

ORDINANCE NO. 355

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. 8 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 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. 8, 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. 8, 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. 8, 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 29th, 1923, and the last publication thereof appearing January 1, 1924); 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 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 5 o'clock P.M. on the 28th 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 improvements; and

WHEREAS, pursuant to said notice written complaints were filed with respect to the proposed assessments of the costs of installing lead water pipe connections against their respective properties in Block 48 by Frank Berg, E. J. Reynolds, Mrs. Mary B. Owens, O. M. Morrison, Sarah M. Grange by Frank Berg for the reason that the service has not been completed and the correct cost cannot have been properly computed for the reason that in the making of the lead pipe service no stop boxes were installed, and it appearing to the Council that said stop boxes are to be installed at no extra cost to said respective owners, and that the correct costs have been correctly computed, and that said lead service will be completed, and that said complaints are not good, it is therefore ordered that said complaints be and the same are hereby overruled and denied; 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. 8, 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. 8 be assessed and apportioned against all of the real estate in said district and against the Grand River Valley Railway Company in the portions 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 improvements is \$90,951.96 (which excludes the cost of the paving of the street and alley intersections, amounting to \$19,285.23 which is to be borne by the City of Grand Junction), said amount including 2% 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 the said sum of \$90,951.96, that is to say the sum of \$88,116.64 for paving and other costs, and \$2,835.32 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 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:

(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. Assessments are given for each lot or tract of land in the district except where the lots or tracts have been resubdivided, 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 per cent of the whole cost, the next or second zone 30 per cent of the whole cost, the third zone 20 per cent of the whole cost and the fourth or last zone 10 per cent of the whole cost)

PAVING DISTRICT NO. 8

DESCRIPTION AND APPORTIONMENT

CITY OF GRAND JUNCTION, COLORADO

Rate per front foot:

Gunnison Avenue.....	\$9.26
Rood Avenue.....	7.94
Fourth Street.....	8.24
Second Street.....	9.00
East & West alleys.....	3.43
North & South alleys.....	2.71

Block	Lot	Assess- ments per Lot	Lead Service per Lot
40	1	\$348.47	
40	2	304.83	
40	3	261.32	
40	4	174.17	
40	5	130.66	
40	6	87.14	
40	21 to 24 inclu.	233.82	\$5.84
40	25	233.82	
40	26 to 29 inclu.	233.82	5.84
41	17 to 32 inclu.	232.43	5.84
42	South half of block	3,720.67	
43	17 to 18	232.43	5.84
43	19 to 21 inclu.	207.10	8.35
43	22 to 23	207.10	5.84
43	24 to 25	\$232.43	

43	East half of Lot 26	116.21	
43	West half of Lot 26	116.21	
43	27 to 32 inclu.	232.43	5.84
44	18	485.41	11.68
44	19 to 24 inclu.	231.50	5.84
44	25 to 26	231.50	
44	27 to 34 inclu.	231.50	5.84
45	1 to 16 inclu.	231.50	23.10
45	17	485.41	46.20
46	1 to 12 inclu.	232.43	23.10
46	13 to 14	232.43	23.10
46	15 to 16	232.43	23.10
47	North half of block	3,720.67	96.23
48	1 to 14 inclu.	232.43	23.10
48	15 to 16	232.43	
49	11	348.47	
49	10	304.83	
49	9	261.32	
49	8	174.17	
49	7	130.66	
49	6	87.14	
49	12 to 15 inclu.	233.82	23.10
49	16 to 18 inclu.	233.82	15.40
49	19 to 20	233.82	23.10
94	20	344.15	
94	19	279.62	
94	18	215.09	
94	17	150.57	
94	16	86.04	
94	21 to 24 inclu.	198.98	
94	25 to 30 inclu.	198.98	6.10
95	East half of the South half of block	1,593.96	
95	West half of the South half of the block.	1,593.96	
96	17 to 25 inclu.	199.14	
97	17 to 22 inclu.	199.37	6.10
97	23 to 26 inclu.	199.37	12.21
97	27 to 29 inclu.	199.37	
97	East 10 feet of Lot 30	79.72	
97	West 15 feet of Lot 30	119.66	
97	31 to 32	199.37	12.21
98	17 to 18	199.29	6.10
98	19, 20, 22	199.29	12.21
98	21	199.29	
98	23 to 26 inclu.	199.29	6.10
98	27 to 28	199.29	

98	29 to 30	199.29	6.10
98	31 to 32	199.29	
100	12	362.30	
100	11	294.37	
100	10	226.44	
100	9	158.51	
100	8	90.58	
100	13	362.30	
100	14	294.37	
100	15	226.44	
100	16	158.51	
100	17	90.58	
101	North 50.8 feet of Lot 32	142.62	
101	North 50.8 feet of Lot 31	115.88	
101	North 50.8 feet of Lot 30	89.14	
101	North 50.8 feet of Lot 29	62.39	
101	North 50.8 feet of Lot 28	35.65	
101	1	561.59	15.66
101	2	493.66	15.66
101	3	425.73	
101	4	357.80	
101	5	289.87	
101	6	199.29	
101	7 to 8	199.29	15.66
101	9	199.29	
101	10 to 11	199.29	15.66
101	12	199.29	
101	The West half of Lot 13	99.65	
101	The East half of Lot 13	99.65	
101	14 to 16 inclu	199.29	
102	1 to 2	285.50	
102	3 to 6 inclu	285.50	11.95
102	7 - 8	285.50	
102	9 - 10	285.50	15.66
102	11	285.50	15.66
102	12	368.43	15.66
102	The North 65.4 feet of Lots 13, 14, 15 and 16	1,178.27	
102	The South 60.4 feet of Lots 13, 14, 15 and 16	917.40	
102	17	417.84	
102	18	355.64	
102	19	293.45	
102	20	231.25	
102	21	169.06	

102	22 to 32 inclu.	86.13	
103	1	530.85	15.66
103	2	468.65	15.66
103	3	406.46	
103	4	344.26	
103	5	282.07	15.66
103	6	199.14	15.66
103	7 - 8	199.14	31.33
103	9 - 10	199.14	15.66
103	11 to 13 inclu	199.14	31.33
103	14 to 16 inclu	199.14	10.44
103	28	79.36	
103	29	138.88	
103	30	198.40	
103	31	257.91	
103	32	317.44	
104	The North 75.5 feet of Lots 1, 2, 3	466.16	
104	The South 50.3 feet of Lots 1, 2, 3	131.38	
104	4 to 7 inclu.	199.21	15.66
104	8	199.21	31.33
104	9 - 10	199.21	15.66
104	11 - 12	199.21	
104	13 to 16 inclu	199.21	15.66
105	The North 95.6 feet of Lots 1 and 2	358.60	31.33
105	The South 30.2 feet of Lots 1 and 2	39.65	
105	3 - 4	198.98	
105	5	284.94	15.66
105	6	312.21	15.66
105	7	332.68	15.66
105	8	353.12	15.66
105	9	373.58	15.66
105	10	394.03	15.66
105	11	449.50	47.00
105	12	412.84	47.00
105	13	376.19	
105	14	339.55	
105	15	302.89	
105	The North 30 feet of the East 71.7 feet of Lots 16 & 17	118.41	
105	The South 95.8 feet of the East 71.7 feet of Lots 17, 18, 19 and 20	230.85	
105	The West 63.7 feet of Lots 16, 17, 18, 19, 20	423.01	
105	21	98.52	
105	22	80.04	

105	23	147.53
105	24	129.06
105	25	110.59
105	26	85.96

The Grand River Valley Street Railway Company for its share on Fourth Street from the north of Main Street to the north line of Rood Avenue and on Gunnison Avenue from the west side of the alley between Seventh and Eighth Streets to the east side of said Alley, from the west line of Eighth Street to the east line of Eighth, from the west line of Ninth Street to the east line of Ninth, the intersection of Tenth and Gunnison, and from the west line of Eleventh to the east line of Eleventh, 64 feet west of the west line of Twelfth to the west line of Twelfth and Twelfth Street from 54 feet south of the south line of Gunnison to 57 feet north of the north line of Gunnison Avenue.....\$5,304.30

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, railway, railway franchises and property, as hereinbefore set forth, and in the proportions and amount 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, 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 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 shall be due on the 28th day of February 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 two per cent added for cost of collection and other incidentals and of the 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 Paving District No. 8, 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 30th day of January A.D., 1924.

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

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

/s/ W.G. Hirons

President of Council

ATTEST:

/s/ Fred A. Peck

City Clerk

1st publication, February 2, 1924.

Last Publication, February 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