

Published by Municipal Code Corporation

ORDINANCE NO. 1488

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-73, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 1478, 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-73 in the City of Grand Junction, pursuant to Ordinance No. 1478 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-73, 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-73, 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 6, 1974, and the last publication thereof appearing on January 8, 1974; 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 sixth day of February, 1974, 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-73, 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-73 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 \$40,377.09 said amount including six per cent additional for cost of collection and other incidentals and including interest to the first day of January, 1974 at the average rate of interest of 7.1751 percent 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:

ASSESSMENT ROLL  
I.D. ST-73

COTTONWOOD MEADOWS SUBDIVISION (Texas Ave.)		
Block 5		
Lot 142943-073-02- 049\$ 231.09		
Lot 132943-073-02- 048499.62		
Lot 122943-073-02- 047355.03		
Lot 112943-073-02-		

046355.03		
Lot 102943-073-02-045355.03		
The East 19.25 ft. of Lot 92943-073-02-044124.26		
Beg. 265 ft. N of SE Cor SE Cor SE 1/4 NE 1/4 SW 1/4 Sec 7 T1S R1E W 198 ft. N 65 ft. E 198 ft. S to Beg. Exc E 30 ft. for Rd2943-073-00-0301,195.91		
Beg. 200 ft. N of SE Cor SE 1/4 NE 1/4 SW 1/4 Sec 7 T1S R1E W 198 ft. N 65 ft. E 198 ft. S to Beg.2943-073-00-031478.75		
W 8 Rods of SE 1/4 SE 1/4 NE 1/4 SW 1/4 Sec. 7 T1S R1E2943-073-00-1961,420.11		
W 70 ft. of following described tract: Beg. SE Cor NE 1/4 SW 1/4 Sec 7 T1S R1E W 189.5 ft. and N 20 ft. to true POB N 180 ft. E 159.5 ft. S 180 ft. W 159.5 ft. to Beg. exc S 10 ft. for Rd2943-073-00-18955.41		

Beg. 30 ft. W of SE Cor Sec 7 T1S R1W W 89.5 ft. N 200 ft. E 89.5 ft. S 200 ft. to Beg.2943-073-00- 19070.68		
TULA SUBDIVISION, 1st Addition (Mesa Avenue)		
Block 1		
Lot 92943-073-01- 016779.99		
Block 2		
East 77.50 ft. Lot 32943-073-02- 951467.99		
COTTONWOOD MEADOWS MOBILE HOME ESTATES (2nd Addition) 28 1/2 Road West Side		
Block 1		
Lot 12943-073-01- 017259.30		
Lot 22943-073-01- 018243.23		
Lot 32943-073-01- 019109.09		

Lot 42943-073-01-02012.91		
Block 3		
Lot 202943-073-01-083432.49		
Lot 192943-073-01-082200.11		
Lot 182943-073-01-081273.89		
Lot 172943-073-01-080273.89		
Lot 162943-073-01-079273.89		
Lot 152943-073-01-078273.89		
Lot 142943-073-01-077273.89		
Lot 132943-073-01-076298.93		
Lot 122943-073-01-075140.29		
TULA SUBDIVISION 1st Addition		

Block 1		
Lot 92943-073-01- 0161,176.76		
Block 2		
Lot 32943-073-02- 951768.15		
COTTONWOOD MEADOWS SUBDIVISION		
Block 5		
Lot 142943-073-02- 049395.05		
Lot 132943-073-02- 048366.64		
Lot 122943-073-02- 047109.74		
Beg. 265 ft. N of SE Cor SE Cor SE 1/4 NE 1/4 SW 1/4 Sec 7 T1S R1E W 198 ft. N 65 ft. E 198 ft. S to Beg. Exc E 30 ft. for road2943-073-00- 030699.30		
Beg. 200 ft. N of SE Cor SE 1/4 NE 1/4 SW		

<p>1/4 Sec 7 T1S R1E W  198 ft. N 65 ft. E  198 ft. S to  Beg.2943-073-00-  031699.30</p>		
<p>W 70 ft. following  described tract:  Beg. SE Cor NE 1/4  SW 1/4 Sec 7 T1S R1E  W 189.5 ft. &amp; N 20  ft. to true POB N  180 ft. E 159.5 ft.  S 180 ft. W 159.5  ft. to Beg. Exc S 10  ft. for road2943-  073-00-189449.70</p>		
<p>Beg. 30 ft. W of SE  Cor Sec 7 T1S R1E W  89.5 ft. N 200 ft. E  89.5 ft. S 200 ft.  to Beg.2943-073-00-  1901,487.68</p>		
<p>COTTONWOOD MEADOWS  MOBILE HOME ESTATES  (First Addition) (28  1/2 Road East Side)</p>		
<p>Block 4</p>		
<p>Lot 312943-074-04-  03157.45</p>		
<p>Lot 322943-074-04-  032101.99</p>		
<p>Lot 332943-074-04-  033114.90</p>		

Lot 342943-074-04-034350.19		
Block 7		
Lot 102943-074-17-010240.78		
Lot 112943-074-17-011258.21		
Lot 122943-074-17-012258.21		
Lot 132943-074-17-013258.21		
Lot 142943-074-17-014258.21		
Lot 152943-074-17-015258.21		
Lot 162943-074-17-016258.21		
Lot 172943-074-17-017332.76		
Lot 182943-074-17-018183.84		
Block 1		



Lot 152943-074-05-01545.90		
Lot 162943-074-05-016101.99		
Lot 172943-074-05-017242.32		
Lot 182943-074-05-018233.95		
Lot 12943-074-05-001353.41		
Lot 22943-074-05-002116.19		
Lot 32943-074-05-003106.51		
Lot 42943-074-05-00454.87		
Block 2		
Lot 12943-074-06-001206.56		
Lot 22943-074-06-002222.70		
Lot 32943-074-06-019283.38		

Lot 42943-074-06-018158.15		
Lot 52943-074-06-01797.47		
Lot 62943-074-06-01610.72		
Lot 182943-074-06-00492.95		
Lot 192943-074-06-00323.24		
Block 3		
Lot 12943-074-07-001202.63		
Lot 22943-074-07-002253.68		
Lot 32943-074-07-003269.37		
Lot 24 exc. Beg. SE Cor Lot 24 N 3° 32 ' E 50 ft. 5 in. N 87° 51' W 37 ft. 10 in. N 2° 58' W 51.73 ft. S 89° 53' E 38 ft. to Beg.2943-074-07-02683.40		
Lot 232943-074-07-		

00557.06		
That part of Lot 24 Beg. SE Cor Lot 24 N 3° 32' E 50 ft. 5 in. N 87° 51' W 37 ft. 10 in. N 2° 58' W 51.73 ft. S 89° 53' E 38 ft. to Beg.2943-074-07- 02548.09		
Lot 72943-074-07- 02153.25		
Lot 62943-074-07- 022109.22		
Lot 52943-074-07- 023121.03		
Lot 42943-074-07- 024361.94		
COMPTON SUBDIVISION (Kennedy Avenue)		
Lot 142943-073-04- 005296.61		
Lot 122943-073-04- 006925.23		
Lot 132943-073-04- 007746.96		
Lot 112943-073-06-		

001656.27		
Lot 102943-073-06- 002656.27		
Lot 92943-073-06- 003656.27		
Lot 1 (Compton Street) 2943-073-05- 001833.78		
Lot 22943-073-05- 002806.88		
Lot 32943-073-05- 003806.88		
Lot 42943-073-05- 004806.88		
Lot 52943-073-05- 005806.88		
Lot 62943-073-05- 006833.78		
Lot 72943-073-05- 007806.88		
Lot 82943-073-05- 008796.12		
Lot 92943-073-06- 003686.39		

Lot 102943-073-06-002269.28		
Lot 112943-073-06-001109.41		
Lot 122943-073-04-006293.39		
Lot 132943-073-04-007665.41		
Lot 142943-073-04-005681.87		
Lot 162943-073-04-003806.88		
Lot 152943-073-04-004806.88		
Lot 172943-073-04-002806.88		
Lot 182943-073-04-001833.78		
KEITH'S ADDITION (Alley 12th/13th)		
Block P		
Lots 13 & 142945-133-20-002161.37		

Lots 15 & 162945-133-20-003161.37		
Lots 17 to 202945-133-20-005322.75		
Lots 7 to 12 and Lots 21 to 252945-133-20-941887.57		

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 six per cent on Bonds No. 1 through 42, inclusive as the "A" coupon plus an interest as evidenced by interest coupon designated "B" for the period September 1, 1973 through August 31, 1976 at two per cent, 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 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 percent 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 percent 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 percent 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-73 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-73, 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 January, A.C., 1974.

Adopted and approved the 20th day of February, 1974.

Stanley R. Anderson

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President of the Council

ATTEST:

Neva B. Lockhart

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City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1488 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 16th day of January, 1974, 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 21st day of February, 1974.

Neva B. Lockhart

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City Clerk

Proof of Pub \_\_\_\_\_  
Final Pub \_\_\_\_\_