

ORDINANCE NO. 445

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SIDEWALK DISTRICT NO. 10 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 Sidewalk District No. 10, 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 Sidewalk District No. 10, 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 Sidewalk District No. 10, 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 20th, 1928 and the last publication thereof appearing December 24th, 1928.

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 5:00 o'clock P. M. on the 23rd day of January, 1929, 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 Sidewalk District No. 10, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sidewalk District no. 10 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 \$7,857.92, said amount including two per cent additional for cost of collection and other incidentals and including interest to the 1st day of March, 1929, 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 the said sum of \$7,857.92 for sidewalk construction and other costs 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 forty per cent of the whole cost, the next or second zone thirty per cent of the whole cost, the third zone twenty per cent of the whole cost, and the fourth or last zone ten per cent of the whole cost.)

Block 2 - Sidewalk - Lot 1 - \$27.90; lots 2 to 14 - \$21.82; lot 15 - \$60.10; lot 16 - \$117.22; lot 17 - \$80.21; lot 18 - \$34.37.

Block 3 - Sidewalk - Lot 1 - \$27.90; lots 2 to 15 - \$21.82; lot 16 - \$27.90.

Block 4 -- Sidewalk - Lot 1 - \$27.90; lots 2 to 14 - \$21.82; lot 15 - \$60.10 lot 16 - \$117.22; lot 17 - \$80.21; lot 18 - \$34.37.

Block 6 - Sidewalk - N. 50 ft. of lot 1 - \$23.46; N. 50 ft. of lots 2, 3, & 4 - \$21.73; lots 5 to 10 - \$21.73; lot 11 - \$83.36; lot 12 - \$35.73.

Block 7 - Sidewalk - Lots 13 & 14 - \$21.77; lot 15 - \$60.05; lot 16 - \$117.17; lot 17 - \$77.17; E1/2 lot 18 - \$22.05; W1/2 of lot 18 - \$11.02; N. 50 ft. of lot 1 - \$27.86; N. 50 ft. of lots 2, 3, & 4 - \$21.77.

Block 8 - Sidewalk - Lot 1 - \$117.17; lot 2 - \$60.05; lots 3 to 12 - \$21.77; N. 97 ft. of lot 13 - \$21.77; N. 97 ft. of lot 14 - \$21.77; N. 97 ft. of lot 15 - \$47.55; N. 97 ft. of lot 16 - \$83.66; lot 31 - \$33.07; lot 32 - \$77.17.

Block 10 - Sidewalk - Lots 17 & 32 - \$27.86; lots 18, 19, 20, & 23 to 31 - \$21.77.

Block 12 - Sidewalk - N1/2 lots 11 & 12 - \$57.33; S1/2 of lots 11 & 12 - \$57.33 lot 13 - \$77.26; lot 14 - \$33.11; lot 23 - \$54.81; lot 24 - \$105.04; Lots 19 to 22 - \$21.70.

Block 13 - Sidewalk - Lot 13 - \$33.11; Lot 32 - \$77.26.

Block 19 - Sidewalk - N. 42 1/2 ft. of lots 1 to 5 - \$145.74; S. 42 1/2 ft. of N. 85 ft. of lots 1 to 5 - \$44.39; S. 40 ft. of lots 1 to 5 - \$35.32; lots 6 to 12 - \$21.81; N.1/2 lots 13, 14, & 15 - \$21.81; N1/2 of lot 16 - \$23.55; lot 31 - \$33.11; lot 32 - \$77.26.

Block 32 - Sidewalk - Lots 1 & 32 - \$77.32; lots 2 & 31 - \$33.13.

Block 33 - Sidewalk - Lot 11 - \$33.13; lot 12 - \$77.32; lot 13 - \$100.76; lot 14 - \$54.83; lots 15 & 16 - \$21.70.

Block 34 - Sidewalk - Lot 11 - \$33.20; lot 12 - \$77.47.

Block 35 - Sidewalk - Lot 1 - \$77.47; lot 2 - \$33.20; lot 31 - \$39.71; lot 32 - \$92.66.

Block 136 - Sidewalk - Lot 15 - \$33.62; lot 16 - \$78.46; lot 17 - \$81.49; lot 18 - \$34.93.

BLOCK F. KEITH'S ADD.- Sidewalk - Lots 1 & 32 - \$104.98; lots 2 & 31 - \$54.78; lots 3 to 13 & 20 to 30 - \$21.70; lot 19 - \$21.27; lot 14 - \$19.91.

BLOCK C. KEITH'S ADD.- Sidewalk - Lot 1 - \$92.82; lot 2 - \$39.78; lot 19 - \$19.50; lots 20 to 30 - \$21.70; lot 31 - \$54.86; lot 32 - \$105.16.

BLOCK J. KEITH'S ADD.- Sidewalk - Lots 1 - \$77.65; lot 2 - \$33.28; lot 31 - \$33.10; lot 32 - \$77.22.

BLOCK L. KEITH'S ADD.- Sidewalk - Lot 1 - \$77.36; lot 2 - \$33.15; lot 31 - \$34.45; lot 32 - \$80.40.

BLOCK M. KEITH'S ADD.- Sidewalk - Lots 1 & 32 - \$77.38; lots 2 & 31 - \$33.16

BLOCK O. KEITH'S ADD.- Lot 1 - \$80.21; lot 2 - \$34.37; lot 31 - \$33.07; lot 32 - \$77.17.

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, 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, and on a parity with 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 six per cent per annum. The first of said installments of said principal shall be due on the 28th day of February, A. D. 1929, 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 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 1st day of March, A. D. 1929, 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 Sidewalk District No. 10 the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

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 24th day of January, A. D. 1929.

Adopted and approved the 6th day of February, A. D. 1929.

Authenticated and approved this 6th day of February, A. D. 1929.

/s/ C. D. Moslander
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 24th day of January, A. D. 1929, 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 affixed the official seal
of said City, this 7th day of February, A. D. 1929.

/s/ Helen C. Niles
City Clerk

1st publication January 25th, 1929.

Last publication February 7th, 1929.