

ORDINANCE NO. 1574

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT 32-74 PARTEE HEIGHTS, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE 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 Sanitary Sewer District No. 32-74 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. 32-74, 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. 32-74 Partee Heights 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 July 17, 1975, and the last publication thereof appearing on July 19, 1975; 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 16th day of August, 1975, 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 with respect to the proposed assessment of the cost of said improvements; 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 assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Sanitary Sewer District No. 32-74,

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. 32-74 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 said improvements is \$76,789.24, said amount including six per centum additional for cost of collection and other incidentals and including interest on the bonds of said District to August 1, 1975, at the rate of 7.35499 per cent per annum on the bonds heretofore sold to raise funds for 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 proportions and amounts, severally, to wit:

2701-364-01-001Lot 1 Blk 1 Partee Hts Sec 36 1N 1W\$1334.37		
2701-364-01-001Lot 1 Blk 1 Partee Hts Sec 36 1N 1W\$1334.37		
2701-364-01-002Lot 2 Blk 1 Partee Hts Sec 36 1N 1W1334.37		
2701-364-01-003Lot 3 Blk 1 Partee Hts Sec 36 1N 1W1334.37		
2701-364-01-004Lot 4 Blk 1 Partee Hts Sec 36 1N 1W1334.37		
2701-364-01-005Lot 5		

Blk 1 Partee Hts Sec 36 1N 1W (710 Bunker)1334.37		
2701-364-01-007Lot 7 Blk 1 Partee Hts Sec 36 1N 1W1334.37		
2701-364-02-001Lot 1 Blk 2 Partee Hts Sec 36 1N 1W (702 Brassie Dr.)1334.37		
2701-364-02-002Lot 2 Blk 2 Partee Hts Sec 36 1N 1W (704 Brassie Dr.)1334.37		
2701-364-02-003Lot 3 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-02-004Lot 4 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-02-005Lot 5 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-02-006Lot 6 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-02-007Lot 7 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-02-008Lot 8 Blk 2 Partee Hts Sec		

36 1N 1W1334.37		
2701-364-02-009Lot 9 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-02-010Lot 10 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-001Lot 1 Blk 3 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-002Lot 2 Blk 3 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-003Lot 3 Blk 3 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-004Lot 4 Blk 3 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-005Lot 5 Blk 3 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-006Lot 6 Blk 3 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-007Lot 7 Blk 3 Partee Hts Sec 36 1N 1W1334.37		

2701-364-03-008Lot 8 Blk 3 Partee Hts Sec 36 1N 1W (705 Brassie Dr.)1334.37		
2701-364-03-009Lot 9 Blk 2 Partee Hts Sec 36 1N 1W1334.37		
2701-364-03-010Lot 10 Blk 3 Partee Hts Sec 36 1N 1W1334.37		
2701-364-04-001Lot 1 Blk 4 Partee Hts Sec 36 1N 1W1334.37		
2701-364-04-002Lot 2 Blk 4 Partee Hts Sec 36 1N 1W1334.37		
2701-364-04-003Lot 3 Blk 4 Partee Hts Sec 36 1N 1W1334.37		
2701-364-05-001Lot 1 Blk 5 Partee Hts Sec 36 1N 1W1334.37		
2701-364-05-002Lot 2 Blk 5 Partee Hts Sec 36 1N 1W (703 Putter)1334.37		
2701-364-05-003Lot 3 Blk 5 Partee Hts Sec 36 1N 1W & Beg SW Cor Lot 4 Blk 5 S 76° E 158.22 ft N 67° 40' W 149.47 ft S		

<p>39° 30' W 24 ft to Beg Exc Beg NE Cor Lot 3 N 76° W 86.78 ft S 67° 40' E 77.48 ft N 56° E 15.1 ft to Beg.1334.37</p>		
<p>2701-364-05-004Lot 4 Blk 5 Partee Hts Sec 36 1N 1W & Beg NE Cor Lot 3 Blk 5 N 76° W 86.78 ft S 67° 40' E 77.48 ft N 56° E 15.1 ft to Beg Exc Beg SW Cor Lot 4 S 76° E 158.22 ft N 67° 40' W 149.47 ft S 38° 30' W 24 ft to Beg.1334.37</p>		
<p>2701-364-05-005Lot 5 and S 4 ft of Lot 6 Blk 5 Partee Hts Sec 36 1N 1W1334.37</p>		
<p>2701-364-05-006N 123.3 ft of Lot 6 Blk 5 Partee Hts Sec 36 1N 1W1334.37</p>		
<p>2701-364-08-002Lots 2 and 3 Blk 8 Partee Hts Sec 36 1N 1W1334.37</p>		
<p>2701-364-09-001Lot 1 Blk 9 Partee Hts Sec 36 1N 1W1334.37</p>		
<p>2701-364-09-002Lot 2 Blk 9 Partee Hts Sec 36 1N 1W1334.37</p>		

2701-364-09-003Lot 3 Blk 9 Partee Hts Sec 36 1N 1W1334.37		
2701-364-09-004Lot 4 Blk 9 Partee Hts Sec 36 1N 1W1334.37		
2701-364-09-005Lot 5 Blk 9 Partee Hts Sec 36 1N 1W1334.37		
2701-364-09-007Lot 7 Blk 9 Partee Hts Sec 36 1N 1W1334.37		
2701-364-09-008Lot 8 Blk 9 Partee Hts Sec 36 1N 1W1334.37		
2701-364-09-009Lot 9 Blk 9 Partee Hts Sec 36 1N 1W1334.37		
2701-364-09-010Lot 10 Blk 9 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-001Lot 1 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-002Lot 2 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-003Lot 3		

Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-004Lot 4 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-005Lot 5 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-007Lot 7 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-008Lot 8 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-009Lot 9 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-10-010Lot 10 Blk 10 Partee Hts Sec 36 1N 1W1334.37		
2701-364-11-001Lot 1 Blk 11 Partee Hts Sec 36 1N 1W1334.37		
2701-364-11-002Lot 2 Blk 11 Partee Hts Sec 36 1N 1W1334.37		
2701-364-11-003Lot 3 Blk 11 Partee Hts Sec 36 1N 1W1334.37		

2701-364-11-004Lot 4 Blk 11 Partee Hts Sec 36 1N 1W1334.37		
2945-012-00-008Beg NE Cor NE4NW4 Sec 1 LS LW S 230 ft W 230 ft N 230 ft E to Beg.1334.37		
TOTAL\$81396.57		

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 of 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 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 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 at the rates following:

<u>Bond</u> <u>No.Maturity</u> <u>AmountCoupo</u> <u>n Rate</u>				
<u>AB*</u>				
1- 201975\$20,0 005.75%2.25 %				
21- 35197615,00 06.00%2.00%				
36- 4019775,000 6.25%1.75%				
41- 50197810,00 06.40%1.60%				
51- 5519795,000 6.50%1.50%				

56- 6019805,000 6.60%1.40%				
61- 6519815,000 6.70%1.30%				
66- 7019825,000 6.80%1.20%				
71- 7519835,000 6.90%1.10%				
76- 85198410,00 07.00%1.00%				

* "B" interest coupons on bonds with estimated maturity of 12-1-75 will run from 1-1-75 to 12-1-75.

"B" interest coupons on bonds with estimated maturity of 12-1-76 through 12-1-84 will run from 1-1-75 to 12-1-76.

The first of said installments of said principal shall be due and payable on the first day of January, 1976, and all subsequent installments 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 on 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 day of the sale, the owner may pay the amount of such delinquent installment or installments, with interest 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 place 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 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 Sanitary Sewer District No. 32-74 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 or may become in default or for such other purpose 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. 32-74, 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 20th day of August, 1975.

ADOPTED AND APPROVED this 3rd day of September, 1975.

Authenticated and approved the 3rd day of September, 1975.

Lawrence L. Kozisek

President of the Council

Attest:

Neva B. Lockhart

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1574, 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 20th day of August, 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 4th day of September, 1975.

Neva B. Lockhart

City Clerk

Neva B. Lockhart

Published: August 21, 1975

Final Publication: September 5, 1975

Effective: October 5, 1975