ORDINANCE NO. 1166

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. 58, 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; 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. 58 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 improvements in said Improvement District No. 58, 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. 58, 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 October 21, 1962, and the last publication thereof appearing on November 4, 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 Clerk within thirty (30) 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 November, 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 assessments 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. 58, 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. 58 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 \$52,032.24, said amount including six per cent additional for cost of collection and other incidentals and including interest to the 1st day of March, 1963, at the rate of 2.5845 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:

SCHEDULE NO. 1

LEGAL DESCRIPTION	TOTAL COSTS
Lots 7-16, Blk, 4; City	\$34.32
Lots 7-26 incl., Blk. 4, City	175.05
Lots 1-3 incl., Blk. 5, City	246.14
Lots 4-6 incl., Blk. 5; City	113.75
North 100 ft. of Lots 1-4 incl., Blk. 6; City	176.89
Lots 25-26, Blk 6; City	95.98
The South 45 ft. of the North 95 ft. of Lots 1-4 incl., Blk. 7; City	94.38
South 50 ft. of Lots 1-4 incl., Blk. 7; City	93.23
Lot 17 & the East 1/2 of Lot 18, Blk. 7; City	215.07
North 1/2 of Lot 12-13, Block 15; City	199.32
Lot 11 & the West 25 ft. Lot 12, Blk. 26; City	35.55
Lots 1-5 incl., Blk. 27; City	55.10
Lots 24-25, Blk. 27; City	35.55
E 1/2 Lot 8 and all Lot 9, Blk. 29; City	42.66
Lots 31-32, Blk. 32; City	21.33
Lots 1-8 incl., Blk. 34; City	35.55
North 79.5 ft. of Lots 11 & 12, Blk. 34; City	142.19
Lots 27-28, Blk. 35; City	177.74
East 2/3 Lot 4, all Lot 5, Blk. 36; City	18.75

North 70 ft. Lots 14-16 incl., Blk. 38; City	63.99
Lots 16-18 & N 1/2 19, Blk. 39; City	46.21
Lots 31-132, Blk 43; City	81.76
N 1/2 of Lots 1-4, Blk. 51; City	43.76
North 45 ft. 7 in. of Lots 17-18, Blk. 51; City	164.62
Lots 3-4, Blk. 57; City	44.44
Lot 17 & East 1/2 Lot 18, Blk. 58; City	20.84
Lots 1-2, Blk. 59; City	88.84
Lots 26-27, Blk. 59; City	95.98
Lots 1-2, Blk. 66; City	24.88
Lot 17, Block 66; City	17.77
Lots 7-8, Blk. 68; City	25.01
Lots 16-18 incl., Blk. 72; City	53.32
Lots 1-2, Blk. 75; City	110.20
East 1/2 of North 75 ft. Lot 11 & the North 75 ft. of Lots 12-16 incl., Blk. 76; City	24.88
E. 21 ft. Lot 5, all Lots 6-7, Blk. 87; City	37.33
Lots 1-2, Blk. 92; City	127.97
Lot 6, Blk. 94; City	110.20
Lot 22, Blk. 98; City	90.65
Lots 25-26, Blk. 98; City	131.53

Lots 27-28, Blk. 98; City	108.42
S. 1/2 Lots 13-14, Blk. 99; City	263.06
Lots 1-2, Blk. 101; City	275.50
West 22 ft. of Lot 26 all Lot 27, Blk. 106; city	90.89
The South 40 ft. of Lots 1 & 2 & the South 40 ft. of the West 13 ft. Lot 3, Blk. 108; City	60.43
Lots 1-3 incl. exc the South 40 ft. of the West 13 ft. of Lot 3, Blk. 108; City	37.33
Lots 17, 18, & East 15 ft. of 19, Blk. 109; City	343.34
West 1/2 Lot 24, all Lots 25-26, E. 2/3 Lot 27, Blk. 110; City	19.55
West 1/3 Lot 27, all Lots 28-30, Blk. 110; City	39.45
Lots 4-5, Blk. 111; City	26.66
Lot 18, Blk. 111; City	79.31
Lots 9-10, Blk. 112; City	149.31
Lots 15-16, Blk. 112; City	129.20
Lots 1-2, Blk. 113; City	348.13
Lots 3-4, Blk. 113; City	56.88
Lot 5, Blk. 113; City	71.09
Lots 31-32, Blk. 113; City	152.87
Lots 10-11, Blk. 114; City	23.10
Lots 12-13, Blk. 114; City	101.31

Lots 14-16 incl., Blk. 114; City	55.10
Lots 18-19, Blk. 115; City	129.04
Lots 13-24 incl., Blk. 121; City	951.22
Lots 11-12, Blk. 122; City	1,291.64
Lots 25-26 & East 10 ft. of 27, Blk. 123; City	145.63
Lots 17-24, Blk. 124; City	42.66
Lot 6 & W. 1/2 Lot 7, Blk. 129; City	35.55
Lots 14 & West 3 ft. of Lot 15, Blk. 133; City	78.20
East 22 ft. of Lot 15 & all of Lot 16, Blk. 133; City	87.10
Lot 28, Blk. 139; City	90.65
Lots 29-32, Blk. 139; City	88.87
Lot 17-18, Blk. 141; City	35.55
Lots 7-8, Blk. 142; City	38.61
Lots 9-10, Blk. 142; City	17.77
South 65 ft. of Lots 17-18, & West 5 ft. of North 60.8 ft. of Lot 19, Blk. 142; City	28.44
The North 60.8 ft. of Lots 17-18 & the East 20 ft. of Lot 19, Blk. 142; City	83.53
Lot 3, Blk. 146; City	17.77
Lots 15-16, Blk. 146; City	145.75
Lots 11-16 incl., Blk. 147; City	95.98
Lot 13, West 1/2 Lot 14, Blk. 150; City	88.87

Lots 15-16, Blk. 151; City	35.55
Lots 13-16, Blk. 158; City	71.09
North 75 ft. of South 167 ft. of Lot 20, Capitol Hill Subdivision	272.74
Lots 1-3 incl., Blk. 1; Dundee Place Subdivision	250.61
Lots 9-10, Blk. 6; Dundee Place Subdivision	17.77
Lot 11, blk. 8, East Main Street Addn., City	27.73
Lot 24, Elm Avenue Subdivision; City	87.10
Lots 21-22, Blk "D"; Keiths Addn.	183.88
Lots 23-24, Blk. G; Keiths Addition	102.11
Lots 25-26, Blk. G; Keiths Addition	52.84
Lots 27-28, Blk. G; Keiths Addition	27.33
Lots 29-30, Blk. H; Keiths Addition	40.08
South 55 ft. of Lots 31-32, Blk "M"; Keiths Addn.	67.73
Lots 19-20, Blk. "N"; Keiths Addition	201.03
Lots 21-23 incl. Blk. "N"; Keiths Addition	138.52
Lot 9, Blk. 10; Mesa Gardens Subdivision	29.86
Lot 16, Blk. 11; Mesa Gardens Subdivision	22.40
Lot 18, Blk. 11; Mesa Gardens Subdivision	23.46
Lots 19-20, Blk. 12, Milldale Subdivision	71.09
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Lots 27-28, Blk. 12, Milldale Subdivision	35.55
Lots 5-6, Blk. 19; Milldale Subdivision	35.55
The South 50 ft. of Lots 6-11 incl. exc. alley r.o.w. Blk. 6; Mobley's Subdivision	60.37
Lots 5-7 incl., Blk. 7; Mobley's Subdivision	154.64
Beg. at NW Cor. SE1/4 SE1/4 Sec. 15 T1S R1W North 15 ft. West 141 ft. to East line of Plank Avenue, south 81 2/3 ft. to North line of Colorado Ave. East 200 ft. to West line of RR R/W NWly alg sd R/W to beg. being in Blk. 9; Mobley's Subdivision	53.32
North 1/2 Lot 41, all Lots 42-44 incl., Blk. 1; McMullin-Gormley Subdivision	53.32
Lot 5, Blk. 1; North Sunnyvale Acres	38.39
Lot 16, Blk. 4; Sherwood Addition	11.73
Lot 17, Blk 4; Sherwood Addition	154.79
Lot 18, Blk. 4; Sherwood Addition	278.23
Lot 5, Blk. 2, South 5th Street Subdivision	71.09
Lots 27 & 28, Blk. 3, Slocombs Addition	93.62
Lots 29 & 30, Blk. 3, Slocombs Addition	342.79
Lots 4-6 inclusive, Blk. 3; Slocombs Addition	178.72
SCHEDULE NO. II	
Lots 1 & 2, Block 1; East Main Street Addition	1,732.61
Lots 3 & 4, Block 1; East Main Street Addition	1,357.60
Lot 5, Block 1; East Main Street Addition	907.76
Lot 6, Block 1; East Main Street Addition	1,210.29

678.03
899.15
893.66
786.50
52.02
1,082.50
570.97
571.56
535.15
70.43
1,019.84
526.32
835.46
528.81
78.77
853.47
853.60

Lot 3, Blk. 4; North Monterey Park Subd.	853.47
Lot 4, Blk. 4; North Monterey Park Subd.	853.60
Beg. 581 ft. North & 25 ft. West of the SE Cor. Lot 5, Capitol Hills Subd., West 100 ft. North to North line S 1/2 sd Lot 5, East 100 ft. South to beg. except for the North 30 ft. thereof for h/w & utility R/W	875.25
Beg. 526 ft. North of the SW Cor. Lot 5, Capitol Hills Sub. North 103 ft., East 60 ft. South 103 ft. West to beg.	525.15
Beg. 526 ft. North & 60 ft. East of the SW Cor., Lot 5 of Capitol Hills Subd., North 103 ft. East 60 ft. So. 103 ft. West 0 ft. to beg.	525.15
Beg. 526 ft. North & 25 ft. West of the SE Cor., Lot 5, Capitol Hills Subd., North 55 ft. West 100 ft., North to a pt. 30 ft. South of the North line S 1/2 sd Lot 5, West to West line sd. Lot 5, South 103 ft. East to beg. except beg. 526 ft. North of the SW Cor. sd Lot 5, North 103 ft. East 120 ft. South 103 ft. West to beginning	743.96
Lot 1; South Garfield Park Subdivision	197.21
Lot 2; South Garfield Park Subdivision	162.48
Lot 3; South Garfield Park Subdivision	158.08
Lot 4; South Garfield Park Subdivision	201.75
Lot 5; South Garfield Park Subdivision	179.85
Lot 6; South Garfield Park Subdivision	138.96
Lot 7; South Garfield Park Subdivision	136.36
Lot 8; South Garfield Park Subdivision	136.36
Lot 9; South Garfield Park Subdivision	135.41
Lot 10; South Garfield Park Subdivision	135.41
Lot 11; except that part dedicated for street R/W also Lot 31; South Garfield Park Subdivision	168.85

Lot 32; South Garfield Park Subdivision	176.03
Lot 33; South Garfield Park Subdivision	136.17
Lot 34; South Garfield Park Subdivision	136.17
Lot 35; South Garfield Park Subdivision	138.87
Lot 36; South Garfield Park Subdivision	179.71
Lot 37; South Garfield Park Subdivision	201.49
Lot 38; South Garfield Park Subdivision	157.94
Lot 39; South Garfield Park Subdivision	174.27
Lot 40; South Garfield Park Subdivision	185.16
Lot 1 and the West 11 ft. of Lot 2, Blk. 2, Arcadia Village	177.43
The East 51 ft. of Lot 2 and the West 49 ft. of Lot 3, Block 2, Arcadia Village Subdivision	255.11
The East 13 ft. of Lot 3 & all of Lot 4, Blk. 2, Arcadia Village Subd.	191.33
Lot 5, Block 2, Arcadia Village Subd.	158.18
Lot 6, Block 2, Arcadia Village Subd.	158.18
Lot 7, Block 2, Arcadia Village Subd.	158.18
Lot 8, Block 2, Arcadia Village Subd.	158.18
Lot 9, Block 2, Arcadia Village Subd.	158.18
Lot 10, Block 2, Arcadia Village Subd.	158.18
Lot 11, Block 2, Arcadia Village Subd.	158.18
Lot 12, Block 2, Arcadia Village Subd.	158.18

Lot 13, Block 2, Arcadia Village Subd.	158.18
Lot 14, Block 2, Arcadia Village Subd.	158.18
Lot 15, Block 2, Arcadia Village Subd.	158.18
Lot 16, Block 2, Arcadia Village Subd.	158.18
Lot 17, Block 2, Arcadia Village Subd.	158.18
Lot 18, Block 2, Arcadia Village Subd.	158.18
Lot 19, Block 2, Arcadia Village Subd.	158.18
Lot 20, Block 2, Arcadia Village Subd.	158.18
Lot 21, Block 2, Arcadia Village Subd.	158.18
Lot 22, Block 2, Arcadia Village Subd.	158.18
Lot 23, Block 2, Arcadia Village Subd.	158.18
Lot 24, Block 2, Arcadia Village Subd.	158.18
Lot 25, Block 2, Arcadia Village Subd.	158.18
Lot 26, Block 2, Arcadia Village Subd.	158.18
Lot 27, Block 2, Arcadia Village Subd.	158.18
Lot 28, Block 2, Arcadia Village Subd.	158.18
The North one-half of Lots 29 and 30, Block 2; Arcadia Village Subd.	209.06
The south one-half of Lots 29 and 30, Block 2; Arcadia Village	98.39
Lot 1, Blk. 4; Del Rey Subdivision, Replat	194.65

Lot 2, Blk. 4; Del Rey Subdivision, Replat	194.65
Lot 3, Blk. 4; Del Rey Subdivision, Replat	194.65
Lot 4, Blk. 4; Del Rey Subdivision, Replat	194.65
Lot 5, Blk. 4; Del Rey Subdivision, Replat	194.65
Lot 6, Blk. 4; Del Rey Subdivision, Replat	194.65
Lot 7, Blk. 4; Del Rey Subdivision, Replat	194.65
Lot 8, Blk. 4; Del Rey Subdivision, Replat	194.65
The West 52 ft. of Lots 9 & 10, Blk. 4; Del Rey Subd., Replat	225.79
The East 78 ft. of Lots 9 & 10, Blk. 4; Del Rey Subd., Replat	163.50
Lot 30, Sungold Park Annex	194.65
Lot 31, Sungold Park Annex	194.65
Lot 32, Sungold Park Annex	194.65
Lot 33, Sungold Park Annex	194.65
Lot 34, Sungold Park Annex	201.45
Lot 35, Sungold Park Annex	281.90
Lot 36, Sungold Park Annex	197.88
Lot 37, Sungold Park Annex	486.59
Lots 1 thru 3 incl., McMullin-Gormley Subd. Blk 4	237.86
Lots 4 thru 6 incl., McMullin-Gormley Subd. Blk. 4	237.86
Lots 7 & 8; McMullin-Gormley Subd., Blk. 4	158.58

Lots 9 & 10; McMullin-Gormley Subd., Blk. 4	158.58
Lots 11 thru 15 incl., McMullin-Gormley Subd., Blk. 4	396.42
Lots 16 thru 18 incl., McMullin-Gormley Subd., Blk. 4	237.86
Lots 19 & 20; McMullin-Gormley Subd., Blk. 4	158.58
Lots 21 & 22; McMullin-Gormley Subd., Blk. 4	158.58
Lots 23 & 24; McMullin-Gormley Subd., Blk. 4	158.58
Lots 25 & 26; McMullin-Gormley Subd., Blk. 4	158.58
Lots 27 & 28; McMullin-Gormley Subd., Blk. 4	158.58
Lots 29 & 30; McMullin-Gormley Subd., Blk. 4	158.58
Lots 31 & 32; McMullin-Gormley Subd., Blk. 4	158.58
Lots 33 thru 36 incl., McMullin-Gormley Subd. Blk. 4	317.13

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

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 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 2.5845 per cent per annum. The first of said installments of said principal shall be due and payable on the 1st day of March, 1963, and the remainder of said installments shall be due on the 1st day of March of each year thereafter until all of said installments as 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 2.5845 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, 1963, 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. 58 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. 58, 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 signature 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 November, A. D. 1962.

Adopted and approved the 5th day of December, 1962.

Authenticated and approved the 5th day of December, 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. 1166, 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 November, 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 6th day of December, 1962.

/s/ Helen C. Tomlinson City Clerk

Published 11-24-62 Final 12-9-62