

ORDINANCE NO. 412

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. 12 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178 ADOPTED AND APPROVED JUNE 11th, 1910 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 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. 12, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 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 improvements in said Paving District No. 12, 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. 12, 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 4th, 1926, and the last publication thereof appearing December 6th, 1926) and

WHEREAS, Said notice recited the share to be apportioned to and upon each lot and tract of land, and other real estate, 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 4th day of January, A. D. 1927, 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. 12, 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. 12 be assessed and apportioned against all of the real estate in said district; 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 \$6,310.44 (which excludes the cost of the paving of the street and alley intersections, 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 28th day of February, 1927, at the rate of four and three-fourths per cent per annum on the bonds heretofore sold to raise funds for the construction on said improvements, and

WHEREAS, From said statement it also appears that the City Engineer has apportioned the said sum of \$6,310.44, that is to say, the sum of \$5,545.46 for paving and other costs, and \$764.98 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 in said district in the following proportions and amounts severally, 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 re-subdivided, 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)

Grand River Sub. Div.

Block 1 -- Lots 1-2-4-- \$32.34, lot 3-Paving \$32.34-lead

service \$22.03, lots 5-6-8-Paving \$43.41-lead
service \$22.03, lots 7-9--\$43.41, lots 10-11--
\$23.61, lot 12--Paving \$23.61-lead service \$22.03,
lot 13--\$28.34.

Lot 1 - Block 9, Mobleys Sub. Div.

Tract beginning at the S.W. corner of Lot 1, thence East 55.2 ft. thence north 82 ft., thence west 60.2 ft., thence south 82 ft., thence east 5 ft.- Paving \$93.52 - lead service \$22.03

Tract beginning 55.2 ft. east of the S.W. corner of lot 1 thence east 75 ft., thence north 82 ft., thence west 75 ft., thence south 82 ft.--Paving \$182.28-lead service \$22.03

Tract beginning 130.2 ft. east of the S.W. corner of lot 1 thence east 31.8 ft. thence north 82 ft. thence west 31.8 ft. thence south 82 ft. -- Paving \$98.86 - lead service \$22.03

That portion of lot 1 east of Plank Ave. -- \$131.57.

Lot 2 - Block 9, Mobleys Sub. Div.

The East 42 ft. of lot 2, north of alley, west of Plank Ave. \$129.19.

The West 45 ft. of the E. 87 ft. of lot 2, north of alley, West of Plank Ave. \$91.12.

The West 75 ft. of lot 2, north of alley, west of Plank Ave. \$39.73.

The East 70.5 ft. of lot 2, north of alley, east of Plank Ave. \$66.49

The West 29.5 ft. of the East 100 ft. of lot 2, north of the alley east of Plank Ave., \$66.96.

The West 41.04 ft. of lot 2, north of the alley, east of Plank Ave., \$126.59

The South 73 ft. of lot 2 west of Plank Ave., \$174.84.

Tract beginning at the S.E. corner of Lot 2 thence north 37.5 ft. thence west 141.4 ft., thence south 37.5 ft. thence east 141.4 ft., \$65.42.

Tract beginning 137.5 ft. west and 37.5 north of the S.E. corner of lot 2 thence north 37.5 ft. thence east 18 ft. thence south 37.5 ft. thence west 18 ft., \$14.49

Tract beginning 123 ft. west and 175 ft. south of the N.E. corner of lot 2 thence east 23 ft. thence south 37.5 ft. thence west 23 ft. thence north 37.5 ft., \$16.10.

Tract beginning 175 ft. south of the N.E. corner of lot 2 thence west 100 ft. thence south 37.5 ft. thence east 100 ft. thence north 37.5 ft.- \$32.32

Bowers Sub. Div. of Lot 3, Block 9, Mobleys Sub. Div.

Lot 8--\$46.51, Lot 9--\$77.41, Lot 10--\$61.26, Lot 11--\$45.11, E1/2 Lot 12--\$11.63, W1/2 Lot 12--\$17.33, Lot 13,--\$9.90, Lot 34 and tract beginning at the N.E. corner of Lot 34 thence East 5 ft. thence South 155 ft. thence West 5 ft. thence North 155 ft. -- Paving \$78.14, lead service \$22.03. Lots 35-37-38-40-43-44-46-49-50, Paving \$43.41, lead service \$22.03. E.1/2 Lot 36 \$21.70. W.1/2 lot 36 \$21.70, Lots 39-41-42-47- & 51--\$43.41, E.1/2 of Lot 45-\$21.71, W.1/2 lot 45-\$21.71, E. 13 ft. Lot 48-Paving, \$22.57-lead service \$22.03, W. 12 ft. of Lot 48-\$20.84. E. 13 ft. of Lot 52--\$22.57, W. 12 ft. Lot 52-\$20.84. Lot 53-\$53.31, Lot 54-Paving-\$72.37-lead service-\$22.03. Lot 55, \$88.52. Lot 56, Paving-\$104.67, Lead Service-\$22.03. Lot 57, \$120.52. Lot 58, \$69.95.

Block 10, Mobleys Sub. Div.

The west 75 ft. of lot 1 - \$40.76.

The west 125 ft. of lot 2 and the south 40 ft. of lot 3 east of Plank Ave., - \$278.14.

The west 55.7 ft. of lot 3 - Paving, \$203.23, lead service, \$22.03.

Lot 4, Paving-\$182.89, Lead service,-\$22.03. Lot 5, Paving-\$104.38, Lead Service-\$22.03. Lots 6, 7, & 9, Paving-\$140.13, Lead Service-\$22.03. Lot 8, Paving-\$140.13, Lead Service-\$44.06. E. 40 ft. of lot 10, \$70.06. West 40 ft. of Lot 10, Paving-\$70.06, Lead Service, \$22.03. East 40 ft. of Lot 11, Paving-\$52.19, Lead Service-\$22.03, West 40 ft. of Lot 11, Paving-\$52.19, Lead Service-\$22.03, Riverside Park, Paving-\$173.80,

Lead Service-\$75.25. East 69.3 ft of Lot 29, \$78.52. West 50 ft. of Lot 30, \$121.61. East 5.7 ft of the West 55.7 ft. of Lot 30, \$9.58. East 34.8 ft. of Lot 30, \$134.08.

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 amounts 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, 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 the 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 four and three-fourths per cent per annum. The first of said installments of said principal shall be due on the 28th day of February, A.

D. 1927, 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 28th day of February, A. D. 1927, 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. 12, 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 5th day of January, A. D. 1927.

Adopted and approved the 19th day of January, A. D. 1927.

Authenticate and approved this 19th day of January, A. D. 1927.

/s/ Dr. J.E. Bell

President of the Council

ATTEST

/s/ Helen C. Niles

City Clerk

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 19th day of January, A. D. 1927, 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 19th day of January, A. D. 1927.

/s/ Helen C. Niles

City Clerk.

1st publication Jan. 7th, 1927.

2nd publication Jan. 20th, 1927.