

ORDINANCE NO. 1101

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. 56, 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. 56 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. 56, 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. 56, 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 18, 1959, and the last publication thereof appearing on December 20, 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 20th day of January, 1960, 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. 56, 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. 56 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 \$66,507.55, (said amount including six per cent additional for cost of collection and other incidentals and including interest to the 1st day of March, 1960, at the rate of four and one-half 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:

Description	Total Assessment
CRAIG'S SUBDIVISION	
Block 1 - Lots 8 and 26	\$ 15.49 ea.
Lots 9 and 25	33.11 ea.
Lots 10 and 24	49.24 ea.
Lots 11 and 23	65.37 ea.
Lots 12 and 22	105.59 ea.
Lot 13 - the East 125'	131.65
Lots 14 thru 20 incl - the East 125'	54.85 ea.
Lot 21 - the East 125'	65.85
CAPITOL HILL SUBDIVISION	
S ½ Lot 5	
Beg at pt 125' W of the SE corner	
Lot 5, Capitol Hill Sub, th N 300'	
W 205' S 300' E 205' to p.o.b.	262.10
Beg. at a pt 255' W of SE corner	
Lot 5, Capitol Hill Sub., W 37.5'	
N 150' E 37.5' S 150' to p.o.b.	262.10
Beg. at a pt 190' W SE corner Lot	
5, Capitol Hill Sub., N 150' W 65'	
S 150' to p.o.b.	454.30
Beg. at a pt 125' W of SE corner	

	Lot 5, Capitol Hill Sub., th N 150'	
	W 65' S 150' E 65' to p.o.b.	454.30
	Beg. 25' W & 30' N of SE corner Lot	
	5, Capitol Hill Sub., th N 181, Th	
	W 100' th S 181', E 100' to p.o.b.	349.46
	Beg. at a pt 25' W & 30' N of SE	
	corner Lot 5, th N 121' W 50'	
	S 121' E 50' to p.o.b. in Capitol	
	Hill Sub	349.46
Block 95	West ½	6,071.68
	East ½	4,151.52
KISTER ADDITION		
	W½ S½ SE¼ SE¼ NE¼ Sec. 11, T1S, R1W	1,956.44
NORTH MONTEREY PARK		
	Beg. at a pt N 89° 58' W 219.92' from	
	E¼ corner Sec. 11, T1S, R1W, th N 0° 04'	
	E 220' N 89° 58' W 110', th S 0° 04' W	
	220' to the center line of Orchard Ave.,	
	th along center line 89° 58' E 110' to p.o.b.	1851.61
	Beg. at a pt N 89° 58' W 30' from E¼ corner	
	Sec. 11, T1S, R1W, th N 89° 58' W 189.92' th	
	N 0° 04' E 220', th S 89°58' E 189.92'	
	th SO° 04' W 220' to p.o.b.	
LINDA LANE SUBDIVISION		
Block 1	Lot 1 - S 125'	529.84
	Lot 2 - S 125'	618.15
	Lots 17 & 18 - S 125'	662.31 ea
REGENTS SUBDIVISION		
Block 4	Lot 1- N 125'	706.46
	Lot 2- N 125'	574.00
	Lot 3- N 125' & E 125'	2,481.45
	Lot 4- E 125'	618.15
	Lot 5- E 125'	743.99
Block 5	Lot 1	1,310.84
	Lot 2	771.46
	Lot 3	120.45
	Lot 4	206.29

GARFIELD PARK		
Block 1	Lot 1	550.36
	Lots 2 thru 8 incl	528.26 ea
	Lot 9	544.51
Block 2	Lots 1 and 2	414.48 ea
	Lots 3 and 4	536.37 ea
	Lots 5 thru 9 incl	487.62 ea
	Lot 10	534.50
WEAVER SUBDIVISION		
Block 1	Lots 9 thru 11 incl	544.34 ea
	Lot 12	598.77
Block 2	Lot 7 E 40'	199.59
	Lot 8	707.64
	Lot 9 E 100'	580.63
	Lot 10 E 100'	453.62
LEMAR HEIGHTS		
Block 1	Lots 1 thru 3, incl. W 100'	453.61 ea
	Lot 4	1,334.72
	Lot 5 W 4.8'	26.13
FAIRMONT SUBDIVISION		
Block 4	Lot 10	\$2,721.70
	The East 110' of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$	
	Sec. 12, T1S, R1W, U.M. exc. the N 180'	
	thereof and exc. the S 30' thereof and	
	exc. E 10'	1,088.69
MESA GARDENS		
Block 2-	Lot 4	545.45
Block 11	Lot 1	351.79
	Lot 2	346.41
ELMWOOD PLAZA		
Block 7-	Lots 1 and 2	131.88 ea.
	Lots 3 thru 6, incl.	131.91 ea
	Lots 7 and 8	153.55 ea
	Lot 9	293.74
	Lot 10	236.52
	Lot 11	146.84
Block 7	Lot 12	254.38
	Lot 13	710.17
	Lot 14	393.35
	Lot 15	545.54

PARK PLACE HEIGHTS		
Block 4-	Lot 1	110.72
	Lot 2	110.70
	Lot 3	139.91
	Lot 4	138.75
	Lot 5	185.00
	Lot 6	454.92
	Lot 7	180.93
	Lot 8	115.63
	Lots 9 and 10	110.88 ea.
GRAND JUNCTION		
Block 137	Lots 16 thru 23 incl.	57.65 ea.
	Lots 15 and 24	79.58 ea.
	Lots 14 and 25	96.04 ea.
	Lots 13 and 26	112.49 ea.
	Lots 12 and 27	128.96 ea.
	Lots 11 and 28	145.41 ea.
	Lots 5 and 6	158.28 ea.
	Lots 4 and 7	138.89 ea.
	Lots 3 and 8	119.50 ea.
	Lots 2 and 9	100.11 ea.
	Lots 1 and 10	80.73 ea.
ELMWOOD PLAZA		
Block 7-	Lots 1 and 2	156.78
GRAND JUNCTION		
Block 6-	Lots 23 and 24	26.69
Block 1-	Lots 29, 30 and 31	68.74
Block 15-	Lots 7, 8 and W ¹ / ₂ 9	142.09
Block 17-	Lots 6 and 7	85.94
Block 22-	Lots 8 and 9	114.62
Block 17-	Lot 10 and E ¹ / ₂ Lot 9	87.10
Block 24-	Lots 9 and 10	114.62
Block 29-	Lots 7 and W ¹ / ₂ lot 8	68.74
Block 14-	Lots 31 and 32	220.03
Block 38-	Lots 12 and N 70' Lot 13, E ¹ / ₂ Lot 11	96.27
Block 43-	Lots 15 and 16	416.03
Block 36-	Lot 5 and E ² / ₃ Lot 4	82.60
Block 30-	Lot 28 and W ¹ / ₂ Lot 27	87.10
Block 39-	Lots 22 and 23	114.62
Block 36-	Lots 31 and 32	247.54
Block 38-	Lots 21 and 22	114.62
Block 58-	Lots 1 and W 18' Lot 2	458.41

Block 61-	Lots 1 and 2	288.80
Block 6 -	Lots 27 and 28 and E ½ Lot 29	90.54
Block 68-	Lots 15 and 16	410.31
Block 66-	Lots 31 and 32	80.23
Block 70-	Lots 30, 31 and 32	385.09
Block 98-	Lot 21	55.00
Block 133	Lots 11, 12 and 13	167.33
Block 128	Lots 24 and 25	103.15
Block 146	Lot 7	80.23
Block 54	N 50' of Lots 14, 15 and 16	137.54
Block 101	Lots 15 and 16	249.84
Block 15	S½ Lots 14 and 15 and 16	98.56
Block 18	Lots 6 and 7 and S ½ Lot 8	139.82
Block 17	Lots 16, 17 and 18	139.82
Block 49	Lots 19 and 20	393.11
Block 131	Lots 1 and 2	206.30
KEITHS ADDITION		
Block 1	Lots 9 and 10	\$71.05
CITY OWNED PROPERTY		
	Hawthorne Park	325.48
	Lots 5 thru 12 - Block "P" Keiths Addition	201.71
	Emerson Park	275.04
	Lots 21 thru 28 - Block 138 Grand Junction	221.97
	Lots 25 thru 27 - Block 127 Grand Junction	22.93
	Whitman Park	509.99
	Riverside Park	142.95
	Lot 1, Block 127 Grand Junction	99.00

DELMAR PARK		
Block 2-	Lot 1	336.16
	Lot 2	87.78
	Lot 3	91.76
	Lots 4, 11 and 12	80.06 ea.
	Lots 5 and 10	87.08 ea.
	Lots 6 and 9	91.45 ea.
	Lots 7 and 8	210.05 ea.
	Lot 13	281.61
	Lot 14	72.33

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 and one-half per cent per annum. The first of said installments of said principal shall be due and payable on the 1st day of March, 1960, and the remainder of said installments shall be due on the 1st day of March 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 and one-half 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 1st day of March, 1960, shall be made on all payments made during said period of thirty days.

SECTION 7. That monies remaining in the hands of the City Treasurer as the result of the operation and payments under Improvement District No. 56 after the retirement of all bonds and proper payment of monies owing by the District shall be retained by the Treasurer and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or become insolvent and for such other purposes as the City Council of the City of Grand Junction may from time to time direct.

SECTION 8. 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. 56, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

SECTION 9. 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 20th day of January, A.D. 1960.

Adopted and approved the 3rd day of February, A.D. 1960.

Authenticated and approved the 3rd day of February, A.D. 1960.

/s/ William W. Orr
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1101 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 20th day of January, 1960, 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 4th day of February, 1960.

/s/ Helen C. Tomlinson
City Clerk.

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