

ORDINANCE NO. 827

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING DISTRICT NO. 48, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 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. 48 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 Completion of said local improvement in said Paving District No. 48, 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. 48, 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 on December 11, 1950 and the last publication thereof appearing December 13, 1950,) 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 17th day of January, 1951, 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 City 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. 48, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of

said improvements in said Paving District No. 48 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 \$23,619.58 (which excludes the cost of improving the street and alley intersections, which is to be borne by the City of Grand Junction) said amount including six per cent additional for cost of collection and other incidentals and including interest to the 28th day of February, 1951, at the rate of four 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 whole cost to each lot or tract of land in said District in the following proportions and amounts, severally, to-wit:

11-27-50

ASSESSMENT ROLL

PAVING DISTRICT NO. 48

| <spc;1> | <u>City of Grand Junction</u> |
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| Block 94 | Lot 16, \$64.25; Lot 17, \$112.45; Lot 18, \$160.64; Lot 19, \$208.83; Lot 20, \$257.02; Lot 21 and Lots 25 to 30, inclusive, \$148.74; Lots 22, 23, 24, \$168.07. |
| Block 95 | Southeast one-quarter, \$1189.90; Southwest one-quarter, \$1189.90. |
| Block 96 | Lots 17 to 32, inclusive, \$148.74. |
| Block 97 | Lots 17 to 32, inclusive, \$148.74. |
| Block 98 | Lots 17 to 22, inclusive, and Lots 25, 26, 31, 32, \$148.74; Lots 29 and 30, \$178.33; Lots 27 and 28, \$177.58; Lots 23 and 24, \$176.83. |

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| Block 101 | Lots 1, 2 and 7 to 14, inclusive, \$148.74; Lots 3, 4, 5, 6, \$167.08; Lots 15 and 16, \$174.58. |
| Block 102 | Lots 1, 2, 3 and Lots 11 to 16, inclusive, \$148.74; Lots 4, 5, 6, \$151.89; Lots 7, 8, 9, 10, \$186.58. |
| Block 103 | Lots 1 to 6, inclusive, \$154.14; Lots 7 to 16, inclusive, \$148.74. |
| Block 104 | Lots 1 to 16, inclusive, \$148.74. |
| Block 105 | Lots 1, 2 and Lots 7 to 10, inclusive, \$148.74; Lots 3, 4, 5, 6, \$182.10; Lot 11, \$257.02; Lot 12, \$208.83; Lot 13, \$160.64; Lot 14, \$112.45; Lot 15, \$64.25. |

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 cost 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 and School taxes, and no sale of such property to enforce any General, State, County, City or School tax or other lien shall extinguish the perpetual lien of such assessment.

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 hereinbefore 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 four per cent per annum. The first of said installments of said principal shall be due on the 1st day of April, 1951; 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 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 installment or installments, with interest at four 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 place 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 six 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. 1951, 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 Paving District No. 48, 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 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 of the City of Grand Junction, Colorado, held on the 17th day of January, A. D. 1951.

Adopted and approved the 7th day of February, A. D. 1951.

Authenticated and approved the 7th day of February, A. D. 1951.

/s/ A. G. Martin
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 827, 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 17th day of January, 1951, and 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 hereunto set my hand and affixed the official seal of said City, this 8th day of February, A. D. 1951.

/s/ Helen C. Tomlinson
City Clerk

First Publication Jan. 19, 1951

Final Publication Feb. 9, 1951