

Ordinances of the City of Grand Junction, Colorado

ORDINANCE NO. 202.

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. I IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED JUNE 11, 1910, AND PURSUANT TO RESOLUTIONS AND PROCEEDINGS OF THE CITY COUNCIL, ADOPTED PURSUANT TO SAID ORDINANCE NO. 178, 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 PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS.

WHEREAS, the City Council and the 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 Number One, in the City of Grand Junction, pursuant to Ordinance No. 178 of said city, adopted and approved June 11, 1910, 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 local improvement in said Paving District No. 1, 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. 1, in the city of Grand Junction, Colorado, which said notice was caused to be published in The Daily News, the official newspaper of the City of Grand Junction, (the first publication thereof appearing October 4, 1912, and the last publication thereof appearing October 15, 1912); and

WHEREAS, said notice recited the share to be apportioned to and upon each lot or tract of land and other real estate, including the share to be borne by the Grand Junction & Grand River Valley Railway Company, within said district assessable for said improvements, 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 November 4th, A. D. 1912, 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 on certain lots owned by the said objections; and

WHEREAS, the City Council has duly confirmed the statement prepared by the City Council and certified by the Mayor, 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. 1, duly published in the Daily News, the official newspaper of the city, and has duly ordered that the cost of said paving and improvements of the real estate in said district in the proportions contained in the aforesaid notice; and

WHEREAS, from the statement made and filed with the City Clerk by City Engineer it appears that the whole cost of said improvements is the sum of One hundred thirteen thousand nine hundred sixty-nine dollars and ninety-nine cents (\$113,969.99), said amount including six per cent additional for cost of collection and other incidentals, and including interest to the 28th day of February, 1913, at the rate of six per cent per annum on the bonds heretofore sold to raise funds for the construction of said improvements; and

WHEREAS, from statement it also appears that the City Engineer has

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apportioned a share of the said whole cost to each lot or tract of land and other real estate, including the Grand Junction and Grand River Valley Railway Company, in said district, in the following proportions and amounts severally, to-wit:

(Note: Whenever 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 intermediate and the last named lots.)

DESCRIPTION AND APPORTIONMENT.

CITY OF GRAND JUNCTION, IN MESA COUNTY, COLORADO.

BLOCK 100:
Lot 13, \$294.23; Lots 14 to 18, \$49.03.

BLOCK 101:
Lot 17, \$329.17; Lot 18, \$332.88; Lot 19, \$327.88; Lot 20, \$310.78; Lot 21, \$310.78; Lot 22, \$312.78; Lot 23, \$310.78; Lot 24, \$293.28; Lots 25 and 26, \$310.02; Lots 27 to 31, \$313.02; Lot 32, \$520.50.

BLOCK 102:
Lot 17, \$454.75; Lots 18 and 19, \$598.20; Lot 20, \$305.70; Lot 21, \$288.70; Lots 22 to 24, \$306.70; Lots 25 to 30, \$316.36; Lot 31, \$298.36; Lot 32, \$512.65.

BLOCK 103:
Lots 9 to 11 \$14.20; Lot 12, \$83.58; Lot 13, \$152.92; Lot 14, \$222.31; Lot 15, \$291.69; Lot 16, \$488.49; Lot 17, \$730.91; Lot 18, \$552.76; Lot 19, \$493.97; Lot 20, \$459.15; Lot 21, \$382.36; Lot 22, \$343.57; Lot 25, \$325.37; Lot 24, \$325.57; Lot 25 to Lot 31, \$301.62; Lot 32, \$411.66.

BLOCK 104:
Lot 1, \$485.50; Lot 2, \$291.69; Lot 3, \$210.85; Lot 4, \$152.93; Lot 5, \$83.57; Lots 6 to 8, \$14.20; Lots 9 to 11, \$14.13; Lot 12, \$83.50; Lot 13, \$152.85; Lot 14, \$222.26; Lot 15, \$291.62; Lot 16, \$460.72; Lot 17, \$1,010.53; Lot 18, \$598.33; Lot 19, \$537.97; Lot 20, \$468.57; Lot 21, \$399.21; Lot 22, \$329.83; Lot 23, \$329.83; Lot 24, \$311.84; Lot 25 to Lot 27, \$328.92; Lot 28, \$398.20; Lot 29, \$467.64; Lot 30, \$337.05; Lot 31, \$397.41; Lot 32, \$985.34.

BLOCK 105:
Lot 1, \$361.50; Lot 2, \$292.13; Lot 3, \$222.77; Lot 4, \$183.37; Lot 5, \$84.01; Lot 6 and 7, \$14.64; Lot 8, \$105.25; Lot 10, \$107.87; Lot 11, \$193.60; Lot 18, \$279.33; Lot 19, \$365.06; Lot 20, \$618.80; Lot 21, \$356.62; Lot 22, \$276.00; Lot 23, \$315.37; Lots 24 and 25, \$331.80; Lot 26, \$380.24; Lot 27, \$470.00; Lot 28, \$330.90; Lot 29, \$396.56; Lot 30, \$1,005.9.

BLOCK 116:
Lot 1, \$663.36; Lot 2, \$386.36; Lot 3, \$373.36; Lots 4 and 5, \$391.36; Lots 6 and 7, \$386.36; Lot 8, \$374.16; Lot 9, \$345.14; Lot 10, \$455.75; Lot 11, \$645.50; Lot 12, \$365.06; Lot 13, \$279.33; Lot 14, \$193.69; Lot 15, \$197.87.

BLOCK 117:
Lot 1, \$1,018.87; Lot 2, \$375.41; Lot 3, \$506.93; Lot 4, \$436.63; Lot 5, \$406.77; Lots 6 and 7, \$297.50; Lot 8, \$315.89; Lot 9, \$303.89; Lot 10, \$298.06; Lot 11, \$319.89; Lot 12, \$338.39; Lots 13 to 15, \$316.89; Lot 16, \$518.54.

BLOCK 118:
Lot 1, \$885.06; Lot 2, \$542.88; Lot 3, \$486.28; Lot 4, \$429.68; Lot 5, \$373.08; Lot 6, \$283.56; Lot 7 and 8, \$216.47; Lot 9, \$311.06; Lot 10, \$298.06; Lot 11, \$311.06; Lot 12, \$363.04; Lot 13, \$432.41; Lot 14, \$504.81; Lot 15, \$571.19; Lot 16, \$993.85; Lots 25 to 27, \$415.36; Lot 28, \$71.09; Lot 29, \$127.62; Lot 30, \$184.14; Lot 31, \$240.67; Lot 32, \$491.44.

BLOCK 119:
Lots 1, \$511.51; Lots 2 to 8, \$315.21; Lots 9 to 11, \$320.12; Lot 12, \$364.13; Lot 13, \$390.15; Lot 14, \$434.16; Lot 15, \$478.18; Lot 16, \$672.24; Lot 17, \$455.44; Lot 18, \$249.67; Lot 19, \$184.14; Lot 20, \$127.62; Lot 21, \$71.09; Lots 22 to 24, \$14.56.

BLOCK 110:
Lot 1, \$909.95; Lot 2, \$557.16; Lot 3, \$499.00; Lot 4, \$440.84; Lot 5, \$382.67; Lot 6 to 8, \$324.50; Lots 9 to 13, \$308.46; Lot 14, \$301.01; Lot 15, \$238.49; Lot 16, \$431.77; Lot 25, \$39.67; Lots 26 and 27, \$39.67; Lot 28, \$55.25; Lot 29, \$130.83; Lot 30, \$174.41; Lot 31, \$221.99; Lot 32, \$396.91.

BLOCK 121:
Lot 7, \$67.44; Lot 8, \$125.59; Lot 9, \$183.72; Lot 10, \$241.80; Lot 11, \$306.00; Lot 12, \$603.35; Lot 13, \$492.14; Lot 14, \$281.26; Lot 15, \$223.19; Lot 16, \$165.15; Lot 17, \$167.07; Lot 18, \$49.00.

BLOCK 122:
Lot 7, \$47.15; Lot 8, \$105.22; Lot 9, \$163.27; Lot 10, \$221.33; Lot 11, \$270.49; Lot 12, \$490.29; Lot 13, \$697.54; Lot 14, \$284.60; Lot 15, \$226.50; Lot 16, \$168.49; Lot 17, \$120.42; Lot 18, \$52.56.

BLOCK 123:
Lot 1, \$457.95; Lot 2, \$270.57; Lot 3, \$212.50; Lot 4, \$154.43; Lot 5, \$96.37; Lots 6 to 8, \$38.50; Lot 25 to Lot 27, \$42.73; Lot 28, \$100.80; Lot 29, \$158.76; Lot 30, \$216.93; Lot 31, \$275.00; Lot 32, \$687.89.

BLOCK 142:
Lot 1, \$677.60; Lot 2, \$273.77; Lot 3, \$216.34; Lot 4, \$158.88; Lot 5, \$101.43; Lots 6 to 8, \$43.98; Lots 25 to 27, \$42.17; Lot 28, \$99.63; Lot 29, \$157.07; Lot 30, \$214.33; Lot 31, \$271.96; Lot 32, \$772.64.

BLOCK 143:
Lot 7, \$54.04; Lot 8, \$111.50; Lot 9, \$168.95; Lot 10, \$226.41; Lot 11, \$283.84; Lot 12, \$668.70; Lot 13, \$968.26; Lot 14, \$543.37; Lot 15, \$485.93; Lot 16, \$368.91; Lot 17, \$113.48; Lot 18, \$42.48.

BLOCK 145:
Lot 1, \$150.84; Lots 2 to 8, \$28.49.
FRACTION OF BLOCK 144 and other real estate described as follows, to-wit: Beginning at a point 80 feet south of the southeast corner of Block 142, thence west along the south line of Pitkin Avenue 37.05 feet to the Rio Grande Junction Railroad right of way; thence northwesterly along said right of way line 171.88 feet; thence south parallel to the west line of Second Street 255.41 feet; thence east parallel to the south line of Pitkin Avenue 222.67 feet to the line of said railroad right of way; thence northwesterly along said right of way line 110.58 feet to the west line of Second Street; thence north along the west line of Second Street 42.51 feet to the place of beginning, \$1,061.10.

The Grand Junction and Grand River Valley Railway Company, \$24,798.83.

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 franchisees and property, as hereinbefore set forth, and in the proportions and amounts which are severally hereinbefore set forth and described.

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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, including the Grand Junction and Grand River Valley Railway Company's franchise and property 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 of 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 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 work, 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 therate of six percent per annum. The first of said installments of said principal shall be due on the twenty-eighth day of February, A. D. 1913, and shall be payable on or before said day, and the remainder of said installments shall be due on the same day of each year thereafter, and shall be payable on or before the said day in each year, 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 percent 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 percent 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 thereon.

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 six per cent added for cost of collection and other incidentals, and of the interest from the date of payment to the twenty-eighth day of February, A. D. 1913, 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, adopted and approved June 11, 1910, shall govern and be taken to be a part of this ordinance, with respect to the creation of said Paving District No. 1, 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 in The Daily News, 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 News, the official newspaper of the city, and after its final passage it 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 Mayor and 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 12th day of November, 1912.
 Adopted and approved the 26th day of November, 1912.
 Authenticated and approved the 26th day of November, 1912.

Attest: *Charles K. Holmberg*
 City Clerk. *James M. Ford*
 Mayor.

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I HEREBY CERTIFY, that the foregoing ordinance, entitled "An Ordinance Approving the Whole Cost of the Improvements Made in and for Paving District No. 1 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, adopted and approved June 11, 1910, and Pursuant to Resolutions and Proceedings of the City Council, Adopted Pursuant to said Ordinance No. 178, 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 Prescribing the Manner for the Collection and Payment of said Assessments," was introduced and read at a regular meeting of the City Council, of the City of Grand Junction, held on the 12th day of November, A. D. 1912, and that the same was published in full in the Daily News, a daily newspaper published and in general circulation in said city, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 26th day of November, A. D. 1912.

Charles K. Holmberg

City Clerk.

First publication, November 14, 1912.

Final publication, November 27, 1912.