

ORDINANCE NO. 1391

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 27-70, 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 OR SAID COST AGAINST EACH LOT OR TRACT OR 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. 27-70 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 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 Sanitary Sewer District No. 27-70, 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 Sanitary Sewer District No. 27-70 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 27, 1971, and the last publication thereof appearing on January 29, 1971;) 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 3rd day of March, 1971, 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. 27-70, duly

published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sanitary Sewer District No. 27-70 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 by the City Engineer, it appears that the whole cost of said improvements is \$38,160.00, said amount including interest on the bonds of said District to April 1, 1971 and includes six per centum additional for cost of collection and other incidentals; and

WHEREAS, from said statement, it appears that the City Engineer has apportioned a share of the whole cost of each lot or tract of land in said District in the following proportions and amounts, severally, to-wit:

ASSESSMENT ROLL

S2 of Lot 10 & all lots 11 to 14 inc Blk 32
Orchard Mesa Heights & 20 Ft Vac Aly adj lots on W
848.00

S 15.54 ft of lot 4 and all lots 5 to 7 inc & N2
lot 8 Blk 32 Orchard Mesa Heights & 20 Ft Vac Ally
Adj Lots on W

S2 Lot 8 & Lot 9 & N2 of Lot 10 Blk 32
Orchard Mesa Heights & 20 Ft Vac Adj lots on W
848.00

Lots 1 to 3 & N 9.46 Ft of Lot 4 Blk 32
Orchard Mesa Heights & 20 Ft Vac Aly adj lots
on W & Vac Santa Clara Ave Between Blk 31 & 32 SD Sub
2756.00

S2 of Lot 7 & all Lots 8 & 9 Blk 31
Orchard Mesa Heights 20 Ft Vac Aly Lots on W
848.00

Lots 32 & 33 Blk 5 Orchard Mesa Heights

Lots 29-30-31 Blk 5 Orchard Mesa Heights
848.00

Beg NE Cor Lot 33 Blk 5 Orchard Mesa Heights
N 10 Ft W 125 Ft to Hwy Sly 10 Ft to NW Cor Lot 33
E 125 Ft to Beg

Lots 26 to 28 Inc E of State Hwy Blk 5
Orchard Mesa Heights
848.00

Lots 11 to 14 Inc Blk 5 Orchard Mesa Heights

Lots 19 to 25 Inc Blk 5 Orchard Mesa Heights
W of State Hwy
1696.00

Beg 7.5 Ft S of NE Cor Lot 39 Blk 5 Orchard Mesa
Heights S 33.85 Ft W 150 Ft to U S Hwy 50 Nly Alg
Hwy to a Pt W of Beg E to Beg

Beg 41.35 Ft S of NE Cor Lot 39 Blk 5 Orchard Mesa
Heights S 17 Ft W to U S Hwy 50 Nly Alg Hwy to a Pt
W of Beg S to Beg
848.00

Beg 58.35 Ft S of NE Cor Lot 39 Blk 5 Orchard Mesa
Heights S 43 Ft W to U S Hwy 50 Nly alg Hwy to a Pt
W of Beg E to Beg

Lots 34 to 38 Inc Blk 5 Orchard Mesa Heights & 10 Ft
Adj Lots on S

That Pt of Lots 8-9 & 10 Blk 5 Orchard Mesa Heights
S of Foll Li Beg 127.5 Ft S of NE Cor Lot 39 Blk 5
W to U S Hwy 50 Inc 1/2 Vac Aly on Ely Side Lots
2544.00

Beg 10 Ft N of NE Cor Lot 39 Blk 5 Orchard Mesa Heights
S 17.5 Ft W 148 Ft to U S Hwy 50 Nly Alg Hwy to a Pt W
of Beg E to Beg

Beg 101.35 FT S of NE Cor Lot 39 Blk 5 Orchard Mesa
Heights S 16.15 Ft W to U S Hwy 50 Nly Alg Hwy to a
Pt W of Beg E to Beg

Lot 6 & N2 of Lot 7 Blk 31 Orchard Mesa Heights
848.00

Lots 1 to 5 Inc Blk 31 Orchard Mesa Heights Exc Hwy
Row & Exc Beg SE Cor Lot 5 Nely Alg E Li Lots 3, 4 & 5
54 Ft to U S Hwy 50 ROW NLY Alg Hwy 64.6 Ft Wly 82.5 Ft
to a Pt 28.5 Ft E & 2.1 Ft N of NW Cor Lot 3 Wly Para
to N Li Lot 3 28.5 Ft Sly 77.1 Ft to SW Cor Lot 5 Ely
125 Ft to Beg
1696.00

S 75 Ft of Blk 33 Moon & Day Add Less Hwy
848.00

Blk 33 Moon & Day Add Exc N 75 Ft & Exc S 75 Ft & Exc Hwy
848.00

The S 150 Ft of the Following Property
Beg Inters of E Li of RR Row & S Li High St Blk 36 Moon &

Lots 1 to 9 Inc Blk 34 Moon & Day Add & Beg 100 Ft E of
NW Cor Lot 1 Blk 34 N to S Li Lot 1 Blk 35 Moon & Day
Add Nely to a Pt 30 Ft Nely of Inters of Li Between
Lots 1 & 2 Blk 35 WI N Li Pk PL Sely 293 Ft to Inters
of E LI Lot 9 Blk 34 Extended WI N Li Pk Ave S to
Inters of E LI Lot 9 Blk 34 Wi S Li Pk Ave Nwly 55.43
Ft W to Beg
2544.00

Lots 1 to 4 Inc Blk 5 Orchard Mesa Heights
1696.00

Lots 1 to 11 Inc & W 13 FT of Lot 12 Blk 35 Moon & Day
Add & That Pt of Pk PI & Pk Ave No of Foll Li Beg 30 Ft
Nely Fr Inters of Li Between Lots 1 and 2 Blk 35 WI
NLI PK PL Sely 293 Ft to Inters of E Li Lot 9 Blk 34
Moon and Day Add Extended WI N Li PK Ave & Beg Inters
of E Li Lot 9 Blk 34 Nely RT Angs 20 Fy Sely Para WI
S Li Pk Ave To Inters WI Li Para To & 13 Ft Sely of
Sly Li Lot 12 Blk 35 Extended Nely at RT Angs to S Li
Blk 35 Nwly to a PT N of Beg S to Beg & Beg NW Cor
Lot 1 Blk 35 W to SW Cor Lot I Blk 35 Sly to Beg
1696.00

E 37 Ft of Lot 12 & All of Lot 13 Blk 35 Moon & Day
Add & Beg SW Cor Lot 13 S 35 Deg 16 Min W 20 Ft S
50 Deg 44 Min E 100.34 Ft S 25 Deg 19 Min E 26.7 Ft
E 26.51 Ft N 6.27 Ft N 44 Deg .05 Min W 42.2 Ft N
18 Deg .08 Min E 12.5 Ft N 18 Deg 38 Min E 93.4 Ft
N 58 Deg 22 Min E 53.95 Ft Nwly Alg R Bk to NW Cor
Lot 14 S 35 Deg 16 Min W to Beg
1696.00

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 be 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 and no sale of such
property to enforce 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 6.4894% per annum. The first of said installments of said principal shall be due and payable within ninety days after the final publication of this Ordinance 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 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 ten 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 6.4894% 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. 27-70 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 be 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. 27-70, 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 3rd day of March, 1971.

ADOPTED AND APPROVED this 7th day of April , 1971.

Authenticated and approved the 7th day of April, 1971.

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

ATTEST:

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1391 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 March, 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 8th day of April, 1971.

Neva B. Lockhart
City Clerk

Published: April 11, 1971