

ORDINANCE NO. 382

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. 11 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED JUNE 11th, 1910, 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 THE 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 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. 11, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, as amended, and pursuant to 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. 11, and the apportionment of the cost thereof to all persons interested, and to the owners of the real estate which is described therein, said real estate comprising the District of land known as Paving District No. 11, 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 January 9, 1925, and the last publication thereof appearing January 11, 1925); and

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 said notice, to-wit, on or before and up to 5 o'clock P. M. on the 9th day of February, 1925, 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. 11, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of paving and improvements in said Paving District No. 11 be assessed and apportioned against all of the real estate in said district 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 the sum of \$26,377.51, said amount including two per cent additional for cost of collection and other incidentals, and including interest to the 28th day of February, 1925, 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, to-wit:

DESCRIPTION AND APPORTIONMENT

PAVING DISTRICT NO. 11

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 amounts given shall be for each lot).

Block 100--For paving lots 13 to 24, \$245.35; for lead service, lot 13, \$41.94, for lead service, lots 16, 18, 21 and 22, \$49.30. Block 121--For paving, lots 1 to 12, \$245.35; for lead service, lots 2 and 6, \$29.70; for lead service, lots 7 to 12, \$27.78. Block 5, Mobley's Sub-Division--Lots 1 to 7, \$241.60; lot 8, \$132.40; the south 4.8 feet of a tract described as follows: Beginning at the SE cor. of lot 9, thence north 83.7 feet, thence west 110.7 feet, thence south 83.7 feet, thence east 110.7 feet, \$16.61; the south 4.8 feet of the following described tract: Beginning 110.7 feet west of the SE cor. of lot 9, thence north 76 feet, thence west 98 feet, thence south 76 feet, thence east 98 feet, \$14.70. Block 6, Mobley's, Sub-Division--For Paving: South 50 feet of lots 1, 2, 3, 4 and 5, \$707.77; south 28 feet of north 84 feet of lots 1, 2, 3, 4 and 5, \$268.76; south 28 feet of north 56 feet of lots 1, 2, 3, 4 and 5, \$173.00; south 19.8 feet of north 28 feet of lots 1, 2, 3, 4 and 5, \$77.24; south 50 feet of lots 7, 8, 9, 10, 11 and west 10 feet of lot 6, \$764.39; south 28 feet of north 84 feet of lots 7, 8, 9, 10, 11 and west 10 feet of lot 6, \$280.26; south 28 feet of north 56 feet of lots 7, 8, 9, 10, 11 and west 10 feet of lot 6, \$186.84; south 19.8 feet of north 28 feet of lots 7, 8, 9, 10, 11 and west 10 feet of lot 6, \$83.42. For lead services: South 50 feet of lots 1, 2, 3, 4 and 5, \$59.40; south 50 feet of lots 7, 8, 9, 10, 11 and west 10 feet of lot 6, \$29.70. Block 7, Mobley's Sub-Division--For paving: North 40 feet of east half lot 2, \$180.33; west half of lot 2, \$180.33; west half of lot 3, \$653.86; east half of lot 3, \$653.86; west half of lot 4, \$392.56; east half of lot 4, \$392.56. For lead services: East half lot 4, \$29.70. Block 8, Mobley's Sub-Division--For paving: Lot 5, \$90.14; lot 6, \$179.75; lot 7, \$245.35; lot 8, \$318.96; lot 9, \$392.56; lots 10 to 13, \$245.35. Block 9, Mobley's Sub-Division--The west 75 feet of lot 2 north

of alley paving, \$360.75; lead service, \$19.63; tract beginning 75 feet east of northwest cor. of lot 2, thence south 155 feet, thence east 45 feet, thence north 155 feet, thence west 45 feet, for paving, \$216.45, for lead service, \$19.63; tract beginning 120 feet east of northwest cor. of lot 2, thence south 155 feet, thence east 42 feet, thence north 155 feet, thence west 42 feet, for paving, \$202.02, for lead service, \$19.63. Bowers' Sub-Div. of Lot 3 Block 9, Mobley's S.-Div.--For paving lot 8, \$70.71, lots 9 to 33, \$120.25; for lead service: Lots 11, E half 14 and W half 15, 17, 21, 28, 30, 31 and 33, \$19.63 each. Block 1, Grand River Sub-Division: Lot 1, paving, \$192.40, lead service, \$19.63; lot 2, \$156.32; lot 3, \$120.25, lot 4, \$88.08; lot 5, \$44.19; lot 14, paving, \$365.56, lead service, \$19.63; a tract beginning at the northwest corner of lot 14, Grand River Sub-Division, thence west 46 feet to the west city limit line of the City of Grand Junction, Colorado, thence south along said city limit line 125.8 feet, thence east to west line of said lot 14, thence north along said west line of lot 14 to the place of beginning for paving, \$221.26, for lead service, \$19.63. Block 2, Grand River Sub-Division -- For paving: Lots 2, 4, 6, 8, 10, 12 and 14, \$120.25 each; for lead service, lots 4, 8 and 12, \$19.63 each. Block 3, Grand River Sub-Division--For paving: lots 2, 4, 6, 8, 10, 12, 14, 16 and 18, \$120.25 each; for lead service, lots 10, 12, 16, 18, \$19.63 each; a tract beginning at the southwest corner of lot 18, Grand River Sub-Division, thence north 125.8 feet, thence west 42 feet, thence south 125.8 feet, thence east 42 feet to place of beginning, for paving, \$202.02, for lead service, \$19.63. Metes and Bounds Descriptions on West Main St.--Beginning at a point on the north line of Main street 684.5 feet west and 324.5 feet north of the SE corner of the NW quarter SE quarter, Sec. 15, T. 1 S., R. 1 W, Ute Mer., thence north 125.8 feet, thence west 114 feet, thence south 125.8 feet, thence east 114 feet to the place of beginning, paving, \$548.34, lead services, \$39.26; beginning at a point on the north line of Main street 534.5 feet west and 324.5 feet north of the SE corner of the NW quarter SE quarter, Sec. 15, T. 1 S., R. 1 W. Ute Mer., thence west 150 feet, thence north 125.8 feet, thence east 150 feet, thence south 125.8 feet to the place of beginning, paving, \$721.50; a tract beginning at a point 324.5 feet north and 484.5 feet west of the southeast corner of the NW quarter SE quarter, Sec. 15, T. 1 S., R. 1 W. Ute Mer., thence north 125.8 feet, thence west 50 feet, thence south 125.8 feet, thence east 50 feet to the place of beginning,

for paving, \$240.50, for lead service, \$19.63; a tract beginning at a point 324.5 feet north and 434.5 feet west of the southeast corner of the NW quarter SE quarter, Sec. 15, T. 1 S., R. 1 W. Ute Mer., thence north 125.8 feet, thence west 50 feet, thence south 125.8 feet, thence east 50 feet to place of beginning, for paving, \$240.50; a tract beginning at a point 324.5 feet and 384.5 feet west of the southeast corner of the NW quarter SE quarter, Sec. 15, T. 1 S., R. 1 W. Ute Mer., thence north 125.8 feet, thence west 50 feet, thence south 125.8 feet thence east 50 feet to the place of beginning, for paving, \$240.50, for lead service, \$19.63; a tract beginning at a point 324.5 feet north and 334.5 feet west of the southeast corner of the NW quarter SE quarter Sec. 15, T. 1 S., R. 1 W. Ute Mer. thence north 125.8 feet, thence west 50 feet, thence south 125.8 feet thence east 50 feet to the place of beginning, for paving, \$240.50, for lead service, \$19.63; a tract beginning 324.5 feet north and 247 feet west of the center of the SE quarter of Sec. 15, T. 1 S., R. 1 W. Ute Mer., thence east 50 feet to the northwest boundaryline of the Denver & Rio Grande Western Railway Company's station grounds in the City of Grand Junction, Colorado, thence northwesterly along said boundary line to a point due north of the place of beginning, for paving, \$112.20, for lead service, \$19.63; a tract beginning 324.5 feet north and 247 feet west of the center of the SE quarter of Sec. 15 1 S., R. 1 W. Ute Mer., thence west 87.5 feet, thence north 125.8 feet, thence east to the northwest boundary line of the station grounds of the Denver & Rio Grande Western Railway Company in the City of Grand Junction, Colorado, thence southeasterly along said boundary line to a point due north of the place of beginning, for paving, \$410.91, for lead service, \$19.63. Denver & Rio Grande Western Railway Company's Station Grounds in the City of Grand Junction, Colorado.—Beginning at a point on the north line of Main Street, 324.5 feet north and 197 feet west of the center of the SE quarter Sec. 15, T.1S., R.1 W. Ute Mer., thence north 125.8 feet, thence west to the northwest boundary line of the said station grounds, thence southeasterly along said boundary line to the place of beginning, for paving, \$138.24. Book Cliff R. R. Co. yard.---Beginning at a point on the north line of Main Street in the City of Grand Junction, Colorado, 618.7 feet west and 995.8 feet south of the east quarter corner of Sec. 15, T. 1 R. 1 W. Ute Mer., thence west (illegible) feet, thence north 125.8 feet, thence east 26.3 feet, thence south (illegible) feet to the place of

beginning, paving \$258.11.

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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 approved and 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 proportions and amounts which are severally hereinbefore set forth.

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 from the final publication of this ordinance, and shall have priority over over 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, 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 28th day of February, 1925, 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 one per cent 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 such delinquent installment or 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 installments, 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 28th day of February, A. D. 1925, shall be made on all payments made during such period of thirty days.

Section 7. That all the provisions of Ordinance No. 178 of the City of Grand Junction, adopted and approved June 11, 1910, as amended, shall govern and be taken to be a part of this ordinance with respect to the creation of said Paving District No. 11, 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 adjourned meeting of the City Council held on the 19th day of February, A. D. 1925.

Passed and adopted this 4th day of March, A. D. 1925.

/s/ W.G. Hirons

President of the Council

ATTEST:

/s/ Fred A. Peck

City Clerk

I HEREBY CERTIFY, that the foregoing ordinance, being Ordinance No. 382 was introduced and read at a regular adjourned meeting of the City Council of the City of Grand Junction, Colorado, held on the 19th day of February, A. D. 1925, and that the same was ordered published and was published in The Daily Sentinel, a daily newspaper in general circulation in said city, at least ten days before its final passage.

IN WITNESS WHEREOF I have set my hand and affixed the official seal of said city this 5th day of March A. D. 1925.

/s/ Fred A. Peck

City Clerk