

ORDINANCE NO. 902

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. 52, 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 Improvement District No. 52 in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, 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 Improvement District No. 52, 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 Improvement District No. 52, 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 October 25, 1954 and the last publication thereof appearing on October 27, 1954,) 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 26th day of November, 1954, 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 Improvement District No. 52, duly published in

the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Improvement District No. 52 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 \$106,385.82 (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, 1955, at the rate of 2.855 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:

CITY OF GRAND JUNCTION, COLORADO
IMPROVEMENT DISTRICT #52

ASSESSMENT ROLL

October 1954

MILLDALE SUBDIVISION	
Block 2	
Lots 1 to 8 incl. & Lots 13 to 16 incl.	\$113.75 each
Lots 9 to 12 incl.	116.75 each
Block 4	1,871.74
BENTON CANON'S 1st SUBDIVISION AS AMENDED	
Block 2	
Lot 1	203.84
Lot 2	165.62
Lot 3	127.40

Lot 4	89.18
Lot 5	50.96
Lots 20 to 28 incl.	113.75 each
BENTON CANON'S 1ST SUBDIVISION AS AMENDED	
Block 3	
Lots 24 to 32 incl.	113.75 each
Block 6	
Lot 1	162.34
Lots 2 to 9 incl.	113.75 each
Block 7	
Lots 1 and 16	116.48 each
Lots 2 to 15 incl.	113.75 each
EAST MAIN STREET ADDITION	
Block B	
Lots 5 and 16 E 12.77' thereof	20.56 each
Lots 6 and 15	55.68 each
Lots 7 and 14	85.88 each
Lots 8 and 13	116.07 each
Lots 9 and 12	146.27 each
Lots 10 and 11	78.78 each
Block 5	
Lots 1	327.67

Lot 2	149.63
Lot 3 W 16.11' thereof	25.94
Lot 22 W 16.58' thereof	26.70
Lot 23	150.76
Lot 24	325.78
Block 3	
Lots 1, 5 and 11	202.00 each
Lot 2	254.52
Lot 3	250.48
Lot 4	303.00
Lots 6, 7 and 8	197.96 each
Lot 9	181.80
Lot 10	121.20
Lot 12	173.72
SLOCOMBS ADDITION	
Block 3	
Lots 11 and 20 S 18' thereof	27.92 each
Block 3	
Lots 12 and 19	59.73 each
Lots 13 and 18	88.82 each
Lots 14 and 17	117.90 each
Lots 15 and 16	190.43 each

Block 4	
Lot 11 S 18' thereof	17.14
Lot 12	36.66
Lot 13	54.52
Lot 14	72.38
Lot 15	116.90
Lot 16	190.43
Lot 17	117.90
Lot 18	88.82
Lot 19	59.73
Lot 20 S 18' thereof	27.92
HIGH SCHOOL ADDITION	
Block 2	
Lot 1	200.95
Lot 2 W 59.27' thereof	83.75
Lot 17 W 59.80' thereof	84.95
Lot 18	199.75
SHERWOOD ADDITION	
Block 1	
Lot 1	307.13
Lot 2	174.82
Lot 3	113.40

Lot 4	132.30
Lot 8	251.30
Lot 9	131.40
Lot 10	192.82
Lot 11	328.13
Lots 12 and 13	113.40 each
Lot 14	113.59
Block 2	
Lots 1 and 2	132.30 each
Lots 3 to 6 incl. and Lots 10 to 13 incl.	113.40 each
Lots 7 and 8	103.95 each
Lot 9	105.84
Lot 14	119.07
Lot 15	1,986.65
Lots 16 to 24 incl.	194.25 each
SHERWOOD ADDITION	
Block 4	
Lot 16 except the N 57' thereof	21.24
Lot 17	174.83
Lot 18	309.50
Lot 19	194.25
Block 5	

Lot 1	543.15
Lot 2	202.23
Lot 3	141.75
Lot 4	319.12
Lot 5 N 55' thereof	112.13
Block 5	
Lot 6 S 55' thereof	132.76
Lot 7	377.84
Lot 8	179.55
Lot 9	132.30
Lot 10	151.20
Block 9	
Lot 11	387.86
Lots 12 and 13	360.80 each
Sherwood Park	2,229.47
SHAFROTH ROGERS SUBDIVISION	
Block 5	
Lot 3 E 25' thereof	163.01
Lot 4	1,874.59
Block 6	
Lot 1	1,874.59
Lot 2 W 25' thereof	163.01

FOX SUBDIVISION	
Lots 5 and 6	265.42 each
Lot 7 E 24.80' thereof	42.85
Lot 8	183.95
Lot 9	313.20
PARKPLACE HEIGHTS	
Block 1	
Lot 1	415.76
Lot 2 W 67.3' thereof	232.24
Lot 3 E 57.3' thereof	168.38
Lot 4	436.42
Lot 5	299.94
Lot 6	299.89
Lots 7 to 11 incl.	280.80 each
Lot 12	837.68
Lot 13	290.70
Lots 14, 15 and 16	211.94 each
Lots 17 to 20 incl	281.06 each
Lot 21	297.04
Lot 22	299.94
Lot 23	343.18
Block 2	

Lot 1	216.30
Lots 2 and 3	203.34 each
Lot 4	307.02
Lots 5 and 6	355.84
Lot 7	324.30
Lot 8	235.05
Lot 9	278.99
Lot 10	389.10
Block 3	
Lot 3 E 29.5' thereof	63.20
Lot 4	344.03
Lot 5	193.55
Lot 6	287.93
Lot 7	195.26
Lot 8 E 29.50' thereof	56.81
Block 4	
Lot 1	486.61
Lot 2	376.40
Lot 3	313.41
Lot 4	259.20
Lot 5	345.60
Lot 8 W 29.10' thereof	56.93

Lot 9	187.10
Lot 10	308.93
GLENWOOD SUBDIVISION	
Lots 1 and 3	235.96 each
Lot 2	235.92
GLENWOOD SUBDIVISION	
Lot 4	627.76
Lot 5	436.04
WEST ELMWOOD PLAZA SUBDIVISION	
Block 1	
Lots 6 to 9 incl.	266.98 each
Lot 10	270.43
Block 2	
Lot 3 E 2.72' thereof	4.68
Lot 4	173.28
Lot 5	359.88
Lot 6	359.97
Lot 7	173.26
Lot 8 E 2.68' thereof	4.61
SUNNYVALE ACRES SUBDIVISION	
Block 1	
Lots 6 to 10 incl.	258.08 each

ELMWOOD PLAZA	
Block 3	
Lots 1 to 9 incl	271.30 each
Lot 10	268.89
Lots 11 to 14 incl	259.20 each
Lot 15	253.71
Block 4	
Lot 1	328.23
Lot 2 W 61.16' thereof	146.97
Lot 3 E 60.00' thereof	52.80
Lot 4	123.20
Lot 5	99.78
Lots 6 to 12 incl	104.00 each
Lot 13	208.59
Lot 14	552.46
Lot 15	848.13
Lot 16	408.26
Lots 17 to 25 incl	259.20 each
Lot 26	271.86
Block 5	
Lot 1	113.06
Lot 2	58.88

Lot 3 E 5' & W 7.2' thereof	11.66
Lot 4	153.96
Lot 5	313.63
Lot 6	265.81
Lots 7 to 13 incl.	272.16 each
Lot 14	462.05
Lot 15	683.18
Lot 16	511.23
Lot 17	290.42
Lots 18 to 24 incl.	100.80 each
Lot 25	99.60
Block 6	
Lot 1	529.20
Lot 2	429.84
Lot 3	272.16
Lot 4 W 45.00' thereof	223.95
Lot 5	942.43
Block 7	
Lots 1 to 6 incl.	247.84 each
Lot 7	442.80
Lot 8	670.90
Lot 9	224.50

Lots 10 and 11	246.95 each
Lot 12	493.90
ARCADIA VILLAGE	
Block 1	
Lot 1	648.94
Lot 2	448.69
Lot 3	243.72
Lots 4 and 5	241.92 each
Lot 6 N 38.00' thereof	164.16
Lot 26 N 1.00' thereof	1.80
Lot 27	203.40
Lot 28	358.55
Block 2	
Lot 1	350.78
Lot 2	181.79
Lot 3 W 4.30' thereof	7.43
Lots 11 and 12	279.62 each
Lot 13	281.35
Lot 14	452.85
Lot 15	644.66
Lot 16	632.88
Lot 17	441.07

Lot 18	269.57
Lots 19 to 27 incl.	267.84 each
Lot 28	275.84
Lot 29	450.48
Lot 30	601.52
Block 3	
Lot 1	618.77
Lot 2	435.72
Lot 3	267.91
Lots 4 and 5	259.20 each
Lot 6	407.12
Lot 7	692.45
Lot 8	694.79
Lot 9	405.95
Lots 10 and 11	259.20 each
Lot 12	267.91
Lot 13	435.56
Lot 14	618.45
Block 4	
Lot 1	617.03
Lot 2	434.86
Lot 3	267.87

Lots 4 to 6 incl	259.20 each
Lot 7	297.22
Lot 12 N 5.00' thereof	8.67
Lot 13	175.66
Lot 14	357.83
Block 5	
Lots 1 and 10	346.79 each
Lots 2 and 9	170.24 each
Lots 3 and 8 N 5.00' thereof	8.41 each
Block 6	
Lots 1 to 6 incl.	237.60 each
Lot 7 W 22.00' thereof	95.04
WILCOX & BIXBY SUBDIVISION	
Block 3	
Lots 1 to 5 incl.	273.76 each
South 145' of the W1/2 SE1/4 NW1/4 SE1/4 of Section 12, T1S, R1W, Ute Meridian except the South 20' thereof	1,428.63
TELLER ACRES	
Block 1	
Lot 1	341.56
Lot 2	173.54
Lot 3 W 9.00' thereof	15.27
Block 2	

Lot 4 E 21' thereof	35.63
Lot 5	178.60
Lot 6	316.05
SUN DIAL GARDENS	
Block 1	
Lots 25 to 47 incl.	108.00 each
Lot 48	185.54
Block 2	
Lot 1	185.98
Lots 2 to 24 incl.	108.00 each

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 assessment, together with all interest and penalties for default in payment thereof, and all cost of 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, of 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, 1955; 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 2.855 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 installments, 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. 1955, 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, being Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this ordinance with respect to the creation of said Improvement District No. 52, 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 1st day of December, A. D. 1954.

Adopted and approved the 15th day of December, A. D. 1954.

Authenticated and approved the _____ day of December, A. D. 1956.

/s/ C. A. Walt
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing Ordinance, being Ordinance No. 902 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 December, 1954, 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 WHERE, I have hereunto set my hand and affixed the official seal of said City, this 16th day of December, 1954.

/s/ Helen C. Tomlinson
City Clerk

First Pub Dec. 3, 1954
Final Pub Dec 21, 1954