

ORDINANCE NO. 1349

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 26-69, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 1778, 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. 26-69 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. 26-69, 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. 26-69 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 9, 1970, and the last publication thereof appearing on February 11, 1970); and

WHEREAS, the 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 18th day of March, 1970, 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 complaint 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. 26-69, 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. 26-69 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 \$15,552.74, said amount including \$0.01 per square foot for trunk and future development and interest on the bonds of said District to January 1, 1970, on the portion of such amount to be assessed and paid, 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:

N 25' of Lots 1, 2, 3, 4, 5, & 6 Block 12 and S 10' of	\$310.33
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Noland Avenue East of 9th Street Benton Cannon's First Sub	
The N 50' of Noland East of 9th Street South of Block 5, Benton Cannon's First Sub	444.17
S 50' of Lots 1 to 6 and the 10' of adjacent Lots on South side in Block 12, Benton Cannon's First Sub	444.17
The S 50' of the N 75' of Lots 1 to 6 Block 12 Benton Cannon's First Sub	444.17
Lots 31 and 32 Block 12, Benton Cannon's First Sub	399.75
W 1/2 of Lot 29, All Lot 30 and a strip 10' wide N of Lot 29 and Lot 30 Block 12, Benton Cannon's First Sub	347.48
Lot 28 and E 1/2 Lot 29 and a 10' strip N of Lot 28 and E 1/2 Lot 29 Block 12, Benton Cannon's First Sub	539.70
Lots 19, 20, & 21 Block 11, Benton Cannon's First Sub	555.21
Lot 27, Block 12, Benton Cannon's First Sub and a strip 10' wide N and S adjacent to N Boundary Lot 27	239.85
Lot 11, Block 11, Benton Cannon's First Sub	185.08
Lot 12 Block 11, Benton Cannon's First Sub	185.08
Lot 13 through 16, Block 11, Benton Cannon's First Sub	784.70
Lots 17 & 18 Block 11, Benton Cannon's First Sub	446.01
Lot 22 Block 11, Benton Cannon's First Sub	222.08
W 83.5' of Lot 1, Block 13, Benton Cannon's First Sub Also the E 15.44' of the W 98.94'	732.41
E 50' of Lot 1 of Block 13, Benton Cannon's First Sub	370.14
Lot 3 McClure Park Sub Sec 11 T1S R1W	289.87
W 1' of Lot 1, and All of Lot 2 McClure Park Sub Sec 12 T1S R1W	354.94
The E 48' of Lot 1 McClure Park Sub Sec 12 T1S R1W	340.74
The N 150' of the S 180' of the following described tract:	461.42

The S 207' of the W 112' of the SE 1/4 of the NE 1/4 of Sec 12, T1S R1W UPM Except the E 60' of the S 182'	
Beg at a pt 30' N of the SE Cor of the W 1/2 SE 1/4 of the NE 1/4 Sec 12 T1S R1W UPM Thence N 270' Thence E 150' Thence S 120' Thence E 170' Thence S 150' to the point of Beg all in Mesa County, Colo.	3,904.33
The W 161' of the W 1/2 of the E 1/2 of the SE 1/4 of the NE 1/4 of Sec 12, T1S, R1W, UPM Mesa County, Colorado	532.41
Lot 5 McClure Park Sub Sec 12 T1S R1W	289.86
Lot 4 McClure Park Sub Sec 12 T1S R1W	289.86
The N 150' of the S 180' of the following described tract: Beg 53' W of the SE Cor of the W 1/2 of the S 1/2 W 1/4 of the SE 1/4 of the NE 1/4 of Sec 12, T1S R1W UPM Thence N 182' Thence W 60' Thence S 182' Thence E to Beg	532.41
The N 150' of the S 180' of the W 161' of the W 1/2 of the E 1/2 of the SE 1/4 of the NE 1/4 Sec 12, T1S, R1W, UPM Except the S 150' of the W 75'	896.22
The N 150' of the S 180' of the following described property Beg 112' E of SW Cor SE 1/4 NE 1/4 Sec 12 T1S R1W UPM Thence E 80' Thence N 207' Thence W 80' Thence S to Beg	709.88

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 of 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 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 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 (except as to those lands deferred from immediate payment); 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 within sixty days after the final publication of this Ordinance, 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 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 the sale, as by law provided, but at any time prior to the date of the 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 6 per cent added for cost of collection and other incidentals 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 Sanitary Sewer District No. 26-69 after the retirement of all bonds and proper payments 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 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, shall govern and be taken to be a part of this ordinance with respect to the creation of said Sanitary Sewer District No. 26-69, 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 18th day of March, 1970.

ADOPTED AND APPROVED this 1st day of April, 1970.

Authenticated and approved the 1st day of April, 1970.

R. G. Youngerman\President of the Council

ATTEST:

Helen C. Tomlinson\City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1349, 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 18th day of March, 1970, 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 2nd day of April, 1970.

Helen C. Tomlinson\City Clerk

Pub 3-22-70

Final Pub 4-6-70