

Published by Municipal Code Corporation

ORDINANCE NO. 1421

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-71, 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-71 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-71, 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-71, 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 12, 1972 and the last publication thereof appearing on January 14, 1972); 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 February, 1972, 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 assessable cost of said improvements

and the apportionment thereof heretofore made as contained in that certain notice to property owners in Improvement District No. ST-71, 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-71 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 assessable cost of the said improvements is \$49,836.99 said amount including six per cent additional for cost of collection and other incidentals and including interest to the 15th day of March, 1972, at the rate of 5.6137% 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 assessable cost to each lot or tract of land in said District in the following portions and amounts, severally, to wit:

;2;EAST MAIN STREET ADDITION		
133-09-013Lot 24 Block 5\$640.93		
133-09-014Lot 23 Block 5548.55		
133-09-015Lot 22 Block 5548.55		
133-09-016Lot 21 Block 5548.55		
133-09-017Lot 20 Block 5548.55		

133-09-018Lot 19 Block 5548.55		
133-09-019Lot 18 Block 5548.55		
133-09-020Lot 17 Block 5548.55		
133-09-021Lot 16 Block 5548.55		
133-09-022Lot 15 Block 5548.55		
133-09-023Lots 13 and 14 Block 51,189.48		
133-16-001Lot 1 Block 6639.39		
133-16-002Lot 2 Block 6548.55		
133-16-003Lot 3 Block 6548.55		
133-16-004Lot 4 Block 6548.55		
133-16-005West 47 feet of Lot 5 Block 6515.64		
133-16-006East 3		

feet of Lot 5 and West 39 feet of Lot 6 Block 6460.78		
133-16-007East 11 feet of Lot 6 and West 39 feet of Lot 7 Block 6548.55		
133-16-008East 11 feet of Lot 7 and all Lots 8 to 12 inclusive Block 6 EXCEPT Beginning Southeast Corner Block 6 North 125.3 feet, West 99.28 feet South 45° 38' West 179.2 feet to South line Block 6, East 228.8 feet to beginning1,418.99		
;2; FAIRMOUNT SUBDIVISION Section 12 Township 1 South Range 1 West		
122-00-116Beginning Southwest Corner Lot 4 Block 1 East 2.8 feet North 145 feet West 2.8 feet South to Beginning30.72		
122-00-119Beginning point South line of Lot 4 Block 1 2.8 feet West of Southwest Corner Lot 4 North 145 feet East 92 feet South 145 feet West 92 feet to Beginning EXCEPT Book 730 Page 4051,009.33		

122-00-109Lot 1 Block 1 EXCEPT West 100 feet of South 100 feet and EXCEPT North 25 feet for Road2,084.49		
122-00-110Beginning 150 feet West of Southeast Corner Lot 4 Block 1 North 125 feet West 55.2 feet South 125 feet East to Beginning605.60		
122-00-111Beginning point 100 feet West Southeast Corner Lot 4 Block 1 West 50 feet North 125 feet East 50 feet South 125 feet to Beginning548.55		
122-00-112Beginning 50 feet West of Southeast Corner Lot 4 Block 1 West 50 feet North 125 feet East 50 feet South to Beginning548.55		
122-00-113Beginning Southwest Corner Lot 1 Block 1 North 100 feet East 100 feet South 100 feet West to Beginning1,097.10		
122-00-114Beginning Southeast Corner Lot 4 Block 1 West 50 feet North 125 feet		

<p>East 50 feet South to Beginning548.55</p>		
<p>;2;OVERHILL ANNEXATION SUBDIVISION</p>		
<p>122-03-018The North 150 feet of the following described property: Beginning 210 feet South and 40 feet East of West Quarter Corner Section 12 Township 1 South Range 1 West South 247.66 feet North 89° 57' East 110 feet South 90 feet North 89° 57' West 341.49 feet North 0° 04' East 517.37 feet to South line Orchard Ave. South 89° 59' West 367.09 feet South 180 feet North 89° 57' West 125 feet to Beginning being part of Block 24,027.34</p>		
<p>123-03-020The North 150 feet of the following described property: Beginning Northwest Corner Block 2 South 180 feet North 89° 59' East 125 feet North 180 feet South 89° 59' West 125 feet to Beginning1,371.38</p>		
<p>123-03-001Lot 17 Block 1749.32</p>		

123-03-002Lot 16 Block 1266.60		
123-03-003Lot 15 Block 181.19		
;2;ARCADIA VILLAGE REFILE		
124-17-012North 58 feet of Lot 9 and South 5 feet of Lot 10 Block 4414.70		
124-17-015Lot 8 and South 2 feet of Lot 9 Block 4467.63		
124-25-010Lot 10 Block 6305.87		
124-25-011Lot 11 Block 6954.91		
124-25-009Lot 9 Block 6110.59		
124-00-017The West 180 feet of the South 140 feet of the following: West Half Southeast Quarter Southwest Quarter Southeast Quarter Section 12 Township 1 South Range 1 West EXCEPT North 67 feet of East 48.47 feet1,535.94		

124-00-019The West 180 feet of the North 10 feet of the South 330 feet of the West Half Southeast Quarter Southwest Quarter Southeast Quarter Section 12 Township 1 South Range 1 West EXCEPT West 30 feet and South 50 feet109.71		
124-00-027The West 180 feet of the North 190 feet of the following: West Half Southeast Quarter Southwest Quarter Southeast Quarter Section 12 Township 1 South Range 1 West EXCEPT North 67 feet of East 48.47 feet and EXCEPT west 30 feet and South 330 feet2,084.49		
;2;MESA PARK CENTER Section 11 Township 1 South Range 1 West		
112-01-004Lot 4932.53		
112-01-003Lot 3932.53		
112-00-001The East 120 feet of the following: Beginning		

<p>922.27 feet East and 105 feet North of Southwest Corner Northeast Quarter Northwest Quarter Section 11 Township 1 South Range 1 West North 150 feet East 241.13 feet South 110 feet Southwesterly to a point 233 feet more or less East of Beginning West to Beginning EXCEPT West 25 feet.1,645.65</p>		
<p>112-00-003The East 120 feet of the following: Beginning 922.27 feet East of Southwest Corner South Half Northeast Quarter Northwest Quarter Section 11 Township 1 South Range 1 West North 105 feet East 255.56 feet South 105 feet West 255.56 feet to Beginning EXCEPT South 20 feet for road.1,151.96</p>		
<p>112-00-002Beginning 1177.83 feet East of Southwest Corner South Half Northeast Quarter Northwest Quarter Section 11 Township 1 South Range 1 West North 86 feet East 110 feet South 86 feet West to Beginning EXCEPT South 20 feet.943.51</p>		

<p>112-00-042The West 150 feet of the following: Beginning 1433.4 feet East and 86 feet North of Southwest Corner Northeast Quarter Northwest Quarter Section 11 Township 1 South Range 1 West North 169 feet West 234.43 feet South 110 feet Southwesterly to a point 245 feet West of Beginning East to Beginning.1,854.10</p>		
<p>;2;WEST LAKE PARK SUBDIVISION Section 10 Township 1 South Range 1 West</p>		
<p>104-07-001Lot 1 Block 2 EXCEPT 12 feet Triag. in Northeast Corner844.77</p>		
<p>104-07-002Lot 2 Block 2844.77</p>		
<p>104-07-003Lot 3 Block 2844.77</p>		
<p>104-07-004Lot 4 Block 4844.77</p>		
<p>;2;WEST LAKE PARK ANNEX 2nd AMEND. Section 10 Township 1 South Range 1 West</p>		

104-12-001Lot 1 Block 6 EXCEPT 12 feet Triang. in Northwest Corner1,097.10		
104-12-002Lot 2 Block 61,097.10		
104-12-003Lot 3 Block 61,184.87		
;2;CITY OF GRAND JUNCTION - Block 23		
141-18-001Lots 10 to 15 and the West 13.3 feet of Lot 16455.19		
141-18-002West 11.5 feet of Lot 29 and all of Lots 30 and 31205.71		
141-18-003West Half of Lot 27, all Lot 28 and East 13.5 feet of Lot 29164.57		
141-18-005Lots 25 and 26 and East Half of Lot 27205.71		
141-18-006Lots 23 and 24164.57		
141-18-007Lots 21 and 22164.57		

141-18-008West 13.3 feet of Lot 2043.77		
141-18-011Lots 32 and 34 Inclusive246.85		
141-18-900Lots 1 through 9 inclusive740.54		
;2;CITY OF GRAND JUNCTION - Block 19		
141-10-003South 40 feet of Lots 1 to 5 inclusive EXCEPT East 10 feet of South 40 feet of Lot 5240.27		
141-10-004Lots 6 and 7164.57		
141-10-005Lots 8 to 11 Inclusive329.13		
141-10-008South 45 feet of Lots 13 to 16 inclusive and South 45 feet of East 13 feet of Lot 12227.63		
141-10-009Lots 31 and 32164.57		

141-10-010Lots 29 and 30164.57		
141-10-011Lots 27 and 28164.57		
141-10-012Lots 25 and 26164.57		
141-10-013Lots 23 and 24164.57		
141-10-014Lots 21 and 22164.57		
141-10-015Lots 19 and 20164.57		
141-10-016Lots 17 and 18164.57		

All in Mesa County, Colorado

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

Section 1. That the assessable 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 4 1/4% on Bonds No. 1 through 14, inclusive, 4 1/2% on Bonds 15 through 23, inclusive, 4 3/4% on Bonds Nos. 24 through 27, inclusive, 5% on Bonds 28 through 31, inclusive, 5 1/4% on Bonds 32 through 35, inclusive, 5 1/2% on Bonds 36 through 39, inclusive, 5 3/4% on Bonds 40 through 43 inclusive and 6% on Bonds 44 through 49 inclusive on the "A" Coupon plus an interest evidenced by "B" coupons in the amount of \$10.41 for Bonds Nos. 1 through 10, \$10.42 for bonds Nos. 11 through 31 and \$7.29 for Bonds 32 through 49, inclusive, for the period from September 1, 1971, through February 1, 1972. 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 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 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-71 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 may become in default or 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-71, 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 February, A.D. 1972.

Adopted and approved the 22nd day of March A.D., 1972.

Authenticated and approved the 22nd day of March, A.D. 1972.

Stanley R. Anderson\President of the Council

ATTEST:

Neva B. Lockhart\City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1421, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular

