

ORDINANCE NO. 400

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SEWER DISTRICT NO. 7, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED JUNE 11, 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 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 Sewer District No. 7, 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 the completion of said local improvement in said Sewer District N. 7, 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 Sewer District No. 7, 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 Oct. 21, 1925, and the last publication thereof appearing Oct. 23, 1925; and

WHEREAS, said notice recited the share to be apportioned to and upon each lot and tract of land within said district accessible for said improvements and recited that complaints or objections might be made in writing to the Council and filed with the City Clerk within thirty days from the first publication of said notice, to-wit: on or before and up to 5:00 o'clock p.m. on the 21st day of November, A. D. 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 improvement; 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 Sewer District No. 7, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said sewers and other improvements in said Sewer District No. 7 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 \$1,758.89, said amount including two per cent additional for cost of collection and other incidentals, and including interest to the 28th day of February, 1926, at the rate of six 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

#### SEWER DISTRICT NO. 7

City of Grand Junction, Colorado

NOTE: Wherever in the following description the number 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.

#### LINCOLN PARK ADDITION

Block	Lots	Area Sq. Ft.	Rate per Sq. Ft.	Assessment
1	1-15	3762.5	\$005795	\$21.80
1	16	3777.6	\$005795	21.89
1	17	3147.5	\$005795	18.24
1	18-32	3135.0	\$005795	18.17

2	1-16	3762.5	\$005795	21.80
2	17-32	3135.0	\$005795	18.17
3	1-12	3762.5	\$005795	21.80
3	13-24	3135.0	\$005795	18.17

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 other lands, except general taxes, as to any sub-division in proportion to the respective areas.

Section 3. That said assessments shall be due and payable within thirty days after the final publication of this ordinance, with 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 persons interested, whether under disability or otherwise, to pay in such installments. All persons 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 assessments.

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, semi-annually, at the rate of 6 percentum per annum. The first of said installments of said principal shall be due on the 28th day of February, 1926, 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. The whole amount of the unpaid principal to become due and payable immediately. 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. 1926, 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 Sewer District No. 7, 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 21st day of December, A. D. 1925.

Passed and adopted this 6th day of January, A. D. 1926.

/s/ Dr. J. E. Bell

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President of the Council

ATTEST:

/s/ Fred A. Peck

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City Clerk

I DO HEREBY CERTIFY that the foregoing ordinance, being ordinance No. 400, was introduced, read and ordered published by the City Council of the City of Grand Junction at a regular adjourned meeting of said body held on the 21st day of December, A. D. 1925 and I further certify that the same was published in The Daily Sentinel, a newspaper published and 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 7th day of January A. D. 1925.

/s/ Fred A. Peck

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City Clerk