

ORDINANCE NO. 294

AN ORDINANCE AMENDING PORTIONS OF ORDINANCE NO. 178 OF THE CITY OF GRAND JUNCTION, COLORADO, PASSED JUNE 11, 1910, AND ALSO AMENDING ORDINANCE NO. 208 OF SAID CITY, PASSED MARCH 4, 1913.

BE IT ORDAINED by the City Council of the City of Grand Junction, Colorado:

Section 1. That Section 2 of Ordinance No. 178, passed June 11, 1910, and entitled "AN ORDINANCE PROVIDING FOR THE CREATION OF LOCAL IMPROVEMENT DISTRICTS, THE CONSTRUCTION THEREIN OF CERTAIN LOCAL IMPROVEMENTS AND PROVIDING A METHOD OF PAYMENT THEREFOR," be and the same hereby is amended to read as follows:

Section 2. That Section 4 of said Ordinance No. 178 be and the same is hereby amended to read as follows:

Section 4. In the case of improvement of any street as herein provided, except as otherwise provided, the cost of improvements, except at the intersection of streets and alleys, and except the share to be paid by street and other railway companies, shall be apportioned by the City Council between the City of Grand Junction to be paid by general revenue or the sale of city bonds, and all the lots or lands abutting on the streets improved, according to the respective benefits to be received from such improvements, so that each shall bear its relative, equitable proportion. The amount so found to be a benefit upon the property shall be assessed upon all the lots and lands abutting on the streets improved in proportion as the frontage of each lot or tract of land is to the frontage of all the lots and lands so improved, the sides of corner lots which abut on the streets so improved being regarded as frontage; provided, that where the lots or lands abutting on the street improved are not of substantially equal depth, or where any of such lots or lands, are less than 150 feet in depth, then if the council so determine, may divide the real estate so to be assessed into from two to six zones parallel with the street improved and apportion the amount to be paid for the entire depth to the different zones in proportion to the benefit received by each zone, and wherever a lot or land line lies within such zone, the council may determine the proportion to be paid upon the real estate lying on each side of such line within the zone and provided further that should the street improved lie partly within the City of Grand Junction and partly without the limits of said City, the City limits line running parallel with said

street and in or near the center thereof, then in that case should the portion of said street lying within the city limits be improved the real estate to be assessed shall be the abutting real estate lying within the City limits, and provided further that should a street be improved by paving on only one side thereof, or on only one side and under and along the right of way of a street or other railway company, then in that case the real estate to be assessed shall be the real estate abutting on the side of the street so improved.

Section 3. That Section 5 of said Ordinance No. 178, be and the same is hereby amended to read as follows:

Section 5. In case of the improvement of any street or alley, the cost of the improvements at each street intersection, street and alley intersections, except the part to be borne by street or other railway companies, shall be paid by the City of Grand Junction from general revenues or sale of City bonds.

Section 4. That Section 27 of said Ordinance No. 178 be and the same is hereby amended to read as follows:

Section 27. The clerk shall thereupon, by advertisement for three days in some newspaper of general circulation, published in the city, notify the owners of the real estate to be assessed, and all persons interested, generally and without naming such owners or persons interested, that said improvements have been or are about to be completed and accepted, specifying the whole cost of the improvements and the share so apportioned to each lot or tract of land or persons and the part to be paid by the City of Grand Junction; and that any complaints or objections that may be made in writing by such owners or persons to the council and filed with the clerk within thirty days from the first publication of such notice, will 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.

Section 5. That Section 28 of said Ordinance No. 178 be and the same is hereby amended to read as follows:

Section 28. At the meeting specified in said notice, or any adjournment thereof, the council shall hear and determine all such complaints and objections; the council may thereupon make such modifications and changes as to it may seem equitable and just, or may confirm the first apportionment; and the council shall thereupon, by ordinance, assess the cost of said

improvements against the City of Grand Junction and all the real estate in said district and against such persons, respectively, in the proportions above mentioned.

Section 6. That Section 31 of said Ordinance No. 178 be and the same is hereby amended to read as follows:

Section 31. All assessments upon real estate made in pursuance of this ordinance shall be due and payable within thirty days of the final publication of the assessing ordinance, without demand; provided, that all such assessments may at the election of the owners, 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 right to question the power or jurisdiction of the city to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 7. That Section 40 of Ordinance No. 208, passed and adopted May 4, 1915, entitled "AN ORDINANCE AMENDING SECTION 40 OF ORDINANCE NO. 178, ENTITLED ' AN ORDINANCE PROVIDING FOR THE CREATION OF LOCAL IMPROVEMENT DISTRICTS, THE CONSTRUCTION THEREIN OF CERTAIN LOCAL IMPROVEMENTS AND PROVIDING A METHOD OF PAYMENT THEREFOR PASSED AND ADOPTED THE 11th DAY OF JUNE, 1910" shall be amended to read as follows, to wit:

Section 40. That the part of the cost of local improvements to be borne by abutting real estate shall be paid for in cash out of the proceeds derived from the sale of the public improvement bonds of the city, of such date and in such form as will be prescribed by the council, the same bearing the name of the district improved, and payable to bearer, in a sufficient period of years to cover the period of payments herein provided for, but subject to call as hereinafter provided for, in convenient denominations of not more than \$1,000 each. All such bonds shall be issued by the council in sufficient amount to provide funds to pay for the part of local improvements and expenses to be borne by abutting real estate and including necessary interest before the first assessment can be collected, and rights of way contemplated by this ordinance; and the treasurer shall preserve a record of the same in a suitable book, kept for that purpose,

Said bonds shall be subscribed by the mayor, attested by the clerk and the seal of the city, and registered by the treasurer, the same to be payable only out to the moneys collected on account of the assessments made for said improvement respectively, and all money collected on account of the assessments for any improvement shall be applied to the total payment of the said bonds, and the council shall, at public or private sale upon such terms and conditions as it may determine, sell sufficient of said bonds to raise the funds required to carry out the provisions of this ordinance.

Passed and adopted this 13th day of October, 1920.

/s/ Chas. E. Cherrington
_____ (SEAL)
Mayor

Attest:
/s/ J. F. Whittaker

Acting City Clerk

I hereby certify that the foregoing ordinance entitled An Ordinance Amending Portions of Ordinance No. 178 of the City of Grand Junction Colorado, passed June 11, 1910, and also amending Ordinance No. 208 of said City passed March 4, 1913, was introduced and read at a regular adjourned meeting of the City Council of the City of Grand Junction held on the 14th day of Sept. A. D. 1920; and 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 this said City, this 15th. day of October, 1920.

/s/ J. F. Whittaker
_____ (SEAL)
Acting City Clerk