

ORDINANCE NO. 1291

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 23-67, 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 Sanitary Sewer District No. 23-67 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 said City, 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 Sanitary Sewer District No. 23-67, 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. 23-67 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 July 23, 1968, and the last publication thereof appearing on July 25, 1968); 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 3rd day of September, 1968, 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 or objections have been filed, and

WHEREAS, the City Council has duly confirmed the statement of 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. 23-67, 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. 23-67 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 \$6,846.18, said amount including \$0.01 per square foot for trunk and future development and interest on the bonds of said District to January 1, 1969, but does not include six per centum additional for cost of collection and other incidentals; 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:

ASSESSMENT ROLL  
Sanitary Sewer District 23-67

Beginning at a point 14.00 feet West and 10.00 feet South of the Southeast corner Lot 2, Fairmount Heights Subdivision; Thence West 136.00 feet, South 10.00 feet and parallel to the South Line of said Lot 2; thence 40.00 feet North; Thence East 87.8 feet; Thence Southeasterly 62.6 feet to the point of beginning, all in Mesa County, Colorado \$ 260.95

The South 85.00 feet of Lot 3, Fairmount Heights Subdivision, Except the North 50.00 feet of the West 100.00 feet thereof, all in Section 2, T1S, R1W, Ute Meridian, Mesa County, Colorado 947.38

All of Lot 4, Fairmount Heights Subdivision 1,676.13

The South 150.00 feet of Lot 5, Fairmount Heights Subdivision 874.50

The South 150.00 feet of Lot 6, Fairmount Heights Subdivision 874.50

The South 150.00 feet of Lot 7, Fairmount Heights Subdivision 874.50

The South 150.00 feet of Lot 8, Fairmount Heights Subdivision 874.50

The South 150.00 feet of Lot 9, Fairmount Heights

Subdivision

874.50

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 proportions 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 the same, shall from the time of final publication of this ordinance, constitute a perpetual lien against each lot or tract of land described on a parity with the tax lien for General, State, County, City or 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 said 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 centum per annum. The first of said installments of said principal shall be due and payable at the time general taxes are due and payable in the year 1969 and annually thereafter until 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 centum 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 centum 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 6% added for cost of collection and other incidentals shall be made on said 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 Sanitary Sewer District No. 23-67, 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 or may become in default or for such other purposes as the City Council may from time to time determine.

Section B. 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, shall govern and be taken to be a part of this ordinance with respect to the creation of said Sanitary Sewer District No. 23-67, 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 4th day of September, 1968.

ADOPTED AND APPROVED the 18th day of September, 1968.

Authenticated and approved the 18th day of September, 1968.

/s/R. G. Youngerman  
President of the Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1291, 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 4th day of September, 1968, 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 19th day of September, 1968.

/s/ Helen C. Tomlinson  
City Clerk

Published: September 8, 1968  
Published: September 23, 1968