

**ORDINANCE NO. 997**

**AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. 54, 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. 54 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. 54, 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. 54, 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 5, 1956, and the last publication thereof appearing on December 7, 1956) 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 January, 1957, 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. 54, 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. 54 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 \$142,446.09 (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, 1957, 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>BOOKCLIFF HEIGHTS</u>	
Lot 10	\$880.00
Lot 11	394.76
Lot 12	408.20
Lot 13	360.02
Lot 14	850.40
Lot 15	437.46
<u>SHERWOOD ADDITION</u>	
Block 11	
Lot 5	281.67
Lot 6	404.74
<u>SHAFROTH -- ROGERS SUB.</u>	
Block 6	
Lots 1 & 2	198.50 each

Lot 3	269.36
<u>TOPE SCHOOL SUB.</u>	
School Dist. #51	2,413.10
<u>COLLEGE SUB.</u>	
Block "C"	
Lots 1 & 2	443.95 each
Lot 3	437.12
Lot 4	683.00
Lot 5	853.75
Lot 6	565.11
Lot 7	1,490.29
Block "B"	
Lot 14	1,091.25
Lot 15	642.99
Lot 16	391.06
Lot 17	614.70
Lot 18	676.17
Lot 19	683.00
Lots 21 to 23, inc.	341.50 each
<u>ROSE PARK SUB.</u>	
Block 2	
Lot 1	979.85

Lot 2	242.36
Lots 5 & 17	379.73 each
Lots 6 to 16, inc.	366.72 each
<u>ELM AVENUE SUB.</u>	
Lot 28	64.18
Lot 29	112.31
Lot 30	160.44
Lot 31	208.57
Lot 32	256.70
<u>KENNEDY SUBDIVISION (Amended)</u>	
Lot 1	485.56
Lot 2	437.08
Lots 3 to 5, inc.	429.75 each
Lots 6 to 11, inc.	412.56 each
Lot 12	402.48
<u>HARR ADDITION</u>	492.52
<u>CAPITOL HILL SUB.</u>	
Lot 18, North 180.0'	357.30
Lot 18, South 265.2'	526.42
Lots 19 & 21	1,026.25 each
Lot 20, South 217.0'	430.75
Lot 20, North 250.0'	496.25

Lot 22 - 467.0'	927.00
<u>HIGH SCHOOL ADDITION</u>	
Block 1	
Lots 1 to 5, inc.	111.16 each
All of Block #3	3,781.35
<u>PROSPECT PARK</u>	
Block 2	
Lot 13, East 18.25'	36.35
Lot 14	154.51
Lot 15	263.57
Lot 16	245.80
Lot 17	147.95
Lot 18, East 28.32'	43.08
Block 3	
Lot 1	239.94
Lot 2	207.22
Lot 3, West 5'	7.27
Lot 10, West 5'	6.99
Lot 11	106.59
Lot 12	323.25
<u>PAULSON SUB.</u>	
Lot 1	366.77

Lot 2	148.93
Lot 3	317.73
Lot 4	318.02
Lots 5 & 6, inc.	286.50 each
<u>BELAIRE SUB.</u>	
Lot 1	277.90
Lot 2	340.93
Lot 3	252.21
Lot 4	396.33
<u>AVALON GARDENS</u>	
Lot 4, South 35'	97.42
Lot 5, South 35'	102.09
<u>HENDERSON HEIGHTS SUB.</u>	
Block 1	
Lot 7	52.80
Lots 8 & 9	88.00 each
Lots 10 to 12, inc.	143.25 each
Block 3	
Lots 1 to 34, inc.	49.63 each
Block 4	
Lots 1 to 5, inc.	143.25 each
Lot 6	85.95

<u>GRANDVIEW SUB.</u>	
Lot 7	6,528.75
<u>DE VOE SUB.</u>	
Block 1	
Lot 6	43.88
Lot 7	97.15
Lot 8	145.28
Lot 9	193.41
Lot 10	322.48
Lots 21 & 30	179.92 each
Lots 22 to 29, inc.	143.25 each
Block 2	
Lot 7	82.51
Lots 8, 9, & 10	143.25 each
Beg 359.05' N and 661.8' E of SW Cor Sec 12, T1S, R1W, U.M., N 125' W 46.8' S 125' E to Beg	261.16
Beg 585.4' E and 30' N of SW Cor Sec 12, T1S, R1W, U.M., thence E 75' N 299' W 75' S 299' to P.O.B., except E 10' and that part deeded to City for street	372.45
W 2 acres of S1/2 Lot 1, Grandview Sub	1,633.74
Beg 321.4' E and 184' N SW Cor Sec 12, T1S, R1W, U.M., thence N 130' E 66' S 130' W 66' to P.O.B., except that part deeded to City for street	378.18
Beg 387.4' E and 184' N SW Cor Sec 12, T1S, R1W, U.M., thence N 130' E 66' S 130' W 66' to P.O.B., except that part deeded to City for street	378.18

Beg 45.4' E and 184' N of SW Cor Sec 12, T1S, R1W, U.M., thence N 130' E 66' S 130' W 66' to P.O.B., except that part dedeed to City for street	378.18
Beg 519.4' E and 184' N of SW Cor Sec 12, T1S, R1W, U.M., thence N 115' E 66' S 115' W 66' to P.O.B., except that part dedeed to City for street	378.18
<u>WEAVER SUB</u>	
Block 1	
Lot 1	455.92
Lot 2	258.77
Lot 3	55.45
Lot 11, N 59'	167.32
Lot 12	405.68
Lot 13	630.30
Lot 14	444.08
Lot 15	440.24
Lots 16 and 17	378.18 each
Lot 18	432.91
Lot 19	1,298.77
Block 2	
Lot 1	372.45
Lot 2	318.02
Lot 3	315.15
Lot 4	430.32



Lot 5	545.90
Lot 6	515.70
Lots 7 & 8	316.30 each
Lot 9	55.10
<u>LUTKIEWICZ SUBDIVISION</u>	
Lots 1, 2 & 3	287.00 each
Lot 4	342.83
Lot 5	524.29
Lot 6	691.79
<u>ELMWOOD PLAZA</u>	
(According to the Refiling Plat thereof)	
Block 2	
Lot 3	231.48
Lot 4	540.12
Lots 5 & 6	367.92 each
Lots 7 to 10, inc.	416.54 each
Lot 11	365.42
Lot 12	365.48
Lots 27 & 28	123.84 each
<u>DEL REY Re-Plat Block #8</u>	
Lot 1	358.70
Lot 2	168.80

Lot 10	151.50
Lot 12	1,367.93
Lot 13	492.37
Lots 14 to 17, inc.	274.30 each
Lot 18	304.68
Lot 11	376.00
<u>DEL MAR PARK</u>	
(According to the Refiling Plat)	
Block 2	
Lot 9, N 8.79'	25.51
Lot 10	156.98
Lot 11	356.95
Lot 12	404.23
<u>REGENTS SUB.</u>	
Block 1	
Lots 1 to 7, inc.	442.80 each
Lot 8	497.41
Block 2	
Lot 1	1,210.40
Lot 2	643.46
Lots 3 to 6, inc.	442.80 each
Lots 7 to 10, inc.	487.08 each

Lots 11 to 14, inc.	255.42 each
Lots 15 to 18, inc.	232.20 each
Lot 19	417.33
Lot 20	972.45
Block 3	
Lot 1	590.70
Lot 2	479.92
Lot 3	634.96
Lot 4	1,426.13
Lot 5	540.03
Lot 6	381.59
Lot 7	240.15
Lots 8 & 9	236.07 each
Block 4	
Lot 4, S 40.75'	180.38
Lot 5	891.42
Lot 6	481.69
Lot 7	592.84
Block 5	
Lot 2	665.38
Lot 3	443.17
<u>MELROSE SUB.</u>	

Block 2	
Lots 9 to 11, inc.	397.04 each
Lot 12	2,214.00
Block 3	
Lot 8, S 5.1'	12.55
Lot 9	249.16
Lot 10	508.02
<u>EAST ELM AVENUE HEIGHTS</u>	
Block 1	
Lots 1 to 3, inc.	477.93 each
Lot 4	491.21
Lot 5	483.10
Lot 6	604.86
Lot 7	568.78
Lots 8 & 9	479.77 each
Block 2	
Lots 10 & 11	374.65 each
Lot 12	461.38
Lot 13	486.75
Lot 14	384.68
Lot 15	391.17
Lots 16 to 18, inc.	380.61 each

<u>WILCOX -- BIXBY SUB.</u>	
Block 1	
Lots 11 to 18, inc.	435.05 each
Lot 19	294.71
Lot 20	630.00
Block 2	
Lots 6 to 10, inc.	447.97 each
<u>HOULTON'S SECOND RESUBDIVISION</u>	
Block 1	
Lots 1 to 4, inc.	247.50 each
Lot 5	255.83
Block 3	
Lot 1	578.20
Lot 2	780.98
<u>ARCADIA VILLAGE REFILE</u>	
Block 1	
Lot 6, S 18'	63.36
Lots 7 to 10, inc.	197.12 each
Lot 11	195.32
Block 5	
Lot 6	202.40
Lots 7 to 10, inc.	211.20 each

N 192' of W 156.53' of E1/2 SE1/4 SW1/4 SE1/4 Sec 12, T1S, R1W, U.M., except the East 31.53' of the N 67' thereof	480.23
N 192' of E 173.47' of W1/2 SE1/4 SW1/4 SE1/4 Sec 12, T1S, R1W, U.M., except the West 48.47' of the N 67' thereof	575.87
<u>EAST MAIN STREET ADDITION</u>	
Block 3	
Lot 9, East 2'	3.23
Lot 10	57.02
Lot 11	188.82
Lot 12	256.34
Lot 13	765.08
Lot 14	441.09
Lot 15	312.45
Lots 16 to 18, inc.	295.00 each
Block 4	
Lots 6 to 8, inc.	295.00 each
Lot 9	308.01
Lot 10	437.89
Lot 11	804.63
Lot 12	804.74
Lot 13	437.89
Lot 14	308.01

Lots 15 to 17, inc.	295.00 each
Block 5	
Lots 7 to 11, inc.	295.00 each
Lot 12	347.45
<u>BENTON--CANON'S FIRST SUB.</u> (Amended)	
Block 6	
Lots 24 to 31, inc.	143.25 each
Lot 32	204.45
Block 7	
Lots 17 & 32	146.69 each
Lots 18 to 31, inc.	143.25 each
Block 10	
Lots 1 & 16	146.69 each
Lots 2 to 15, inc.	143.25 each
Block 11	
Lot 1	204.45
Lots 2 to 9, inc.	143.25 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 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 or 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 six per cent per annum. The first of said installments of said principal shall be due on the 28th day of February, 1957; 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 six 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. 1957, 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. 54, 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 16th day of January, 1957.

Adopted and approved this 6th day of February, A. D. 1957.

Authenticated and approved this 6th day of February, A.D. 1957.

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

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 997 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 16th day of January, 1956, 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 7th day of February, 1957.

/s/ Helen C. Tomlinson  
City Clerk

Proof of Publication 2-8-57  
Proof of Publication 1-21-57