

ORDINANCE NO. 1125

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SIDEWALK DISTRICT NO. 15, 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 Sidewalk District No. 15 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 Sidewalk District No. 15, 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 Sidewalk District No. 15, 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 5, 1960, and the last publication thereof appearing on November 7, 1960,) 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 7th day of December, 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 improvement and the apportionment thereof heretofore made as contained in that certain notice

to property owners in Sidewalk District No. 15, duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sidewalk District No. 15 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 improvement is \$9,200.80 (which includes the cost of collection and other incidentals, being six per cent additional, and including interest to the 28th day of February, 1961, at the rate of 4.25 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>Description</u>	<u>Sq. Ft.</u>	<u>Total Amt</u>
Blk 6 - Lots 17, 18 & 19	110	65.30
Blk 6 - Lots 20, 21 & 22	270	160.27
" 6 - Lots 31 & 32	150	89.04
Blk 7 - Lots 20 & 21	90	53.42
Blk 9 - Lots 31 & 32	111	65.89
Blk 13 - Lots 9 & 10	75	44.51
" 13 - Lots 15 & 16	5.5	3.26
Blk 14 - Lots 15 & 16	315	186.98
Blk 15 - Lots 1 & 2	395	\$234.47
" 15 - Lots 3 & 4	85	50.47
" 15 - Lots 5 & 6	180	106.85
" 15 - The E½ Lot 9, Lots 10 & 11	185	109.82
" 15 - Lots 22 to 24	11	6.53
Blk 17 - Lots 3, 4 & 5	125	74.20
" 17 - Lots 8 & W½ 9	180	106.85
" 17 - Lots 11 & 12	5.5	3.26
" 17 - The S½ Lot 13, Lots 14 & 15	85	50.47
" 17 - Lots 23 & 24	80	47.49
" 17 - Lots 25 & 26	250	148.40

Blk 18 - The N½ Lot 8, Lots 9 & 10	16.5	9.79
” 18 - The S 65’ Lots 18 & 19	30.5	18.10
” 18 - The W½ Lot 27 & Lot 28	185	109.82
Blk 19 - The N 42½’ Lots 1 to 5	475.5	282.26
Blk 23 - Lots 21 & 22	16.5	9.79
” 23 - Lots 33 & 34	65	38.58
Blk 24 - Lots 17 & 18	11	6.53
” 24 - Lots 19 & 20	150	89.04
Blk 25 - Lots 17 & 18	50	29.68
Blk 26 - The E 19’ Lot 14, W 14½’ of Lot 15	50	29.68
” 26 - Lots 29 & 30	76	45.11
” 26 - Lots 31 & 32	205.5	121.98
Blk 27 - Lots 24 & 25	11	6.53
Blk 28 - Lots 9 & 10	90	53.42
” 28 - Lots 27 & 28	45.5	27.01
Blk 29 - Lots 26, 27 & 28	340	201.82
Blk 30 - Lots 7 & 8	15	8.90
” 30 - The W½ Lot 24, Lot 25	130	77.17
Blk 31 - Lots 19 & 20	100	59.36
Blk 32 - Lots 29 & 30	225	133.56
” 32 - Lots 31 & 32	490	290.86
Blk 33 - Lots 7 & 8	150	89.04
” 33 - Lots 9 & 10	11	6.53
Blk 34 - Lots 16, 17 & 18	140	83.10
Blk 38 - N½ Lots 1 to 5	320.5	190.25
” 38 - The N 70’ Lots 14, 15 & 16	140	83.10
Blk 44 - Lots 5 & 6	30	17.81
” 44 - The N 40½’ Lots 33 & 34	55	32.65

Blk 45 - Lot 18	265	157.30
Blk 46 - Lots 17 & 18	205	121.69
Blk 48 - Lots 15 & 16	195	115.75
” 48 - Lots 27 & 28	125	74.20
Blk 50 - The E½ Lot 3, Lots 4 & 5	11	6.53
” 50 - Lots 30 & 31	185	109.82
Blk 51 - The S½ Lots 1 to 4	105	62.33
” 51 - Lots 27 & 28	50	29.68
Blk 52 - The S 37½’ Lots 1 to 4 Exc E 10’ Lot 4	5.5	3.26
” 52 - Lots 15 & 16	290	172.14
” 52 - Lots 20 & 21	40	23.74
” 52 - Lots 31 & 32	11	6.53
Blk 53 - Lots 11, 12 & 13	85	50.47
” 53 - The S 85’ Lots 17, 18 & 19 exc E 17’ Lot 19	155	92.01
Blk 54 - Lot 19	50	29.68
Blk 55 - Lots 21 & 22	72	42.74
Blk 57 - Lots 3 & 4	25	14.84
Blk 58 - Lots 4 & 5	75	44.52
Blk 59 - Lots 3 & 4	20	11.87
Blk 60 - N 75’ Lots 1 & 2	480	284.93
” 60 - Lots 5 & 6 & W 19’ of Lot 7	205	121.69
” 60 - Lots 17 & 18	600	356.16
Blk 62 - Lots 21 & 22	112	66.48
Blk 63 - The N 88’ of Lot 1	85	50.47
” 63 - Lots 17 & 18	100	59.36
” 63 - Lots 19 & 20	11	6.53
” 63 - Lots 21 & 22	250	148.40
” 63 - Lots 25 & 26	105.5	62.62

Blk 64 - Lots 15 & 16	11	6.53
Blk 65 - Lots 15 & 16	520	308.67
” 65 - Lots 17 & 18	122	72.42
” 65 - Lots 27 & 28	130.5	77.47
Blk 66 - Lots 23 & 24	175	103.88
Blk 67 - Lots 7 & 8	175	103.88
Blk 69 - The N 79’ Lots 1 & 2	105	62.33
Blk 70 - Lots 21 & 22	115	68.26
” 70 - Lots 23 & 24	200	118.72
Blk 71 - N 79.9’ of Lots 18, 19, 20 & N 79.9’ of E 7’ of Lot 17	235.5	139.79
Blk 72 - Lots 19, 20 & 21	85	50.47
Blk 74 - Lots 15, 16 & E 5’ of Lot 14	61	36.21
Blk 75 - Lots 15 & 16	185	109.82
” 75 - Lots 17 to 21	16.5	9.79
Blk 78 - The N 39.9’ Lots 13 & 14	110	65.30
Blk 79 - Lots 21 & 22	25	14.84
Blk 82 - Lots 22 & 23	300	178.08
” 82 - Lots 24 & 25	42	24.93
” 82 - The E½ Lot 27 & Lot 26	161.5	95.87
Blk 85 - Lots 1 to 5	55.5	32.94
” 85 - Lots 19 & 20		9.79
Blk 86 - Lots 11 & 12	100	59.36
” 86 - Lots 29 to 32	590	350.22
Blk 87 - Lots 6, 7 & E 21’ of Lots 5	5.5	3.26
Blk 88 - Lots 7 & 8	80	47.49

" 88 - Lots 16 & 17	386.5	229.43
Blk 89 - The N 90' of Lots 1 & 2	120	71.23
Blk 90 - Lots 15 & 16	475	281.96
Blk 91 - Lots 1 & 2	5.5	3.26
Blk 92 - Lots 1 & 2	16.5	9.79
Blk 96 - Lots 6 & 7	230	136.53
Blk 97 - Lots 13 to 16	155	92.01
Blk 98 - Lots 10 & 11	195	115.75
Blk 99 - The S 40' Lots 10, 11 & 12	60	35.62

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 4.25 per cent per annum. The first of said installments of said principal shall be due on the 28th day of February, 1961, 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 4.25 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 installment, 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. 1961, 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 Sidewalk District No. 15, 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 again be published once in The Daily Sentinel, the official newspaper of the City, and after its final passage 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.

SECTION 9. It is hereby declared that a special emergency exists; that this ordinance is necessary for the preservation of the public peace, health and safety; and that this ordinance shall take effect upon its passage.

Introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7th day of December, A. D., 1960.

Adopted and approved this 21st day of December, A. D. 1960.

Authenticated and approved this 21st day of December, A. D. 1960.

/s/ C.E. McCormick
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 SIDEWALK DISTRICT NO. 15, 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 and adopted as an emergency ordinance, numbered 1125 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 21st day of December, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 22nd day of December, 1960.

/s/ Helen C. Tomlinson
City Clerk

Published Dec. 11, 1960
Published Dec. 24, 1960 as emergency