

ORDINANCE NO. 344

AN ORDINANCE LEVYING A SPECIAL ASSESSMENT ON CERTAIN REAL ESTATE IN GRAND JUNCTION, FOR BENEFITS CONFERRED BY THE WATER WORKS OF THE SAID CITY.

WHEREAS, the City of Grand Junction has constructed a water system for the use and benefit of the inhabitants thereof, which water system pipes mountain water from Kannah Creek to the said City and in the said City conveys said water to nearly every part thereof by means of water mains; and

WHEREAS, the said City has expended in the construction of said water system and in the extension of said water mains, approximately the sum of \$800,000.00 to pay, which city bonds to the amount of \$770,000.00 have been sold and \$671,250.00 are now outstanding; and

WHEREAS, the said City pays out annually, approximately the sum of \$25,000.00 to maintain the said water system and the said mains in the said City:

THEREFORE, be it ordained by the City Council of the City of Grand Junction, Colorado:

Section 1. The City Council of said City does hereby find and declare that the water works system of said City and the water mains confer a special benefit upon all lots or tracts of land in said City in front of which is located a city water main or which have access to such main conveying water from said system, and that the said real estate is so benefited, whether water from said main is used thereon or not.

Section 2. A special assessment is hereby levied against all lots or tracts of land which lie abutting on water mains or have close access to a water main from which it does or may secure water, and provided, further, that the assessments so levied shall be so made that no portion of a lot or tract of land in said city whether using city water or not, shall be doubly assessed in this assessment. The said special assessment shall be payable for one year, to-wit: 1924, and shall consist of four cents per front foot on all lots or tracts of land, which amount is hereby found and declared to be a just and equitable portion of such benefit to said lots or tracts of land.

Section 3. That said assessment shall be part payment of the benefit to such lots or tracts of land from the proximity of water mains, and the use or opportunity to use water from said mains and water system. All money received by the City from this assessment shall be applied on the payment of water works bonds.

Section 4. The City Treasurer shall prepare an assessment roll in book form, showing in suitable columns each lot or tract of land so assessed, and the amount so assessed thereon.

Section 5. The City Clerk shall thereafter by advertisement in the official newspaper of the City in three successive publications of said paper, notify the owners of said lots or tracts of land so assessed, without naming them, that at a certain time at least ten days after the first publication of said notice, the City Council will meet to consider all objections in writing that may be filed with it prior to such meeting, and that the said assessment book is in the treasurer's possession at the City Hall, subject to inspection during business hours.

Section 6. That at such meeting, or any adjournment thereof, the Council shall hear and determine all such objections filed in writing, and the Council may thereupon make such modifications and changes as to it may seem equitable and just, or may confirm the first assessment.

Section 7. The City Treasurer shall thereafter deliver the said assessment roll, certified by him, to the County Treasurer, of Mesa County, Colorado, for collection. The County Treasurer shall receive payments of all assessments against any lots or tracts of land appearing upon said roll and in case of default in the payment of said assessment or any installment thereof, or interest when due, shall advertise and sell any and all lots or tracts of land concerning which such default has suffered for the payment of the whole or the unpaid portion of the assessment thereon and that sales and advertisements shall be made at the same time or times, in the same manner, under all the same conditions and penalties and to the same effect, as are provided by the general law for the sale of real estate in default of payment of general taxes; provided, the holder of a certificate from the County Treasurer, including the City of Grand Junction, showing payment of a similar prior assessment, may have subsequent assessments endorsed thereon under the same terms and conditions as is provided by the general law for the endorsement of subsequent taxes on tax certificates.

Section 8. At any sale by the County treasurer of any real estate in the City for the purpose of paying such special assessment, the City Treasurer may purchase any such real estate without paying for the same in cash, and shall receive certificates of purchase in the name of the City; such certificates shall be received and carried at their face value with all interest and penalties accrued to the City Treasurer on account of the assessment in pursuance of which the sale was made. Said certificates may thereafter be sold by the City Treasurer at their face value, as the City Council may direct, with all interest and penalties accrued, and by him assigned in the name of the City and the proceeds credited to the water fund for payment of the special assessment as herein provided; such assessments shall be made without recourse on the City in any event, and the sale and the assignment shall operate as a lien in favor of the City and of the holders of such certificate as is provided by law in the case of sales of real estate for default in the payment of general taxes.

Section 9. The assessment herein provided shall be a lien in the several amounts assessed against each lot or tract of land fronting on or having access to a City water main from the date of the filing of the assessment roll with the County Treasurer of Mesa County, and shall have priority over all other liens except general taxes and also except special assessment of prior date. The lien as herein provided shall cover all lots to their entire depth and tracts of land to a depth of 125 feet from the front thereof. Said assessment shall be due and payable on or before the last day of February, 1924.

Section 10. This ordinance is passed because of a special emergency for the preservation of the public peace, health and safety and shall go into effect on its passage.

Passed and adopted this 28th day of December, A.D. 1923.

/s/ W.G. Hirons

President of the Council

ATTEST:

/s/ Fred A. Peck

City Clerk.

I DO HEREBY CERTIFY That the foregoing ordinance entitled "AN ORDINANCE LEVYING A SPECIAL ASSESSMENT ON CERTAIN REAL ESTATE IN GRAND JUNCTION, FOR BENEFITS CONFERRED BY THE WATER WORKS OF THE SAID CITY" was introduced, read, passed and adopted as an emergency ordinance, numbered 344, and ordered published in the official newspaper of the City of Grand Junction, at a regular adjourned meeting of the City Council of the City of Grand Junction, Colorado, held on the 28th day of December, A.D. 1923.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said City this 28th day of December, A.D. 1923.

/s/ Fred A. Peck

City Clerk