

ORDINANCE NO. 797

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 12 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 OF 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 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 Sanitary Sewer 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 local improvements in said Sanitary Sewer 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 Sanitary Sewer 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 October 13, 1949, and the last publication thereof appearing October 15, 1949;) 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 5:00 o'clock P. M. on the 16th day of November, 1949, and recited that such complaints would be heard and determined by the Council at its first regular meeting after said date 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 Sanitary Sewer District No. 12, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sanitary Sewer District No. 12 be assessed and

apportioned against all of the real estate in said District in the portions contained in the aforesaid notice; and

WHEREAS, the whole cost of the improvements constructed in Sanitary Sewer District No. 12, including four per centum additional for cost of collection and incidentals and also including interest to and including February 28, 1950, has been apportioned to the various lots and parcels of land in said Sanitary Sewer District No. 12, in accordance with the benefits to be derived by such property from the construction of the improvements 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 \$19,066.28, said amount including four per centum additional for cost of collection and incidentals and also including interest to and including February 28, 1950, at the rate of four per centum 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:

ASSESSMENT ROLL FOR SANITARY SEWER DISTRICT NO. 12

<spc;1>	<u>Del Mar Park</u>
Block 1	Lots 1 and 2, \$100.99; Lot 3, \$95.94; Lots 4 and 5, \$92.58; Lots 6 to 10, incl. \$84.16; Lot 11, \$101.17; Lot 12, \$122.20; Lot 13, \$151.49; Lot 14, \$120.85; Lot 15, \$117.96; Lot 16, \$109.41; Lots 17, 18, 19 and 20, \$100.99.
Block 2	Lots 1 to 5, incl., \$100.99; Lots 10 to 14, incl. \$100.99; Lots 6 and 9, \$91.90; Lots 7 and 8, \$118.83.
Block 3	Lot 1, \$114.46; Lots 2, \$90.02; Lots 3, \$100.32, Lot 4, \$94.93.
<spc;1>	<u>Arcadia Village</u>

Block 1	Lots 1 and 2, \$104.36; Lots 3 to 10, incl., \$94.26; Lots 19 to 26, incl., \$94.26; Lot 11, \$93.40; Lot 16, \$108.72; Lot 17, \$113.53; Lot 18, \$93.67; Lot 27, \$112.77; Lot 28, \$95.94
Block 2	Lot 1, \$98.80; Lots 2 to 29, incl., \$104.36; Lot 30, \$98.25.
<spc;1>	<u>Elmwood Plaza</u>
Block 4	Lot 5, \$100.76; Lots 6 to 13, incl., \$105.03; Lot 14, 136.68; Lot 15, \$115.13; Lots 16 to 25, incl., \$96.14; Lot 26, \$100.95.
Block 5	Lot 1, \$85.61; Lots 2 to 5, incl., \$88.87; Lot 6, \$115.08; Lots 7 to 24, incl., \$117.84; Lot 25, \$116.42
<spc;1>	<u>Prospect Park</u>
Block 1	Lot 1, \$123.98; Lots 2 to 10, incl., \$110.07; Lots 21 to 29, incl., \$110.07; Lot 30, \$124.45

<spc;1>	<u>Jaros tract in Lot 16, Grandview Subdivision.</u>
Beginning at a point 10 ft. East and 30 ft. North of the SW Cor. Lot 16, Grandview Subd., thence N. 135 ft., thence E. 140 ft., thence S 135 ft., thence W. 140 ft. to POB.	\$254.52
<spc;1>	<u>Capitol Hill Subdivision</u>

<p>The South 125 ft. of the North 155 ft. of a tract described as follows; beg. at a point 470 ft. West of the SE cor. of Lot 10, Capitol Hill Subdivision; thence West to a point 158 ft. West of the SE cor. of W1/2 of said Lot 10; thence North to the North line of said Lot 10; thence East to a point North of place of beg.; thence South to POB.</p>	<p>\$556.41</p>
<p>The North 72.67 ft., plus or minus, of the following described tract; beg. at a point 390 ft West and 20 ft. North of the SE cor. of Lot 10, Capitol Hill Subdivision; thence West 80 ft; thence North 227.5 ft; thence East 80 ft; thence South to POB</p>	<p>\$78.57</p>
<p>The North 72.67 ft, plus or minus, of the following described tract; Beg. at a point 30 ft. North and 300 ft West of the SE cor. of Lot 10, Capitol Hill Subdivision; thence North 217.5 ft; thence West 90 ft; thence South 217.5 ft; thence East 90 ft to POB</p>	<p>\$88.38</p>
<p>Beg. at the SE cor. of N1/4 of Lot 10, Capitol Hill Subdivision; thence South 75 ft; thence West 300 ft; thence North 75 ft; thence East 300 ft to POB, except South 3.1 ft of West 164.56 ft and also the East 10 ft.</p>	<p>\$289.88</p>
<p>The East 470 ft of the N1/4 of E1/2 of Lot 10, Capitol Hill Subdivision, except the North 30 ft. of West 305 ft. and also the East 10 ft.</p>	<p>\$336.42</p>
<p>The North 155 ft. of the West 1 acre of Lot 10, Capitol Hill Subdivision, except the North 30 ft thereof</p>	<p>\$223.87</p>
<p>The North 155 ft. of the West 58 ft. of the West 1 acre of the East 4 acres of the W1/2 of Lot 10, Capitol Hill Subdivision, except the North 30 ft thereof</p>	<p>\$98.42</p>
<p>The North 155 ft. of the West 1 acre of the East 4 acres of the W1/2 of Lot 10, Capitol Hill Subdivision, except the West 58 ft and the North 30 ft thereof</p>	<p>\$125.92</p>

The North 155 ft of the W1/2 acre of the East 3 acres of the W of Lot 10, Capitol Hill Subdivision, except the North 30 ft thereof	\$112.38
The South 125 ft of the North 155 ft of a tract described as follows: beg. at a point 264 ft West and 20 ft North of the SE cor. of the W1/2 of Lot 10, Capitol Hill Subdivision; thence North 310 ft; thence West 51 ft; thence South 310 ft; thence East to POB	\$87.04
Beg. at a point 158 ft West and 175 ft North of SE cor. of W1/2 of Lot 10, Capitol Hill Subdivision; thence North to North line of said Lot 10; thence West 100 ft; thence South 154.28 ft; thence East to POB, except the North 30 ft. thereof	\$169.86

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 thereon 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 lien against each lot or tract of land herein described until paid in full.

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, 1950, shall be payable on or before said day, and the remainder of said installments shall be due on the last 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 the 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 eight 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 installments or installment, 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 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 four 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. 1950, 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 Sanitary Sewer District No. 12, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

SECTION 8. The City Council is of the opinion, and it hereby finds, determines and declares that this ordinance is necessary for the preservation of the public peace, health and safety, and that a special emergency exists, and it shall become effective upon its passage.

Adopted and approved the 16th day of November, A. D. 1949.

/s/ F. A. Hoisington
President of the City Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance entitled, "AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 12 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 PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS," was introduced, read, passed, numbered 797 and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular meeting held on the 16th day of November, A. D. 1949.

/s/ Helen C. Tomlinson
City Clerk