

# Ordinances of the City of Grand Junction, Colorado

## ORDINANCE NO. 219.

AN ORDINANCE APPROVING THE WHOLE COST OF IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NUMBER 3 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NUMBER 178, ADOPTED AND APPROVED JUNE 11, 1910, 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 Paving District No. 3 in said city, 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 improvements in said Paving District No. 3, 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 Paving District No. 3 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 15, 1913, and the last publication thereof appearing November 26th, 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 days from the first publication of said notice, to-wit: on or before and up to 4 o'clock p. m., on December 16th, 1913, 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 passing of any ordinance assessing the costs of said improvements; and whereas, pursuant to said notice no written objection has been filed with respect to the proposed assessment of the costs; 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 holders in Paving District No. 3, duly published in The Daily Sentinel, the official newspaper of this city, and the City Council has duly ordered that the costs of said paving and improvements in said Paving District No. 3 be assessed and apportioned against all of the real estate in said district, in 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 \$18,084.34, said amount including 5 per cent additional for cost of collection and other incidentals, and including interest to and including the 28th day of February, 1914, in the rate of 6 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, 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.

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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.

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 hereinafter 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 conclusively hold 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. 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 5. That payment may be made to the city treasurer at any time within thirty days after the final publication of this ordinance.

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and an allowance of the six percent 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 provisions of Ordinance No. 178 of the City of Grand Junction, adopted and approved June 11th, 1910, shall govern and be taken to be a part of this ordinance with respect to the creation of said Paving District No. 3, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessment.

Passed and adopted the 30th day of December, 1913.

*Geo. E. Carrington* .....

Attest:

Mayor.

*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 Paving District Number 3, in the City of Grand Junction, Colorado, adopted and approved June 11, 1910, 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," was introduced, read and ordered published at a regular meeting of the City Council of the City of Grand Junction, held on the 16th 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 30th day of December, A. D. 1913.

*Charles K. Holmberg* .....

City Clerk.

Final publication, December 31, 1913.