

ORDINANCE NO. 1170

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. 59, 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. 59 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. 59, 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. 59, 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 February 11, 1963, and the last publication thereof appearing on February 13, 1963; 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) day; from the first publication of said notice, to-wit: On or before and up to 5:00 o'clock P.M. on the 13th day of March, 1963, 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. 59, 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. 59 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 \$291,585.17, said amount including six per cent additional for cost of collection and other incidentals and including interest to the 1st day of May, 1963, at the rate of 2.96295 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:

LEGAL DESCRIPTION ASSESSMENT	TOTAL
CITY OF GRAND JUNCTION	
BLOCK 81	
Lots 11 to 14 incl.	\$1096.98
Lots 15 & 16	1068.11
Lots 17, 18, 19, & 20	1491.51
Lots 21 and 22	312.74
BLOCK 94	
Lots 16 to 20 incl.	1589.20
Lot 21	294.30
Lots 22, 23, 24	882.89
Lots 25 & 26	588.59
Lots 27 & 28	588.59
Lots 29 & 30	588.59
BLOCK 96	
West 10 feet Lot 11	41.07
East 15 feet Lot 11 all Lots 12 to 16 incl.	1499.00
Lots 17 to 20 incl.	1999.81
Lots 21 to 25 incl.	1691.12

Lots 26 to 32 incl.	2042.06
BLOCK 97	
Lots 17 to 25	2648.27
Lot 26	294.25
Lot 27	294.25
Lots 28 & 29, East 10 feet Lot 30	706.20
West 15 feet Lot 30; Lots 31 & 32	765.06
BLOCK 100	
Lots 13 & 14	1035.29
Lots 15 to 19 incl.	2588.23
Lots 20, 21, & 22	1552.93
Lots 23 & 24	1035.29
BLOCK 101	
Lot 11	84.06
Lot 12 & West 1/2 Lot 13	214.35
East 1/2 Lot 13 Lot 14	340.44
Lots 15 & 16	622.05
Lots 17, 18 & 19	2410.47
Lots 20, 21 & 22	1956.55
Lot 23	517.69
Lot 24 & East 2 inches Lot 25	521.11
West 21 feet 10 inches Lot 25	514.24
Lots 26 to 32 incl.	3623.62
BLOCK 102	
Lots 1 & 2	1354.62
Lots 3 to 6 incl.	1963.84
Lots 7 to 10 incl.	1177.01
North 65.8 feet of Lots 11 to 16 incl.	2043.49
South 60 feet of Lots 11 to 16 incl.	1275.16
Lots 17 to 21 incl.	6845.19
Lot 22	1182.66
Lots 23, 24 & 25	3237.35
Lots 26 & 27	2261.76
Lot 28	1244.76
Lot 29	1306.89
Lots 30, 31 & 32	4293.35
BLOCK 103	
Beginning at SW Cor. Lot 1, East 39 feet North 17 feet, West 39 feet, South 17 feet to Place of beginning	108.83
Lots 1 to 6 incl., exc. Ahrens tract above described & exc. East 11.7 feet of Lot 6	3009.67
East 11.7 feet Lot 6; Lots 7, 8 & 9	383.19
Lots 10 to 16 incl.	3593.14

Lots 17 & 18 incl.	2923.41
Lot 19	1368.64
Lot 20	1306.60
Lot 21 & East 8 1/2 feet Lot 22	1646.61
West 16 1/2 feet Lot 22 & East 6 in. Lot 23	802.04
West 24 feet 6 in. Lot 23	1057.52
Lots 24 & 25	2158.21
Lot 26	1079.11
Lot 27	1182.65
Lot 28	1244.78
Lots 29 & 30	2675.92
Lots 31 & 32	2924.43
BLOCK 104	
Lot 17	1493.14
Lots 18 & 19	2799.98
Lot 20	1306.83
Lots 21 & 22	2427.36
Lots 23 & 24	2158.25
Lot 25	1079.12
Lots 26 & 27	2261.66
Lot 28	1244.57
Lot 29	1306.61
Lot 30	1368.65
Lot 31 & 32	2923.45
BLOCK 105	
North 95.89 feet Lots 1 & 2	1107.13
South 30 feet Lots 1 & 2	247.40
Lots 3, 4, 5, & 6	1963.83
Lots 7 & 8	588.59
Lots 9 & 10	588.59
Lots 11 & 12	921.74
Lots 13, 14 & 15	667.46
West 63 1/2 feet Lots 16 thru 20	2740.98
East 71 1/2 feet Lots 16-20, exc. North 30 ft.	2752.98
North 30 feet of East 71 1/2 ft. of Lots 16, 17	333.32
Lots 21 to 24 incl.	4316.50
Lot 25	1182.64
Lot 26	1244.74
Lot 27	1306.84
Lots 28, 29 & 30	4293.14
BLOCK 116	
Lots 1 & 2	2924.10
Lot 3	1368.91
Lots 4 & 5	2551.53
Lot 6	1182.62
Lots 7, 8 & 9	3237.38
Lot 10	1079.13

East 50.45 feet of Lots 11 thru 15 incl.	2158.25
West 85 feet of Lots 11 thru 15 incl.	3669.02
Lots 16, 17, 18 & East 1/2 Lots 19 & 20	1128.26
West 1/2 Lots 19 & 20	460.84
Lots 21 to 26 incl.	2034.74
Lots 27 to 30 incl.	2460.41
BLOCK 117	
Lots 1 , 2, & 3	4293.32
Lots 4 to 7 incl.	4813.42
Lot 8	1079.12
Lots 9 & 10	2158.25
Lot 11	1182.61
Lot 12	1244.71
Lot 13	1306.80
Lot 14	1368.90
Lot 15	1430.99
Lot 16	1493.09
Lots 17 to 21 incl.	2920.22
Lot 22	397.76
Lots 23 to 26 incl.	1177.07
Lot 27	397.80
Lot 28	459.91
North 42.5 feet of Lots 29 to 32	645.98
North 42.5 feet of South 82.5 feet of Lots 29 to 30 incl.	843.72
South 40 feet of Lots 29 to 32 incl.	
971.07	
BLOCK 118	
Lot 1	1493.10
Lot 2	1431.00
Lots 3, 4 & 5	3920.39
Lot 6, 7 & 8	3340.81
Lot 9	1079.11
Lot 10	1079.11
Lots 11 & 12	2427.37
Lots 13 & 14	2675.83
Lots 15 & 16	2924.29
Lots 17 to 20 incl.	2460.70
North 25 feet Lots 21 to 24 incl.	147.99
Lots 21 to 28 incl. exc. North 25 feet of Lots 21 to 24 incl.	2744.25
Lot 29	521.94
Lot 30	584.04
Lots 31 & 32	1354.37
BLOCK 119	
Lots 1 & 2	2924.46
Lot 3	1369.04

Lot 4	1306.92
Lots 5 & 6	2427.45
Lot 7	1079.12
Lot 8	1079.12
Lots 9 & 10	2158.24
Lot 11	1157.86
Lot 12	1205.10
Lots 13 to 21 incl.	6159.45
Lot 22	90.21
Lots 23 & 24	588.56
Lots 25 to 32 incl.	3907.40
BLOCK 120	
Lots 1, 2 & 3	1553.06
Lot 4 & West 6 in. Lot 5	528.04
East 24 1/2 feet Lot 5, all of Lot 6 & West 24.5 feet of Lot 7	1532.36
East 7 inches Lot 7, & all Lots 8 to 12 incl.	2868.00
Lot 13	745.49
West 24 feet Lot 14	773.44
East 1 foot Lot 14, Lots 15 & 16	1835.77
South 75 1/2 feet Lots 17 & 18	923.40
North 49.6 feet of Lots 17 & 18	431.23
Lot 19	584.12
Lots 20 to 25 incl.	2262.22
Lots 26 to 29 incl.	1176.80
Lots 30, 31 & 32	882.60
BLOCK 121	
North 1/2 of Block 121	4578.09
BLOCK 123	
Lots 1 & 2	588.40
Lot 3 & South 35 feet Lot 4	334.21
North 90 feet Lot 4 & Lots 5 to 11 incl.	2313.59
Lots 12 & 13	195.97
Lots 14 to 16 incl.	293.95
BLOCK 124	
Lots 1, 2 & 3	803.13
Lots 4 to 8 incl.	341.65
Lots 9, 10 & 11	882.84
Lots 12 & 13 & West 4 feet of Lot 14	635.64
east 21 feet of Lot 14 & all Lots 15 & 16	835.75
BLOCK 125	
Lot 1	294.25
Lots 2 to 6 incl.	1471.25
Lot 7	294.25

Lots 8, 9 & 10	882.75
Lots 11, 12 & 13	1353.52
Lots 14, 15 & 16	1883.15
Lots 17 thru 22 incl.	1471.17
BLOCK 126	
Lots 1, 2 & 3	1883.20
Lots 4 & 5	961.22
Lots 6, 7 & 8	980.88
Lots 9 & 10	588.53
Lot 11	294.27
Lots 12 to 16 incl.	1471.33
Lots 27 thru 32 incl.	1471.17
BLOCK 127	
Lots 1, 2, 3, & West 1/2 Lot 4	1029.97
East 1/2 Lot 4 & all Lots 5 & 6	735.69
Lots 7 to 10	1177.10
Lots 11 to 15	1589.09

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 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 prescribed under the bond issue. The first of said installments of said principal shall be due and payable on the 1st day of May, 1963, 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 installment, 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 the 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 the rate prescribed by the bond issue, 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 the cost of collection and other incidentals and of interest from the date of payment to the 1st day of May, 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. 59 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 district 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 59, 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 20th day of March, 1963.

Adopted and approved the 3rd day of April, A. D. 1963.  
Authenticated and approved the 3rd day of April, A. D. 1963.

/s/ Charles E. McCormick  
President of the Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1170, 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 March, 1963, 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 3rd day of April, 1963.

/s/ Helen C. Tomlinson  
City Clerk

Published: March 24, 1963

Published: April 7, 1963