

ORDINANCE NO. 1049

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 17, 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, AND DECLARING AN EMERGENCY.

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 Sanitary Sewer District No. 17 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 Sanitary Sewer District No. 17, 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 Sanitary Sewer District No. 17, 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 January 5, 1958, and the last publication thereof appearing January 7th, 1958), 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 5th day of February, 1958, 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 Sanitary Sewer District No. 17, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the

cost of said improvements in said Sanitary Sewer District No. 17 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 \$8,734.67, said amount including six per cent additional for cost of collection and other incidentals and including interest to the 28th day of February, 1958, 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>REGENTS SUBDIVISION</u>	<u>Total Amount</u>
Block 4	
Lot 2	\$ 177.6432
Lot 3	404.5118
Lot 4	143.5915
Lot 5	305.1524
Lot 6	164.8020
<u>LINDA LANE SUBDIVISION</u>	
Block 1	
Lot 1	209.2333
Lot 2	244.1055
Lot 3	186.6689
Lots 4 through 7, incl., Blk 1	173.3354 each
Lots 8 and 9	133.3350 each
Lots 10 through 15, incl., Blk 1	200.0024 each

Lot 16	215.3872 each
Lots 17 and 18	261.5416 each
Block 2	
Lots 1 through 10, incl.	153.8480
Lots 11 through 19, incl.	178.4637
Lot 20	267.6956
Block 3	
Lot 1	153.8480
Lot 2	144.0018
Lot 3	132.9657
Lot 4	157.2942

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, 1958; shall be payable on or before said day, and the remainder of said installments shall be due on the last 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; 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. 1958, 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 Sanitary Sewer District No. 17, 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 in full in THE MORNING SUN, the official newspaper of the City, by reason of the fact that the City Council hereby finds that a special emergency exists and that the passage of this ordinance is necessary for the preservation of the public peace, health and safety, it shall take effect upon 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.

ADOPTED AND APPROVED AS AN EMERGENCY ORDINANCE this 6th day of August, 1958.

/s/ Harold H. Shults
President of the City Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance entitled, AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 17, 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, AND DECLARING AN EMERGENCY, was introduced, read, passed, numbered 1049, and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular meeting of said Council held on the 6th day of August, 1958.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 7th day of August, 1958.

/s/ Helen C. Tomlinson
City Clerk

Proof of Publication: Aug. 4, 1958