

ORDINANCE NO. 332

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. 6 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178 ADOPTED AND APPROVED JUNE 11th 1910, AS AMENDED, AND PURSUANT TO RESOLUTIONS AND PROCEEDINGS OF THE CITY COUNCIL ADOPTED PURSUANT TO SAID ORDINANCE NO. 178, AS AMENDED, APPROVING THE APPORTIONMENT OF SAID COST 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 APPROVING THE APPORTIONMENT OF SAID COST AND ASSESSING THE SHARE OF SAID COST AGAINST THE GRAND RIVER VALLEY RAILWAY COMPANY, AND THE DENVER AND RIO GRANDE WESTERN RAILWAY COMPANY, 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 in the State of Colorado have complied with all the provisions of law relating to certain improvements in paving District No. 6, in the City of Grand Junction, pursuant to Ordinance No. 178 of said city, adopted and approved June 11th, 1910, as amended, 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 local improvement in said Paving District No. 6, 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 Paving District No. 6, 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 December 28th, 1922 and the last publication thereof appearing December 30th, 1922); and

WHEREAS, said notice recited the share to be apportioned to and upon each lot and tract of land, and other real estate, including the share to be borne by the Grand River Valley Railway Company and the share to be borne by the Denver and Rio Grande Western Railway Company 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 8 o'clock P.M. on the 27th day of January 1923, 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, pursuant to said notice no written complaints were filed with respect to the proposed assessment of the cost of said improvements; and

WHEREAS, the City Council has duly confirmed the statement prepared by the City Council and certified by the President of the Council, showing the whole cost of said improvements and the apportionment thereof heretofore made as contained in that certain notice to property owners in Paving District No. 6, duly published in The Daily Sentinel, the official newspaper of the city, and has duly ordered that the cost of said paving and improvements in said Paving District No. 6 be assessed and apportioned against all of the real estate in said district and against the Grand River Valley Railway Company and the Denver and Rio Grande Western Railway Company in the portions 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 \$34,006.21 (which excludes the cost of the paving of the street and alley intersections, amounting to \$12,766.27 which is to be borne by the City of Grand Junction), said amount including 6% additional for cost of collection and other incidentals and including interest to the 28th day of February, 1923 at the rate of 6% 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 the said sum of \$34,006.21 and \$260.76 for installing lead pipe water services, against the real estate in said district and against the owners thereof respectively as hereinafter specified and has apportioned a share of the said whole cost to each lot or tract of land and other real estate, including the Grand River Valley Railway Company and the Denver and Rio Grande Western Railway Company, in said district in the following proportions and amounts 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 and the amount given shall be for each lot. Assessments are given for each lot or tract of land in the district except where the lots or tracts have been resub-divided, in which case the lot or tract has been divided into four equal zones parallel with the street paved, the zone adjacent to the pavement being assessed 40 percent of the whole cost, the next or second zone 30

percent of the whole cost, the third zone 20 percent of the whole cost and the fourth or last zone 10 percent of the whole cost)

DESCRIPTION AND APPORTIONMENT

City of Grand Junction,

Mesa County,

Colorado

Block 115	Lots 1 to 5	\$272.09
Block 115	Lots 6 to 10	273.61
Block 116	Lots 11 to 15, East 50 feet	744.83 Total
Block 116	Lots 11 to 15, West 85 feet	633.22 Total
Block 116	Lots 16 to 18	272.09
Block 116	Lots 19 and 20, East half of Lots	380.93 Total
Block 116	Lots 19 and 20, West half of Lots	163.25 Total
Block 127	Lots 11 to 20	243.13
Block 128	Lots 1 and 2	243.13
Block 128	Lots 3 to 5 for Paving	243.13
Block 128	Lots 3 to 5 for Lead Pipe	9.05
Block 128	Lots 6	243.13
Block 128	Lots 7, for paving	243.13
Block 128	Lots 7, for Lead Service Pipe	27.16
Block 128	Lots 8 to 10	243.13
Block 137	Lots 1 to 3, for Lead Pipe	13.04
Block 137	Lots 1 to 3, for Paving	246.74
Block 137	Lots 4 and 5, for Paving	246.74
Block 137	Lots 4 and 5, for Lead Pipe	22.28
Block 137	Lots 6	246.74
Block 137	Lots 7, South Half	123.37
Block 137	West 95 feet of north half of Lot 7 & West 95' of Lot 8	311.95 Total
Block 137	West 95' of Lots 9 & 10	415.94 Total
Block 137	East 45' of North half of Lot 7 and the East 45' of Lots 8-10	135.70 Total
Block 138	Lots 11 to 13	246.74
Block 138	Lots 14 & 15 for paving	246.74
Block 138	Lots 14 & 15, for Lead Service	28.25
Block 138	Lots 16 to 20	246.74
Block 149	Lots 11, for paving	219.50
Block 149	Lots 11, for Lead Water Service	15.00
Block 149	Lots 12-15 for paving	191.74
Block 149	Lots 12-15 for Lead Water Service	13.09
Block 149	Lots 16	191.74
Block 149	Lots 17 - 20	179.46
Block 150	Lots 1 to 10	179.46

Block 159	Lots 6 to 9	186.81
Block 159	Lots 10	224.38
Block 160	Lots 11	224.38
Block 160	Lots 12 - 15	186.81
Milldale Subdivision		
Block 1	Lots 1 to 5	178.25
Block 5	Lots 2	278.07
Block 11	Lots 11	123.84

Crawford's Addition

Beginning at the north quarter corner of Section 23, T 1 S. R. 1 W Ute Meridian; thence south 150 feet; thence east 132 feet; thence north 150 feet; thence west 132 feet to place of beginning:

\$1,069.50

Beginning at a point 150 feet south of the north quarter corner Section 23 T. 1 S. R 1 W Ute Meridian; thence south 100 feet; thence east 132 feet; thence north 100 feet thence west 132 feet to beginning:

\$713.00

Beginning at a point 250 feet south of the north quarter corner Section 23, T 1 S, R 1 W Ute Meridian; thence south 100 feet; thence east 132 feet; thence north 100 feet; thence west 132 feet to beginning:

\$713.00

Beginning at a point 350 feet south of the north quarter corner Section 23, T 1 S, R 1 W Ute Meridian; thence south 125 feet, thence east 132 feet; thence north 125 feet; thence west 132 feet to beginning:

\$891.25

Beginning at a point 475 feet south of the north quarter corner Section 23, T 1 S, R 1 W Ute Meridian; thence south 88.45 feet to the right-of-way of the D & R G W R R; thence northeasterly along said right-of-way to the west line of Seventh Street; thence north 47.85 feet; thence west 132 feet to beginning;

\$480.92

Beginning at a point 400 feet north of the southwest corner of the northwest quarter of the northeast quarter of Section 23, T 1 S, R 1 W of the Ute Meridian; thence east 132 feet; thence north to the right-of-way of the Denver & Rio Grande Western Railroad; thence southwesterly along said right-of-way to the north and south quarter line of said Section 23; thence south to the place of beginning:

\$1,857.68

Beginning at a point 400 feet north of the southwest corner of the northwest quarter of the northeast quarter of Section 23, T 1 S, R 1 W of the Ute Meridian; thence east 132 feet; thence south 38.7 feet; thence west 132 feet; thence north to the place of beginning;

\$275.83

A tract described as follows: Beginning at the intersection of the north right-of-way line of the Denver & Rio Grande Western Railway and the east line of Seventh Street; thence north 250 feet; thence east 140 feet; thence south to the north right-of-way line of said railroad; thence southwesterly among said right-of-way to the place of beginning:

\$1,642.75

A tract described as follows: Beginning at the intersection of the south right-of-way line of the Denver & Rio Grande Western Railway and the east line of Seventh Street; thence south 258.8 feet, thence east 140.5 feet; thence north to the south right-of-way line of said railroad thence southwesterly along said right-of-way line to the place of beginning:

\$1,849.15

A tract described as follows: Beginning 258.8 feet south of the intersection of the south right-of-way line of the Denver and Rio Grande Railway and the east line of Seventh Street; thence east 140.5 feet; thence south 90.9 feet to the place of beginning:

\$616.21

The right-of-way of the Denver & Rio Grande Western Railway at its intersection with Seventh Street:

\$1,176.35

The right-of-way of the Grand River Valley Railway at the intersection of South Avenue and Seventh Street:

\$539.67

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, railways, railroads, railway franchises and property, 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 herein described, or other real estate herein described, including the Grand River Valley Railway Company's franchise and property and including the property of the Denver & Rio Grande Western Railway, 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 thirty days after 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, and 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 percent per annum. The first of said installments of said principal shall be due on the 28th day of February A.D. 1923 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 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 1% 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 28th day of February, A.D. 1923 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, as amended, shall govern and be taken to be a part of this ordinance with respect to the creation of said Paving District No. 6, 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 and 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 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 President of the Council and the City 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 27th day of January A.D. 1923.

Adopted and approved the 21st day of February A.D. 1923.

Authenticated and approved this 21st day of February A.D. 1923.

/s/ W.G. Hirons

President of Council

ATTEST:

/s/ Fred A. Peck

City Clerk.