

ORDINANCE NO. 1155

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 20, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED, BEING CHAPTER 81 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO; 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; 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 Sanitary Sewer District No. 20 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 procedures 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. 20, 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. 20, 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 April 7, 1962, and the last publication thereof appearing April 9, 1962); 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 City 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 May, 1962, 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. 20, 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. 20 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 \$15,716.34, said amount including six per cent additional for cost of collection and other incidentals and including interest to the first day of March, 1963, 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 is 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:

Beg. at a pt. 30 ft. West of the East Quarter Corner of Sec. 11, T1S, R1W, U.P.M. thence West 274.92 ft. thence North 220 ft. thence East 274.92 ft. thence South 220 ft. to p.o.b. except that area dedicated for street right of way	\$1,389.38
Beg. at a pt. 20 ft. West and 220 ft. North of the East Quarter corner of Sec. 11, T1S, R1W, U.P.M. thence West 274.92 ft. thence North 109.64 ft. thence East 274.92 ft. thence South 109.64 ft. to p.o.b.; except that area dedicated for street right of way	801.73
Beg. at a pt. 354.92 ft. West and 339.64 ft. North of the East Quarter Cor. Sec. 11, T1S, R1W, U.P.M. thence West 280.11 ft. the North 294.69 ft. to p.o.b.	2,193.74
Beg at a pt. 40 ft. West & 329.64 ft. North of the East Quarter Cor. of Sec. 11, T1S, R1W, U.P.M. thence West 264.92 ft. thence North 304.69 ft. thence East 264.92 ft. thence South 304.69 ft. to p.o.b.	2,146.64
Beg. at a pt. 40 ft. West and 25 ft. North of the SE Cor. of the NE1/4 SE1/4 NE1/4 Sec. 11, T1S, R1W, U.P.M. thence West 595 ft. thence North 140 ft. thence East 435 ft. thence South 20 ft. thence East 160 ft. thence South 120 ft. to p.o.b.	2,130.54
Beg. at a pt. 40 ft. West and 200 ft. North of the SE Cor. of NE1/4 SE1/4 NE1/4 Sec. 11 T1S, R1W, U.P.M. thence South 55 ft. thence West 160 ft. thence North 55 ft. thence East 160 ft. to p.o.b.	234.07
Beg. at a pt. 40 ft. West of the NE Cor. of the S1/2 of the NE1/4 SE1/4 NE1/4 Sec. 11, T1S R1W U.P.M. thence South 130 ft. thence West 160 ft. thence South 35 ft. thence West 435 ft. thence North 165 ft. thence East 595 ft. to p.o.b. except that area dedicated for street right of way	1,938.08
Beg. at a pt. 40 ft. West of SE Cor of N1/2 of NE1/4 SE1/4 NE1/4 Sec. 11 T1S, R1W, U.P.M. thence West 160 ft. thence North 65 ft. thence East 160 ft. thence South 65 ft. to p.o.b.	276.62
Beg. at a pt. 40 ft. West and 200 ft. South of the NE Cor. of the SE1/4 NE1/4 Sec. 11 T1S, R1W, U.P.M. thence South 65 ft. thence West 160 ft. thence North 65 ft. thence East 160 ft. to p.o.b.	276.62
Beg. at a pt. 30 ft. West and 100 ft. South of the NE Cor. of the SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. thence South 100 ft. thence West 170 ft. thence North 100 ft. thence East 170 ft. to the p.o.b.; except that area dedicated for street right of way	425.58
Beginning 30 ft. West of the NE Cor. of SE1/4 NE1/4 Sec. 11 T1S R1W, U.P.M. thence West 170 ft. thence	452.18

South 100 ft. thence East 170 ft. thence North 100 ft. to place of beginning	
Beg. at a pt. 400 ft. West and 165 ft. South of NE Cor SE1/4 NE1/4 Sec. 11 T1S, R1W, U.P.M. thence East 200 ft. thence South 149.69 ft. thence West 200 ft. thence North 149.69 ft. to the p.o.b.	797.96
Beg. at a pt. 200 ft. West and 30 ft. South of the NE Cor. SE1/4 NE1/4 Sec. 11 T1S, R1W, U.P.M. thence South 15 ft. thence West 65 ft. thence North 135 ft. thence East 65 ft. to p.o.b.	233.40
Beg. at a pt. 265 ft. West of the NE Cor SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. thence South 165 ft. thence West 135 ft. thence North 165 ft. thence East 135 ft. to p.o.b.; except that area dedicated for street right of way	484.76
Beg. at the NW Cor. of NE1/4 NE1/4 Sec. 11 T1S, R1W, U.P.M. thence East 100 ft. thence South 165 ft. thence East 87 ft. thence South 78 ft. thence East 63 ft. thence South 86.69 ft. thence West 250 ft. thence North 329.69 ft. to p.o.b.; except that area dedicated for street right of way	1,265.72
Beg. at a pt. 100 ft. East and 30 ft. South of the NW Cor of NE1/4 SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. thence East 50 ft. thence South 135 ft. thence West 50 ft. thence North 135 ft. to p.o.b.	179.54
Beg. at a pt. 150 ft. East and 30 ft. South of the NW Cor. of NE1/4 SE1/4 NE1/4 Sec. 11 T1S R1W U.P.M. thence East 50 ft. thence South 135 ft. thence West 50 ft. thence North 135 ft. to p.o.b.	179.54
Beg. at a pt. 410 ft. West of the NW Cor SE1/4 NE1/4 Sec. 11, T1S R1W U.P.M. thence South 165 ft. thence West 50 ft. thence North 165 ft. thence East 50 ft. to p.o.b.; except that area dedicated for street right of way	179.54
Beg. at a pt. 1153.75 ft. North and 410 ft. West of the East Quarter Cor. of Sec. 11, T1S, R1W, U.P.M. thence South 78 ft. West 63 ft. North 78 ft. thence East 63 ft. to p.o.b.	130.70

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 assessments.

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 first day of March, 1963; shall be payable on or before said day, and the remainder of said installments shall be due on the first 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 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 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 the cost of collection and other incidentals and of interest from the date of payment to the first day of March, 1963, shall be made on all payments made during said period of thirty days.

SECTION 7. Surplus moneys arising from the District, if any, shall be used to pay off default Districts, if any may arise or may otherwise be used as the Council may direct.

SECTION 8. That all provisions of Ordinance 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 Sanitary Sewer District No. 20, 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 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.

Introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 16th day of May, 1962.

Adopted and approved the 6th day of June, 1962.

Authenticated and approved the 6th day of June, 1962.

/s/ Charles E. McCormick

President of the City Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1155, was introduced and 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 May, 1962, 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 June, 1962.

/s/ Helen C. Tomlinson
City Clerk

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Final Pub 6-11-62