead service-\$23.67.

Block 130-- Lots 1, 2 & 4 to 16-\$74.40, lot 3-Paving \$74.40, lead service \$23.67.

Block 131-- Lots 1, 2, 4, 5 & 7 to 15-\$74.40; lots 3, 6-Paving \$74.40, lead service \$23.67; lot 16-Paving \$74.40, lead service \$32.84.

Block 132-- Lots 1 to 5 & 7 to 16-\$74.22; lot 6-Paving \$74.22, lead service \$116.39; lot 17-\$146.81.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

Section 1. That the said whole cost and apportionment of the same, as hereinbefore set forth, is hereby approved and a share

of said cost is hereby assessed to and upon each lot or tract of land within said District and against such persons and real estate, railway, railway franchises and property, as hereinbefore set forth, and in the proportions and amounts which are severally hereinbefore set forth, and in described.

Section 2. That said assessments are hereby declared to be a lien in the several amounts herein assessed against each lot or tract of land herein described, or other real estate herein described, within said District and within the limits of the City of Grand Junction, from the final publication of this ordinance, and shall have priority over all other liens, except general taxes.

Section 3. That said assessments shall be due and payable within thirty days after the final publication of this ordinance without demand; provided, that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively held and considered as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work, and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten equal annual installments of the principal, with interest upon unpaid installments payable semi-annually at the rate of four and one-half per cent per annum. The first of said installments of said principal shall be due on the 1st day of March, A. D. 1928, and shall be payable on or before said day, and the remainder of said installments shall be due on the 1st day of March, of each year thereafter until all of said installments are paid in full.

Section 5. That the failure to pay any installment, whether of principal or interest, as herein provided, when due shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one per cent per month or fraction of a month until the day of sale, as by law provided, but at any time prior to the day of sale the owner may pay the amount of all delinquent installments, with interest at one per cent per month or fraction of a month as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installment may at any time pay the whole of the unpaid principal, with interest accrued.

Section 6. That payment may be made to the City Treasurer at any time within thirty days after the final publication of this ordinance and an allowance of the two per cent added for cost of collection and other incidentals and of the interest from the date of payment to the 29th day of February, A. D. 1928, shall be made on all payments made during said period of thirty days.

Section 7. That all the provisions of Ordinance No. 178 of the City of Grand Junction, as amended, shall govern and be taken to be a part of this ordinance with respect to the creation of said Paving District No. 18, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessment.

Section 8. That this ordinance, after its introduction and first reading shall be published once in full and in the Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage it shall again be published once in the Daily Sentinel, the official newspaper of the City, and after its final passage shall be numbered and recorded in the city ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signatures of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise by the Charter of the City of Grand Junction provided.

Introduced and read at a regular meeting of the City Council held on the day of A.D. 1928.

Adopted and approved the day of

Authenticated and approved this day of

President of the Council

Councilman Meders moved, Councilman Bear seconded the motion that the proposed ordinance be passed for publication. Motion carried.

Request to Change Zone:

A committee appointed by the First Church of Christ Scientist appeared before the Council and requested that their property on the Northwest corner of White Avenue and North Seventh Street be zoned as Business "B" District instead of Residence "E" District.

After considerable discussion Councilman Rogers moved and Councilman Penberthy seconded the motion that the classification of the lots owned by the First Church of Christ Scientist on the

Northwest corner of Seventh and White Avenues be changed from Residence "E" District to Business "B" District. Motion carried.

Zoning Proposition:

The Council then took under consideration the maps and ordinance concerning the zoning of the City. After the ordinance had been read and discussed Councilman Meders moved, Councilman Bear seconded the motion that the City Clerk be instructed to publish notice, in conformity with the statutes, that the proposed zoning ordinance will be considered by the Council at its regular meeting on March 21st, 1928, at 7:30 o'clock P. M., or as soon thereafter as same can be reached by the Council. Motion carried.

There being no further business to come before the Council, on motion of Councilman Meders, and duly seconded and carried, the meeting adjourned.

/s/ Helen C. Niles
City Clerk