

ORDINANCE NO. 1456

AN ORDINANCE CONFIRMING THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION TO ESTABLISH IMPROVEMENT DISTRICTS WITHIN THE CITY WITHOUT REMONSTRANCE AGAINST THE FORMATION OF SUCH DISTRICTS AND PROVIDING FOR ALTERNATE SPECIAL ASSESSMENTS THEREFOR

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

That the following sections or subsections of Chapter 18 of the Code of Ordinances of the City of Grand Junction be amended as follows:

Sec. 18-4. ORGANIZATION OF DISTRICTS.

- (d) Owners may petition for improvements; requirements of petition. In addition to districts unilaterally formed by the City Council the owners of one-third of the frontage of the real estate to be assessed may petition for any street improvement provided in this section, and if the improvement is paving and the petition names two or more types of paving, whether asphalt, macadam, stone, brick or any other kind of substantial paving, then the improvements shall be ordered; provided, the council shall deem such proposed improvement good, and sufficient for the particular locality; provided, however, that if the improvement is a paving project, the council may receive bids on any other type of paving than that mentioned in the petition, which the council deems suitable for the particular locality. The petition must be subscribed and acknowledged in the manner provided by law for acknowledgments of deeds of conveyance of real estate, by the owners or their agents duly authorized by power of attorney, acknowledged in like manner, of one-third of the frontage of the real estate to be assessed for the same. No petitioner, his heirs or assigns shall be permitted to withdraw his name from the petition after the same has been filed with the council unless the council fails to order such improvements upon such petition within nine months from the time the petition is so filed. All requests for withdrawal must be subscribed and acknowledged as aforesaid. On all paving projects, the council shall have discretionary power to elect which type of paving shall be adopted after the receipt of bids thereon; provided, that if the owners of a majority of the frontage of the real estate to be assessed shall petition for paving, and name one particular kind of paving which they desire to be used, then the kind of paving so designated shall be used; provided the council shall deem such proposed improvement good and sufficient for the particular locality.

Every petition for paving projects shall state the maximum cost per Square foot for surface and base, per lineal foot for curb and gutter, and per cubic yard for grading, exclusive of interest and cost of collection for the entire improvement when completed, and the amount so named shall not be exceeded; all matters contained in the petition except the maximum cost, as aforesaid, may be disregarded by the council, and any one or more of the other improvements mentioned in this section, may be added by the council if the maximum cost is not exceeded; provided, that when the petition by the owners of a majority of the frontage of the real estate to be assessed designates one type or kind of paving, all matters contained herein, except the naming of the kind of pavement, and the maximum cost, as aforesaid, may be disregarded by the council, and any one or more of the other improvements mentioned in this section may be added by the council if the maximum cost is not exceeded.

Where the paving petitioned for in any number of petitions is substantially the same, the improvement may be included in one district, but in such case each petition shall be considered as a unit for the purpose of petition and remonstrance and may be considered as a unit for any other purpose, as the council may direct. But no petition shall be required to authorize the council to initiate any paving mentioned in this section.

Sec. 18-4. ORGANIZATION OF DISTRICTS.

(e) Remonstrance by owners against improvements.

The construction of sewers and construction of other improvements in a district ordered by the city council without petition therefor shall not be subject to remonstrance.

In districts formed, as the result of a petition, other than sewer districts, and within the time specified in the notice of intention to create such district, a remonstrance against the making of all improvements proposed shall be filed with the council, subscribed and acknowledged as above provided for petitions, by the owners of a greater percent of the frontage of the real estate to be assessed for said improvement or improvements, than had signed the petition for such improvement or improvements, as described in subsection (c) above, the improvement or improvements shall not be made.

No owner, his heirs or assigns, who shall have signed and not withdrawn from a petition for any such improvements, shall be permitted to sign a remonstrance against the proposed improvements.

Sec. 18-6. HOW ASSESSMENT MADE.

In the case of improvement of any street herein provided, except as otherwise provided, the cost of improvements may be apportioned by the City council on all lots or lands benefiting from such improvement on a square footage basis or the council may apportion such cost on all lots or lands abutting on the streets improved according to the respective benefits to be received from such improvements so that each shall bear its relative equitable proportion. In the event assessment is made on the basis of abutting on the streets, improved, the amount so found to be a benefit upon the property shall be assessed upon all the lots and lands abutting on the streets improved in proportion as the frontage of each lot or tract of land is to the frontage of all the lots and lands so improved, the sides of corner lots which abut on the streets so improved being regarded as frontage; provided, that where the lots or lands abutting on the street improved are not of substantially equal depth, or where any of such lots or lands are less than one hundred fifty feet in depth, then if the Council so determine, it may divide the real estate so to be assessed into from two to six zones parallel with the street improved and apportion the amount to be paid for the entire depth to the different zones in proportion to the benefit received by each zone, and wherever a lot or land line lies within such zone, the council may determine the proportion to be paid upon the real estate lying on each side of such line within the zone; and provided, further, that should the street improved lie partly within the city and partly without the limits of the city, the city limits' line running parallel with said street and in or near the center thereof, then in that case should the portion of said street lying within the city limits be improved, the real estate to be assessed shall be the abutting real estate lying within the city limits; and provided, further, that should a street be improved by paving on only one side thereof, then in that case the real estate to be assessed shall be the real estate abutting on the side of the street so improved.

Sec. 18-7. HOW IMPROVEMENTS IN STREET AND ALLEY INTERSECTIONS ASSESSED.

In case of the improvement of any street or alley, the cost of the improvements at each street intersection or street and alley intersection, except in case of the installation of artificial street lighting, shall be assessed to the lots and lands within the district in the same manner as assessment is made for the other improvements within the district and as a part thereof.

PASSED and ADOPTED THIS 21st day of March, 1973.

/s/ Stanley R. Anderson
President of the Council

ATTEST:

/s/ Neva B. Lockhart
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1456 was introduced, read and ordered published by the City Council of the City of Grand Junctional Colorado, at a regular meeting of said body held on the 7th day of March, 1973, 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 22nd day of March, 1973.

/s/Neva B. Lockhart
City Clerk

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