

ORDINANCE NO. 1700

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 34-76 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 Sanitary Sewer District No. 34-76 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 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. 45-76, 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 Sanitary Sewer District No. 34-76 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 August 8, 1977, and the last publication thereof appearing on August 21, 1977; 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 6th day of September, 1977, 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. 34-76,

duly published in The Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Sanitary Sewer District No. 34-76 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 said improvements is \$45,031.29, said amount including six per centum additional for cost of collection and other incidentals and including interest on the bonds of said District to December 31, 1977, at the rate of 5.5105 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:

2945-151-00-047Beg 60 Ft W and 535 Ft N of SW Cor SE4NE4 Sec 15 1S 1W N 125 Ft W 50 Ft S 125 Ft E to Beg\$1286.61		
2945-151-00-049Beg 160 Ft W and 535 Ft N of SW Cor SE4NE4 Sec 15 1S 1W N 125 Ft W 75 Ft S 125 Ft E to Beg1286.61		
2945-251-00-055Beg 295 Ft N and 310 Ft W of SW Cor SE4NE4 Sec 15 1S 1W W 150 Ft N 125 Ft E 150 Ft S to Beg2573.20		
2945-151-00-059Beg 295 Ft N and 110 Ft W of SW Cor SE4NE4		

Sec 15 1S 1W N 125 Ft W 50 Ft S 125 Ft E to Beg1286.61		
2945-151-00-060Beg 295 Ft N and 60 Ft W of SW Cor SE4NE4 Sec 15 1S 1W N 125 Ft W 50 Ft S 125 Ft E to Beg1286.61		
2945-151-00-061Beg 335 Ft N and 60 Ft W of SW Cor SE4NE4 Sec 15 1S 1W S 125 Ft W 50 Ft N 125 Ft E to Beg1286.61		
2945-151-00-064Beg 335 Ft N and 210 Ft W of SW Cor SE4NE4 Sec 15 1S 1W W 50 Ft S 125 Ft E 50 Ft N to Beg1286.61		
2945-151-00-065Beg 335 Ft N and 260 Ft W of SE Cor SW4NE4 Sec 15 1S 1W S 125 Ft W 50 Ft N 125 Ft E 50 Ft to Beg1286.61		
2945-151-00-067Beg 335 Ft N and 360 Ft W of SE Cor SW4NE4 Sec 15 1S 1W W 50 Ft S 125 Ft E 50 Ft N 125 Ft to Beg1286.61		
2945-151-00-068Beg 1800.3 Ft W and 270.9 Ft N of E4 Cor Sec 15 1S 1W N 96 Ft		

W 55 Ft S 96 Ft E to Beg2573.20		
2945-151-00-069Beg S 89° 45' W 1800.3 Ft Fr E4 Cor Sec 15 1S 1W N as Recd Bk-897 Pg-473 Mesa County Clerk2573.20		
2945-151-00-074Beg A Pt 70 Ft N and 385 Ft W of SE Cor SW4NE4 Sec 15 1S 1W N 125 Ft W 75 Ft S 125 Ft E to Beg1286.61		
2945-151-00-075Beg 70 Ft N and 310 Ft W of SE Cor SW4NE4 Sec 15 1S 1W N 125 Ft W 75 Ft S 125 Ft E to Beg1286.61		
2945-151-00-076Beg 70 Ft N and 285 Ft W of SE Cor SW4NE4 Sec 15 1S 1W N 125 Ft W 25 Ft S 125 Ft E to Beg1286.61		
2945-151-00-077Beg A Pt 70 Ft N and 210 Ft W of SE Cor SW4NE4 Sec 15 1S 1W N 125 Ft W 25 Ft S 125 Ft E to Beg1286.61		
2945-151-00-081Beg 70 Ft N and 60 Ft W of SE Cor SW4NE4 Sec 15 1S 1W N 125 Ft W		

100 Ft S 125 Ft E to Beg1286.61		
2945-151-02-002Lots 12 and 13 Blk 1 Carpenter Sub 21286.61		
2945-151-03-002Lots 12 to 17 Inc Blk 2 Carpenter Sub 21286.61		
2945-151-03-003Lots 18 and 19 Blk 2 Carpenters Sub 21286.61		
2945-151-04-001Lots 9 to 11 Inc Blk 3 Carpenter Sub 21286.61		
2945-151-04-002Lots 5 to 8 Inc Blk 3 Carpenters Sub 21286.61		
2945-151-04-003Lot 4 Blk 3 Carpenters Sub 21286.61		
2945-151-04-004Lots 1 to 3 Inc Blk 3 Carpenters Sub 21286.61		
2945-151-00-005Lots 12 to 15 Inc Blk 3 Carpenters Sub 21286.61		

2945-151-04-006Lots 16 to 18 Inc Blk 3 Carpenters Sub 21286.61		
2945-151-04-008Lots 21 and 22 Blk 3 Carpenter Sub 21286.61		
2945-151-05-002Lots 7 to 9 Inc Blk 4 Carpenter Sub 21286.61		
2945-151-05-004Lots 3 and 4 Blk 4 Carpenter Sub 21286.61		
2945-151-05-005Lots 1 and 2 Blk 4 Carpenter Sub 21286.61		
2945-151-05-008Lots 18 to 22 Inc Blk 4 Carpenter Sub 21286.61		
2945-154-11-002N 100 Ft of Lots 1 to 3 Inc Blk 7 Carpenter Sub No 2 Exc Beg S 42° 59' W 178.4 Ft Fr NE Cor NW4SE4 of Sec 15 1S 1W N 89° 45' E Alg S Li of Prop 61.7 Ft to E Li Lot 1 N Alg E Li Lot 1 30.6 Ft S 63° 23'		

W 69 Ft to Beg1286.61		
2945-154-11-004Lots 9 to 17 Inc Blk 7 Carpenter Sub 21286.61		

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 sale of such property to enforce 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 of 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.</u> <u>Maturity</u> <u>Amo</u> <u>unt</u> <u>Interest</u> <u>Rates</u>			
1- 31978\$3,0004.0 0%			
4- 1019797,0004.2 5%			
11- 1619806,0004.5 0%			
17- 2119815,0004.7 0%			
22- 2519824,0004.8 5%			
26- 2919834,0005.0 0%			
30- 3319844,0005.1 0%			
34- 3619853,0005.2 0%			



37- 4019864,0005.3 0%			
4119871,0005.4 0%			

In addition to the above interest rates, bonds will bear supplemental Coupons in the following manner:

Bond Nos. 1 to 29 bear 3.00% Supplemental Interest Coupons  
 Bond Nos. 30 to 36 bear 2.75% Supplemental Interest Coupons  
 Bond Nos. 37 to 40 bear 2.70% Supplemental Interest Coupons  
 Bond Nos. 41 to -- bear 2.60% Supplemental Interest Coupons

Supplemental Coupons commence to accrue interest on June 1, 1977, and continue until May 1, 1978.

The first of said installments of said principal shall be due and payable January 1, 1978, 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 installment, 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 per centum per annum until 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 piece 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 Finance Director 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 Finance Director as the result of the operation and payments under Sanitary Sewer District No. 34-76 after the retirement of all



Theresa F. Martinez

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Theresa F. Martinez  
Deputy City Clerk

Published: September 9, 1977

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Effective: October 23, 1977