

ORDINANCE NO. 1090

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. 55, 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. 55 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. 55, 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. 55, 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 20, 1959, and the last publication thereof appearing on Sept. 22, 1959;) 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 21st day of October, 1959, 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. 55, 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. 55 to 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 \$140,243.34 said amount including six per cent additional for cost of collection and other incidentals and including interest to the 29th day of February, 1960, 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, it is necessary, because of a delay in the completion of the District, the bonds having heretofore been issued, to provide for a special manner of paying in installments, the amount to be assessed against each lot or tract of land in said District; 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>Description</u>			<u>Total Assessment</u>
PARKPLACE HEIGHTS:			
	Block 2 -	Lot 9	\$ 124.26
		Lot 10 - West 60.63'	329.73
		Lot 10 - East 85.00'	462.23
		Lot 11	792.53
		Lot 12	123.75
	Block 3 -	Lot 1 - West 100'	463.30
		Lot 1 - East 38.15'	176.73
		Lot 2 - West 100'	165.84
		Lot 2 - East 38.15'	63.29
		Lot 3	362.58
		Lot 4	515.77
		Lot 5	85.06
PARKLAND SUBDIVISION:			
	Block 1	Lot 15	389.94
		Lot 16	89.76
MC MULLIN & GORMLEY SUBDIVISION:			

	Block 4	Lot 14	24.28
		Lot 15	42.49
		Lot 16	60.70
		Lot 17	78.91
		Lot 18	97.12
		Lot 19	94.64
		Lot 20	76.89
		Lot 21	59.15
		Lot 22	41.40
		Lot 23	23.65
	Block 5	Lots 1 thru 9 inclusive	60.70 each
		Lot 10	101.00
PROSPECT PARK:			
	Block 2	Lot 1	157.65
		Lots 2 thru 10 inclusive	138.70 each
		Lots 11 thru 14 inclusive and Lot 19	113.69 each
		Lot 15	129.04
		Lots 16 thru 18 inclusive	109.91 each
		Lot 20	140.41

		Lots 21 and 22	120.51 each
		Lots 23 thru 29 inclusive	142.52 each
		Lot 30	146.32
ROSE PARK SUBDIVISION:			
	Block 4	Lots 1 and 2	140.17 each
		Lots 3 and 16	144.10 each
		Lots 4 and 15	157.55 each
		Lot 5	145.78
		Lot 6	169.33
		Lots 7 and 8	148.02 each
		Lot 9	156.99
		Lots 10, 11, 14, and 17	168.21 each
		Lot 12	183.91
		Lot 13	146.90
		Lot 18	112.14
CRAIG SUBDIVISION:			
	Block 2	Lots 1 and 32	71.77 each
		Lots 2 thru 7 inclusive, 16 thru 19 inclusive and 26 thru 31 inclusive	56.07 each

		Lots 8 and 25	78.05 each
		Lots 9 and 24	94.53 each
		Lots 10 and 23	111.02 each
		Lots 11 and 22	127.50 each
		Lots 12 and 21	143.99 each
		Lots 13 and 15	33.63 each
		Lot 14	213.06
		Lot 20	89.71
LINDA LANE SUBDIVISION:			
	Block 2	Lots 1 and 10	1,252.80 each
		Lots 2 and 9	867.00 each
		Lots 3 and 8	513.35 each
		Lots 4 thru 7 inclusive and 14 thru 19 incl	494.98 each
		Lot 11	1,374.04
		Lot 12	926.52
		Lot 13	516.29
		Lot 20	742.45
	Block 3	Lots 1 and 2	551.14 each
		Lot 3	643.00

		Lot 4	1,102.29
	Block 1	Lot 1	364.63
		Lot 2	1,037.80
		Lots 3 and 16	577.47 each
		Lots 4 thru 6 inclusive and 10 thru 15 inclusive	536.22 each
		Lot 7	631.75
		Lot 8	818.49
		Lot 9	1,105.08
		Lot 17	308.54
		Lot 18	1,093.90
WILCOX BIXBY SUBDIVISION:			
	Block 1	Lot 1	340.42
		Lot 2	170.15
		Lot 3	11.84
		Lot 11	340.74
		Lot 12	170.31
		Lot 13	11.88
	Block 4	Lot 1 and 9	349.10 each
		Lot 2 and 10	174.48 each

		Lot 3 and 11	12.17 each
EAST ELM AVENUE HEIGHTS:			
	Block 1	Lot 1	365.02
		Lot 2	157.93
		Lot 17	158.22
		Lot 18	364.18
	Block 2	Lot 1	373.40
		Lot 2	162.35
		Lot 17	162.85
		Lot 18	372.89
DUNDEE PLACE:			
	Block 4	Lots 1 thru 12 inclusive and 15 thru 26 inclusive	60.73 each
		Lot 13	62.36
		Lot 14	61.62
MESA GARDENS SUBDIVISION:			
	Block 1	Lot 1	1,992.52
		Lot 7	481.59
		Lots 2, 3, and 4	551.14 each
		Lot 5	943.74

		Lot 6	1,313.18
	Block 2	Lot 1	1,589.58
		Lot 2	915.35
		Lot 3	597.07
		Lot 4	3,578.74
	Block F		4,409.13
PARK TERRACE SUBDIVISION:			
	Block B	Lot 9	422.54
		Lot 10	978.37
		Lot 11	770.22
		Lot 12	332.61
	Block C	Lots 7 and 10	374.96 each
		Lots 8 and 9	727.88 each
BOOKCLIFF PARK SUBDIVISION:			
	Block 7	Lots 9 and 18	99.68 each
		Lot 10, 11 and 14	91.97 each
		Lots 12 and 15	80.26 each
		Lot 13	75.25
		Lot 16	96.98

	Block 8	Lot 11	175.58
		A Tract of land 20 feet wide lying South of Orchard Ave. and North of Block 22 (Capitol Hill Subdivision (City owned))	299.18
GRAND JUNCTION:			
	Block 11	Lot 1	724.62
		Lot 24 (52')	259.87
	Block 12	Lot 1	625.42
		Lot 24	625.42
	Block 33	Lot 1	625.93
		Lot 24	625.93
	Block 55	Lot 1	752.11
		Lot 24	626.68
	Block 56	Lot 1	626.42
		Lot 24	626.42
	Block 77	Lot 1	626.68
		Lot 24 (44')	219.89
	Block 34	Lot 24	752.11
MILLDALE SUBDIVISION:			

	Block 13	Lots 17 thru 32 inclusive	293.83 each
	Block 14	Lots 17 thru 32 inclusive	293.83 each
	Block 15	60' vacated street	705.20
	Block 17	Lot 1	763.98
		Lot 2	675.83
		Lot 3	587.68
		Lot 4	499.53
		Lot 5	411.38
		Lots 6 thru 16 inclusive	293.83 each
	Block 17	Lot 28	117.54
		Lot 29	205.69
		Lot 30	293.83
		Lot 31	381.99
		Lot 32	470.14
	Block 18	Lots 1 thru 11 inclusive and 22 thru 32 incl	293.83 each
		Lots 12 and 21	411.37 each
		Lots 13 and 20	499.53 each
		Lots 14 and 19	587.68 each
		Lots 15 and 18	675.83 each

		Lots 16 and 17	763.98 each
	Block 4	Lots 1 thru 5 inclusive	293.83 each
		Lot 6	447.81
	Block 21	Lot 8	409.03
		Lots 9 thru 11 inclusive	293.83
		Lot 12	411.36
		Lot 13	499.52
		Lot 14	587.67
		Lot 15	675.82
		Lot 16	763.97
		Lot 17	470.14
		Lot 18	381.99
		Lot 19	293.83
		Lot 20	205.69
		Lot 21	117.54
	Block 22	Lots 1 and 32	470.14 each
		Lots 2 and 31	381.99 each
		Lots 3 and 30	293.84 each
		Lots 4 and 29	205.69 each

		Lots 5 and 28	117.54 each
		20 feet vacated alley	235.07
		Beg. 489' N of SE corner NE1/4 Sec. 15 T1S, R1W, W 293' S 95' W 125' N 215' E 418' S 120' to beg. exc. H/W	785.36
		Beg. 655.36' N & 30' W of SE corner NE1/4 Sec. 15, T1S, R1W, W. 180' S 46.36' E 180' N to beg.	428.95
		Beg. 705.36' N & 30' W of SE corner NE1/4 Sec. 15, T1S, R1W, S 50' W 180' N 50' E to beg.	462.63
		Beg. 705.36' N & 30' W of SE corner NE1/4 Sec. 15, T1S, R1W, W 350' N 80' E 350' S to beg. exc. H/W	740.21
		Beg. 785.36' N of E1/4 Corner Sec. 15, T1S, R1W, W to H/W NWLY along H/W to a pt 417.43' S of N line SE1/4 NE1/4 sd Sec. 15, E to E line sd Sec. 15 S to beg.	1,009.92
		S 35' of beg. 308.71' S of NE corner SE1/4 NE1/4 Sec. 15, T1S, R1W, W 417.42' S 106.71' E 417.71' to beg.	323.85
		Beg. 308.71' S of NE corner SE1/4 NE1/4 Sec. 15, T1S, R1W, W 417.42' S 108.71' E 417.42' N to beg. exc. S 35' thereof	682.01

		N 100' of S1/2 of the following: beg. at NE corner SE1/4 NE1/4 Sec. 15, T1S, R1W, S417.43' W 418.3' N 417.43' E to beg.	925.26
		Beg. at a point 104.35' S of the NE corner of the SE1/4 NE1/4 Sec. 15, T1S, R1W, U.M. th W 417.42' th S 104.36' th E 417.42' th N 104.36' to P.O.B.	965.60
		Beg. at NE corner SE1/4 NE1/4 Sec. 15, T1S, R1W, S 104.35' W 417.42' N 104.35' E to beg.	965.51
		Beg. at a pt approx. 967.40' S of NE corner Sec. 15, T1S, R1W, U.M. th W 212' th S 40.37' th E 212' th N to P.O.B.	373.53
		Beg. 917.75' S of NE corner Sec. 15, T1S, R1W, W 212' S 49.65' E 212' N to beg.	459.40
		Beg. 857.75' S of NE corner Sec. 15, T1S, R1W, W 129' S 60' E 129' N to beg.	555.15
		Beg. 807.37' S of NE corner Sec. 15, T1S, R1W, W 155' S 50' E 155' N to beg.	462.63
		That part of SW1/4 NE1/4 NE1/4 Sec. 15, T1S, R1W, S&W of State H/W 4	1,085.97
		Beg. 690' S & 30' W of NE corner Sec. 15, T1S, R1W, N 12.5' W 70' N 76' W 167' S 88.5' E 237' to beg.	115.66

		Beg. at a pt 430' S of the NE corner Sec. 15, T1S, R1W, U.M. th N 89°11' W 267' th S 0°02' E 260' th S 89°11' E 267' the N 0°02' W 260' to the P.O.B. exc. the E 30' thereof res. for rd. be. Brown Addn to the City of Grand Junction (EXCEPT B 724-P23)	2,294.63
		Beg 210' S of NE corner Sec. 15, T1S, R1W W 990' S 220' E 990' N to beg	2,035.57
CARPENTER SUBDIVISION			
	Block 1	Lots 1 thru 12 incl.	231.31 each
		Vacated alley south of Carpenter Sub #1	
		N1/2 alley	55.52
		S1/2 alley	55.52
SOUTH 1/2 LOT 5, CAPITOL HILL SUBDIVISION			
		Beg. at a pt 25' West and 151' North of the SE corner Lot 5, Capitol Hill Sub., th N 59', th West 100', th South 59', the East to P.O.B.	367.87
		Beg. at a pt 125' West and 150' North of the SE corner Lot 5, Capitol Hill Sub., th N 60', th West 130', th South 60', the East to P.O.B.	478.23

		Beg. at a pt 255' West and 150' North of the SE corner Lot 5, Capitol Hill Sub., th North 60', th West 75', th South 60', th East to P.O.B.	275.90
		Beg. at a point 240' North and 25' West of the SE corner Lot 5, Capitol Hill Sub. th North 76', th West 100', th South 76', th East to P.O.B.	367.88
		Beg. at a point 240' North and 125' West of the SE corner Lot 5, Capitol Hill Sub., th North 60', th West 95', th South 60', th East to P.O.B.	349.48
		Beg. at a point 240' North and 220' West of the SE corner Lot 5, Capitol Hill Sub., th North 60', th West 94', th South 60', East to P.O.B.	345.80

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 and second of said installments of said principal shall be due and payable on the 29th day of February, 1960, 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 date 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 29th day of February, A. D. 1960, shall be made on all payments made during said period of thirty days.

SECTION 7. That all provision 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. 55, 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 records, 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 October, A. D. 1959.

Adopted and approved the 4th day of November, A. D. 1959.

Authenticated and approved the 4th day of November, A. D. 1959.

William W. Orr
President of the Council

ATTEST:

Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1090 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 October, 1959, 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 November, 1959.

Helen C. Tomlinson
City Clerk

Published Oct. 24, 1959
Final Publication Nov. 7, 1959