

ORDINANCE NO. 589

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SPECIAL SANITARY SEWER DISTRICT NO. 3 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED JUNE 11, 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 Special Sanitary Sewer District No. 3 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 local improvements in said Special Sanitary Sewer District No. 3, 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 Special Sanitary Sewer District No. 3, 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 3rd, 1937 and the last publication thereof appearing December 5th, 1937, and

WHEREAS, Said Notice recited the share to be apportioned to and upon each lot or 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 4:00 o'clock P.M. on the 5th day of January, 1938, 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 Engineer 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 Special Sanitary Sewer District No. 3, duly published in The Daily Sentinel, the official newspaper of

the City, and has duly ordered that the cost of said improvements in said Special Sanitary Sewer District No. 3 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 \$2,972.31, said amount including two percent additional for cost of collection and other incidentals and including interest to the 28th day of February, 1938, at the rate of six percent 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 whole cost to each lot or tract of land in said district, in the following proportions and amounts severally, to-wit:

NOTE Whenever 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 last named lots, and the amounts given shall be for each lot.

ELM AVENUE SUBDIVISION	N1/2 Lot 1, S1/2 Lot 1, \$40.41; Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, \$48.48; W 80' of Lot 13, \$51.72; N 121' of W 52' of Lot 14, \$33.62; N 121' of Lot 15, \$48.48; N 121' of Lots 16 to 25 incl., \$48.48; Lot 26, \$46.40; Lot 27, 28, \$18.70; N 9' of Lot 29, \$6.74.
	The N 121' of the S 141' of the W one acre of Lot 10, Capitol Hill Sub., \$84.54; The N 121' of the S 141' of the W one acre of the E four acres of the W1/2 of Lot 10, Capitol Hill Sub., \$84.54; the N 121' of the S 141' of the W1/2 acre of the E 3 acres of the W1/2 of Lot 10, Capitol Hill Sub., \$42.27; The N 121' of the S 141' of the E 2 1/2 acres of the W1/2 of Lot 10, Capitol Hill Sub., \$211.35; The N 10' the S 30' of Lot 10, Capitol Hill Sub., \$33.35; the S 111' of the following: Beg. 390' W and 82.5' S of the NE Cor. of Lot 10, Capitol Hill

	<p>Sub., W to W line of E1/2 of said Lot 10, S 217.5', E to a point S of beg., N to beg., \$96.93; the S 111' of the following: Beg. 390' W and 82.5' S of the NE Cor. of Lot 10, Capitol Hill Sub., W 80' S 217 1/2', E 80', N 217 1/2' to beg., \$45.97; The S 111' of the following: Beg. at a point 310' W and 82.5' S of the NE Cor. of Lot 10, Capitol Hill Sub., S 217.5', W 80', N 217.5', E to beg., \$45.97; The S 111' of the following: Beg. 300' W and 82.5' S of the NE Cor. of Lot 10, Capitol Hill Sub., W 10', S 217 .5', E 10', N to beg., \$5.95' Beg. 157.5' S of the NE Cor. of Lot 10, Capitol Hill Sub., W 300', S 71.25', E 300', N to beg., \$63.73; Beg. 228.75' S of NE Cor. of Lot 10, Capitol Hill Sub., W 300', S 71.25', E 300', N to beg., \$114.23; Beg. 20' S and 8.8' W of the SE Cor. of Lot 10, Capitol Hill Sub., W 453.6', S 115.9', E 453.6', N 115.9' to beg., \$280.93; The S 121' of the N 141' of the NE1/4 SE1/4 of 11 - 1 S - 1 W, except beg. at a point 20' S and 8.8' W of</p>
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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

SECTION 1. That the whole cost and apportionment of same, as hereinbefore set forth, 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 portions and amounts which are severally hereinbefore set forth and described.

SECTION 2. That said assessments, together with all interest and penalties for default in payment thereof, and all costs in collecting same, shall from the time of final publication of this ordinance, constitute a perpetual lien, against each lot or tract of land herein described on a parity with the tax lien for General, State, County, City, or School tax or other lien, and no sale of such property to enforce any General, State, County, City of School tax or other lien, shall extinguish the perpetual lien of such assessments.

Section 3. That said assessment 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 considered and held 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 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, 1938; 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 installments, 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 8 per cent per annum 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 eight per cent per annum 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 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 interest from the date of payment to the 28th day of February, A. D. 1938, shall be made on all payments made during said period of thirty days.

SECTION 7. That all 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 Special Sanitary Sewer District No. 3, 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 2nd day of February, A. D. 1938.

Adopted and approved the 16th day of February, A. D. 1938.

Authenticated and approved the 16th day of February, A. D. 1938.

/s/ C.K. Enstrom
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 589 was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 2nd day of February, A. D. 1938, and that the same was published in The Daily Sentinel, a newspaper in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 16th day of February, A. D. 1938.

/s/ Helen C. Tomlinson
City Clerk

First Publication February 4, 1938
Last Publication February 18, 1938