

ORDINANCE NO. 262

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SIDEWALK DISTRICT NO. 2 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED JUNE 11, 1910, AS AMENDED, AND PURSUANT TO THE RESOLUTIONS AND PROCEEDINGS OF THE CITY COUNCIL, ADOPTED PURSUANT TO SAID ORDINANCE NUMBER 178, AS AMENDED, APPROVING THE APPORTIONMENT OF SAID COSTS TO EACH LOT OR TRACT OF LAND IN SAID DISTRICT, ASSESSING THE 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 said improvements in Sidewalk District No. 2, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City as amended, and pursuant to the various resolutions, ordinances 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 Sidewalk District No. 2, and the apportionment of the cost thereof to all persons interested and to the owners of the real estate which is described therein, said real estate comprising the District of land known as Sidewalk District No. 2, 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 October 30, 1917, and the last publication thereof appearing November 10, 1917); 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 said notice, to-wit, on or before and up to the 4th day of December, 1917, at four o'clock p.m., 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 Sidewalk District No. 2, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of sidewalks and improvements in said Sidewalk District No. 2 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 seventeen thousand seven hundred eighty-three dollars and ninety-seven cents (\$17,783.97) said amount including six per cent. additional for cost of collection and other incidentals, and including interest to the 28th day of February, 1918, 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:

CITY OF GRAND JUNCTION, COLORADO.

(Note--Whenever, in the following descriptions the number of the first and the last lots are mentioned, such description shall in each case be understood to include the first, the intermediate and the last named lots, and the sum of money is per lot.)

#### SCHEDULE OF ASSESSMENTS

Sidewalk District Number 2, city of Grand Junction, Colorado.

Block 41--South 50 ft. of following lots: Lots 17 and 32, each \$25.34; lots 18 to 31, each \$20.09.

Block 42--South side Washington Park, \$312.09.

Block 43--South 50 ft. of following lots: Lots 17 and 32, each \$25.34; lots 18 to 31, each \$20.09.

Block 44--South 50 ft. of following lots: Lot 18, \$44.60; lots 19 to 24, each \$18.77; west 21.4 ft. of lot 27, \$16.06 and lots 28 to 33, each \$18.77; lot 34, \$24.03.

Block 45--Lot 1, \$100.40; lot 2, \$19.03; lot 33, \$34.76; lot 34 \$108.62; south 50 ft. of following lots: Lots 19 to 32, each \$18.77.

Block 46--Lot 15, \$18.23; lot 16, \$96.24; lot 17, \$85.69; lot 18, \$15.19.

Block 48--Lot 15, \$18.23; lot 16, \$100.00; lot 17, \$80.44; lot 18, \$15.19.

Block 63--Lots 15, and 18, each \$15.18; lots 16 and 17, each \$80.41.

Block 65--Lot 1, \$84.57; lot 2, \$15.98; lots 17 and 32 each

\$80.41; lots 18 and 31, each \$15.18.

Block 66--Lot 1, \$84.57; lot 34, \$84.57; lot 2 and 33, each \$15.98.

Block 67--Lot 1, \$80.44; lot 2, \$15.19; lot 33, \$18.23; lot 34, \$96.24.

Block 68--Lot 15, \$15.19; lot 16, \$80.44.

Block 69--Lot 15, \$15.99; lot 16, \$84.60; lot 17, \$100.40; lot 18, \$19.03.

Block 70--Lot 15, \$15.19; lot 16, \$80.44.

Block 71--Lot 19, \$15.19; lot 20, \$80.44; lot 21, \$96.24; lot 22, \$18.23.

Block 86--Lots 1 and 16, each \$120.02; lots 2 and 15, each \$36.99; lot 17, \$80.50; lot 18, \$15.20; lot 31, \$16.00; lot 32, \$84.66; north 50 ft. of the following lots: Lots 3 to 6, and 9 to 14, each \$18.84.

Block 87--Lot 15, \$36.99; lot 16, \$120.02; lot 31, \$34.03; lot 32, \$104.58; north 50 ft. of following lots: Lot 1, \$20.34; lots 2 to 4, and 13 to 14, each \$18.84; south 50 ft. of following lots: Lots 19 to 30, each \$18.83.

Block 88--Lot 1, \$95.93; lot 2, \$17.01; lot 33, \$33.97; lot 34, \$104.52; north 50 ft. of following lots: Lots 5 to 16, each \$18.77; lot 17, \$39.88; south 50 ft. of following lots: Lot 18, \$39.55; lots 23, 24 and 29 to 32, each \$18.77.

Block 89--Lot 1, \$80.50; lot 2, \$15.20; north 54.10 ft. of following lots: Lot 33, \$6.55; lot 34, \$34.06.

Block 90--Lot 1, \$80.28; lot 2, \$15.15; lot 31, \$33.97; lot 32, \$104.35; south 50 ft. of following lots: West 22.08 ft. lot 21, \$16.59; lots 22 to 30, each \$18.82.

Block 91--Lot 1, \$80.28; lot 2, \$15.15.

Block 92--Lots 15 and 18, each \$15.15; lots 16 and 17, each \$80.28.

Block 106--Lot 20, \$15.24; lot 21, \$80.69.

Block 107--Lots 15, 18 and 31, each \$15.24; lots 16, 17 and 32 each \$80.69.

Block 108--Lots 15 and 31, each \$15.24; lots 16 and 32, each \$80.69.

Block 109--Lot 1, \$104.76; lot 2, \$34.05; lot 31, \$15.24; lot 32,

\$80.69.

Block 110--Lot 1, \$104.71; lot 2, \$34.01; lot 33, \$15.24; lot 34, \$80.69; north 50 ft. of following lots: Lots 3 to 10, and 13 to 16, each \$18.77.

Block 111--Lot 1, \$80.69; lot 2, \$15.24; lot 17, \$95.91; lot 18, \$93.85; lot 33, \$15.15; lot 34, \$80.28.

Block 112--Lot 15, \$15.24; lot 16, \$80.69; lot 17, \$85.53; lot 18, \$15.15; lot 31, \$33.95; lot 32, \$104.33; south 50 ft. of following lots: Lots 29 and 30, each \$18.80.

Block 113--West 4.82 ft. of lot 15, \$9.03; lot 16, \$32.85; lots 17 and 32, each \$80.28; lots 18 and 31, \$15.15; north 50 ft. of following lots: Lots 7 to 14, each \$18.82.

Block 114--Lot 1, \$80.69; lot 2, \$15.24; south 50 ft. of following lots; Lots 29 to 31, each \$18.80; lot 32, \$25.55.

Block 128--Lot 9, \$17.00; lot 10, \$89.88; lot 18, \$34.02; lot 19, \$104.50; north 50 ft. of following lots: Lots 11 and 12, each \$18.84.

Block 129--Lot 15, \$34.94; lot 16, \$109.45; lot 17, \$104.46; lot 18, \$33.98; north 50 ft. of following lots: Lots 6 to 12, each \$18.80; south 50 ft. of following lots: Lots 19 to 22, each \$18.80.

Block 130--Lot 1, \$104.43; lot 2, \$15.18; lot 15, \$33.98; lot 16, \$104.46; north 50 ft. of following lots: Lots 8 to 14, each \$18.80; south one half block, (Emerson school), \$502.39.

Block 131--North 50 ft. of following lots: Lots 11 to 14, each \$18.79.

Block 132--Lot 17, \$137.94; lot 18, \$100.83; north 50 ft. of following lots: Lots 11 to 16, each \$18.77.

Block 135--West side Emerson Park, \$217.85.

Block 136--North 50 ft. of following lots: Lots 8 and 9, each \$18.80; south 50 ft. of following lots: Lots 17 and 32, each \$24.06; lots 18 to 31, each \$18.80.

Block 137--South 50 ft. of following lots: Lot 20, \$24.10; lots 21 to 28 each \$18.84.

Block 150--North 50 ft. of following lots: Lots 14 to 18, each \$18.84; lot 19, \$24.10; south 50 ft. of following lots: Lot 20, \$30.74, lots 21 and 22, each \$25.49; lots 27 and 28, each \$18.83.

Block 151--North 50 ft. of following lots: Lots 1 and 16, each \$24.06; lots 2 to 15, each \$18.80.

Block 152--Lots 1 and 32, each \$84.48; lots 2 and 21 each \$15.24.

Block 158--North 50 ft. of following lots: Lots 3 to 8, and 11 to 14, each \$18.80; lot 15, \$18.79; lot 16, \$24.05.

Block 159--North 50 ft. of following lots: Lots 11, 12, 13 and 16, each \$18.83; east one-half of lot 15, \$9.42.

#### KEITH'S ADDITION

Block A--Lot 31, \$15.20; lot 32, \$80.50; south 50 ft. of following lots: Lot 17, \$24.03; lots 18 to 28, each \$18.77.

Block B--South 50 ft. of following lots: Lot 17, \$24.03; lots 18 to 26, and 29 to 31, each \$18.77.

Block D--Lots 1 and 32, each \$87.10; lots 2 and 31, each \$16.49; north 50 ft. of following lots: Lots 7 to 15, each \$18.77; lot 16, \$24.03; south 50 ft. of following lots: Lot 17, \$24.03; lots 18 to 20, each \$18.77.

Block E--North 50 ft. of following lots: Lots 5, 6 and 9 to 15, each \$18.77; lot 16, \$24.03; south 50 ft. of following lots: Lots 17 and 32, each \$24.03; lots 18 to 31, each \$18.77.

Block G--Lot 1, \$80.69; lot 2, \$15.24; north 50 ft. of following lots: Lots 9 and 10, each \$18.77; south 50 ft. of following lots: Lot 17, \$24.03; lot 18, \$18.77.

Block H--North 50 ft. of following lots: Lots 3 to 8, and 11 to 14, each \$18.78.

Block J--South 50 ft. of following lots: Lots 17 and 32, each \$24.03; lots 18 to 31, each \$18.77.

Block K--North 50 ft. of following lots: Lot 1, \$24.03; lots 2 to 8, 11 and 12 and 15, each \$18.78; lot 16, \$24.04; south 50 ft. of following lots: Lots 17 and 32, each \$24.04; lots 18 to 31, each \$18.78.

Block L--North 50 ft. of following lots: Lot 1, \$24.03; lots 2 to 6, each \$18.77.

Block M--North 50 ft. of following lots: Lot 1 \$24.03; lots 2 to 14, each \$18.77; south 50 ft. of following lots: Lots 17 and 32, each \$24.03; lots 18 and 31, each \$18.77; lots 19 to 30, each \$18.78.

Block N--South 50 ft. of following lots: Lot 17, \$24.03; lots 18 to 31, each \$18.78; lot 32, \$24.04.

Block O--South 50 ft. of following lots: Lot 19, \$22.77; lots 20 to 31, each \$18.77; lot 32, \$24.03.

Block P--North 50 ft. of following lots: Lots 1 and 16, each \$24.03; lots 2 to 15, each \$18.77.

Block Q--North 50 ft. of following lots: lots 1 and 16; each \$24.03; lots 2 to 15, each \$18.77.

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

Section 1. That the said whole cost and apportionment of the same, as herein before 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 proportions and amounts which are severally hereinbefore set forth.

Sec. 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.

Sec. 3. That said assessments shall be due and payable withing 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 the work, the regularity or sufficiency of the proceedings, or the validity or corrections of the assessment.

Sec. 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 28th day of February, A.D. 1918, 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 of each year, until all of said installments are paid in full.

Sec. 5. That the failure to pay any installment whether of principal or interest as herein provided, when due, shall cause

such unpaid installment or installments and accrued interest to 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 such delinquent installment or 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 installments, may at any time pay the whole of the unpaid principal, with interest accrued.

Sec. 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 28th day of February, A. D. 1918, shall be made on all payments made during such period of thirty days.

Sec. 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 and by Ordinance No. 239, shall govern and taken to be a part of this Ordinance, with respect to the creation of said Sidewalk District No. 2, the construction of the improvements therein, the apportionment and assessment of the cost thereof, and the collection of the assessment.

Sec. 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 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 the 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 this 4th day of December, A. D. 1917.

Passed and adopted this 15th day of December, A. D. 1917.

/s/ Chas. E. Cherrington  
Mayor.

(SEAL)

ATTEST:  
/s/ Charles K. Holmburg  
City Clerk.

I HEREBY CERTIFY, that the foregoing ordinance, entitled "An Ordinance Approving the Whole Cost of the Improvements made in and

for Sidewalk District No. 2, in the City of Grand Junction, Colorado, pursuant to Ordinance No. 178, adopted and approved June 11, 1910, as amended, and pursuant to the Resolutions and Proceedings of the City Council, adopted pursuant to said Ordinance Number 178, as amended, approving the Apportionment of said Costs to each Lot or Tract of Land in said District, Assessing the 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," was introduced, read and ordered published at a regular adjourned meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th day of December, A. D. 1917, and that the same was published in full in The Daily Sentinel, a newspaper published and in general circulation in said city, at least ten days before its final passage.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said city, this 15th day of December, A. D. 1917.

/s/ Charles K. Holmburg  
City Clerk.

(SEAL)

Final publication, December, 1917.