

ORDINANCE NO. 944

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. 53, 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. 53 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. 53, 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. 53, 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 November 18, 1955 and the last publication thereof appearing on November 20, 1955,) 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 19th day of December, 1955, 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. 53, 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. 53 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 \$208,750.43 (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, 1956, 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:

<u>SHERWOOD ADDITION</u>	
Block 4	
Lot 18	\$ 63.39
Lot 19	224.76
Lot 20	146.79
Lot 21	146.32
Lots 22 to 31 inclusive	134.52 each
Lot 32	153.40
Block 6	
Lot 1	153.40
Lots 2 to 5 inclusive	158.12 each
Lot 6	160.48
Lots 7 and 8	177.00 each
Lot 9	188.80

Lot 10	212.40
Lot 12	433.55
Lot 13	276.28
Lot 14	274.15
Lot 15	454.57
Lot 16	168.75
Lot 17	160.48
Lots 18 to 23 inclusive	158.12 each
Block 7	
Lots 1, 6 and 7	153.40 each
Lots 2 to 5 inclusive	141.60 each
Lot 8	189.99
Lot 9	444.59
Lot 10	279.41
Lot 11	283.05
Lot 12	476.77
Lots 13, 14 and 18	174.85 each
Lot 15	165.98
Lots 16 and 17	161.40 each
Block 8	
Lot 1	359.45
Lots 2 and 3	331.80 each

Lot 4	387.10
Lot 5	516.50
Lot 6	753.67
Lot 7	366.58
Lot 8	288.77
Lot 9	476.77
Lot 10	158.71
Lots 11 to 13 inclusive	134.50 each
Block 9	
Lot 1	587.97
Lot 2	460.33
Lots 3 to 10 inclusive	293.25 each
Lot 12 E 45' thereof	206.78
Lot 13	797.02
Lot 14	931.58
Lot 15	409.62
Lots 16 to 20 inclusive	168.70 each
Lot 21	277.36
Lot 22	761.71
Block 10	4,351.91
Block 11	
Lot 1	1,515.25

Lot 2	1,304.78
Lot 3	2,030.13
Lot 4	2,226.53
Lot 5	2,369.93
Lot 6	2,153.64
Block 12	
Lot 1	1,604.81
Lot 2	1,798.41
Lot 3	1,997.70
Lot 4	2,120.58
Lot 5	2,227.73
Lot 6	2,112.90
Block 13	
Lot 1	714.24
Lot 2	1,453.25
Lot 3	806.40
Lot 4	1,695.00
Lot 5	1,036.80
Lot 6	806.40
Block 14	2,265.72
Block 2	
Lot 15 E 125' thereof	2,298.48

Block 5	
Lots 4 and 7	501.90 each
Lots 5 and 6	466.05 each
<u>SHERWOOD PARK</u>	
(For Streets)	21,024.90
(For parkings)	10,484.10
<u>HIGH SCHOOL ADDITION</u>	
Block 1	
Lots 1 and 2	245.28 each
Lot 3	264.03
Lot 4	394.17
Lot 5	528.26
Block 2	
Lot 2 E 59.26' thereof	239.79
Lot 9	570.11
Lot 10	880.36
Lot 11	538.93
Lot 12	297.36
Lots 13 to 17 inclusive	180.18 each
Lot 18	186.47
Block 3 and All that part of Block 4, High School Add., lying north of Glenwood Ave.	20,873.19
<u>HARR'S ADDITION</u> (N125' thereof)	861.42

<u>CAPITOL HILL SUBDIVISION</u>	
Lot 18--S 125' of N 180' and N 125' of S 265' thereof	1,676.94
<u>SHAFROTH ROGERS SUBDIVISION</u>	
Block 4	
Lot 2	147.96
Lot 3	1,701.54
Block 5	
Lot 1	294.32
Lot 2 W 23.25' thereof	149.20
Block 6	
Lot 3 E 59.5' thereof	706.36
The East 125' of a tract described as beginning 30' East and 40' North of SW Cor Sec. 11, T1S, R1W, U.M., thence E 310', thence N 360', thence West 60', thence S 44 ⁰ 27 1/2' W 299.85', thence W 40', thence South to P.O.B.	2,073.60
The West 125' of a tract described as beginning at the SW Cor of Block 4, Shafroth Rogers Subdivision, thence W 150', thence N 360', thence E 150', thence S 360' to P.O.B.	2,016.00
Beginning at the SW Cor of Block 5, Shafroth Rogers Sub., thence W 75', thence N 360', thence E 75', thence S 360' to P.O.B.	1,572.48
Beginning at the SE Cor Block 6, Shafroth Rogers Sub., thence N 360' to NE Cor said Block 6, thence E to West line of 5th Street, thence S to North line of North Ave., thence West to P.O.B.	1,570.64

The North 125' of the following tract: (W. R. Hall Tract) Beginning at a Point 2,482' East and 40' North of SW Cor Sec. 11, T1S, R1W, U.M., being the SW Cor of Harr's Sub., thence North to South line of Glenwood Ave., thence NWly to East line of 6th Street, thence South to North line of North Avenue, thence East 136' more or less to P.O.B.	1,017.06
The North 125' and the West 125' of the following tract: (F.C. Martin Tract) Beginning at the SE Cor of Block 7, Shafroth Rogers Subdivision, thence West to East line of 5th Street, thence North to the South line of Glenwood Avenue, thence SEly along the South line of Glenwood Avenue to the West line of 6th Street, thence South to P.O.B.	6,525.51
<u>MESA SUBDIVISION</u>	
Block 1	
Lot 9 S 44.78' thereof	163.55
Lot 10	693.60
Lot 11	648.86
Lot 12 S 44.78' thereof	152.99
Block 4	
Lot 1	612.77
Lot 8	572.75
<u>SOUTH MESA SUBDIVISION</u>	
Block 1	
Lot 1 N 58.12' thereof	244.38
Lot 6 N 58.21' thereof	229.10
<u>WEAVER SUBDIVISION</u>	

Block 1	
Lot 1	392.43
Lot 2	388.62
Lot 3	637.80
Lot 4	868.68
Lot 5	838.20
Lots 6 and 7	419.10 each
Beg at a point 220' E of the SW Cor of the E 1/2 SW1/4 SE1/4 NW1/4 Sec 12, T1S, R1W U.M., thence E to the East line of the said E1/2 SW1/4 SE1/4 NW1/4 Sec 12, thence South to the SE Cor of said E1/2 SW1/4 SE1/4 NW1/4 Sec 12, thence West to the P.O.B.	838.20
<u>LEMAR HEIGHTS</u>	
Lot 4 S 120' thereof	725.43
Lot 5 S 120' thereof	381.00
<u>FAIRMOUNT SUBDIVISION</u>	
Block 4	
East 155.04 ft Lot 9 S 125' thereof	1,225.46
Lot 12 S 125' thereof	2,373.15
<u>NORTH SUNNYVALE ACRES</u>	
Block 1	
Lot 1	611.13
Lot 2	762.00
Lots 3 and 4	495.30 each

Lots 5 and 6	533.40 each
Lot 7	573.03
Lot 8	800.10
Lot 9	288.11
Lot 10	293.09
Lot 11	295.30
Lots 12 to 14 inclusive	298.62 each
Lots 15 and 16	360.00 each
Lot 17	279.49
Lot 18	718.73
<u>ELMWOOD PLAZA SUBDIVISION</u>	
Block 1	
Lot 1	571.20
Lots 2 to 4 inclusive	293.76 each
Lot 5	333.20
Lot 6	449.03
Lot 7	449.03
Lot 8	296.47
Lot 9	296.47
Block 2	
Lot 1	311.49
Lots 2 and 3	326.40 each

Lot 4	353.60
Block 3	
Lot 14	145.93
Lot 15	469.84
Lot 16	320.05
Lot 17	184.51
Lot 18 N 11' thereof	18.41
<u>SUNNYVALE ACRES</u>	
Block 1	
Lot 1	776.58
Lot 2	536.13
Lot 3 N 5.48' thereof	314.99
Lots 4 and 5	302.38 each
Lot 8 N 5.52' thereof	12.72
Lot 9	233.78
Lot 10	474.06
Block 2	
Lot 1	537.49
Lot 2 N 50.15' thereof	152.66
Lots 5 and 6	365.33 each
Lot 7 N 52.8' thereof	540.67
Lot 8	913.32

<u>AVALON GARDENS</u>	
Lot 5	278.30
Lot 6	263.12
Lot 7	293.48
Lot 8	328.90
<u>BELAIRE SUBDIVISION</u>	
Lots 3 and 4	227.70 each
<u>WEST ELMWOOD PLAZA</u>	
Block 1	
Lot 1	316.76
Lot 2	312.71
Lot 3	315.95
Lot 4	544.30
Lot 5	799.11
Lot 6	486.40
Lot 7	231.65
Lot 8 S 2.4' thereof	3.24
Block 2	
Lots 1 to 5 inclusive	338.11 each
<u>DEL MAR PARK</u>	
Block 2	
Lot 8	146.82

Lot 9	266.43
Lot 10	254.15
Lots 11 and 12	234.60 each
Lot 13	319.06
Lot 14	150.14
Block 3	
Lot 3	263.01
Lot 4	464.94
<u>VELVET LAWNS</u>	
Block 1	
Lots 1 to 3 inclusive	342.86 each
Lot 4	565.11
Lot 5	875.81
Lot 9	227.43
Lot 10	505.24
Block 2	
Lot 4	207.02
Lot 5	519.89
Lots 6 to 8 inclusive	342.86 each
Lot 9	560.83
Lot 10	878.10
<u>WILCOX & BIXBY</u>	

Block 2	
Lots 1 to 5 inclusive	335.67 each
Block 3	
Lots 6 to 10 inclusive	335.67 each
<u>EAST ELM AVE. HEIGHTS</u>	
Block 1	
Lots 10 and 11	358.84 each
Lot 12	425.53
Lot 13	452.57
Lot 14	361.33
Lot 15	367.52
Lots 16 to 18 inclusive	357.46 each
Block 2	
Lots 1 to 3 inclusive	357.35 each
Lot 4	367.31
Lot 5	361.22
Lot 6	452.46
Lot 7	425.42
Lots 8 and 9	358.74 each
<u>HAGGERTY'S SUBDIVISION</u>	
Lot 3	835.20
Lots 4 to 6 inclusive	288.00 each

Lot 7	508.61
Lot 8	292.61
Lots 9 to 12 inclusive	288.00 each
Lot 13	440.98
Lot 14	280.63
Lot 15 N 35' thereof	113.59
<u>HENDERSON HEIGHTS</u>	
Block 1	
Lot 1	202.40
Lot 2	164.44
Lot 3	126.50
Lot 4	88.56
Lot 5	50.60
Lot 8	50.60
Lot 9	88.56
Lot 10	126.50
Lot 11	164.44
Lot 12	202.40
Block 2	
Lot 13	50.60
Lot 14	88.56
Lot 15	126.50

Lot 16	164.44
Lot 17	202.40
Lot 18	202.40
Block 2	
Lot 19	164.44
Lot 20	126.50
Lot 21	88.56
Lot 22	50.60
Block 3	
Lot 13	50.60
Lot 14	88.56
Lot 15	126.50
Lot 16	164.44
Lot 17	202.40
Lot 18	202.40
Lot 19	164.44
Block 3	
Lot 20	126.50
Lot 21	88.56
Lot 22	50.60
Block 4	
Lot 1	202.40

Lot 2	164.44
Lot 3	126.50
Lot 4	88.56
Lot 5	50.60
Lot 8	50.60
Lot 9	88.56
Lot 10	126.50
Lot 11	164.44
Lot 12	202.40
<u>CITY OF GRAND JUNCTION</u>	
Block 3	
Lots 15 and 16	316.10
N1/2 Lots 17 to 20 inclusive	136.25
S1/2 Lots 17 to 20 inclusive	136.25

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 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, 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, 1956; 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 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. 1956, 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. 53, 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 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 21st day of December, A. D. 1955.

Adopted and approved the 4th day of January, A. D. 1956.

Authenticated and approved the 4th day of January, A. D. 1956.

/s/ Herbert M. Wright
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 944 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 21st day of December, 1955, 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 5th day of January, 1956.

/s/ Helen C. Tomlinson
City Clerk

1st Pub Dec 23, 1955
Final Pub Jan 6, 1956