

Ordinances of the City of Grand Junction, Colorado

ORDINANCE NO. 203.

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NUMBER FOUR, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED JUNE 11, 1910, AND PURSUANT TO THE 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 IN SAID DISTRICT; ASSESSING A SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND IN SAID DISTRICT, AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.

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 Sanitary Sewer District No. 4, 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 completion of said local improvement in said Sanitary Sewer District No. 4 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 Sanitary Sewer District No. 4 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 12, 1912, and the last publication thereof appearing October 23, 1912); and

WHEREAS, said notice recited the share to be apportioned to and upon each lot and tract of land 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 such notice, to-wit: on or before and up to the 11th day of November, 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, 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 Sanitary Sewer District No. 4, duly published in the Daily News, the official newspaper of the city, and has duly ordered that the cost of said sewers and improvements in said Sanitary Sewer District No. 4 be assessed and apportioned against all 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 the City Engineer it appears that the whole cost of said improvements is the sum of Two Thousand five hundred and eighty-one and 84-100 dollars (\$2,581.84), 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 said statement it also appears that the city engineer has apportioned a share of the said whole cost to each lot or tract of land in said district, in the following proportions and amounts severally, to-wit:

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DESCRIPTION AND APPORTIONMENT.

CITY OF GRAND JUNCTION, IN MESA COUNTY, COLORADO.

Block 4 of Mobley's Sub-division.	
South 50 feet of lots 1 to 5 inclusive	\$ 33.40
South 37.5 feet of North 75 feet of lots 1 to 5 inclusive	25.05
North 37.5 feet of North 75 feet of lots 1 to 5 inclusive	25.05
Lots 6, 7 and 8	42.55
North 100 feet of lots 9, 10 and 11	34.01
South 25 feet of Lots 9, 10 and 11	8.51
North 50 feet of Lots 12 to 16 inclusive	33.40
North 25 feet of South 75 feet of lots 12 to 16 inclusive	16.70
South 50 feet of South 75 feet of lots 12 to 16 inclusive	33.40
+	
Block 5 of Mobley's Sub-division.	
Lots 1 to 8 inclusive	\$122.03
Tract beginning at S. E. corner of lot 9; thence North 83.7 feet; thence West 110 feet; thence South 83.7 feet; thence East 110 feet	49.21
Tract beginning 110 feet West of S. E. Corner of Lot 9; thence North 83.7 feet; thence West 98.5 feet; thence South 83.7 feet; thence East 98.5 feet	44.06
Tract beginning 83.7 feet North of the S. E. Corner of Lot 9; thence North 75 feet; thence West 125 feet; thence North 50 feet; thence West 12.5 feet; thence South 112.5 feet; thence West 71.2 feet; thence south 12.5 feet; thence East 208.7 feet	62.22
Tract beginning 158.7 feet North of S. E. Corner Lot 9; thence North 50 feet; thence West 125 feet; thence South 50 feet; thence East 125 feet	33.40
Tract beginning 208.7 feet North and 137.5 feet West of the S. E. Corner of Lot 9; thence West 71.2 feet; thence South 112.5 feet; thence East 71.2 feet; thence North 112.5 feet.	42.81
+	
Block 8 of Mobley's Sub-Division.	
Lot 1	\$ 16.57
Lot 2 to 9 inclusive, each	16.73
Lots 10 to 15 inclusive, each	18.04
Lot 16	89.97
Lot 18	25.50
Lot 19	23.02
Lot 20	16.05
+	
Block 9 of Mobley's Sub-Division.	
East 208.7 feet	63.22
+	
LOT 1.	
Tract beginning at S. W. Corner of Lot 1; thence East 55.2 feet; thence North 82 feet; thence West 55.2 feet; thence South 82 feet.	\$ 21.10
Tract beginning 55.2 feet East of S. W. Corner of Lot 1; thence East 75 feet; thence North 82 feet; thence West 75 feet; thence South 82 feet	32.87
Tract beginning 150.2 feet East of the S. W. Corner of Lot 1; thence East 378 feet; thence North 82 feet; thence West 21.8 feet; thence South 82 feet	13.95

Tract beginning at the intersection of the East line of Plank Avenue and the South line of Lot 1; thence East 83 feet; thence North 78.5 feet; thence West 83 feet; thence South 78.5 feet.	34.82
Tract beginning 83 feet East of the intersection of the East line of Plank Avenue and the South line of Lot 1; thence East 117 feet; thence Northwesterly along the Railway right of way 88.13 feet; thence North 13 feet; thence West 38.04 feet; thence South 78.05 feet.	34.08
+	
LOT 2.	
Tract beginning at N. E. Corner of Lot 2; thence West 70.2 feet; thence South 155 feet; thence East 70.2 feet; thence North 155 feet	58.10
Tract beginning 70.2 feet West of N. E. Corner of Lot 2; thence West 29.5 feet; thence South 155 feet; thence East 29.5 feet; thence North 155 feet	24.44
Tract beginning 99.7 feet West of N. E. Corner of Lot 2; thence West 41.04 feet; thence South 155 feet; thence East 41.04 feet; thence North 155 feet	34.00
Tract beginning 175 feet South of N. E. Corner of Lot 2; thence West 141.04 feet; thence South 37.5 feet; thence East 141.04 feet; thence North 37.5 feet.	28.28
Tract beginning 212.5 feet South of N. E. Corner of Lot 2; thence West 141.04 feet; thence South 39.0 feet; thence East 141.04 feet; thence North 39.0 feet.	29.40
Tract beginning at the N. W. Corner of Lot 2; thence South 155 feet; thence East 45 feet; thence North 155 feet; thence West 45 feet.	37.29
Tract beginning 45 feet East of N. W. Corner of Lot 2; thence South 155 feet; thence East 30 feet; thence North 155 feet; thence West 30 feet	24.85
Tract beginning 75 feet East of N. W. Corner of Lot 2; thence South 155 feet; thence East 45 feet; thence North 155 feet; thence West 45 feet	37.29
Tract beginning 120 feet East of the N. W. Corner of Lot 2; thence South 155 feet; thence East 42 feet; thence North 155 feet; thence West 42 feet	31.80
Tract beginning 175 feet South of the N. W. Corner of Lot 2; thence South 73 feet; thence East 102 feet; thence North 73 feet; thence West 102 feet	63.21
+	
LOT 3.	
Block 9 of Mobley's Sub-Division.	
Fractional Lot 8	\$ 11.84
Lots 9 to 33 inclusive and Lots 35 to 57 inclusive, each	26.71
Lot 34	32.74
Fractional Lot 58	11.16

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 assessed against all the real estate in said district and to and upon each lot or tract of land within said district and against such persons and in the portions and amounts which are severally hereinbefore set forth.

Section 2. That said assessments are hereby declared to be a lien in the several amounts assessed against each lot or tract of land herein described from the final publication of this ordinance and shall have priority over other liens, except general taxes. As to any subdivisions of any real estate hereby assessed, the assessment shall in each case be a lien upon all the subdivisions in proportion to their respective areas.

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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 the rate of six per cent. 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 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 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 Sanitary Sewer District No. 4, 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 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, A. D. 1912.

Adopted and approved the 26th day of November, A. D. 1912.

Authenticated and approved the 26th day of November, A. D. 1912.

Attest:

Charles K. Holmberg
City Clerk.

Thos. M. Felt
Mayor.

First publication, November 14, 1912.
Final publication, November 27, 1912.

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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 Sanitary Sewer District No. 4, 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 in said District, Assessing a Share of said Cost Against each Lot or Tract of Land 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.

