

ORDINANCE NO. 1695

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENT DISTRICT NO. ST-76, 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 ST-76 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-76, 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-76, 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 June 17, 1977, and the last publication thereof appearing on June 19, 1977); 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 18th day of July, 1977, 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-

76, 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-76 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 \$140,680.08, said amount including six percent additional for cost of collection and other incidentals and including interest to the 20th day of July, 1977, at the average rate of 5.3476 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:

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| 2943-074-11-009Lots 10 and 11 Blk 2 Epps Sub Sec 7 1S 1E\$293.95 | | |
| 2943-074-11-010Lots 12 and 13 Blk 2 Epps Sub Sec 7 1S 1E Exc Beg SE Cor Lot 13 W to W Li Lot 13 N 15 Ft E to Beg194.30 | | |
| 2943-074-11-011Beg SE Cor Lot 13 Blk 2 Epps Sub Sec 7 1S 1E Swly to SW Cor Lot 13 N 15 Ft Nely to Beg and all Lot 14 Epps Sub97.15 | | |
| 2943-074-11-012Lot 15 Blk 2 Epps Sub Sec 7 1S 1E88.79 | | |

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| 2943-074-11-013Lot 16 Blk 2 Epps Sub Sec 7 1S 1E156.69 | | |
| 2943-074-11-014Lot 17 Blk 2 Epps Sub Sec 7 1S 1E222.52 | | |
| 2943-074-11-015Lot 18 Blk 2 Epps Sub Sec 7 1S 1E438.73 | | |
| 2943-074-12-001Lot 1 Blk 1 Epps Sub Sec 7 1S 1E261.15 | | |
| 2943-074-12-003Lot 6 Blk 1 Epps Sub Sec 7 1S 1E146.24 | | |
| 2943-074-12-004Lot 7 Blk 1 Epps Sub Sec 7 1S 1E146.24 | | |
| 2943-074-12-005Lot 10 Blk 1 Epps Sub Sec 7 1S 1E146.24 | | |
| 2943-074-12-006Lot 11 Blk 1 Epps Sub Sec 7 1S 1E364.63 | | |
| 2943-074-12-007N2 Lot 12 Blk 1 Epps Sub Sec 7 1S 1E94.01 | | |
| 2943-074-12-008S2 Lot 12 Blk 1 Epps Sub Sec 7 1S 1E94.01 | | |

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| 2943-074-12-009Lot 13 Blk 1 Epps Sub Sec 7 1S 1E364.63 | | |
| 2943-074-12-010Lots 8 and 9 Blk 1 Epps Sub Sec 7 1S 1W310.27 | | |
| 2943-074-12-011Lot 5 Blk 1 Epps Sub Sec 7 1S 1E146.24 | | |
| 2943-074-12-013Lot 4 Blk 1 Epps Sub Sec 7 1S 1E261.15 | | |
| 2945-111-15-001Lot 1 Wellington Medical Sub Filing No 1 Sec 11 1S 1W Exc Streets described in B-1054, P-1805238.79 | | |
| 2945-111-16-004Lot 4 Blk 1 La Villa Grande Sec 11 1S 1W5238.79 | | |
| 2945-111-16-004Lot 4 Blk 1 La Villa Grande Sec 11 1S 1W5238.79 | | |
| 2945-122-00-085W 90 Ft of S 125 Ft of W2 Lot 20 Blk 6 Fairmount Sub Sec 12 1S 1W1410.21 | | |

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| <p>2945-122-00-086Beg SE Cor W2 Lot 20 Blk 6 Fairmount Sub Sec 12 1S 1W N 125 Ft W 60 Ft S 125 Ft E to Beg940.14</p> | | |
| <p>2945-122-00-087Beg 75 Ft N of SE Cor Lot 20 Blk 6 Fairmount Sub Sec 12 1S 1W N 50 Ft W 150 Ft S 50 Ft E to Beg540.58</p> | | |
| <p>2945-122-00-088S 75 Ft of E2 Lot 20 Blk 6 Fairmount Sub Sec 12 1S 1W1809.77</p> | | |
| <p>2945-122-02-006W2 Lot 7 and all Lot 8 Blk 3 NW Smith Sub Sec 12 1S 1W1410.21</p> | | |
| <p>2945-122-02-007Lot 6 and E2 of Lot 7 Blk 3 NW Smith Sub Sec 12 1S 1W1392.50</p> | | |
| <p>2945-122-02-008W 10 Ft of Lot 9 and all Lot 10 Blk 3 NW Smith Add Sec 12 1S 1W1096.83</p> | | |
| <p>2945-122-02-009E 50 Ft of Lot 9 Blk 3 NW Smith Add Sec 12 1S 1W783.45</p> | | |
| <p>2945-122-03-001Lot 1</p> | | |

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| Blk 2 NW Smith Add Sec 12 1S 1W940.14 | | |
| 2945-122-03-002Lot 2 Blk 2 NW Smith Add Sec 12 1S 1W940.14 | | |
| 2945-122-03-003W 50 Ft of Lot 3 Blk 2 NW Smith Add Sec 12 1S 1W783.45 | | |
| 2945-122-03-004E 10 Ft of Lot 3 and all Lot 4 Blk 2 NW Smith Add Sec 12 1S 1W1096.83 | | |
| 2945-122-03-005Lot 5 Blk 2 NW Smith Add Sec 12 1S 1W922.75 | | |
| 2945-122-03-006Lot 5 AC Nelms Sub Sec 12 1S 1W783.45 | | |
| 2945-122-03-007Lot 4 AC Nelms Sub Sec 12 1S 1W783.45 | | |
| 2945-122-03-008Lot 3 AC Nelms Sub Sec 12 1S 1W783.45 | | |
| 2945-122-03-009Lot 1 AC Nelms Sub Sec 12 1S 1W1657.00 | | |
| 2945-122-03-010Lot 2 AC Nelms Sub Sec 12 | | |

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| 1S 1W693.35 | | |
| 2945-013-01-001Lot 20 Blk 1 Eagleton Sub Exc W 1 Ft thereof Sec 1 1S 1W1002.82 | | |
| 2945-013-01-002Lot 19 Blk 1 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-01-003Lot 18 Blk 1 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-01-004Lot 17 Blk 1 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-01-005Lot 16 Blk 1 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-01-006Lot 15 Blk 1 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-01-007Lot 14 Blk 1 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-01-008Lot 13 Blk 1 Eagleton Sub Sec 1 1S | | |

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| 1W940.14 | | |
| 2945-013-01-009Lot 12 Blk 1 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-01-010Lot 11 Blk 1 Eagleton Sub Sec 1 1S 1W1018.49 | | |
| 2945-013-02-002Lot 8 Blk 2 Eagleton Sub Sec 1 1S 1W1018.49 | | |
| 2945-013-02-003Lot 7 Blk 2 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-02-005Lot 5 Blk 2 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-02-006Lot 4 Blk 2 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-02-007Lot 3 Blk 2 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-013-02=008Lot 2 Blk 2 Eagleton Sub Sec 1 1S 1W1002.82 | | |
| 2945-013-02-009Lot 1 Blk 2 Eagleton Sub Sec 1 1S 1W Exc W 50 Ft thereof2648.06 | | |

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| 2945-013-02-020Lot 6 Blk 2 Eagleton Sub Sec 1 1S 1W940.14 | | |
| 2945-252-18-001Lot 1 Blk 7 Parkview Sub Sec 25 1S 1W2808.98 | | |
| 2945-252-18-002Lot 2 Blk 7 Parkview Sub Sec 25 1S 1W798.96 | | |
| 2945-252-18-003Lot 3 Blk 7 Parkview Sub Sec 25 1S 1W774.99 | | |
| 2945-252-18-004Lot 4 Blk 7 Parkview Sub Sec 25 1S 1W776.71 | | |
| 2945-252-18-005Lot 5 Blk 7 Parkview Sub Sec 25 1S 1W1010.65 | | |
| 2945-252-18-006Lot 6 Blk 7 Parkview Sub Sec 25 1S 1W1184.89 | | |
| 2945-252-18-007Lot 7 Blk 7 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2956-252-18-008Lot 8 Blk 7 Parkview Sub Sec 25 1S 1W1123.47 | | |
| 2945-252-18-009Lot 9 | | |

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| Blk 7 Parkview Sub Sec 25 1S 1W940.14 | | |
| 2945-252-18-010Lot 10 Blk 7 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-18-011Lot 11 Blk 7 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-18-012Lot 12 Blk 7 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-18-026Lot 13 Blk 7 Parkview Sub Sec 25 1S 1W977.75 | | |
| 2945-252-18-027Lot 14 Blk 7 Parkview Sub Sec 25 1S 1W834.22 | | |
| 2945-252-18-028Lot 15 Blk 7 Parkview Sub Sec 25 1S 1W1167.34 | | |
| 2945-252-18-019Lot 19 Blk 7 Parkview Sub Sec 25 1S 1W1504.22 | | |
| 2945-252-18-024Lot 20 Blk 7 Parkview Sub Sec 25 1S | | |

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| 1W2210.90 | | |
| 2945-252-19-001Lot 1 Blk 6 Parkview Sub Sec 25 1S 1W2910.52 | | |
| 2945-252-19-002Lot 2 Blk 6 Parkview Sub Sec 25 1S 1W1259.47 | | |
| 2945-252-19-003Lot 3 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-004Lot 4 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-005Lot 5 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-008Lot 8 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-009Lot 9 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-010Lot 10 Blk 6 Parkview Sub Sec 25 1S 1W2440.45 | | |
| 2945-252-19-011Lot 11 Blk 6 Parkview Sub Sec 25 1S 1W2647.43 | | |

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| 2945-252-19-012Lot 12 Blk 6 Parkview Sub Sec 25 1S 1W2244.27 | | |
| 2945-252-19-013Lot 13 Blk 6 Parkview Sub Sec 25 1S 1W313.38 | | |
| 2945-252-19-014Lot 14 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-015Lot 15 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-016Lot 16 Blk 6 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-19-017Lot 17 Blk 6 Parkview Sub Sec 25 1S 1W1262.77 | | |
| 2945-252-19-018Lot 18 Blk 6 Parkview Sub Sec 25 1S 1W2910.52 | | |
| 2945-252-19-019Lot 19 Blk 6 Parkview Sub Sec 25 1S 1W1206.51 | | |

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| 2945-252-19-020N 23.9 Ft of Lot 6 Blk 6 Parkview Sub Sec 25 1S 1W374.49 | | |
| 2945-252-19-021S 51.1 Ft of Lot 6 Blk 6 and N 45 Ft of Lot 7 Blk 6 Parkview Sub Sec 25 1S 1W1505.79 | | |
| 2945-252-19-022S 30 Ft of Lot 7 Blk 6 Parkview Sub Sec 25 1S 1W470.07 | | |
| 2945-252-20-001Lot 1 Blk 5 Parkview Sub Sec 25 1S 1W2808.98 | | |
| 2945-252-20-002Lot 2 Blk 5 Parkview Sub Sec 25 1S 1W798.96 | | |
| 2945-252-20-003Lot 3 Blk 5 Parkview Sub Sec 25 1S 1W774.99 | | |
| 2945-252-20-004Lot 4 Blk 5 Parkview Sub Sec 25 1S 1W776.71 | | |
| 2945-252-20-005Lot 5 Blk 5 Parkview Sub Sec 25 1S 1W1010.65 | | |
| 2945-252-20-006Lot 6 Blk 5 Parkview Sub Sec 25 1S 1W1180.82 | | |

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| 2945-252-20-007Lot 7 Blk 5 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-20-008Lot 8 Blk 5 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-20-009Lot 9 Blk 5 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-20-011Lot 11 Blk 5 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-20-013Lot 18 Blk 5 Parkview Sub Sec 25 1S 1W2675.80 | | |
| 2945-252-20-941Lot 10 Blk 5 Parkview Sub Sec 25 1S 1W1175.18 | | |
| 2945-252-20-951Lot 14 to 17 Inc and Lot 19 to 20 Inc Blk 5 Parkview Sub Sec 25 1S 1W3867.27 | | |
| 2945-252-20-953Lots 12 and 13 Blk 5 Parkview Sub Sec 25 1S 1W2350.35 | | |
| 2943-074-11-002Lot 2 Blk 2 Epps Sub Sec 7 | | |

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| 1S 1W261.15 | | |
| 2943-074-11-003Lot 3 Blk 2 Epps Sub Sec 7 1S 3E192.89 | | |
| 2943-074-11-004Lot 4 Blk 2 Epps Sub Sec 7 1S 1E192.89 | | |
| 2943-074-11-005Lot 5 Blk 2 Epps Sub Sec 7 1S 1E156.69 | | |
| 2943-074-11-006Lot 6 Blk 2 Epps Sub Sec 7 1S 1E84.19 | | |
| 2943-074-11-007Lot 7 and 8 Blk 2 Epps Sub Sec 7 1S 1E169.23 | | |
| 2943-074-11-008Lot 9 Blk 2 Epps Sub Sec 7 1S 1E84.61 | | |
| 2945-231-08-001Lots 1 to 5 Inc Blk 20 Milldale Sub Beg NW Cor Lot 5 Blk 20 of Milldale Sub S to SW Cor Lot 1 Blk 20 W 15 Ft N 125 Ft E 15 Ft to Beg Sec 23 1S 1W728.61 | | |
| 2945-231-08-004Lots 11, 12, 13 Blk 20 Milldale Sub Sec 23 1S 1W352.55 | | |

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| 2945-231-08-005Lots 14 and 15 Blk 20 Milldale Sub Sec 23 1S 1W235.04 | | |
| 2945-231-08-006Lots 16 and 17 Blk 20 Milldale Sub Sec 23 1S 1W235.04 | | |
| 2945-231-08-007Lots 18 and 19 Blk 20 Milldale Sub Sec 23 1S 1W235.04 | | |
| 2945-231-08-008Lots 20 to 28 Blk 20 Milldale Sub Sec 23 1S 1W1245.69 | | |
| 2945-231-08-009Lots 6 to 10 Inc Blk 20 Milldale Sub and Beg NW Cor Lot 10 S 125 Ft W 15 Ft N 125 Ft E 15 Ft to Beg728.61 | | |
| 2945-231-08-001Lots 1 and 2 Blk 19 Milldale Sub Sec 23 1S 1W235.04 | | |
| 2945-231-09-002Lots 3 and 4 Blk 19 Milldale Sub Sec 23 1S 1W235.04 | | |
| 2945-231-09-003Lots 5 and 6 Blk 19 Milldale Sub Sec 23 1S 1W235.04 | | |

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| 2945-231-09-005Lots 9, 10, 11 Blk 19 Milldale Sub Sec 23 1S 1W352.55 | | |
| 2945-231-09-006Lots 12, 13, 14 Blk 19 Milldale Sub Sec 23 1S 1W352.55 | | |
| 2945-231-09-007Lots 15 and 16 Blk 19 Milldale Sub Sec 23 1S 1W235.04 | | |
| 2945-231-09-008Lots 17 to 32 Blk 19 Milldale Sub Sec 23 1S 1W2068.31 | | |
| 2945-231-09-900Lots 7 and 8 Blk 19 Milldale Sub Sec 23 1S 1W235.04 | | |

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 in accordance with the coupons on the bonds issued to fund the District. The first of said installments of 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 Finance Director 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 Finance Director as the result of the operation and payments under Improvement District No. ST-76 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

Published: July 22, 1977

Published: August 5, 1977

Effective: September 4, 1977