

ORDINANCE NO. 1751

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-77, 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 No. ST-77 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-77, 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-77, 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 April 21, 1978, and the last publication thereof appearing on April 23, 1978); 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 (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 22nd day of May, 1978, and recited that such complaints would be heard and determined by the Council at its first regular meeting after the 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-

77 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-77 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 \$160,553.02, said amount including six percent (6%) additional for cost of collection and other incidentals and including interest to the 24th day of June, 1978, at the average rate of 5.6044 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:

PARCEL NO.LEGAL DESCRIPTIONASSESSMEN T		
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2943-074-00-016 Beg SE Cor N2SE4NW4SE4 Sec 7 1S 1E W 225Ft N 122 Ft E 225 Ft S to Beg Exc E 25 Ft For Rd + Also Exc S 10 Ft For Rd \$4457.83

2943-074-00-942 SE4NW4SE4 Sec 7 1S 1E Exc S 122' of E 200' + Exc N 78' of S 200' of E 175' + Exc E 25' + S 25' For Road \$9584.33

2943-074-09-001 Lot 14 Ormsbee Sub Sec 7 1S 1E \$1872.29

2943-074-09-002 Lot 13 Ormsbee Sub Sec 7 1S 1E \$1850.00

2943-074-09-007 Lot 8 Ormsbee Sub Sec 7 1S 1E \$2919.88

2943-074-09-025 E66Ft Lot 12 Ormsbee Sub Sec 7 1S 1E \$1483.57

2943-074-09-026 E 50Ft Lot 11 + W 17Ft Lot 12 Ormsbee Sub Sec 1S 1E \$1512.31

2943-074-09-027 E 34Ft Lot 10 + W 33Ft Lot 11 Ormsbee Sub Sec 7 1S 1E \$1493.37

2943-074-09-028 E 17Ft Lot 9 + W 49Ft Lot 10 Ormsbee Sub Sec 7 1S 1E \$1471.08

2943-074-09-029 W 66Ft Lot 9 Ormsbee Sub Sec 7 1S 1E \$1471.08

2943-182-00-975 N 405Ft E2SE4NW4 Sec 18 1S 1E Ext Street in B-1117 P-911 \$5773.78

2943-182-01-001 Lot 1 Blk 1 Dorris Sub Sec 18 1S 1E Exc S20Ft For Street as desc in B-1067 P-987 Co Clerks Off + Also Exc Beg SW Cor Lot 1 Blk 1 Dorris Sub Sec 18 1S 1E N 8 Ft S 36DEG52'11Sec E 10FT W 6Ft to Beg For Row Per B-1109 P-235 Co Clks Off \$3825.26

2943-182-01-002 Lot 2 Blk 1 Dorris Sub Sec 18 1S 1E \$1627.11

2943-182-01-003 Lot 3 Blk 1 Dorris Sub Sec 18 1S 1E \$1627.11

2943-182-01-004 Lot 4 Blk 1 Dorris Sub Sec 18 1S 1E \$1627.11

2943-182-01-005 Lot 5 Blk 1 Dorris Sub Sec 18 1S 1E \$1627.11

2943-182-01-006 Lot 6 Blk 1 Dorris Sub Sec 18 1S 1E \$1627.11

2943-182-01-007 Lot 7 Blk 1 Dorris Sub Sec 18 1S 1E \$2518.68

2943-182-01-014 Lot 14 Blk 1 Dorris Sub Sec 18 1S 1E Exc S20Ft For Street As DE9C in B-1064 P-987 Co Clerks Off \$1950.29

2943-182-02-008 Lot 8 Blk 2 Dorris Sub Sec 18 1S 1E Exc Street R-O-W as desc in B-1106 P-142 \$3712.41

2943-182-02-009 Lot 9 Blk 2 Dorris Sub Sec 18 1S 1E \$1313.50

2943-182-02-010 Lot 10 Blk 2 Dorris Sub Sec 18 1S 1E \$1313.50

2943-182-02-011 Lot 11 Blk 2 Dorris Sub Sec 18 1S 1E \$1313.50

2943-182-02-012 Lot 12 Blk 2 Dorris Sub Sec 18 1S 1E \$1313.50

2943-182-02-013 Lot 13 Blk 2 Dorris Sub Sec 18 1S 1E \$1313.50

2943-182-02-014 Lot 14 Blk 2 Dorris Sub Sec 18 1S 1E \$1685.72

2943-182-02-015 Lot 1 to 7 inc Blk 2 Dorris Sub Sec 18 1S 1E \$2340.36

2945-104-05-001 Lot 1 Blk 4 Westlake Park Sub Exc N 5Ft Sec 10 1S 1W \$169.67

2945-104-05-002 Lot 2 Blk 4 Westlake Park Sub Exc N 5Ft Sec 10 1S 1W \$169.67

2945-104-05-003 Lot 3 Blk 4 Westlake Park Sub Exc N 5Ft Sec 10 1S 1W \$169.67

2945-104-05-004 Lot 4 Blk 4 Westlake Park Sub Exc N 5Ft Sec 10 1S

1W \$169.67

2945-104-05-006 Lot 6 Blk 4 Westlake Park Sub Exc Nely 5Ft Sec 10  
1S 1W \$119.23

2945-104-05-007 Lot 7 Blk 4 Westlake Park Sub Exc 25Ft Triag in NE  
Cor \$311.76

2945-104-05-019 Lot 5 Blk 4 West Lake Park Sec 10 is 1W Exc Nely  
5Ft + Exc Beg SE Cor Lot 5 W 30Ft N 63DEG41' W 21.78Ft E 49.35Ft S  
10Ft to Beg \$158.59

2945-104-06-001 Lot 1 Blk 3 Westlake Park Sub Sec 10 1S 1W \$271.48

2945-104-06-004 Lot 4 Blk 3 Westlake Park Sub Exc Swly 5Ft + Exc  
36Ft Triag in NW Cor \$233.02

2945-104-06-005 Lot 5 Blk 3 Westlake Park Sub Exc Swly 5Ft Sec 10  
\$343.87

2945-104-06-006 Lot 6 Blk 3 Westlake Park Sub Exc S 5Ft Sec 10 1S  
1W \$169.67

2945-104-06-007 Lot 7 Blk 3 Westlake Park Sub Exc S 5Ft Sec 10 1S  
1W \$169.67

2945-104-06-008 Lot 8 Blk 3 Westlake Park Sub Exc S 5Ft Sec 10 1S  
1W \$441.16

2945-104-07-005 Lot 5 Blk 2 Westlake Park Sub Sec 10 1S 1W \$88.23

2945-104-07-006 Lot 6 Blk 2 Westlake Park Sub Sec 10 1S 1W \$174.20

2945-104-07-007 Lot 7 Blk 2 Westlake Park Sub Sec 10 1S 1W \$174.20

2945-104-07-008 Lot 8 Blk 2 Westlake Park Sub Sec 10 1S 1W \$174.20

2945-121-00-951 Beg 30Ft N of SE Cor W2SE4NE4 Sec 12 1S 1W W 330Ft  
N 281Ft E 330Ft S 281Ft to Beg + Also Beg SE Cor W2SE4NE4 E 75Ft N  
150Ft W 75Ft S 150Ft to Beg Exc St Row as desc in B-1088 P-153 Co  
Clerks Off \$6062.64

2945-121-12-001 Lot 1 McClure Park Sub Sec 12 1S 1W \$1114.45

2945-121-12-002 Lot 4 McClure Park Sub Sec 12 1S 1W \$1114.45

2945-121-12-003 Lot 3 McClure Park Sub Sec 12 1S 1W \$1114.45

2945-121-12-005 E 48Ft of Lot 1 McClure Park Sub Sec 12 1S 1W  
\$2474.09

2945-122-00-058 Beg 30Ft E + 30Ft N of SW Cor Lot 25 Blk 8  
Fairmount Sub Sec 12 1S 1W N 145Ft E 100Ft S 145Ft W to Beg + that  
pt vacated on S side of parcel being a 10Ft strip per B-6 P-258 Co

Clks Off \$2169.07

2945-122-00-942 E 150Ft of Lots 11 + 12 Blk 4 Fairmount Sub Sec 12  
1S 1W Exc Road R-O-W as debc in B-1115 P-179 Co Clks Off \$13393.21

2945-122-11-941 Lot 1 Walnut Park a Replat of a part of Lots 25 +  
26 all of Lots 27 + 28 Blk 8 Fairmount Sub Sec 12 1S 1W + that pt  
of vac street N of Blk 8 being adj to SD parcel \$19249.38

2945-124-04-018 Lot 13 Blk 7 Sub Del Rey Replat \$696.54

2945-124-04-019 Lot 12 Blk 7 Sub Del Rey Replat \$696.54

2945-124-12-001 Lot 1 Blk 3 Del Mar Park Refile \$649.01

2945-124-12-002 Lot 2 Blk 3 Del Mar Park Refile \$278.61

2945-124-12-003 Lot 3 Blk 3 Del Mar Park Refile \$473.64

2945-124-12-004 Lot 4 Blk 3 Del Mar Park Refile \$278.61

2945-142-40-005 Lots 11 + 12 Blk 74 Grand Junction \$278.61

2945-142-40-008 Lots 17 to 20 inc Blk 74 Grand Junction \$557.23

2945-142-40-951 Lots 21 to 32 inc Blk 74 City of Grd Jct Sec 14 1S  
1W \$1671.68

2945-142-40-952 Lot 13 + W 20FT Lot 14 inc Blk 74 City of Grd Jct  
Sec 14 1S 1W \$250.75

2945-142-40-953 Lots 1 to 10 inc Blk 74 City of Grd Jct Sec 14 1S  
1W \$1393.07

2945-142-40-998 E 5Ft Lot 14 + Lots 15 + 16 inc Blk 74 City of Grd  
Jct \$306.48

2945-231-13-008 Lots 19 to 21 inc Blk 11 Benton Canon 1st Sub  
\$1671.68

2945-231-13-009 Lots 17 + 18 Blk 11 Benton Canon 1st Sub \$1343.59

2945-231-13-012 Lot 22 Blk 11 Benton Canon 1st Sub \$557.23

2945-231-16-016 Lots 24 to 27 inc Blk 11 Benton Canon 1st Sub  
\$2228.92

2945-231-16-017 Lots 28 to 30 inc Blk 11 Benton Canon 1st Sub  
\$1671.68

2945-231-16-018 Lots 32 + 32 Blk 11 Benton Canon 1st Sub \$1343.59

2945-231-16-019 Lots 17 + 18 Blk 10 Benton Canon 1st Sub \$1127.83

2945-231-16-020 Lots 19 to 22 inc Blk 10 Benton Canon 1st Sub \$2228.92

2945-231-16-021 Lots 23 + 24 Blk 10 Benton Canon 1st Sub \$1114.45

2945-231-16-022 Lots 25 to 28 inc Blk 10 Benton Canon 1st Sub \$2228.92

2945-231-16-024 S 62.5Ft of Lots 29 to 32 inc Blk 10 Benton Canon 1st Sub \$2242.28

2945-231-17-004 N2 of Lots 1 to 4 inc Blk 15 Benton Canon 1st Sub \$2242.28

2945-231-17-006 Lot 5 Blk 15 Benton Canon 1st Sub \$557.23

2945-231-17-007 Lots 6 to 8 inc + W2 of Lot 9 Blk 15 Benton Canon 1st Sub \$1950.29

2945-231-17-008 E2 of Lot 9 + all Lots 10 to 12 inc Blk 15 Benton Canon 1st Sub \$1950.29

2945-231-17-009 Lots 13 to 16 inc Blk 15 Benton Canon 1st Sub \$2242.28

2945-231-17-010 Lots 1 to 4 inc Blk 14 Benton Canon 1st Sub \$2458.04

2945-231-17-011 Lots 5 to 11 inc Blk 14 Benton Canon 1st Sub \$3900.60

2945-231-17-012 Lot 12 Blk 14 Benton Canon 1st Sub \$557.23

2945-231-17-013 Lots 13 + 14 Blk 14 Benton Cannon 1st Sub \$1114.45

2945-231-17-014 Lots 15 + 16 Blk 14 Benton Canon 1st Sub \$1343.59

2945-261-14-002 Lots 9 + 10 Blk 27 Orchard Mesa Heights \$222.89

2945-261-14-003 Lots 11 + 12 Blk 27 Orchard Mesa Heights \$222.89

2945-261-14-004 Lot 13 + 6 10Ft of Lot 14 Blk 27 Orchard Mesa Heights \$156.02

2945-261-14-005 N 15Ft of Lot 14 + all Lots 15 + 16 Blk 27 Orchard \$334.33

2945-261-23-001 Lots 1 + 2 Blk 1 Canon add to Orchard Mesa Heights \$222.89

2945-261-23-002 Lots 3-4 + S2 Lot 5 Blk 1 Canon add to Orchard Mesa Heights \$278.61

2945-261-23-003 N2 Lot 5 + all Lots 6 + 7 Blk 1 Canon add to

Orchard Mesa Heights \$278.61

2945-261-23-004 Lot 8 + S 30Ft of Lot 9 Blk 1 Canon add to Orchard Mesa Heights \$289.76

2945-261-23-005 N 10Ft of Lot 9 + all of Lot 10 Blk 1 Canon add to Orchard Mesa Heights \$115.90

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 on 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-77 after the retirement of all bonds and proper payment of monies owing by the District shall be retained by the Finance Director 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-77, 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 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 7th day of June, 1978.

ADOPTED and APPROVED the 21st day of June, 1978.



Elvin G. Tufly

Acting President of the Council

Attest:

Theresa F. Martinez

Deputy City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1751, 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 7th day of June, 1978, 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 22nd day of June, 1978.

Theresa F. Martinez

Theresa F. Martinez  
Deputy City Clerk

Published: June 9, 1978

Published: June 23, 1978

Effective: July 24, 1978