

ORDINANCE NO. 1353

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-69, 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 OF 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. ST-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 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-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 Improvement District No. ST-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 March 10, 1970, and the last publication thereof appearing on March 12, 1970); 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 15th day of April, 1970, and recited that such complaints would be heard and determined by the Council at its first regular meeting after the 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-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 Improvement District No. ST-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 of the City Engineer, it appears that the whole cost of the said improvement is \$49,247.28, said amount including six per cent additional for cost of collection and other incidentals and including interest to the first day of June, 1970, at the rate of 6.19% 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:

ASSESSMENT ROLL

South 50 ft of Lots 12 to 16 inc., Blk 4, Mobley Sub Grand Junction, Exc West 15 ft of Lot 12	\$ 225.61
Lots 6, 9, 10, 11 and the East 15 ft. of Lot 12, Mobley Subdiv.	701.80
Lots 1 to 8 inc. Block 1, Mobley Subdiv	1,682.72
North 50 ft. of Lots 12 to 16 inc. Block 4, Mobley Sub Except West 15 ft. of Lot 12	627.79
North 25 ft. of South 75 ft. of Lots 12 to 16 inc., Blk 4, Mobley Subdiv, Exc West 15 ft. of Lot 12	127.52
Beg. 654.6 ft. North and 30 ft. West of SE Cor Sec. 10, T1S, R1W; thence West 236.1 ft. North 163.65 ft. East 236.1 ft. South to Beg. Exc. the North 73.65 ft.; also Exc. the South 25 ft. and the East 10 ft. for Street R/W	2,631.76
Lot 4 Blk 4 Monument Heights Sub., Exc. the North 71.72 ft.	762.44
Lot 5, Blk 4, Monument Heights Sub., exc the North 71.73 ft.	740.15
Lot 6, Blk 4, Monument Heights Sub. Exc the North 71.73 ft.	740.15
Beg. 691.35 ft. West of NE Cor N 1/2 S 1/2 SE 1/4 SE 1/4 Sec 10, T1S R1W West 132.95 ft. South 327.7 ft. East 132.95 ft. North to Beg. Exc. the South 237.7 ft.; Also Exc. the North 25 ft. for Street R/W	1,481.96
Beg. 493.4 ft. West of NE Cor. N 1/2 S 1/2 SE 1/4 SE 1/4 Sec. 10 T1S R1W West 142.95 ft. South 145 ft. East 141.35 ft. Nly to Beg. Exc the South 55 ft.; also Exc. the North 25 ft. for Street Right of way	1,582.85
Beg. 636.35 ft. West of Ne Cor N 1/2 S 1/2 SE 1/4 SE 1/4 Sec. 10, T1S R1W West 55 ft. South 327.7 ft. East 55 ft. North to Beg. Exc the South 237.7 ft.; Also Exc. the North 25 ft. for Street Right of way	613.07
Beg. Northwest Cor. East 400 ft. of N 1/2 S1/2 SE 1/4 SE 1/4 Sec. 10, T1S R1W East 100 ft. South 990 ft. West 100 ft. North to Beg. Exc. the North 25 ft. thereof	1,114.67
Beg. 1032.25 ft. West of Northeast Cor. N 1/2 S 1/2 SE 1/4 SE 1/4 Sec 10, T1S, R1W West 172.75 ft. South 175 ft. East 172.75 ft. North to Beg. Exc. the South 85 ft.; also Exc. the North 25 ft for Street Right of way	1,925.61
Beg. 824.30 ft. West of Northeast Cor. N 1/2 S 1/2 SE 1/4 SE 1/4 Sec 10 T1S R1W thence West 207.95 ft.	2,317.98

South 327.7 ft. East 207.95 ft. North to Beg. Exc. the South 237.7 ft.; also Exc. the North 25 ft. for Street Right of Way	
The South 65 ft. of the East 113 ft. of the following described tract: Beg. 211 ft. North of Southwest Cor. NW 1/4 SE 1/4 SE 1/4 Sec. 10 T1S R1W South 123 ft. SEly along a 40 ft. Rad.Cve 43.67 ft. South 66°07' East 66.03 ft. East to a point on East Line of West 3 Acres of N 1/2 SE 1/4 SE 1/4 25 ft. North of South Line N 1/2 SE 1/4 SE 1/4 North 276 ft. West to a point 359 ft. South and 990 ft. East of Northwest Corner SE 1/4 SE 1/4 SWly on a cve 141.4' to Beg.	1,259.59
Beg. 36 ft. South and 400 ft. West of Northeast Cor. S 1/2 SE 1/4 SE 1/4 Sec. 10, T1S, R1W South 290 ft. West 174 ft. Nly 176 ft. East 65 ft Nly to a point 93.4 ft. West of Beg. East to Beg. Exc. the South 200 ft; also Exc. the North 25 ft. for Street Right of Way	1,041.11
South 97 ft. of the North 133 ft. of East 200 ft. of S 1/2 SE 1/4 SE 1/4 Sec. 10, T1S, R1W, Exc. the South 43ft.; also exc. the East 40 ft. in Street Right of Way	1,783.48
The South 65 ft. of the North 90 ft. of the East 400 ft. of the N 1/2 SE 1/2 SE 1/4 SE 1/4 Sec. 10 T1S R1W Exc. the West 100 ft. and Exc. the East 200 ft. thereof in City of Grand Junction	1,114.67
Lot 1 Blk 2 Mel Rose Estates Sub.	918.04
Lot 2, Blk 2 Mel Rose Estates Sub.	836.01
the West 97.34 ft. of Lot 11 in Blk 1, of Mel Rose Estates Sub. according to the plat thereof	542.52
Lot 11 Blk 1 and North 30 ft. of East 59.98 ft. of Lot 10 Blk 1 Mel Rose Estates Exc. West 97.34 ft. of Lot 11 Blk 1 said Sub.	609.39
the North 13 ft. of Lot 20 Blk 1 and the South 54 ft. of Lot 19 Blk 1 Mel Rose Estates Sub	746.83
The South 67 ft. of Lot 20 Blk 1 Mel Rose Estates Sub	746.83
Lot 3 Blk 2 Mel Rose Estates Sub	836.01
Lot 4 Blk 2 Mel Rose Estates Sub.	915.15
The North 24 ft. of Lot 16 and the South 44 ft. of Lot 15 Blk 1 Mel Rose Estates Sub.	757.98

The North 22 ft. of Lot 17 Blk 1 and the South 46 ft. of Lot 16 Blk 1 Mel Rose Estates Sub	757.98
the North 19 ft. of Lot 18 Blk 1 and the South 48 ft. of Lot 17 Blk 1 Mel Rose Estates Sub.	746.83
the North 16 ft. of Lot 19 Blk 1 and the South 51 ft. of Lot 18 Blk 1 Mel Rose Estates Sub	746.83
The West 75 ft. of the North 30 ft. of Lot 13 Blk 1 and the West 75 ft. of Lot 12 Mel Rose Estates	1,148.12
The East 82.10 ft. of Lot 12 Blk 1 and the East 82.10 ft. of the North 30 ft. of Lot 13 Blk 1 Mel Rose Estates Sub.	1,717.72
The North 28 ft. of Lot 14 Blk 1 and the South 40 ft. of Lot 13 Blk 1 Mel Rose Estates Sub.	757.98
The North 26 ft. of Lot 15 Blk 1 and the South 42 ft. of Lot 14 Blk 1 Mel Rose Estates Sub.	757.98
Lot 21 Blk 1 Mel Rose Estates Sub. Grand Junction	1,386.66
North 652.8 ft. of the North 1/2 SW 1/4 NW 1/4 Sec. 7 T1S R1E Exc. 30 ft. road on West	2,065.51
South 667.2 ft. of the W 1/4 of SW 1/4 NW 1/4 Sec. 7 T1S R1E Exc roads on South and West	7,102.73
North 42.28 ft. of Lot 1 to 3 inc. Blk 8 Grand Junction	41.40
South 48 ft. of Lots 1 to 4 inc. Blk 8 Grand Junction	197.87
North 97 ft. of Lot 4 and all of Lots 5 & 6 Blk 8 Grand Junction	201.35
Lots 7 & 8 Blk 8 Grand Junction	167.20
Lots 9 & 10 Blk 8 Grand Junction	167.20
Lot 11 Blk 8 Grand Junction	83.60
North 97 ft. of Lots 12 to 16 inc Blk 8 Grand Junction	170.65
South 48 ft. of Lots 12 to 16 inc. Blk 8 Grand Junction	247.32
Lots 17, 18, 19 Blk 8 Grand Junction	250.81
Lots 20 & 21 Blk 8 Grand Junction	167.20

West 1/2 of Lot 23 and all of Lot 24 Blk 8 Grand Junction	125.40
Lots 25 & 26 Blk 8 Grand Junction	167.20
Lots 27 & 28 Blk 8 Grand Junction	167.20
Lots 29 & 30 Blk 8 Grand Junction	167.20
Lots 31 & 32 Blk 8 Grand Junction	167.20
South 54.72 ft. of North 97 ft. of Lots 1, 2, 3, Blk 8 Grand Junction	61.02
Lot 22 and the East 1/2 of Lot 23 Blk 8, Grand Junction	125.40

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 of 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 6.19 per cent per annum. The first of said installments of said principal shall be due and payable on the first day of June, 1970, 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 6.19 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 the six per cent added for cost of collection and other incidentals and of interest from the date of payment to the first day of June, 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-69 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-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 15th day of April A.D., 1970.

Adopted and approved the 6th day of May, A.D., 1970.

Authenticated and approved the 6th day of May, A.D. 1970.

R. G. Youngerman\President of the Council

ATTEST:

Helen C. Tomlinson\City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1353, 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 15th day of April, 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 7th day of May, 1970.

Helen C. Tomlinson\City Clerk

Pub 4-22-7-

Final Pub 5-11-70