

Ordinances of the City of Grand Junction, Colorado

ORDINANCE NO. 218.

AN ORDINANCE APPROVING THE WHOLE COST OF IMPROVEMENTS MADE IN AND FOR SIDEWALK DISTRICT NUMBER 1 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NUMBER 178, ADOPTED AND APPROVED JUNE 11, 1910, AS AMENDED BY ORDINANCE NUMBER 208, ADOPTED AND APPROVED MARCH 4, 1913, AND PURSUANT TO RESOLUTIONS AND PROCEEDINGS OF THE CITY COUNCIL, ADOPTED PURSUANT TO SAID ORDINANCE APPROVING THE APPORTIONMENT OF SAID COSTS 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 municipal officers of the City of Grand Junction, Colorado, have complied with all the provisions of law relating to certain improvements in Sidewalk District No. 1 in said city, pursuant to Ordinance No. 178 of said city, adopted and approved June 11, 1910, as amended by Ordinance No. 208 of said city, adopted and approved March 4, 1913, and pursuant to the various resolutions, orders and proceedings taken under said ordinances; and whereas, the City Council has heretofore caused to be published the notice of the completion of said improvements in said Sidewalk District No. 1, and the apportionment of the costs 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 Sidewalk District No. 1 in the City of Grand Junction, Colorado, which said notice was caused to be published in The Daily Sentinel, the official newspaper of said city, (the first publication thereof appearing November 7, 1913, and the last publication thereof appearing November 18, 1913); and whereas, said notice recited the share to be apportioned to each lot and tract of land and other real estate 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 (30) days from the first publication of said notice, to-wit: on or before and up to 4 o'clock p. m. on December 8, 1913, and recited that such complaint would be heard and determined by the Council at its first regular meeting after said thirty days and before the passing of any ordinance assessing the costs of said improvements; and whereas, pursuant to said notice one objection only was filed, which objection was with respect to the proposed assessment of the costs on lot 13, of Block 1, Grand River Sub-division of said city; and whereas, a hearing having been regularly and legally held on the said objection, the assessment on said lot was reduced from \$4.75 to \$3.10; and whereas, the City Council has duly confirmed the statement prepared by the City Council and certified by the Mayor, as amended in the assessment on the said lot 13, in Block 1, in Grand River Sub-division, as aforesaid, said statement showing the whole cost of said improvements and the apportionment thereof heretofore made as contained in that certain notice to property holders in Sidewalk District No. 1, duly published in The Daily Sentinel, the official newspaper of this city, and the City Council has duly ordered that the costs of said sidewalk and improvements in said Sidewalk District No. 1 be assessed and apportioned against all of the real estate in said district, in the proportions contained in the aforesaid notice with the exception of the assessment on Lot 13, in Block 1, of Grand River Sub-division, which was changed as aforesaid; 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 \$7,071.18, said amount including 6 per cent additional for cost of collection and other incidentals, and including interest to and including the 28th day of February, 1914, at the rate of 6 per cent per annum

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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, or other real estate, in the following proportion and amount 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 first, the intermediate and the last named lots.)

DESCRIPTION AND APPORTIONMENT, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO.

Block 1 of Crawford's Sub-division.
Lot 22, \$15.57; lot 23, \$7.86; lot 24, \$27.96; lot 25, \$15.88.

Block 2 of Crawford's Sub-division.
Lots 22 and 27, each \$2.73; lots 23 and 26, each \$12.77; lots 24 and 25, each \$7.96.

Block 3 of Crawford's Sub-division.
Nos. 22, \$2.73; lots 23 and 26, each \$12.77; lots 24 and 25, each \$7.96; N. $\frac{1}{2}$ lot 27, \$2.28; S. $\frac{1}{2}$ lot 27, \$0.48.

Block 4 of Crawford's Sub-division.
Lots 1 to 6 inc., each \$16.97; lots 7 to 24, inc., each \$16.96; lot 22, \$19.62; lot 23, \$25.73; lot 24, \$99.16; lot 25, \$99.18; lot 26, \$29.73; lot 27, \$19.69; lots 28 to 26 inc., each \$16.96; N. $\frac{1}{2}$ lot 27, \$9.48.

Block 5 of Crawford's Sub-division.
Lot 15, \$8.48; lots 16 to 22 inc., each \$16.96; lot 24, \$23.49.

Block 7 of Mobley's Sub-division.
Lot 1, \$34.99; lots 5 to 9 inc., each \$26.95.

Block 8 of Mobley's Sub-division.
Lot 7, \$6.38; lot 8, \$19.67; lot 9, \$53.56; lots 10 to 15 inc., each \$16.96; lot 16, \$19.67.

Tract commencing at the N. W. corner of lot 15, thence south 75 feet, thence east 65 feet, thence northwesterly to point of beginning, \$11.81. Tract commencing 50 feet west of S. W. corner of lot 8, block 5, Mobley's Sub-division, thence west 251.5 feet, thence north 75 feet, thence east 224.3 feet, thence south 75 feet, \$228.48.

Block 9 of Mobley's Sub-division.

Lot 1,	West 55.2 feet of lot 1	\$37.45
East 75 feet of West 130.2 feet of lot 1	62.59	
East 51.8 feet of West 162 feet of lot 1	71.61	
East 53 feet of West 292 feet of lot 1	61.06	
East 117 feet of lot 1	67.23	
East 117 feet of lot 1, thence west 59 feet, thence north 9.5 feet, thence southeasterly to point of beginning	\$12.45	

LOT 2.

West 162 feet of south 75 feet of lot 2	\$49.53
West 45 feet of North 155 feet of lot 2	20.82
East 20 feet of West 75 feet of North 155 feet of lot 2	20.85
East 45 feet of West 120 feet of North 155 feet of lot 2	12.59
East 42 feet of West 162 feet of North 155 feet of lot 2	126.87
East 11.94 feet of West 252.94 feet of North 155 feet of lot 2	21.59
East 29.5 feet of West 282.54 feet of North 155 feet of lot 2	20.01
East 70.2 feet of North 155 feet of lot 2	47.63

LOT 3.
Bower's Sub-division of lot 2, block 9, Mobley's Sub-division.

Lot 8, \$11.74; lot 9, \$19.15; lots 10 to 23 inc., each \$16.96; each \$17.34; lots 25 to 47 inc., each \$16.96; lots 48 to 55 inc., each \$16.97; lot 57, \$19.15; lot 58, \$11.72.

Block 10 of Mobley's Sub-division.
West 55.7 feet of lot 2, \$19.85; lot 4, \$39.40; lots 5 to 11 inc. and 23 to 28 inc., each \$5.75; lot 29, \$59.10; west 59 feet lot 26, \$167.61; east 6.7 feet of West 55.7 feet of lot 26, \$22.23.

Block 12 of Mobley's Sub-division.
West 75.4 feet of lot 1, \$51.15; lot 2, \$44.37; lots 6 and 7, each \$109.50; east 55.3 feet of lot 8, \$85.05; west 5.7 feet lot 9, \$193.48; lot 10, \$115.15; lot 11, \$109.50; lot 12, \$102.05; lots 13, 14, 15, each \$117.75; lot 16, \$43.27.

Winnell's Sub. of lots 4 and 5 of block 12, Mobley's Sub-division.
Lot 6, \$32.50; lots 7 to 10 inc., each \$21.84.

Block 1 of Grand River Sub-division.
Lot 1, \$21.42; lot 2, \$27.62; lot 3, \$23.54; lots 4, 5, each \$16.96; lot 15, \$47.75; north 75 feet of lot 14, \$49.74; tract commencing at N. W. corner of lot 14, thence west 46 feet, thence south 75 feet, thence east 56.3 feet, thence northwesterly to point of beginning, \$33.02.

Block 2 Grand River Sub-division.
Lot 2, \$21.71; lots 4, 8, 10, 12, each \$16.96; lot 14, \$23.71.

Block 3 Grand River Sub-division.
Lot 2, \$21.71; lots 4, 8, 10, 12, 14, 16, 18, each \$16.96.

Nursery Company Tract.
Tract commencing 224.3 feet north and 197 feet west of center of S. E. $\frac{1}{4}$ of section 15, thence north 75 feet, thence west 45 feet, thence southeasterly to point of beginning, \$28.38.

Tract commencing 224.5 feet north and 197 feet west of center of S. E. $\frac{1}{4}$ of section 15, thence north 75 feet, thence west 57.5 feet, thence south 75 feet, thence east 87.5 feet, \$29.27.

Tract commencing 224.5 feet north and 254.8 feet west of center of S. E. $\frac{1}{4}$ of section 15, thence north 75 feet, thence west 59 feet, thence south 75 feet, thence east 59 feet, \$22.22.

Tract commencing 224.5 feet north and 284.5 feet west of center of S. E. $\frac{1}{4}$ of section 15, thence north 75 feet, thence west 100 feet, thence south 75 feet, thence east 100 feet, \$67.84.

Tract commencing 224.5 feet north and 484.5 feet west of center of S. E. $\frac{1}{4}$ of section 15, thence north 75 feet, thence west 39 feet, thence south 75 feet, thence east 50 feet, \$22.22.

Tract commencing 224.5 feet north and 584.5 feet west of center of S. E. $\frac{1}{4}$ of section 15, thence north 75 feet, thence west 143.5 feet, thence south 75 feet, thence east 143.5 feet, \$191.41.

Tract commencing 224.5 feet north and 684.0 feet west of the center of S. E. $\frac{1}{4}$ of section 15, thence north 75 feet, thence west 260 feet, thence south 75 feet, thence east 160 feet, \$72.60.

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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, as hereinbefore set forth, and in the proportions and amounts which are severally hereinbefore set forth and described, with the exception of the amount against said Lot 13, in Block 1, of Grand River Subdivision, against which is hereby assessed the sum of \$3.10.

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 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 30 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 hereinbefore provided. Failure to pay the whole assessment within said period of thirty (30) 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 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. 1914, and shall be payable on or before said date, 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. 1914, 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, as amended by Ordinance No. 208, adopted and approved March 4, 1913, shall govern and be taken to be a part of this ordinance with respect to the creation of said Sidewalk 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 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

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its final passage shall be numbered and recorded in the city ordinance record, and a certificate of such adoption and publication shall be authorized 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 adjourned meeting of the City Council, held on the 12th day of December, 1913.

Adopted and approved the 26th day of December, 1913.

Authenticated and approved the 26th day of December, 1913.

Geo. E. Chewington.....

Mayor.

Attest:

Charles K. Holmberg

City Clerk.

I HEREBY CERTIFY, that the foregoing ordinance, entitled "An Ordinance Approving the whole Cost of Improvements made in and for Sidewalk District Number 1, in the City of Grand Junction, Colorado, pursuant to Ordinance No. 178, adopted and approved June 11, 1910, as amended by Ordinance No. 208, adopted and approved March 4, 1913, and pursuant to Resolutions and Proceedings of the City Council adopted pursuant to said Ordinances approving the Apportionment of said Costs 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, read and ordered published at a regular adjourned meeting of the City Council of the City of Grand Junction, held on the 12th day of December, A. D. 1913, and that the same was published in full in the Daily Sentinel, 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 December, A. D. 1913.

Charles K. Holmberg

City Clerk.