

ORDINANCE NO. 1559

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-74 PHASE "B", 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; IMPROVING 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-74 Phase "B" 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-74 Phase "B", 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-74 Phase "B", 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 March 7, 1975, and the last publication thereof appearing on March 9, 1975); 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 April, 1975, 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, a written complaint was filed with respect to the proposed assessment of the cost of said improvements by Joseph D. Adell, which complaint was considered; 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-74 Phase "B", 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-74 Phase "B" 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 \$54,485.94 said amount including six percent additional for cost of collection and other incidentals and including interest to the eighth day of December, 1974, at the average rate of interest of 7.3451 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:

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.

<p>2945-013-00-035Beg. 30 ft. North and 256.4 ft. East of Southwest Corner Sec. 1, T1S, R1W North 179.4 ft. East 208 ft. South 179.4 ft. East 103.88 ft. North 179.4 feet East 75 ft. North 130.6 ft. East 16.72 ft. North 290ft. West 620 ft. South 300 ft. East 216.4 ft. South 300 ft. to Beg.\$3,058.82</p>		
<p>2945-013-00-951West 226.4 ft. of Lot 45 Blk. 13 Fairmount Sub. Sec. 1, T1S, R1W Except West 10 ft. for Road3,277.31</p>		
<p>2945-013-01-001Lot 20 Blk. 1 Eagleton Sub.873.95</p>		
<p>2945-013-01-020Lot 1 Blk. 1 Eagleton Sub.873.95</p>		
<p>2945-013-02-009Lot 1 Blk. 2 Eagleton Sub.218.49</p>		
<p>2945-024-00-034Beg.</p>		

<p>North 0° 1' East 640 ft. and South 89° 47' West 40 ft. from Southeast Corner Sec. 2, T1S, R1W</p> <p>North 0° 1' East 300 ft. South 89° 47' West 552.67 ft. to Center line of LBC RR South 5° 22' 30" West 301.43 ft.</p> <p>North 89° 47' East 580.83 ft. to Beg.3,277.31</p>		
<p>2945-024-00-036Beg. Southeast Corner Sec. 2, T1S, R1W West 324.67 ft.</p> <p>North 0° 1' East 330.56 ft. East 324.67 ft. South 0° 1' West 330.56 ft. to Beg. Except East 40 ft. for Road3,283.43</p>		
<p>2945-024-06-001Unit 1 - 3001 Condominium 1st Amend.to Amend. Condominium Sec. 2, T1S, R1W69.52</p>		
<p>2945-024-06-002Unit 2 - 3001 Condominium 1st Amend. to Amend Condominium Sec. 2 T1S, R1W69.52</p>		
<p>2945-024-06-003Unit 3 -- 3001 Condominium 1st Amend. to Amend. Condominium Sec. 2, T1S, R1W69.52</p>		

2945-024-06-004Unit 4 - 3001 Condominium 1st Amend. to Amend Condominium Sec. 2, T1S, R1W69.52		
2945-024-06-005Unit 5 - 3001 Condominium 1st Amend. to Amended Condominium Sec. 2, T1S, R1W69.52		
2945-024-06-006Unit 6 - 3001 Condominium 1st Amend. to Amended Condominium Sec. 2, T1S, R1W69.52		
2945-024-06-007Unit 7 - 3001 Condominium 1st Amend. to Amended Condominium Sec. 2, T1S, R1W69.52		
2945-024-06-008Unit 8 - 3001 Condominium 1st Amend. to Amended Condominium Sec. 2, T1S, R1W69.52		
2945-024-06-009Unit 9 - 3001 Condominium 1st Amend. to Amended Condominium Sec. 2, T1S, R1W69.52		
2945-024-06-010Unit		

<p>10 - 3001 Condominium 1st Amend. to Amended Condominium Sec. 2, T1S, R1W69.52</p>		
<p>2945-024-06-011Unit 11 - 3001 Condominium 1st Amend. to Amended Condominium Sec. 2, T1S, R1W69.52</p>		
<p>2945-024-07-001Lot 1 Patterson Gardens Sub., Sec. 2 T1S, R1W1,140.94</p>		
<p>2945-024-07-013Lot 13 Patterson Gardens Sub., Sec. 2 T1S, R1W1,151.97</p>		
<p>2945-111-00-119Beg. Northeast Corner Sec. 11, T1S, R1W South 0° 12' 30" East 187.5 ft. to a point North 89° 50' 30" West 210.1 ft. North 0° 37' 30" East 186.1 ft. to a point North 89° 48' 30" East 206.3 ft., and also, Beg. South 187.5 ft. from Northeast corner of Sec. 11, T1S, R1W West 210.1 ft.; thence South 16 ft. East 210.1 ft. North 16 ft. to Beg. Except 30 ft. on North and 35 ft. on East for right of way1,895.38</p>		

<p>2945-111-00-002Beg. 203.5 ft. South of Northeast Corner Northeast one quarter Northeast one quarter, Sec. 11, T1S, R1W, West 200 ft. South 100 ft. East 200 ft. North 100 ft. to Beg.1,092.44</p>		
<p>2945-111-00-003Beg. 303.5 ft. South of Northeast Corner Sec. 11, T1S, R1W West 200 ft. South 120 ft. East 200 ft. North to Beg.1,310.92</p>		
<p>2945-111-00-004Beg. 423.5 ft. South of Northeast Corner Sec. 11, T1S, R1W South 55 ft. West 200 ft. North 55 ft. East to Beg.600.84</p>		
<p>2945-111-00-005Beg. 478.5 ft. South of Northeast Corner Sec. 11, T1S, R1W South 70 ft. West 120 ft. to East Li GV Cnl North 48 49' West Along Cnl 106.3 ft. East 20 ft. to Beg.764.71</p>		
<p>2945-111-00-975Beg. 30 ft. West and 548.5 ft. South of Northeast Corner of Sec. 11, T1S, R1W</p>		

<p>West 130 ft. Thence Southeasterly Along Cnl to a point South of Beg. North to Beg.873.95</p>		
<p>2945-111-00-013Beg. Northeast Corner Lot 4 Capitol Hill Sub. Sec. 11 T1S, R1W West 590.5 ft. North 1° 7' East 525 ft. North 32° 26' East 36.5 ft. to South line of GV Cnl Southeasterly Along Cnl to Beg.-0-</p>		
<p>2945-111-00-014Beg. 150 ft. North of Southeast Corner Lot 4 Capitol Hill Sub. Sec. 11 T1S, R1W West 175 ft. North 10 ft. West 25 ft. North 170 ft. East to GV Cnl Southeasterly to East line Lot 4 South to Beg. Except D right of way on North1,857.14</p>		
<p>2945-111-00-015Beg. Southeast Corner Lot 4 Capitol Hill Sub. Sec. 11, T1S, R1W, North 150 ft. West 125 ft. South 150 ft. East to Beg. Except South 15 ft. for Road1,340.09</p>		
<p>2945-111-00-080Beg. Northeast Corner Southeast one quarter Northeast</p>		

<p>one-quarter Sec. 11 T1S, R1W West 200 ft. South 100 ft. East 200 ft. North to Beg.1,092.44</p>		
<p>2945-111-00-081Beg. 1000 ft. South of Northeast Corner South one-half Northeast one- quarter Sec. 11, T1S, R1W West 200 ft. South 100 ft. East 200 ft. North to Beg.1,092.44</p>		
<p>2945-111-00-082Beg. 200 ft. South of Northeast Corner Southeast one- quarter Northeast one-quarter Sec. 11, T1S, R1W West 200 ft. South 65 ft. East 200 ft. North to Beg. Except 40 ft. Street on East710.08</p>		
<p>2945-111-00-083Beg. 265 ft. South of Northeast Corner South one-half Northeast one- quarter Sec. 11, T1S, R1W West 200 ft. South 65 ft. East 200 ft. North to Beg. Except East 40 ft. for street710.08</p>		
<p>2945-111-00-098Beg. Northeast Corner South one-half Northeast one-</p>		

<p>quarter Southeast one-quarter Northeast one- quarter Sec. 11 T1S, R1W, South 130 ft. West 200 ft. South 35 ft. West 469 ft. North 165 ft. East to Beg. Except West 125 ft. and Except Road in B 816 P 138 Co. Clerk's Office 1,420.17</p>		
<p>2945-111-00-089 Beg. 200 ft. North of Southeast Corner Northeast one- quarter Southeast one-quarter Northeast one- quarter, Sec. 11 T1S, R1W, West 200 ft. South 55 ft. East 200 ft. North to Beg. Except East 40 ft. for street 600.84</p>		
<p>2945-111-00-090 Beg. 40 ft. West and 25 ft. North of Southeast Corner Northeast one- quarter Southeast one-quarter Northeast one- quarter Sec. 11, T1S, R1W North 120 ft. West 160 ft. South 120 ft. East to Beg. 1,310.92</p>		
<p>2945-122-00-011 Beg. 10 ft. West of Northwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, South 111 ft.</p>		

<p>East 300 ft. North 111 ft. West 300 ft. to Beg.1,212.60</p>		
<p>2945-122-00-012Beg. 10 ft. West and 11 ft. South of Northwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W South 99 ft. East 175 ft. North 14 ft. East 125 ft. North 85 ft. West to Beg.1,081.51</p>		
<p>2945-122-00-015Beg. 10 ft. West and 210 ft. South of Northwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, South 70 ft. East 175 ft. North 70 ft. West to Beg.764.71</p>		
<p>2945-122-00-020Beg. 10 ft. West and 235 ft. North of Southwest Corner Lot 37 Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, North 85 ft. East 175 ft. South 85 ft. West to Beg.928.57</p>		
<p>2945-122-00-022Beg. 10 ft. West and 150 ft. North of Southwest Corner Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W East 175 ft. North 85 ft. West 175 ft. South to</p>		

Beg.928.57		
2945-122-00-023Beg. 90 ft. North and 10 ft. West of Southwest Corner Lot 37 Blk. 11 Fairmount Sub. Sec. 12, T1S, R1W, North 60 ft. East 100 ft. South 60 ft. West to Beg.517.81		
2945-122-00-034Beg. 10 ft. West of Southwest Corner Lot 37 Blk. 11 Fairmount Sub. Sec. 12 T1S, R1W, North 90 ft. East 100 ft. South 90 ft. West to Beg.776.72		
2945-122-00-035Beg. 10 ft. West of Northwest Corner Lot 30 Blk. 9 Fairmount Sub. Sec. 12, T1S, R1W, East 160 ft. South 75 ft. West 160 ft. North 75 ft. to Beg.819.33		
2945-122-00-036Beg. 75 ft. West of Northwest Corner Lot 30 Blk. 9 Fairmount Sub. Sec. 12 T1S, R1W, East 160 ft. South 75 ft. West 160 ft. North to Beg.819.33		
2945-122-00-037Beg. 150 ft. South and 10 ft. West of		

<p>Northwest Corner Blk. 9 Fairmount Sub. Sec. 12, T1S, R1W, East 160 ft. South 75 ft. West 160 ft. North to Beg.819.33</p>		
<p>2945-122-00-044Beg. 225 ft. South and 10 ft. West of Northwest Corner Lot 30 Blk. 9 Fairmount Sub. Sec. 12, T1S, R1W East 160 ft. South 183 ft. to GV Cnl Northwesterly along Canal to East Line of 12th Street to Beg.819.33</p>		
<p>2945-122-00-045West 155 ft. of Lot 29 Blk. 9 Fairmount Sub. Sec. 12, T1S, R1W, South of GV Canal1,848.95</p>		
<p>2945-122-00-064Lot 14 Blk. 5 Fairmount Sub. Sec. 12 T1S, R1W, Except South 50 ft. of West 240 ft.2,731.09</p>		
<p>2945-122-00-074Beg. Southwest Corner Lot 14, Blk. 5 Fairmount Sub. Sec. 12, T1S, R1W North 50 ft. East 240 ft. South 50 ft. West to Beg.546.22</p>		
<p>2945-122-00-076Lot 13 and 16 Blk. 5</p>		

Fairmount Sub. Sec. 12, T1S, R1W Except North 75 ft. of West 230 ft. and Except South 115 ft. of Lot 13 and Except East 180 ft. of South 160 ft. Lot 16 and Except East 120 ft. or North 130 ft. of South 280 ft. Lot 161,201.68		
2945-122-00-083South 115 ft. of Lot 13 Blk. 5 Fairmount Sub. Sec. 12, T1S, R1W1,256.30		
2945-122-00-115Beg. Northwest Corner Lot 13 Blk. 5 Fairmount Sub. Sec. 12 T1S, R1W East 230 ft. South 75 ft. West 230 ft. North to Beg.819.33		

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 7.3451 percent. 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 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-74 Phase "B" 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-74 Phase "B", 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 April, A.D., 1975.

Adopted and approved the 7th day of May, A.D. 1975.

ATTEST:

Lawrence L. Kozisek

President of the Council

Neva B. Lockhart

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1559, 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 April, 1975, 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 May, 1975.

Neva B. Lockhart

City Clerk

Published April 23, 1975

Published May 9, 1975

Effective June 8, 1975