

ORDINANCE NO. 351

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR COMBINED SEWER DISTRICT NO. 1, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178 AS AMENDED, AND PURSUANT TO THE 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 IN SAID DISTRICT; ASSESSING A 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 certain improvements in Combined Sewer District No. 1, in the City of Grand Junction, pursuant to ordinance No. 178 of said City, 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 completion of said local improvement in said Combined Sewer District No. 1 and the apportionment of the cost thereof to all persons interested and to the owners of the real estate which is described Sewer District No. 1 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 21, 1923, and the last publication thereof appearing December 24, 1923).

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 such notice, to-wit: on or before and up to 5 o'clock P.M., on the 21st day of January, 1924, 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 improvement; and

WHEREAS, the City Council has duly confirmed the statement prepared by the City Council and certified by the President, showing the whole cost of said improvements and the apportionment thereof heretofore made as contained in that certain notice to property owners in Combined Sewer District No. 1, duly published

in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said sewers and improvements in said Combined Sewer District No. 1 be assessed and apportioned against all of the real estate in said district in the proportions contained in the aforesaid notice except as to lots 26 to 32 inclusive in Block 96, on which lots the assessments have been waived as said lots belong to the United States; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the whole cost of said improvement is the sum of six thousand eight hundred and twenty-three dollars and twenty-three cents (\$6,823.23) said amount/including two per cent additional for cost of collection and other incidentals, and including interest to the 29th day of February, 1924, at the rate of five and one-half 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, excepting therefrom the assessment on said lots 26 to 32 inclusive in Block 96, to-wit:

DESCRIPTION AND APPORTIONMENT

COMBINED SEWER DISTRICT NO. 1

City of Grand Junction, Colorado.

NOTE: (Wherever 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).

<u>Block</u>	<u>Lots</u>	<u>Area</u>	<u>Per Sq. Ft.</u>	<u>Assess-ment</u>
78	1 to 10 inc.	3750	\$0.0038	\$14.25
78	W 1/2 of Lot 11	1875	0.0038	7.13
78	E 1/2 of Lot 11	1875	0.0038	7.13
78	12	3750	0.0038	14.25
78	13 to 24	3138	0.0038	11.92
79	1 and 2	3765	0.0038	14.31
79	W 24 ft. of Lot 3	3615	0.0038	13.74
79	E 1 ft. of Lot 3	150	0.0038	.57
79	4 and 5	3765	0.0038	14.31

79	W 1 ft. of Lot 6	150	0.0038	.57
79	E 24 ft. of Lot 6	3615	0.0038	13.74
79	W 13 ft. of Lot 7	1958	0.0038	7.44
79	E 12 ft. of Lot 7	1808	0.0038	6.87
79	8 to 16 inc.	3765	0.0038	14.31
79	17 to 32 inc.	3150	0.0038	11.97
80	1 to 7 inc.	3765	0.0038	14.31
80	W 1/2 of Lot 8	1883	0.0038	7.16
80	E 1/2 of Lot 8	1883	0.0038	7.16
80	9 to 16 inc.	3765	0.0038	14.31
80	17 to 32 inc.	3150	0.0038	11.97
81	1 to 7 inc.	3765	0.0038	14.31
81	W 1/2 of Lot 8	1883	0.0038	17.18
81	E 1/2 of Lot 8	1883	0.0038	17.18
81	9 to 16 inc.	3765	0.0038	14.31
81	17 and 18	3150	0.0038	11.97
81	E 11 ft. of Lot 19	1380	0.0038	5.24
81	W 14 ft. of Lot 19	1758	0.0038	6.68
81	20 to 32 inc.	3150	0.0038	11.97
82	1 to 16 inc.	3765	0.0038	14.31
82	17 to 19 inc.	3150	0.0038	11.97
82	E 1/2 of Lot 20	1575	0.0038	5.99
82	W 1/2 of Lot 20	1575	0.0038	5.99
82	21 to 26 inc.	3150	0.0038	11.97
82	E 1/2 of Lot 27	1575	0.0038	5.99
82	W 1/2 of Lot 27	1575	0.0038	5.99
82	28 to 32 inc.	3150	0.0038	11.97
83	1 to 5 inc.	3758	0.0038	14.28
83	W 1/2 of Lot 6	1899	0.0038	7.14
83	E 1/2 of Lot 6	1899	0.0038	7.14
83	7 to 10 inc.	3758	0.0038	14.28
83	11 to 16 inc.	3386	0.0038	12.87
83	17 to 21 inc.	3400	0.0038	12.92
83	22 to 31 inc.	3144	0.0038	11.95
94	1 to 10 inc.	3134	0.0038	11.91
94	11 to 20 inc.	3386	0.0038	12.87
94	21 to 30 inc.	3134	0.0038	11.91
95	E 1/2 Block 95	54243	0.0038	206.12
95	W 1/2 Block 95	54243	0.0038	206.12
96	1 to 25 inc.	3140	0.0038	11.93
97	1 to 29 inc.	3140	0.0038	11.93
97	E 10 ft. of Lot 30	1251	0.0038	4.75
97	W 15 ft. of Lot 30	1876	0.0038	7.13
97	31 to 32	3140	0.0038	11.93
98	1 to 32	3140	0.0038	11.93

99	N 1/2 of Lots 1, 2, 3	4692	0.0038	17.83
99	N 1/2 of W 22 ft. of Lot 4	1376	0.0038	5.23
99	S 1/2 of Lots 1, 2, 3, 4	6206	0.0038	23.78
99	E 3 ft. of N 1/2 of Lot 4	188	0.0038	.72
99	5 to 19 inc.	3128	0.0038	11.89
99	E 1/2 of Lot 20	1564	0.0038	5.99
99	W 1/2 of Lot 20	1564	0.0038	5.99
99	21 to 24 inc.	3128	0.0038	11.89
100	1 to 9 inc.	3145	0.0038	11.95
100	W 1/2 of Lot 10	1573	0.0038	5.98
100	E 1/2 of Lot 10	1573	0.0038	5.98
100	11 to 24 inc.	3145	0.0038	11.95
101	1 to 12 inc.	3158	0.0038	12.00
101	W 1/2 of Lot 13	1579	0.0038	6.00
101	E 1/2 of Lot 13	1579	0.0038	6.00
101	14 to 32 inc.	3158	0.0038	12.00
102	1 to 12 inc.	3158	0.0038	12.00
102	N 65.8 ft of Lots 13, 14, 15, and 16	6606	0.0038	25.10
102	S 60 ft. of Lots 13-16 inc.	6024	0.0038	22.89
102	17 to 32 inc.	3158	0.0038	12.00
103	1 to 20 inc.	3158	0.0038	12.00
103	E 18.1 ft. of Lot 21	2277	0.0038	8.65
103	W 7 ft. of Lot 21	881	0.0038	3.35
103	E 8 1/2 ft. of Lot 22	1069	0.0038	4.06
103	W 16 1/2 ft. of Lot 22	2076	0.0038	7.89
103	E 1/2 ft. of Lot 23	63	0.0038	.24
103	W 24 1/2 ft. of Lot 23	3095	0.0038	11.76
103	24 to 32 inc.	3158	0.0038	12.00
104	N 75 ft. of Lots 1-3	5648	0.0038	21.45
104	S 50 ft. of Lots 1-3	3765	0.0038	14.31
104	4 to 32 inc.	3158	0.0038	12.00
105	N 95 ft. of Lots 1, 2	4759	0.0038	18.08
105	S 30 ft. of Lots 1, 2	1500	0.0038	5.70
105	3 to 10 inc.	3151	0.0038	11.97
105	11 to 15 inc.	3407	0.0038	12.95
105	N 30 ft. of E 71 1/2 ft of Lots 16 and 17	2145	0.0038	8.15
105	S 95.8 ft. of E 71 1/2 ft of Lots 17 to 20 inc.	6850	0.0038	26.03
105	W 63 1/2 ft of Lots 16 to 20	7988	0.0038	30.35
105	21 to 30 inc.	3151	0.0038	11.97

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 hereinbefore 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 portions and amounts which are severally hereinbefore set forth.

Section 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 in proportion to the respective areas.

Section 3. That said assessments shall be due and payable within 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 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 semiannually, at the rate of five and one-half per cent per annum. The first of said installments of said principal shall be due on the 29th day of February, A.D. 1924, and shall be payable on or before said day and the remainder 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 said assessment to become due and payable immediately, and the said assessment 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. 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 two per cent added for cost of collection and other incidentals, and of interest from the date of payment to the 29th day of February A.D. 1924, 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 Combined Sewer District No. 1, 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 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 and 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 30th day of January, A.D. 1924.

Adopted and approved this 20th day of February A.D. 1924.

/s/ W.G. Hirons

President of the Council

ATTEST:

/s/ Fred A. Peck

City Clerk

1st publication: Feb. 2, 1924.

Last publication: Feb 22, 1924.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 30th day of January, A.D. 1924, and that the same was published 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 set my hand and affixed the official seal of said City, this 21st day of February, A.D. 1924.

/s/ Fred A. Peck

City Clerk.