

ORDINANCE NO. 1259

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-66 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 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 provisions of law relating to certain improvements in Improvement District No. ST-66 in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 18 of the Code of 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. ST-66 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. ST-66 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 14, 1967 and the last publication thereof appearing on February 16, 1967); 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 5th day of April, 1967, 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. ST-66, 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 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 \$47,122.83, (said amount including six per cent interest to the 1st day of January, 1968);

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:

IMPROVEMENT DISTRICT ST-66

<p>Beg 346 ft S of NW Cor NW1/4 NE1/4, Sec 11 T1S R1W N 75 1/4 15' E 247 ft. N 8 1/4 30' W 28.7 ft W 29.6 S 15 1/4 12' W 9.5 ft S 63 1/4 50' W 10 ft N 5 1/4 33' E 13.7 ft W 190.3 ft S 91 ft to beg</p>	<p>\$689.60</p>
<p>Beg 363.1 ft S &amp; S 26 1/4 19' E 60.8 ft from N1/4 Cor Sec 11 T1S R1W N 77 1/4 10' E 307 ft S 02 1/4 55' W 118.2 ft S 84 1/4 07' W 257 ft N 26 1/4 19' W 85 ft to beg</p>	<p>793.04</p>
<p>Beg 346 ft S of N1/4 Cor Sec 11 T1S R1W N 75 1/4 15' E 247 ft N 8 1/4 30' W 28.7 ft W 29.6 ft N 15 1/4 12' E 46.3 ft N 79 1/4 59' E 119.8 ft S 2 1/4 55' W 278.2 ft S 84 1/4 07' W 257 ft to center Co H-W N 26 1/4 19' W along Sd H-W 145.8 ft N 17.1 ft to beg 363.1 ft S 26 1/4 19' E 60.8 ft from N1/4 Cor Sd Sec 11 N 77 1/4 10' E 307 ft S 02 1/4 55' W 118.2 ft S</p>	<p>672.36</p>

84° 07' W 257 ft N 26° 19' W 85 ft	
Beg 499.3 ft S & 65 ft E of N1/4 Cor Sec 11 T1S R1W E 175 ft S 115 ft W 123 ft to a pt on E line of Co H-W NWly along Sd H-W to beg also beg 499.3 ft S & 65 ft E of N1/4 Cor Sd Sec 11 E 175 ft N 20 ft SWly to beg	876.14
Beg 499.3 ft S & 240 ft E of N1/4 Cor Sec 11 T1S R1W S 115 ft E 76 ft N 2° 55' E 149.3 ft to SE Cor Oliver Reed Tr S 84° 67' W to a pt 20 ft N of beg S to beg	304.98
W 150 ft of Lot 1 Blk 1 Yocum Sub	752.78
W 150 ft of Lot 2 Blk 1 Yocum Sub except S 12 ft 8 in thereof	643.57
The W 150 ft of the S 12.35 ft of Lot 2 Blk 1 and the W 150.0 ft of Lot 3 Blk 1 All in Yocum Addition Sec 11 T1S R1W Ute Meridian	504.27
The W 150 ft of following described property from N1/4 Cor Sec 11 T1S R1W S 00° 39' E 577.00 ft to a square stone marked "X" S 63° 31' E 225.54 ft S 00° 04' W 292.00 ft to NW Cor Tract for beg S 89° 26' E 951.0 ft to a pt on LCB RR R-O- W SWly along sd R-O-W to S Line of NW1/4 NE1/4 Sd Sec 11 W to a pt S of beg N to beg except the South 30 ft of the above described tract for street purposes	2,374.81
The West 150 ft of the East 190 ft Except the North 30 ft for Road Purposes and Vac Ord No. 978 Book 700, Page 46 of Deed Mesa County, Colorado Also Except Beg at the N1/4 Cor Sec	3,803.40

<p>11 T1S R1W Ute Meridian thence South 576 ft to True Point of Beg Thence S 73° 35' W 42.3 ft thence on a curve to the right with a Longchord that bears N 36° 48' E 36.3 ft thence North 7.3 ft thence N 73° 35' E 31.3 ft thence S to true point of beg of the following described property beg at the N1/4 Cor Sec 11 T1S R1W Ute Meridian thence South 576 ft thence S 73° 35' W 708 ft thence S 54° 00' W 300.00 ft thence North to the North Line of Sd Sec 11 thence East to the point of Beg Sub to a R-W Easement for pipeline deed to Grand Valley Irrigation Company</p>	
<p>Beg 546 ft S of N1/4 Cor Sec 11 T1S R1W S 73° 35' W 31.3 ft S 7.3 ft on a curve to right with a chord that bears S 36° 48' W 36.3 ft S 73° 35' W 55 ft M or L S 56 ft E 230 ft to W line 7th St N 30° 38' W along Sd W Line 142 ft S 73° 35' W 50 ft N to beg</p>	667.79
<p>The East 150 ft of the following described tract, beg 660.00 ft S of the NE Cor NW1/4 Sec 11 T1S R1W E 112.00 ft to W Line 7th St thence South 270.00 ft thence West 270.00 ft thence S 50.00 ft thence West 241.13 ft thence N 290.00 ft More or Less to South Line of Hospital Grounds thence N 73° 35' E to N Line of SE1/4 NE1/4 NW1/4 Sd Sec 11 East to Beg</p>	1,812.89
<p>Lot 1 Mesa Park Center Sec 11 T1S R1W Ute Meridian</p>	217.77
<p>Lot 2 Mesa Park Center Sec 11 T1S R1W Ute Meridian</p>	148.63
<p>The East 150 ft of following described property Beg 1433.4</p>	948.20

ft East and 145.00 ft North of SW Cor of NE1/4 NW1/4 Sec 11 T1S R1W, thence West 245.00 ft. thence North 110.00 ft. thence East 245.00 ft South to Beg	
The East 150.00 ft of the following described property Beg 922.27 ft East and 105.00 ft North of SW Cor S1/2 NE1/4 NW1/4 Sec 11 T1S R1W thence N 150.00 ft East 266.13 ft South 110.00 ft East 245.00 ft South 59.0 ft West 255.57 ft North 19.0 ft West 255.56 ft to Beg Except W 25.00 ft thereof	508.58
Beg 1287.83 ft East of SW Cor S1/2 NE1/4 NW1/4 Sec 11 T1S R1W North 86.0 ft East 145.57 ft South 86.0 ft West to Beg Except South 20.0 ft for Road	559.70
The East 4.43 ft of the following described property Beg 1177.83 ft East of the SW Cor of S1/2 NE1/4 NW1/4 Sec 11 T1S R1W North 86.0 ft East 110.0 ft South 86.0 ft West to Beg Except S 20.0 ft thereof	9.22
The West 125 ft of the S1/2 of Lots 29 & 30 Blk 2 Prospect Park	336.60
The West 125.00 ft of the N1/2 of Lot 29 & 30 Blk 2 Prospect Park Except N 8 ft thereof	374.42
Lot 1 Block 2 Prospect Park Except South 8 ft thereof	351.67
The West 55.75 ft of Lot 2 Blk 2 Prospect Park Except the South 8 ft thereof	191.14
Lot 30 Blk 1, Prospect Park Except North 10.00 ft thereof	345.02
The West 56.03 ft of Lot 29 Blk 1 Prospect Park Except North 10.00 ft thereof	193.62

Lot 1 Blk 1 Prospect Park, Except the North & South 10.00 ft thereof	316.82
West 56.23 ft of Lot 2, Blk 1 Prospect Park, Except North and South 10.00 ft thereof	178.79
Lot 1 Blk 1, Overhill Annex	727.53
The West 15 ft of Lot 2 Blk 1 Overhill Annex	56.89
The West 125 ft of following described property Blk 2, Overhill Annex, Except Beg 175 ft East & 30 ft South of W1/4 Cor, Sec 12, T1S R1W East 60.00 ft South 124.4 ft West 60.00 ft North to beg	4,462.28
Beg at SW Cor Lot 1 Blk 1, Fairmount Sub, Sec 12 T1S R1W North 100.00 ft East 100.00 ft South 100.00 ft West to Beg	767.18
The West 125.00 ft of following described Lot, Lot 1 Blk 1, Fairmount Sub. Except West 100.00 ft of the South 100.00 ft thereof Also Except North 25.00 ft for Road	1,603.32
The West 125.00 ft of the following described property South 206.8 ft of Lot 2, Blk 1, Fairmount Sub, Sec 12 T1S R1W, Also beg 180.00 ft East & 83.7 ft South of NW Cor Sd Lot 2 S 9.5 ft West 50.00 ft North 9.5 ft East to beg Except 25.00 ft for Road on South also Except alley	1,567.12
Beg at NW Cor Lot 2, Blk 1, Fairmount Sub, Sec 12 T1S R1W East 70.00 ft South 93.2 ft West 70.00 ft North to beg	555.90
The West 55.00 ft of following described property Beg 70.00 ft	247.39

East of NW Cor Lot 2, Blk 1 Fairmount Sub Sec 12 T1S R1W East 110.00 ft South 93.2 ft West 110.00 ft North to beg except beg 180.00 ft East & 83.7 ft South of Sd NW Cor South 9.5 ft West 50.00 ft North 9.5 ft East to beg	
The East 125.00 ft of Lot 23 South Garfield Park Sub	305.54
The East 125.00 ft of Lot 22 South Garfield Park Sub	570.56
The East 125.00 ft of Lot 21, South Garfield Park Sub	646.50
The East 125.00 ft of Lot 20, South Garfield Park Sub	706.84
The East 125.00 ft of the South 54.8 ft of North 104.8 ft of Lots 10 & 11, Blk 5 Garfield Park Sub	407.73
The East 125.00 ft of the North 50.00 ft of Lots 10 & 11, Blk 5, Garfield Park Sub	356.65
Lot 9, Blk 5, Garfield Park Sub, Sec 11 T1S R1W	345.49
East 55.00 ft of Lot 8 Blk 5, Garfield Park Sub Sec 11 T1S R1W	193.86
East 3.00 ft of the West 10.00 ft of Lot 8, Blk 5, Garfield Park Sub., Sec 11 T1S R1W	9.90
Beg at the NE Cor Lot 9, Blk 1 Garfield Park Sub according to the plat thereof recorded in Book 7, Page 9, Mesa County Deed Records Sd Point being 40.00 ft West and 30.00 ft South from the E1/4 Cor Sec 11 T1S R1W thence Southerly along the West R-W Line of 12th Street 597.60 ft to a point on the SE Cor of Lot 10 Blk 4 of Sd Garfield Park Sub thence	5,151.31

<p>125.00 ft Westerly along the North line of Mesa Avenue to a point on the South Line of Lot 11, Blk 4 of Sd garfield Park Sub, Sd point being 2.00 ft. East of Lot 11, Blk 4, Sd Garfield Park Sub, thence Southerly and parallel to the West Line of 12th Street 597.60 ft more or less to a point on the North Line of Lot 8, Blk 1, of said Garfield Park Sub, thence Easterly 125.00 ft to the point of beginning all in Mesa County, Colorado</p>	
<p>The East 125.00 ft of the following described property  Beg N 89° 58' W 30 ft from E1/4 Cor, Sec 11 T1S R1W N 89° 58' W 189.92 ft N 00° 04' E 220 ft S 89° 58' E 189.92 ft S 00° 04' W 220 ft to beg</p>	<p>1,637.80</p>
<p>The East 125.00 ft of the following described property  Beg 220 ft N &amp; 30 ft. W of E1/4 Cor, Sec 11 T1S R1W W 299.92 ft N 109.64 ft E 299.92 ft S to Beg Except W 25 ft thereof</p>	<p>945.96</p>
<p>The East 125.00 ft of the following described property  NE1/4 SE1/4 SE1/4 NE1/4 Sec 11 T1S R1W Except beg 40 ft W and 25 ft S of NE Cor SD SE1/4 SE1/4 NE1/4 W 289.9 ft S 175 ft E 100 ft N 100 ft E 189.9 ft N 75 ft to beg</p>	<p>1,982.60</p>
<p>The East 125.00 ft of the following described property  NW1/4 SE1/4 SE1/4 NE1/4 Sec 11 T1S R1W Also beg 40 ft W &amp; 25 ft S of NE Cor Sd SE1/4 SE1/4 NE1/4 W 289.9 ft S 175 ft E 100 ft N 100 ft E 189.9 ft N 75 ft to beg</p>	<p>646.50</p>
<p>Beg 30 ft N &amp; 30 ft E of W1/4 Cor Sec 11 T1S R1W E 255 ft N</p>	<p>1,099.05</p>



300.8 ft W 255.5 ft S 300 ft to beg	
Beg 30 ft N & 285 ft E of W1/4 Cor Sec 11 T1S R1W E 65 ft N 202.2 ft S 64' 40' W 72 ft S 170.9 ft to beg	280.15
Beg 30 ft N & 350 ft E of SW Cor, SW1/4 NW1/4 Sec 11, T1S R1W E 70 ft N 236 ft S 64' 40' W 76 ft S 202.2 ft to beg	301.70
Beg 30 ft N & 420 ft E of W1/4 Cor Sec 11 T1S R1W E 60 ft N 240 ft to drain SWly along drain to a pt N of beg S to beg	258.60
Beg 30 ft N & 480 ft E of W1/4 Cor Sec 11 T1S R1W E 116 ft N 260 ft S 84' 10' W along S Line of Sd Dr to a pt N of beg S to beg	499.96
Beg 596 ft E & 30 ft N of SW Cor SW1/4 NW1/4 Sec 11 T1S R1W N 260 ft E 83.8 ft S 260 ft W to Beg	361.61
The West 6.00 ft of Lot 2 Blk 1 Mt View Add Except the North 15.00 ft thereof	7.76
The West 6.00 ft of Lot 1, Blk 1, Mt. View Addition	13.79
West 65 ft of W 111 ft of Lot 1, Blk C, College Sub	105.06
West 65 ft of Lot 2, Blk C College Sub	103.44
West 65 ft of the S 49 ft of Lot 4, Blk C College Sub	77.58
West 65 ft of the N 51 ft of Lot 4 Blk C College Sub	82.43
West 65 ft of the S 75 ft of Lot 5, Blk C, College Sub	121.22
West 65 ft of the N 50 ft of Lot 5, Blk C, College sub	80.81

West 65 ft of Lot 6, Blk C, College Sub	121.22
The West 65 ft of Lot 7, Blk, C, College Sub	169.71
The East 65 ft of Lot 14, Blk B, College Sub	96.98
The East 65 ft of Lot 15, Blk B, College Sub	80.81
The East 65 ft of Lot 16, Blk B, College Sub	80.81
The East 65 ft of Lot 17, Blk B, College Sub	145.46
The East 65 ft of Lot 18, Blk B, College Sub	160.01
The East 65 ft of N1/2 Lot 19, Blk B, College Sub	80.81
The East 65 ft of S1/2 Lot 19, Blk B, College Sub	80.81
The East 65 ft of Lot 21, Blk B, College Sub	80.81
The East 65 ft of Lots 22 & 23, Blk B, College Sub	161.63

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 herein-before set out, 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 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 six per cent per annum. The first of said installments of said principal shall be due and payable on the first day of January, 1968, and the remainder of said installments shall be due on the first day of January 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 six 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 interest from the date of payment to the first day of January, 1968, 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, being Chapter 18 of the Code of 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. ST-66, 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 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 5th day of April, 1967.

Adopted and approved the 19th day of April, 1967.

Authenticated and approved the 19th day of April, 1967.

/s/ Ray A. Meacham  
President of the City Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1259, 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 5th day of April, 1967, 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 20th day of April, 1967.

/s/ Helen C. Tomlinson  
City Clerk

Pub 4-11-67

Final Pub 4-24-67