

ORDINANCE NO. 1313

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-68, 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; ASSESSMENT 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. ST-68 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 improvement in said Improvement District No. ST-68, 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-68, 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 March 11, 1969, and the last publication thereof appearing on March 13, 1969; 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 16th day of April, 1969, 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-68, 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. ST-68 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 \$66,018.76, said amount including six per cent additional for cost of collection and other incidentals and including interest to the 1st day of January, 1970, at the rate of six 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 portions and amounts, severally, to-wit:

ALL OF THE SOUTH ft of Lot 13 Blk 5 Fairmount Sub	\$3,204.62
---	------------

Sec 12 T1S R1W Ute Meridian	
The North 10 feet of the South 125 ft. of Lot 13, Blk 5 Fairmount Subdivision; and the East 120 feet of the South 125 ft. of Lot 16, Blk 5, Fairmount Subdivision	1,427.96
The South 125 feet of the following described tract: Beg 120 feet West to the Southeast Corner of Lot 16 Block 5 Fairmount Sub Sec 12 T1S R1W Thence West 60 feet thence North 150 feet thence East 60 feet to Beg	677.94
The South 125 feet of the following described tract: The West 60 feet of the East 120 feet of the South 150 feet of Lot 16 Block 5 Fairmount Sub Sec 12 T1S R1W	677.94
The South 125 feet of the following described tract: Beg. at the Southeast Cor of Lot 16 Blk 5 Fairmount Sub Sec 12 T1S R1W Thence West 60 feet thence North 150 ft. thence East 60 feet thence South to Beg	677.94
Beg. at Northwest Corner of Lot 2 Blk 1 Fairmount Sub Sec 12 T1S R1W thence East 70 ft thence South 93.2 ft thence West 70 feet thence North to Beg	678.17
Beg 70 feet East of Northwest Corner of Lot 2 Blk 1 Fairmount Sub Sec 12 T1S R1W thence East 110 feet thence South 93.2 feet thence West 110 ft thence North to Beg Exc Beg 180 feet East and 83.7 feet South of said Northwest Corner Thence South 9.5 feet thence West 50 feet thence North 9.5 feet thence East to Beg.	1,039.96
Beg at Northeast Corner Lot 2 block 1 Fairmount Sub Sec 12 T1S R1W Thence West 110 feet thence South 93.2 feet thence East 110 feet thence North to Beg	1,065.61
The North 31.8 feet of the South 206.8 feet of Lot 2 Blk 1 Fairmount Sub Sec 12 T1S R1W beg 180 feet East & 83.7 feet South of Northwest Corner of said Lot 2 thence South 9.5 feet thence West 50 feet thence North 9.5 feet thence East to Beg Exc 25 feet for Road on South Also Exc Alley	677.94
Beg 240 feet West of Northeast Corner Lot 3 Blk 1 Fairmount Sub Sec 12 T1S R1W Thence West 60 feet thence South 125 feet thence East 60 feet thence North to Beg	677.94
Beg 180 feet West of Northeast Corner Lot 3 Blk 1 Fairmount Sub Sec 12 T1S R1W Thence West 60 feet thence South 125 feet thence East 60 feet thence North to Beg	677.94
Beg 120 feet West of the Northeast Corner Lot 3 Blk 1 Fairmount Sub Sec 12 T1W R1W thence South 125 feet thence West 60 feet thence North 125 feet thence East to Beg	492.97

Beg 60 feet West of Northeast Corner Lot 3 Blk 1 Fairmount Sub Sec 12 T1S R1W thence South 125 feet thence West 60 feet thence North 125 feet East to Beg	677.94
Beg at Northeast Corner Lot 3 Blk 1 Fairmount Sub Sec 12 T1S R1W thence West 60 feet thence South 125 feet thence East 60 feet thence North to Beg	677.94
Lots 1 & 2 Blk 1 Grand Junction	157.06
Lots 3 & 4 Blk 1 Grand Junction	157.06
Lots 5 & 6 Blk 1 Grand Junction	157.06
Lots 7 & 8 Blk 1 Grand Junction	157.06
Lots 9 & 10 Blk 1 Grand Junction	157.06
Lots 11 & 12 and West 1/2 of Lot 13 Blk 1 Grand Junction	196.32
East 1/2 of Lot 13 and all of Lot 14 Blk 1 Grand Junction	117.79
Lots 15 to 17 inc Blk 1 Grand Junction	326.68
Lots 32 to 34 Inc Blk 1 Grand Junction	235.59
Lots 29 to 31 Inc Blk 1 Grand Junction	235.59
Lots 27 & 28 Blk 1 Grand Junction	157.06
Lots 25 & 26 Blk 1 Grand Junction	157.06
Lots 23 & 24 Blk 1 Grand Junction	157.06
Lots 21 & 22 Blk 1 Grand Junction	157.06
West 1/2 of Lot 19 and all of Lot 20 Blk 1 Grand Junction	117.76
Lot 18 and East 1/2 of Lot 19 Blk 1 Grand Junction	208.88
Lot 4 Blk 1 Teller Acres	888.89

Lot 3 Blk 1 Teller Acres	335.91
The East 31.10 feet of Lot 2 Blk 1 Teller Acres	163.16
Lot 11 Blk 3 Teller Acres	891.61
Lot 10 Blk 3 Teller Acres	330.38
The East 38 feet of Lot 9 Blk 3 Teller Acres	202.25
Lot 12 Blk 3 Teller Acres	2,324.43
The East 61.17 feet of Lot 13 Blk 3 Teller Acres	714.55
The West 175 ft. of the North 337.84 feet of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Sec 12 T1S R1W Ute Meridian Mesa County, Colorado, Exc the West 25 feet for Street	3,817.25
The West 175 feet of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Sec 12 T1S R1W Ute Meridian, Mesa County, Colorado, EXC the East 100 ft. and the North 337.84 feet thereof Also EXC the South 50 feet and the West 25 feet of the above-described property	3,050.73
Lot 1 Ormsbee Sub Exc the North 5 feet and the South 5 feet Sec 7 T1S R1E	949.11
Lot 2 Ormsbee Sub Exc the North 5 feet and the South 5 feet	937.81
Lot 3 Ormsbee Sub Exc the North 5 feet and the South 5 feet	937.81
Lot 4 Ormsbee Sub Exc the North 5 feet and the South 5 feet thereof	937.81
Lot 5 Ormsbee Sub Exc the North 5 feet and the South 5 feet thereof	937.81
Lot 6 Ormsbee Sub Exc the North 5 feet and the South 5 feet	937.81
Lot 7 Ormsbee Sub Exc the North 5 feet and the South 5 feet thereof	1,480.17
The South 84 feet of the following described property: Beg 15 feet South of the Northeast Corner Southwest 1/4	937.81

Southeast 1/4 Sec 7 T1S R1E thence West 125 feet thence South 99 feet thence East 125 feet thence North to Beg Exc the East 25 feet for Road	
The South 84 feet of the following described property: Beg 125 feet West and 15 feet South of the Northeast Corner Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E Thence South 99 feet thence West 145 feet thence North 99 feet thence East to Beg	1,359.83
The North 48 feet of the following described property: Beg at the Southeast Corner North 1/2 Northeast 1/4 Southwest 1/4 Southeast 1/4 of Sec 7 T1S R1E thence North 216 feet thence West 270 feet thence South 216 feet thence East to Beg Exc the East 25 feet for Road	470.61
The North 120 feet of the following described property: Beg 290 feet East of the Northwest Corner Northeast 1/4 Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E thence South 330 feet thence East 100 feet thence North 330 feet thence West to the Point of Beg Exc the 30 feet for Road on the North	1,129.90
The South 70 feet of the following described property: Beg 148 feet East of the Northwest Corner North 1/2 Northeast 1/4 Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E thence South 100 feet thence East 102 feet thence North 100 feet thence West to Beg	875.09
The North 150 feet of the following described tract: Beg. 148 feet East and 100 feet South of the Northwest Corner Sec 7 T1S R1E of the North 1/2 Northeast 1/4 Southwest 1/4 Southeast 1/4 thence South 230 feet thence East 121 feet thence North 330 feet thence West 19 feet thence South 100 feet thence West 102 feet to Beg	492.30
The North 120 feet of the following described tract: Beg 72 feet East of the Southwest Cor North 1/2 Northeast 1/4 Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E thence East 76 feet thence North 300 feet thence West 76 feet thence South to Beg	858.73
The North 120 feet of the following tract: The West 72 feet of the West one acre of North 1/2 Northeast 1/4 Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E exc the North 30 feet thereof	813.53
The North 120 feet of the following described tract: Beg 269 feet East of the Northwest Corner Northeast 1/4 Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E Thence East 21 feet thence South 330 feet	237.28
The North 120 feet of the following described property: The North 1/4 Northwest 1/4 Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E Exc the North 30 feet and the West	5,762.49

150 feet thereof	
The North 120 feet of the following tract: The West 150 feet of the North 1/4 Northwest 1/4 Southwest 1/4 Southeast 1/4 Sec 7 T1S R1E Exc the North 30 feet and the West 25 feet thereof	1,412.38
Lot 4 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	232.24
Lot 5 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	232.24
Lot 6 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	234.94
Lot 7 Blk 3 of Cottonwood Meadows Mobile Home Estates	233.81
Lot 8 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	216.03
Lot 9 Blk 3 of Cottonwood Meadows Mobile Home Estates	216.03
Lot 10 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	216.03
Lot 11 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	216.03
Lot 12 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	213.60
Lot 13 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	398.81
Lot 14 Blk 3 of Cottonwood Meadows Mobile Home Estates in the City of Grand Junction	156.63
A portion of Lot 15 Blk 3 Cottonwood Meadows Mobile Home Estates described as follows: Beg at a point on the Southwest Corner of Lot 15 Blk 3 Cottonwood Meadows Mobile Home Estates Thence North 80° West 20.29 feet Thence South 89° 53' East 120 feet more or less to the East line of said Lot 15 Thence South to the Southeast Corner thereof Thence South 85° 48' West 120.20 feet to the point of Beg	56.71
Lot 1 Blk 5 of Cottonwood Meadows Mobile Homes Estates in City of Grand Junction, Colorado	213.88
Lot 2 Blk 5 of Cottonwood Meadows Mobile Home Estates	250.05
A portion of Lot 3 Blk 5 Cottonwood Meadows Mobile Homes Estates in the City of Grand Junction described as follows: Beg at the Southeast Corner of Lot 3 Blk 5 of	45.37

Cottonwood Meadows Mobile Homes Estates Thence South 84° 04' West 95.5 feet to a point on the Southwest Corner of said Lot 3 Thence North 16.80 feet more or less, Thence North 89° 53' West 100.00 feet more or less to a point on the East line of said Lot 3 Thence South 10.00 feet more or less to the point of beginning	
The South 130 feet of the following described property: Beg 145.3 feet South of Northwest Corner Lot 2 Grandview Sub East 120 feet North to Beg Exc 40 feet Street on South	1,220.29
The South 130 feet of the following described property: Beg 145.3 feet South and 120 feet East of Northwest Cor Lot 2 Grandview Sub East 78.56 feet South 168.74 feet West 78.56 feet North to Beg Exc 40 feet for Street on South	798.88
The South 130 feet of the following described property: Beg 198.56 feet East of Southwest Corner North 1/2 of Lot 2 Grand View Sub Sec 12 T1S R1W Thence East 66.187 feet North 183.62 feet West 66.187 feet South to Beg Exc the South 20 feet for Street	673.07
The South 130 feet of the following described property: Beg 308.95 feet West and 153.41 feet South of the Northeast Cor Lot 2 Grand View Sub South 160.59 feet West 66.18 feet North 160.59 feet East to Beg EXC the South 20 feet for Street	672.99
The South 130 feet of the following described property: Beg 329.8 feet South and 265 feet West of Northeast Cor Lot 2 Grand View Sub Grand Junction Thence West 43.96 feet Thence North 229.8 feet Thence East 43.96 feet Thence South to Beg EXC North 51.85 feet thereof Also EXC the South 20 feet for Street	447.03
The South 130 feet of the following described property: Beg 329.8 feet South and 240 feet West of Northeast Cor Lot 2 Grand View Sub Grand Junction Thence West 25 feet Thence North 229.8 feet Thence East 25 feet Thence South to Beg EXC South 20 feet for Street Also EXC North 51.85 feet thereof	254.23
The South 130 feet of the following described property: Beg 216 feet South of Northeast Corner Lot 2 Grand View Sub Grand Junction Thence South 113.08 feet Thence West 240 feet Thence North 229.08 feet thence East 80 feet Thence South 116 feet Thence East 160 feet to Beg EXC West 77 feet of North 51.85 feet thereof Also EXC the South 20 feet for Street	2,027.21
The South 51.92 feet of the following described property: Beg 145 feet South of the Northeast Cor of Lot 2 Grand View Sub Sec 12 T1S R1W South 71 feet West	362.53

160 feet North 71 feet East 160 feet to Beg	
The North 130 feet of Lot 11 Exposition Arcade in City of Grand Junction	759.84
The North 130 feet of Lot 10 in Exposition Arcade in City of Grand Junction	810.68
The North 130 feet of the following described property: Lots 8 & 9 of Exposition Arcade in City of Grand Junction	1,084.63
The North 130 feet of the following described property: Lot 7 of Exposition Arcade in City of Grand Junction	542.32
The North 41 feet of the following described property: Lot 6 and the East 1/2 of Lot 5 EXC the North 89 feet of Lot 6 and the North 89 feet of the North 89 feet of the East 1/2 of Lot 5 of Exposition Arcade	110.74
The North 89 feet of Lot 6 and the North 89 feet of the East 1/2 of Lot 5 of Exposition Arcade in City of Grand Junction	507.23
The North 130 feet of the following described property: Lot 4 and the West 1/2 of Lot 5 of Exposition Arcade Subject to an Easement for Utilities across the South 10 feet of said described property EXC that part thereof conveyed to the City of Grand Junction for Street and right-of-way purposes by Deed recorded in Book 755 at Page 280 of Mesa County Records	554.22
Lot 1, 2, and 3 of Exposition Arcade in the City of Grand Junction EXC that portion of Lot 3 deeded to the City of Grand Junction, Colorado	1,688.07

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 interests 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 six per cent per annum. The first of said installments of said principal shall be due and payable on the 1st day of January, 1970, and the remainder of said installments shall be due on the 1st 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 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 January, 1970, 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. ST-68 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 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-68, 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 16th day of April A.D., 1969.

Adopted and approved the 7th day of May A.D., 1969.

Authenticated and approved the 7th day of May, A.D. 1969.

R. G. Youngerman\President of the Council

ATTEST:

Helen C. Tomlinson\City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1313, 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 16th day of April, 1969, 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 8th day of May, 1969.

Helen C. Tomlinson\City Clerk

Pub 4-25-69
Final Pub