

ORDINANCE NO. 1389

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-70, 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 Improvement District No. ST-70 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-70, 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-70, 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 January 13, 1971, and the last publication thereof appearing on January 15, 1971;) 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 complaint 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 17th day of February, 1971, 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 fully 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-70, 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-70 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 improvements is \$65,366.19, said amount including six per cent additional for cost of collection and other incidentals and including interest to the first day of April, 1971, at the rate of 7.075 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

Lots 8 & 9 Blk 3 West Lake Park Annex 2 Sec 10 T1S R1W	742.00
Lot 7 Blk 3 West Lake Park Annex 2 Sec 10 T1S R1W	742.00
Lot 6 Blk 3 West Lake Park Annex 2 Sec 10 T1S R1W	742.00
Lot 5 Blk,3 West Lake Park Annex 2 Sec 10 T1S R1W	742.00
Lot 4 Blk 3 West Lake Park Annex 2 Sec 10 T1S R1W	742.00
Lot 3 Blk 3 West Lake Park Annex 2 Sec 10 T1S R1W	742.00
Lot 1 Blk 3 West Lake Park Annex 2 Sec 10 T1S R1W	723.44
Lot 2 Blk 3 West Lake Park Annex 2 Sec 10 T1S R1W	742.00
Lots 6 & 7 Blk 2 West Lake Park Annex 2 Sec 10 T1S R1W	2,663.78
Lot 8 Blk 2 West Lake Park Annex 2 Sec 10 T1S R1W	821.50
Lot 9 Blk 2 West Lake Park Annex 2 Sec 10 T1S R1W	763.20
Lot 10 Blk 2 West Lake Park Annex 2 Sec 10 T1S R1W	763.20
Easterly 25' of Lot 6 & all Lot 7, Blk 4 West Lake Park Annex 2 Exc 8' Triag in SE Cor Lot 7	1,425.70
Easterly 72.1' of Lot 5 & Wly 48' of Lot 6 Blk 4 West Lake Park Annex 2 Grand Junction	1,397.08
Ely 26.1' of Lot 3 all Lot 4 & Wly .9' of Lot 5 Blk 4 West Lake Park Annex 2 Grand Junction	1,060.00

E 45.11' of Lot 2 & Wly 46.9' of Lot 3 Blk 4 West Lake Park Annex 2 Grand Junction	975.20
Lot 1 & W 19.9' of Lot 2 Blk 4 West Lake Park Annex 2 Exc 18.15' Triag in SW Cor Lot 1	1,060.00
N 40, of Lot 4 & all of Lot 5 Blk 2 West Lake Park Annex	1,863.48
N 60' of Lot 3 & S 40' of Lot 4 Blk 2 West Lake Park Annex 2	1,250.80
The N 65' of Lot 2 & S 20' of Lot 3 Blk 2 West Lake Park Annex 2 Sec 10 T1S R1W	901.00
Lot 1 & Lot 2 Blk 2, West Lake Park Annex 2 Exc 12' Triag in SW Cor Lot 1 and also Exc N 65' Lot 2 Sec 10 T1S R1W	996.40
Lot 5 & N 40' of Lot 6 Blk 1 West Lake Park Annex 2 Sec 10 T1S R1W	2,236.60
S 40, of Lot 6 & N 60', of Lot 7 Blk 1 West Lake Park Annex 2	1,199.92
S 20' of Lot 7 and all of Lot 8 Blk 1 West Lake Park Annex 2 Sec 10 T1S R1W	1,049.40
Tract B West Lake Park Sub Exc N 10' & Exc Beg 83' S of NE Cor Tract S 7' W 3' Nely to Beg	672.57
Tract A West Lake Park Sub & 29' Adj Tract A on S exc N 20' & Exc Beg 73' N of SE Cor Tract A N 7' W 3' Sely to Beg	567.95
Lot 1 Blk 1 West Lake Park Sub Sec 10 T1S R1W	747.30
Lot 2 Blk 1 West Lake Park Sub Sec 10 T1S R1W	312.70
Lot 2 Shaws Sub Amended of Tract C West Lake Park	237.65
E 7' of S 100' of Lot 17 & all Lot 18 Shaws Sub amended Tract C West Lake Park Sub Sec 10 T1S R1W	281.43
N 10' of Lot 2 & all Lot 4 Blk 1 West Lake Park Annex 2 Exc Triag in NW Cor Lot 4	1,673.53
N 40' of Lot 2 & S 60' of Lot 3 Blk 1 West Lake Park Annex 2	1,206.07
Lot 1 & S 30' of Lot 2 Blk 1 West Lake Park Annex 2 Exc 12' Triag in SW Cor Lot 1	1,060.70

Lot 11 Block 2, Westlake Park Annex 2	736.70
Beg NW Cor NW 1/4 SW 1/4 Sec 7 T1S R1E E 208.71' S 208.71' W 208.71' N to Beg Exc 25' on N and 40' on W for streets also exc E 18.7'	1,947.22
Lot 1 Blk 2 Virginia Village Sub Sec 7 T1S R1E	847.36
Lot 2 Blk 2 Virginia Village Sub Sec 7 T1S R1E	847.36
Lot 3 Blk 2 Virginia Village Sub Sec 7 T1S R1E	318.64
Lot 4 Blk 2 Virginia Village Sub Sec 7 T1S R1E	318.64
Lot 1 Blk 3 Virginia Village Sub Sec 7 T1S R1E	1,009.12
Lot 2 Blk 3 Virginia Village Sub Sec 7 T1S R1E	379.48
Beg 420.56' N & 30' E of SW Cor NW 1/4 SW 1/4 Sec 7 T1S R1E N 144.56' E 142' S 153.56' W 130' Nwly to Beg Exc N 75'	797.76
Beg 490.12' N & 30' E of SW Cor NW 1/4 SW 1/4 Sec 7 T1S R1E N 75' E 142' S 75' W to Beg	761.61
W 1/2 of Beg 411.56' N & 172' E of SW Cor NW 1/4 SW 1/4 Sec 7 T1S R1E E 140' N 163.56' W 282' S 10' E 142' S to Beg exc the E 62' thereof	53.64
Beg NW Cor SW 1/4 NW 1/4 SW 1/4 Sec 7 T1S R1E E 205' S 83' W 205' N to Beg Exc RD on West also exc E 25'	879.80
Lot 1 & 2 of Block 1 of Olympic Acres Sub a part of the City of Grand Junction	2,338.04
Lot 3 Block 1 Olympic Acres Sub	1,475.41
Lot 1 Block 2 Olympic Acres Sub	1,165.47
Lot 2 Block 2 Olympic Acres Sub	1,109.61
Lot 3 Block 2 Olympic Acres Sub	639.29
Lot 4 Block 2	645.75
Lot 5 Block 2	752.92
Lots 1, 2, & 3 exc E 15' of Lot 3 Exposition Arcade	477.00
Lot 4 & W 1/2 of Lot 5 Exposition Arcade exc W 15' of Lot 4	290.78
E 1/2 of Lot 5 and all Lot 6 Exposition Arcade	121.89
Lot 16 Exposition Arcade Sub	58.00
Lots 17, 18 & 19 exc W 9' of Lot 19 Exposition Arcade	336.32
Lots 20 to 22 inc Exposition Arcade	394.32

Lot 7 Exposition Arcade	64.36
Lot 5 Blk 1 Sherwood Add	191.12
Lot 6 Blk 1, Sherwood Add, Exc the S 10' for alley	190.80
Lot 7 Blk 1 Sherwood Add	190.80
Lot 9 Blk 1 Sherwood Add Exc S 10'	190.80
Lot 10 Blk 1 Sherwood Add Exc N 10' for alley	190.80
Lot 12 Blk 1 Sherwood Add Exc N 10'	190.80
Lot 13 Blk 1 Sherwood Add Exc N 10' for alley	190.80
Lot 14 Blk 1 Sherwood Add	190.80
Lot 2 Blk 1 Sherwood Add exc N 10' for alley	190.80
Lot 3 Blk 1 Sherwood Add Exc S 10' for alley	190.80
Lot 7 Revised Blk 4 Teller Arms Sub	154.51
Lot 8 Revised Blk 4 Teller Arms Sub	432.48
Lot 9 Revised Blk 4 Teller Arms Sub	442.82
Lot 18 Blk 3 Teller Arms Sub	442.82
Lot 17 Blk 3 Teller Arms Sub	432.48
Lot 16 Blk 3 Teller Arms Sub	154.50
Blk 8 Teller Arms Sub	2,543.68
Lot 12 Blk 4 Elmwood Plaza Refile See 12, T1S R1W	205.60
Lot 18 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	189.78
Lot 13 Blk 4 Elmwood Plaza Refile See 12 T1S R1W	205.60
Lot 17 Blk 4 Elmwood Plaza Refile See 12 T1S R1W	189.78
Lot 16 Blk 4 Elmwood Plaza Refile See 12 T1S R1W	189.78
Lot 15 Blk 4 Elmwood Plaza Refile See 12 T1S R1W	128.80
Lot 9 Blk 4 Elmwood Plaza Refile See 12 T1S R1W	205.60
N 7' of Lot 20 & S 45' of Lot 21 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	164.48

Lot 10 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	205.60
S 53' of Lot 20 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	167.64
Lot 11 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	205.60
Lot 19 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	189.78
Lot 6 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	205.60
N 39' of Lot 24 & S 13' of Lot 25 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	164.48
Lot 7 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	205.60
N 31' of Lot 23 & S 21' of Lot 24 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	164.48
N 23' of Lot 22 & S 29' of Lot 23 Blk 4 Elmwood Plaza Refile Sec 24 T1S R1W	164.48
N 15' of Lot 21 & S 37' of Lot 22 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	164.48
Lot 1 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	202.18
Lot 2 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	205.60
Lot 3 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W exc E 10'	173.97
N 55.93' of Lot 26 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	176.90
Lot 5 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	197.24
N 47' of Lot 25 & S 7' of Lot 26 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	170.81
E 10' of Lot 3 & all of Lot 4 Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	237.23
Lot 8 Block 4 Elmwood Plaza Sub Sec 12 T1S R1W	205.60
Lot 14, Blk 4 Elmwood Plaza Refile Sec 12 T1S R1W	351.00
S 50' of Lots 1 to 5 inc & E 3.5' of Lot 6 Blk 6 Mobley Sub exc E 30.5' of N 20'	1,747.50

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 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 7.075 per cent per annum. The first of said installments of said principal shall be due and payable on the first day of August 1971, 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 ten 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 ten 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 April, 1971, 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-70 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-70, 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 17th day of February A.D., 1971.

Adopted and approved the 17th day of March, A. D., 1971.

Authenticated and approved the 17th day of March, A. D. 1971.

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

ATTEST:

/s/ Neva B. Lockhart
City Clerk

I HEREBY CERTIFY That the foregoing ordinance, being Ordinance 1389, 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 17th day of February, 1971, 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 18th day of March, 1971.

/s/ Neva B. Lockhart
City Clerk

Published: March 24, 1971