

ORDINANCE NO. 866

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR PAVING AND SIDEWALK DISTRICT NO. 50, 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 and Sidewalk District No. 50 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 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 and Sidewalk District No. 50, 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 and Sidewalk District No. 50, 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 September 8, 1952 and the last publication thereof appearing September 10, 1952,) 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 9th day of October, 1952, 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 and Sidewalk District No. 50, 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 and Sidewalk District No. 50 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 \$136,148.58 (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 1953, 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:

ASSESSMENT ROLL

<spc;1>	<u>SLOCOMBS ADDITION</u>
<spc;1>	Block 1
Lot 1	\$266.41
Lot 2	234.25
Lot 3	202.10
Lot 4	169.94
Lot 5	137.78
Lots 6 to 13 inclusive	94.91 each
Lot 14)	79.72
Lot 15) exc. that deeded to City of G.J.	53.15
Lot 16)	125.05
Lot 17 to 21 inclusive	111.65 each

Lot 22, N 9' thereof	40.20
Lot 23 to 25 inclusive	111.65 each
Lot 26	154.52
Lot 27	186.68
Lot 28	218.84
Lot 29	250.99
Lot 30	283.15
<spc;1>	Block 2
Lot 1	\$304.59
Lot 2	268.41
Lot 3	232.24
Lot 4	196.06
Lot 5	159.88
Lot 6 to 14 inclusive	111.65 each
Lot 15	142.92
Lot 16	142.92
Lots 17 to 25 inclusive	111.65 each
Lot 26	154.52
Lot 27	186.68
Lot 28	218.84
Lot 29	250.99
Lot 30	283.15

<spc;1>	Block 3
Lot 1	283.15
Lot 2	250.99
Lot 3	218.84
Lot 4	186.68
Lot 5	154.52
Lots 6 to 14 inclusive	111.65 each
Lot 15	142.92
Lot 16	142.92
Lots 17 to 25 inclusive	111.65 each
Lot 26	154.52
Lot 27	186.68
Lot 28	218.84
Lot 29	250.99
Lot 30	283.15
<spc;1>	Block 4
Lot 1	283.15
Lot 2	250.99
Lot 3	218.84
Lot 4	186.68
Lot 5	154.52
Lots 6 to 14 inclusive	111.65 each

Lot 15	142.92
Lot 26	42.87
Lot 27	75.03
Lot 28	107.19
Lot 29	139.34
Lot 30	171.50
<spc;1>	Block 5
Lots 1 and 12	283.15 each
Lots 2 and 11	250.99 each
Lots 3 and 10	218.84 each
Lots 4 and 9	186.68 each
Lots 5 and 8	154.52 each
Lots 6 and 7	111.65 each
Lot 13	171.50
Lot 14	139.34
Lot 15	107.19
Lot 16	75.03
Lot 17	42.87
Lot 20	16.08
Lot 21	28.14
Lot 22	40.19
Lot 23	52.25

Lot 24	64.31
<spc;1>	Block 6
Lots 1, 12, 13 and 24	283.15 each
Lots 2, 11, 14 and 23	250.99 each
Lots 3, 10, 15 and 22	218.84 each
Lots 4, 9, 16 and 21	186.68 each
Lots 5, 8, 17 and 20	154.52 each
Lots 6, 7, 18 and 19	111.65 each
<spc;1>	Block 7
Lots 1, 12, 13 and 24	283.15 each
Lots 2, 11, 14 and 23	250.99 each
Lots 3, 10, 15 and 22	218.84 each
Lots 4, 9, 16 and 21	186.68 each
Lots 5, 8, 17 and 20	154.52 each
Lots 6, 7, 18 and 19	111.65 each
<spc;1>	Block 8
Lots 1 and 12	266.41 each
Lots 2 and 11	234.25 each
Lots 3 and 10	202.10 each
Lots 4 and 9	169.94 each
Lots 5 and 8	137.78 each
Lots 6 and 7	\$94.91 each

Lots 13 and 24	283.15 each
Lots 14 and 23	250.99 each
Lots 15 and 22	218.84 each
Lots 16 and 21	186.68 each
Lots 17 and 20	154.52 each
Lots 18 and 19	111.65 each
<spc;1>	Block 9
Lots 1, 13, 14 and 26	283.15 each
Lots 2, 12, 15 and 25	250.99 each
Lots 3, 11, 16 and 24	218.84 each
Lots 4, 10, 17 and 23	186.68 each
Lots 5, 9, 18 and 22	154.52 each
Lots 6, 7, 8, 19, 20 and 21	111.65 each
<spc;1>	Block 10
Lots 1, 13, 14 and 26	283.15 each
Lots 2, 12, 15 and 25	250.99 each
Lots 3, 11, 16 and 24	218.84 each
Lots 4, 10, 17 and 23	186.68 each
Lots 5, 9, 18 and 22	154.52 each
Lots 6, 7, 8, 19, 20 and 21	111.65 each
<spc;1>	Block 11
Lots 1, 13, 14 and 26	283.15 each

Lots 2, 12, 15 and 25	250.99 each
Lots 3, 11, 16 and 24	218.84 each
Lots 4, 10, 17 and 23	186.68 each
Lots 5, 9, 18 and 22	154.52 each
Lots 6, 7, 8, 19, 20 and 21	111.65 each
<spc;1>	Block 12
Lots 1 and 13	283.15 each
Lots 2 and 12	250.99 each
Lots 3 and 11	218.84 each
Lots 4 and 10	186.68 each
Lots 5 and 9	154.52 each
Lots 6, 7 and 8	111.65 each
Lots 14 and 26	64.31 each
Lots 15 and 25	52.25 each
Lots 16 and 24	40.19 each
Lots 17 and 23	28.14 each
Lots 18 and 22	16.08 each
South 125 feet of Lincoln Park from 15th to 19th Streets	5,918.03

<spc;1>	<u>LINCOLN PARK ADDITION</u>
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<spc;1>	Block 3
Lot 8	53.77
Lot 9	94.10
Lot 10	134.43
Lot 11	174.76
Lot 12	215.09
Lot 13	179.21
Lot 14	145.62
Lot 15	112.01
Lot 16	78.40
Lot 17	44.81

<spc;1>	<u>DUNDEE PLACE</u>
<spc;1>	Block 3
Lots 9 and 18	38.06 each
Lots 10 and 17	66.62 each
Lots 11 and 16	95.17 each
Lots 12 and 15	123.72 each
Lots 13 and 14	152.27 each
<spc;1>	Block 4
Lot 9	38.08

Lot 10	66.65
Lot 11	95.21
Lot 12	123.77
Lot 13	152.34
Lot 14	182.82
Lot 15	148.54
Lot 16	114.27
Lot 17	79.99
Lot 18	45.71

<spc;1>	<u>EASTHOLME-IN-GRANDVIEW</u>
<spc;1>	Block 3
Lots 6 to 10 inclusive	71.18 each

<spc;1>	<u>HENDERSON HEIGHTS</u>
<spc;1>	Block 2
Lots 18 to 34 inclusive	\$156.31 each
<spc;1>	Block 3
Lots 1 to 17 inclusive	156.31 each

Lots 22 to 34 inclusive	61.41 each
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<spc;1>	<u>DEVOE'S SUBDIVISION</u>
<spc;1>	Block 1
East 18.6 feet Lot 19	45.69
Lot 20	77.13

<spc;1>	<u>KEITHS ADDITION</u>
<spc;1>	Block M
Lots 17 to 32, inclusive	41.87 each
<spc;1>	Block P
Lots 1 to 16 inclusive	41.87 each

<spc;1>	<u>PROSPECT PART</u>
<spc;1>	Block 1
Lot 1)	95.98
Lot 2 to 10 inclusive) exc. that deeded to City of G.J.	85.14 each
Lot 11)	86.51 each

Lots 12 and 13)	69.78 each
Lot 14	244.09
North 62.9 feet Lot 15	116.55
<spc;1>	Block 3
Lot 1	170.83
Lot 2	284.72
Lots 3 and 4	189.81 each
Lot 5	174.01
North 81.8 feet Lot 6	167.65
South 45 feet Lot 7	77.17
Lot 8	324.78
Lots 9, 10 and 11	223.31 each
Lot 12	312.63
<spc;1>	Block 4
Lot 3	170.83
Lot 4	284.72
Lots 5 and 6	189.81 each
Lot 7	290.79
South 37.3 feet Lot 8	50.87

<spc;1>	<u>SOUTH GARFIELD PARK SUBDIVISION</u>
Lot 1	702.17
Lot 2	360.30
Lot 3	221.59
Lot 4	282.82
Lot 5	252.10
Lot 6	194.78
Lots 7 and 8	191.14 each
Lots 9 and 10	189.81 each
Lot 11	247.32
West 56.63 feet Lot 39	167.65
Lot 40	446.45

<spc;1>	<u>ELM AVENUE SUBDIVISION</u>
West 80 feet of Lot 13	436.64
West 45 feet of Lot 12	103.76

<spc;1>	<u>NELMS SUBDIVISION</u>
East 31.12 feet of Lot 8	74.86

Lot 9	221.05
Lot 10	359.04
Lot 11	369.39
Lot 12	221.78
East 28.08 feet of Lot 13	63.79

<spc;1>	GARFIELD PARK SUBDIVISION (According to the refiling plat thereof)
<spc;1>	Block 2
Lot 1	328.86
Lot 2	189.27
West 23 feet of Lot 3	41.16
West 23 feet of Lot 18	41.16
Lot 19	189.27
Lot 20	328.86
<spc;1>	Block 3
Lot 1	369.14
Lot 2	181.21
West 5 feet of Lot 3	8.94
Lot 11	221.62
Lots 12 to 17 inclusive	227.77 each

Lot 18	\$236.71
Lot 19	408.98
Lot 20	596.91
<spc;1>	Block 5
Lot 1	123.57
West 58.83 feet Lot 2	50.61
West 59.47 feet Lot 17	140.14
Lot 18	333.63
<spc;1>	Block 6
Lots 1 and 20	596.91 each
Lots 2 and 19	408.98 each
Lots 3 and 18	236.71 each
Lots 4 to 7 inclusive	227.77 each
Lot 8	238.10
Lot 9	385.46
Lot 10	526.85
Lot 11	522.29
Lot 12	386.83
Lot 13	239.00
Lots 14 to 17 inclusive	227.77 each

<spc;1>	<u>SOUTH MESA SUBDIVISION</u>
<spc;1>	Block 1
Lot 4	213.73
Lot 5	208.52
Lot 6	249.03
<spc;1>	Block 2
Lot 1	173.11
Lots 2 and 3	211.10 each

<spc;1>	<u>DEL MAR PARK</u> (According to the refiling plat thereof)
<spc;1>	Block 1
Lot 1	285.43
Lot 2	285.48
Lots 19 and 20	280.29 each
<spc;1>	Block 2
Lots 1, 2, 13 and 14	279.13 each

<spc;1>	<u>ARCADIA VILLAGE</u> (According to the refiling plat thereof)
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<spc;1>	Block 2
Lot 1	262.16
Lots 2 to 10 inclusive	276.90 each

<spc;1>	<u>MESA SUBDIVISION</u>
<spc;1>	Block 1
Lot 11	304.53
Lots 12 to 14 inclusive	249.30 each
Lot 15	190.41
Lot 16	183.70
Lots 17 and 18	186.96 each
<spc;1>	Block 2
Lot 11	711.72
Lot 12	404.36
East 47 feet Lot 10	181.50
East 46.48 feet Lot 13	102.54
West 16.42 feet Lot 20	31.27
Lot 21	198.50
Lot 22	365.97
<spc;1>	Block 3
Lot 1	410.53

Lot 2	184.54
West 0.36 feet of Lot 3	.67
East 0.36 feet of Lot 9	.80
Lot 10	216.84
Lot 11	482.42
Lot 12	476.65
Lot 13	225.70
East 3.0 feet Lot 14	6.72
West 60.7 feet Lot 21	182.06
Lot 22	413.68
<spc;1>	Block 4
Lot 8	253.55

<spc;1>	<u>KEITHS ADDITION</u>
<spc;1>	Block F
Lots 1 to 14 inclusive	36.29 each
Lots 19 to 32 inclusive	36.29 each

<spc;1>	<u>EAST MAIN STREET SUBDIVISION</u>
<spc;1>	Block 2

Lots 1 and 18	\$108.86 each
Lots 2 and 17	91.44 each
Lots 3, 4, 15 and 16	90.72 each
Lots 5 to 8 inclusive	108.86 each
Lots 9 and 10	106.92 each
Lots 11 to 14 inclusive	108.86 each

<spc;1>	<u>SHERWOOD ADDITION</u>
<spc;1>	Block 2
Lot 25	133.98
Lots 26 and 27	121.48 each
Lot 28	116.12
Lots 29 and 30	125.05 each
<spc;1>	Block 3
Lot 15	125.21
Lot 16	125.05
Lot 17	244.88
Lot 18	459.77
Lots 19 to 31 inclusive	216.38 each
Lot 32	246.75
<spc;1>	Block 4

Lot 1	246.75
Lots 2 to 14 inclusive	216.38 each
Lot 15	459.54
North 57 feet Lot 16	245.35

<spc;1>	<u>ELMWOOD PLAZA</u> (According to the refiling plat thereof)
<spc;1>	Block 2
Lot 21	297.40
Lots 22 to 25 inclusive	267.97 each
<spc;1>	Block 3
Lots 1 and 31	335.25 each
South 62.2 feet of Lots 2 and 30	156.02 each
<spc;1>	Block 4
Lot 1	285.12
Lot 2	290.30
Lot 3	375.04
Lot 4	488.04
Lot 5	160.14
Lots 6 to 13 inclusive	166.92 each
Lot 14	134.62

<spc;1>	Block 5
Lot 1	439.60
Lot 2	362.48
Lot 3	274.47
Lots 4 and 5	267.97 each
Lots 16 to 24 inclusive	161.79 each
Lot 25	159.87

<spc;1>	<u>MILLDALE SUBDIVISION</u>
<spc;1>	Block 9
Lot 28	44.66
Lot 29	78.16
Lot 30	111.65
Lot 31	145.15
Lot 32	178.65
<spc;1>	Block 10
Lot 18	178.65
Lot 19	145.15
Lot 20	111.65
Lot 21	78.16
Lot 22	44.66

<spc;1>	Block 12
Lots 9 and 21	44.66 each
Lots 10 and 20	78.16 each
Lots 11 and 19	111.65 each
Lots 12 and 18	145.15 each
Lots 13 and 17	178.65 each
<spc;1>	Block 13
Lots 1 and 32	178.65 each
Lots 2 and 31	145.15 each
Lots 3 and 30	111.65 each
Lots 4 and 29	78.16 each
Lots 5 and 28	44.66 each
<spc;1>	Block 18
Lots 1 and 32	178.65 each
Lots 2 and 31	145.15 each
Lots 3 and 30	111.65 each
Lots 4 and 29	78.16 each
Lots 5 and 28	44.66 each
<spc;1>	Block 19
Lots 12 and 21	\$44.66 each
Lots 13 and 20	78.16 each
Lots 14 and 19	111.65 each

Lots 15 and 18	145.15 each
Lots 16 and 17	178.65 each

<spc;1>	<u>CITY OF GRAND JUNCTION</u>
<spc;1>	Block 3
Lot 1	207.23
Lot 2	168.37
Lot 3	129.52
Lot 4	90.66
Lot 5	51.81
Lot 28	44.66
Lot 29	78.16
Lot 30	111.65
Lot 31	145.15
Lot 32	178.65
<spc;1>	Block 4
Lot 12	51.81
Lot 13	90.66
Lot 14	129.52
Lot 15	168.37
Lot 16	207.23

Lot 17	178.65
Lot 18	145.15
Lot 19	111.65
Lot 20	78.16
Lot 21	44.66
<spc;1>	Block 21
Lots 12 and 21	44.66 each
Lots 13 and 20	78.16 each
Lots 14 and 19	111.65 each
Lots 15 and 18	145.15 each
Lots 16 and 17	178.65 each
<spc;1>	Block 22
Lots 1 and 34	178.65 each
Lots 2 and 33	145.15 each
Lots 3 and 32	111.65 each
Lots 4 and 31	78.16 each
Lots 5 and 30	44.66 each
<spc;1>	Block 74
Lots 1 to 32 inclusive	36.29 each

<spc;1>	<u>GRANDVIEW SUBDIVISION</u>
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Beginning 10 feet South and 5 feet West of the NE corner Lot 7, Grandview Subdivision South 59.6 feet, West 128.37 feet, North 59.6 feet East to P.O.B.	\$206.07
Beginning 69.6 feet South and 5 feet West of the NE corner of Lot 7, Grandview Subdivision South 59.6 feet West 128.37 feet North 59.6 feet East to P.O.B.	96.97
Beginning 10 feet South and 133.37 feet West of the NE corner of Lot 7, Grandview Subdivision West 60 feet, South 119.2 feet, East 60 feet North to P.O.B.	147.38
Beginning 380 feet East and 10 feet South of the NE corner Lot 7, Grandview Subdivision East 50 feet, South 115.2 feet, West 50 feet, North to P.O.B.	122.82
Beginning 330 feet East and 10 feet South of the NW corner Lot 7, Grandview Subdivision thence East 50 feet, South 115.2, West 50 feet, North to P.O.B.	223.31
Beginning 296.66 feet East and 10 feet South of the NW corner Lot 7, Grandview Subdivision East 33.34 feet, South 115.2 feet, West 33.34 feet North to P.O.B.	148.90

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

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 four per cent per annum. The first of said installments of said principal shall be due on the 28th day of February, 1953; 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 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 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. 1953, 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 and Sidewalk District No. 50, 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 signature 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 15th day of October, A.D. 1952.

Adopted and approved the 5th day of November, A.D. 1952

Authenticated and approved the 5th day of November, A.D. 1952

/s/ W. D. Ela
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 866, 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 15th day of October, 1952, 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 6th day of November, 1952.

/s/ Helen C. Tomlinson
City Clerk

1st Pub Oct. 17, 1952

Final Pub 11-7-52