

ORDINANCE NO. 1807

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF PUBLIC OFF-STREET PARKING DISTRICTS AND ENUMERATING THE POWERS OF THE CITY COUNCIL WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, INSTALLATION, FINANCING, AND OPERATION OF IMPROVEMENTS THEREIN.

WHEREAS, the City Council of the City of Grand Junction, Colorado, has the power under its home rule charter and desires to authorize the establishment of public off-street parking districts and thereby to provide a means by which to acquire, construct, install, finance and operate public off-street parking facilities within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, THAT:

1. Authorization of Districts. The City Council may establish public off-street parking districts, bearing the name, "City of Grand Junction, Colorado, Public Off-Street Parking District No. _____," and numbered as may be appropriate, for the purposes and in the manner hereinafter set forth. Such Districts shall be located entirely within the corporate limits of the City, but may consist of noncontiguous areas or contain enclaves of property not included therein.

2. Purposes of Districts. The purposes for which such Districts may be established are the acquisition, construction, installation, financing, and operation of public off-street parking facilities. The City Council hereby finds and determines that the establishment of such Districts will provide improved public access to and will stabilize and promote the economic health of the commercial areas of the City, thereby serving a public purpose.

3. Definitions. The following definitions shall apply to terms used in this Ordinance unless the context clearly dictates otherwise. The meaning ascribed to the singular of any term defined herein shall apply in the plural to the plural of any such term:

(a) "City" means the City of Grand Junction, Colorado.

(b) "City Council" means the governing body of the City.

(c) "Costs of an improvement" or any similar term means all capital costs incurred in connection with any improvement authorized by this Ordinance, including, but not limited to, land acquisition costs; architectural, engineering and inspection fees; soil testing expenses; acquisition, construction or installation costs pertaining to any public off-street parking facilities or any properties or equipment necessary, incidental or appurtenant thereto; allowances for contingencies; legal and other professional fees; fiscal advisory fees; the costs of issuing any

bonds to finance any improvement, including bond printing costs, any discount on the sale of the bonds, capitalized interest, adequate reserves with respect to the operation and maintenance of the improvement or payment of the principal of and interest on the bonds, and any costs related to necessary interim financing; and any costs and expenses relating to the levy of special assessments to pay any of the foregoing.

(d) "District" means a public off-street parking district established pursuant to this Ordinance.

(e) "Interested Party" means a Landowner as said term is defined in this section.

(f) "Landowner" means any Person who is the owner in fee of any undivided interest in real property or any improvement permanently affixed thereto within the District. As used in this subsection, "owner in fee" includes a contract purchaser of such real property or improvement obligated to pay general taxes thereon, an heir of a deceased owner in fee, and a devisee of a deceased owner in fee under a will admitted to probate, but does not include a contract seller of property with respect to which the contract purchaser is deemed to be the owner in fee for purposes of this subsection.

(g) "Mailed notice" means notice by certified or registered, first-class postage prepaid mail within the time required for Published Notice.

(h) "Net effective interest rate" means the Net Interest Cost of securities divided by the sum of the products derived by multiplying the principal amount of the securities maturing on each maturity date by the number of years from their date to their respective maturities. In all cases, net effective interest rate shall be computed with regard to the approved schedule of serial maturities or estimated mandatory redemptions.

(i) "Net interest cost" means the total amount of interest to accrue on securities from their date to their respective maturities, less the amount of any premium above par, or plus the amount of any discount below par, at which said bonds are being or have been sold. In all cases net interest cost shall be computed with regard to the approved schedule or serial maturities or estimated mandatory redemptions.

(j) "Person" means any natural person or any legal entity.

(K) "Posted notice" means notice by continuous posting at City Hall for three (3) days prior to the event to which the notice relates.

(1) "Published notice" means notice by publication in a newspaper of general circulation within the City one (1) time by one (1) publication not more than thirty (30) nor less than fourteen (14) days prior to the event to which the notice relates.

(m) "Special benefit" means a benefit to a particular property within a district separate and apart from general benefits to the City as a whole, which may include, but is not limited to, the following:

(1) Any increase in the market value of the property;

(2) Any adaptability of property to a superior or more profitable use;

(3) Any increase in convenience or reduction in inconvenience accruing to particular property owners, including the facilitation of access to residences or commercial establishments;

(4) Any increase in patronage of a commercial establishment due to the availability of additional, better located, or less expensive parking facilities.

(n) "Special improvement fund" means the special fund authorized in section 10(b) of this Ordinance.

(o) "Special operation and maintenance fund" means the fund authorized in section 10(b) of this Ordinance.

(p) "Special surplus and deficiency fund" means the fund authorized in section 11(b) of this Ordinance.

(q) "State" means the State of Colorado.

4. Establishment of Districts - Petition, Notice, Hearing and Ordinance. The establishment of a District may be accomplished by petition by the following procedure:

(a) The petition must set forth the name of the proposed District, an accurate legal description thereof, a statement that if the District is established, the City shall acquire, construct, install, finance and operate public off-street parking facilities within the District and defray the costs of doing so by levying special assessments against the property within the District, and a request for the establishment of the District. The petition must be subscribed by more than fifty percent (50%) of the Landowners in the District and also by Landowners of property within the District comprising more than fifty % (50%) in the aggregate of the valuation for assessment of all property therein. Any Landowner which is not a natural person may sign a petition only if it designates by some official action a representative thereof to do so. This subsection shall not be construed so as to permit any Landowner to sign any petition more than once even though any person qualified or lawfully designated may be entitled to sign a petition on behalf of more than one Landowner. The petition must be filed in the office of the City Clerk. Counterpart petitions may be filed and together shall be regarded as one petition.

(b) Upon receipt of a petition the City Clerk shall cause to be prepared a list of all Landowners as of the date of filing. Said list shall be prepared from the official records of the County Assessor and from such other reliable information as may be available. The City Clerk shall give Published Notice of the date of the intended completion of the list, affording all Persons claiming to be Landowners an opportunity to present evidence satisfactory to the City Clerk of his, her, or its right to be included on the list of Landowners. Any Person who fails to present such evidence prior to the date of the completion of the list as announced in the notice thereof shall be deemed to have waived any objection to the sufficiency of the petition or the failure of the City to give Mailed Notice to such person of any subsequent proceeding, and the Published Notice required by this subsection shall specifically so state. (Notwithstanding the preceding sentence, any Person may establish his, her, or its qualifications as a Landowner at any time and become entitled thereafter to receive such Mailed Notice of subsequent proceedings as may be required by this Ordinance.) Upon completion of said list the City clerk shall fix a place and time, not less than twenty (20) nor more than forty (40) days thereafter, for a hearing on the petition before the City Council. The City Clerk shall give Published and Mailed Notice to all Landowners of the pendency of the petition and of the place and time of the hearing thereon. Said notice shall also set forth the name of the proposed District, an accurate legal description thereof, and a statement that if the District is established, the City shall acquire, construct, install, finance and operate public off-street parking facilities within the District and defray the costs of doing so by levying special assessments against the property within the District.

(c) At the hearing so set the City shall examine the petition for the purpose of determining compliance with the requirements of subsection (a) of this section and of determining the qualifications of the subscribers to the petition and the genuineness and sufficiency of the signatures thereon. Any Landowner having information relevant to such determinations shall be afforded the opportunity at said hearing to present such information. Unless challenged at the hearing by an Interested Party having such information, the information contained in the list of Landowners prepared by the City Clerk shall be presumed correct. In the event of any such challenge, the City Council shall hear and rule upon the same. Regardless of whether any challenge is made to the list, the City Council shall make a finding as to its accuracy and completeness. All rulings on challenges and findings concerning the accuracy and completeness of the list shall be embodied in any ordinance adopted pursuant to subsection (d) of this section. Any petition may be amended to conform to the facts or to correct technical defects, and whether or not so amended, may be recirculated for the purpose of obtaining additional signature thereon.

(d) If the City Council finds that the petition complies with the

requirements of subsection (a) of this section and that it bears the requisite number of signatures, it shall by ordinance duly adopted declare the district established, giving it the name required by section 1 of this Ordinance and an appropriate number and describing its boundaries in accordance with the petition therefor or any amendment thereto necessitated by the proceedings.

5. Establishment of Districts - Resolution of Intent, Notice, Hearing and Ordinance. The establishment of a District may also be accomplished by resolution of intent by the following alternative procedure:

(a) The resolution must set forth the name of the proposed District, an accurate legal description thereof, a statement that if the District is established, the City shall acquire, construct, install, finance, and operate public off-street parking facilities within the District and defray the costs of doing so by levying special assessments against the property within the District, a declaration of the the intent of the City council to proceed, and statement that the City Council may not proceed if fifty percent (50%) or more of the Landowners, or Landowners with respect to property within the District comprising fifty percent (50%) or more in the aggregate of the valuation for assessment of all property therein, file written protests to the establishment of the District with the City Clerk on or before the date of the hearing. The resolution must be passed by the City Council at a regular or special meeting thereof. A resolution of intent shall be passed by the City Council upon the receipt of a petition for the same conforming to section 4(a) of this Ordinance subscribed by at least twenty percent (20%) of the Interested Parties. Such a resolution may also be passed by the City Council on its own motion.

(b) Upon passage by the City Council of a resolution of intent, the City Clerk shall cause to be prepared a list of all Landowners as of the date of passage. Upon completion of said list the City Clerk shall fix a place and time, not less than twenty (20) nor more than forty (40) days thereafter, for a hearing on the resolution before the City Council. The City Clerk shall give Published and Mailed Notice to all Landowners of the passage of the resolution and of the place and time of the hearing thereon. Said notice shall also set forth the name of the proposed District, and accurate legal description thereof, a statement that if the District is established, the City shall acquire, construct, install, finance and operate public off-street parking facilities within the District and defray the costs of doing so by levying special assessments against the property within the District, and a statement that the City Council may not proceed if fifty percent (50%) or more of the Landowners, or Landowners with respect to property within the District comprising fifty percent (50%) or more in the aggregate of the valuation for assessment of all property therein, file written protests to the establishment of the District with the City Clerk on or before the date of the hearing.

(c) At the hearing so set the genuineness and sufficiency of the signatures on any petition for a resolution of intent shall not be open to question. The City Council shall ascertain the qualifications of those Landowners having filed written protests to the establishment of the District and determine the sufficiency of the protests filed. The City Council shall further afford all Interested Parties the opportunity to be heard on the question of the establishment of the District. If the City Council finds that fifty percent (50%) or more of the Landowners, or Landowners with respect to property within the District comprising fifty percent (50%) or more in the aggregate of the valuation for assessment of all property therein, have filed written protests to the establishment of the District with the City Clerk on or before the date of the hearing, it shall not proceed. Notwithstanding the preceding sentence, proceedings for the establishment of a District may be recommenced by petition pursuant to section 4 of this Ordinance at any time or by petition pursuant to this section after the expiration of six (6) months from the date of said hearing.

(d) If the City Council determines that less than fifty percent (50%) of the Landowners, or that Landowners with respect to property within the District comprising less than fifty percent (50%) in the aggregate of the valuation for assessment of all property therein, have filed written protests to the establishment of the District with the City Clerk on or before the date of the hearing, the City Council shall by ordinance duly adopted declare the District organized, giving it the name required by section 1 of this Ordinance and an appropriate number and describing its boundaries in accordance with the resolution of intent or any amendment thereto necessitated by the proceedings.

6. Powers of City Council. The City Council may exercise the following powers within the District. All powers enumerated in this section shall be in addition and supplemental to any powers specifically conferred upon the City by the Colorado Constitution, the Charter of the City, or any statute of this state:

(a) To acquire by purchase, lease, license, option, gift, grant, devise or otherwise any real or personal property or any right or interest therein necessary or incidental to the powers enumerated in this Ordinance;

(b) To exercise the power of eminent domain and dominate eminent domain and, in the same manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers enumerated in this Ordinance;

(c) To lease as lessor and to grant licenses, options, and easements with respect to any property owned by it or under its control;

(d) To sell or dispose of any property or any right or interest therein owned by it in the manner specified by Section 48 of the City Charter;

(e) To enter into contracts and agreements relating to the purposes for which the District was established, including contracts with the United States and any of its agencies or instrumentalities, any "government" or "Political subdivision" as defined in §29-1-202, Colorado Revised Statutes 1973, as amended, or any other Person as defined in this section;

(f) To acquire, construct, install, and operate public off-street parking facilities upon land owned by it or in which it has interest entitling it to do so;

(g) To manage, control, supervise, operate, and maintain all the public off-street parking facilities located with the District;

(h) To fix and from time to time to increase or decrease rates, tolls, or charges for any public off-street, parking facilities located within the District;

(i) To levy special assessments on and against any real property within the District, including any real property owned by the City;

(j) To borrow money and evidence the same by certificates, warrants, notes, debentures and bonds, payable from special assessments, in accordance with the provisions of this Ordinance.

7. Improvements. The City Council shall proceed with respect to the acquisition, construction or installation of improvements within any established District as follows:

(a) Any improvement authorized by this Ordinance shall be initiated by resolution of the City Council declaring its intention to acquire, construct or install the same. Such resolution shall describe with particularity the nature and location of the improvement, refer to plans and specifications and maps on file with the City Clerk, estimate the costs of the improvement, and specify the manner in which such costs will be defrayed. If the costs are to be defrayed in any part by special assessments against the property specially benefited, the resolution shall also describe the properties to be assessed, set forth the method of apportioning the total cost among such properties, and state the share of such cost to be assessed against each such property. The resolution shall also fix a place and time for a public hearing before the City Council on the matters contained in the resolution.

(b) The City Clerk shall give Published Notice of the adoption of the resolution and of the place and time of the hearing on the matters contained therein. The City Clerk shall also give Mailed Notice thereof to all Landowners scheduled to bear any portion of

the assessment burden, if the scheduled cost is to be defrayed, in whole or in part, by special assessments. Such notice shall summarize the resolution and set forth in detail the matters required to be contained therein by subsection (a) of this section. Such notice shall also state that the City Council may not proceed if written protests to the acquisition, construction, or installation of the proposed improvements are filed with the City Clerk on or before the date of the hearing by Landowners scheduled to bear fifty percent (50%) or more of the assessment burden, if any portion of the scheduled cost is to be defrayed by special assessments.

(c) At the hearing so set the City Council shall review the nature, location and cost of the proposed improvements and the method of financing the same. If any portion of the cost is to be defrayed by special assessments, the City Council shall receive expert testimony concerning the Special Benefits to be conferred on the properties to be assessed and the fairness of the method of apportioning the assessments. Any such method may take into consideration such factors as the City Council deems relevant, including without limitation the following factors:

- (1) The distance of the improvement from the property to be assessed;
- (2) The need for parking spaces of each such property;
- (3) The valuation for assessment of each such property;
- (4) The square footage of each such property;
- (5) The square footage of usable floor space with respect to each such property and the use thereof; and
- (6) The availability of existing off-street parking facilities with respect to each such property.

Any such method must, however, result in the levy of assessments upon every property assessed not in excess of the Special Benefit conferred thereon and among all such properties in rough approximation to the Special Benefits conferred. The City Council shall afford all Landowners scheduled to bear any portion of the assessment burden the opportunity to be heard on the matters before it. Any objection to the method of apportioning assessments not made at said hearing shall be deemed waived. Any objection to the amount proposed to be assessed not made at said hearing shall be deemed waived to the extent of such amount. The City Council shall determine the sufficiency of the protests filed. If the City Council finds that written protests to the acquisition, construction, or installation of the proposed improvements have been filed with the City Clerk on or before the date of the hearing by Landowners scheduled to bear fifty percent (50%) or more of the assessment burden, it shall not proceed. Notwithstanding the preceding sentence, proceedings for the

acquisition, construction, or installation of any improvement may be recommenced after the expiration of six (6) months from the date of said hearing. If the City Council finds that insufficient protests have been received as provided in subsection (b) of this section, the City Council shall rule upon all objections made, may make such adjustments in the nature, location, and cost of the improvements as may be warranted, and shall by ordinance authorize the acquisition construction, or installation of the improvement and, if appropriate, the assessment of the cost thereof in accordance with the method approved. By said ordinance the City Council shall also fix a maximum interest rate to be paid on unpaid installments.

(d) Except in cases in which the City receives aid from an agency of the federal government, the City Clerk shall give Published Notice for bids on all contracts for work or material or both involving an expense of ten thousand dollars (\$10,000) or more in connection with any improvement within a District. The City Council may reject any and all bids, and, if it appears that the City can perform the work or secure material for less than the lowest bid, it may proceed so to do.

8. Special Assessments. Whenever the cost of any improvement or the cost of operating or maintaining the same is to be defrayed in whole or in part by special assessments, the following procedure shall be observed:

(a) Upon completion of any improvement or upon completion from time to time of any part thereof and upon acceptance thereof by the City Engineer or when the total cost of any improvement or of any such part thereof can be definitely ascertained, the City Engineer shall cause to be prepared a statement showing the whole cost of the improvement and the portion thereof to be defrayed by special assessments. Said cost may be either greater or lesser than that originally approved by the City Council and may include additional expenditures, the nature and amount of which were not foreseen at the time of the authorization of the improvements. Said statement shall also contain an apportionment of the cost to be assessed among the properties to be assessed in conformity with the method previously approved. Said statement shall be filed in the office of the City Clerk.

(b) The City Clerk shall give Published and Mailed Notice to all Landowners scheduled to bear any portion of the assessment burden that the proposed apportionment has been completed and of a hearing thereon. The notice shall specify the whole cost of the improvement, the portion to be defrayed by special assessments, the amount to be assessed against each property and that any complaints or objections to the proposed assessments which are made in writing by any Landowner scheduled to bear any portion of the assessment burden and filed with the City Clerk on or before the date of the hearing will be heard and determined by the City Council before the passage of any ordinance assessing the cost of said improvement.

(c) At the time specified in said notice or at some adjourned time, the City Council shall hear and determine all such complaints and objections. If the City Council determines that the assessment is inequitable in any case, a just and equitable assessment shall be made upon the basis of benefits accruing to the property assessed by reason of the improvements made.

(d) The City Council shall by ordinance apportion and assess the cost of the improvement. The passage of such ordinance shall be prima facie evidence that the assessments have been lawfully levied.

(e) Any clerical or technical errors or mistakes in the levy of assessments may be corrected by amendatory ordinance. Such corrections shall take effect as of the date of the original assessing ordinance.

(f) The City Council may also assess not more often than annually all or a portion of the estimated cost of operating or maintaining any improvement. In assessing such cost the City Council shall use a method of apportioning assessments determined by the procedure prescribed in section 7(c) of this Ordinance. In levying the assessments the City Council shall observe substantially the procedure prescribed elsewhere in this Section with such modifications as shall be dictated by the fact that assessments are being levied for operation and maintenance, rather than capital, costs.

(g) All assessments, together with all interest thereon and penalties for default in payment thereof and all costs in collecting the same, shall constitute, from the date of the passage of the assessing ordinance, a perpetual lien in the several amounts assessed against each property and shall have priority over all other liens except general tax liens.

9. Reapportionment of Assessments. Whenever due to a change in the use of property assessed for the cost of any improvement or due to other changes within the District and upon the request of any Interested Party affected thereby, the City Council may reapportion the cost of the cost of the improvement among the property benefited thereby as follows:

(a) Reapportionment proceedings shall be commenced only in the discretion of the City Council by resolution declaring its intent to reapportion. Such resolution shall contain a proposed schedule of reapportioned assessments showing with respect to all properties previously or prospectively to be assessed the net change in the assessment obligation. The resolution shall also fix a place and time for a public hearing before the City Council on the proposed reapportionment.

(b) The City Clerk shall give Published Notice of the adoption of the resolution and of the place and time of the hearing on the

proposed reapportionment. The City Clerk shall also give Mailed Notice thereof to the Landowners with respect to all properties previously or prospectively to be assessed. Such notice shall summarize the resolution and set forth in detail the matters required to be contained therein by subsection (a) of this section. Such notice shall also state that the City Council may not proceed if written protests to the proposed reapportionment are filed with the City Clerk on or before the date of the hearing by Landowners scheduled to bear fifty percent (50%) or more of the proposed assessment burden as reapportioned.

(c) At the hearing so set the City Council shall afford all Landowners scheduled to bear any portion of the assessment burden as reapportioned the opportunity to be heard on the proposed reapportionment. Any objection not made at said hearing shall be deemed waived. The City Council shall determine the sufficiency of the protests filed. If the City Council finds that written protests to the proposed reapportionment have been filed with the City Clerk on or before the date of the hearing by Landowners scheduled to bear fifty percent (50%) or more of the proposed assessment burden as reapportioned, it shall not proceed. If the City Council finds that insufficient protests have been received as provided in subsection (b) of this section, the City Council shall rule on any objections and shall by ordinance reapportion the assessment in accordance with the proposed schedule or any amendment thereto necessitated by the proceedings. In reapportioning the assessment the City Council shall at the hearing thereon receive expert testimony concerning the Special Benefits conferred on the properties subject to assessment and the fairness of the proposed method of reapportioning and assessments. Any such method may take into consideration such factors as the City Council deems relevant, including without limitation the factors stated in Section 7(c) of this Ordinance. Any such method must, however, result in the levy of assessments upon every property assessed not in excess of the Special Benefits conferred thereon and among all such properties in rough approximation to the Special Benefits conferred.

(d) No such reapportionment shall become effective until after the expiration of the limitation of actions period prescribed in Section 12 of this Ordinance or until after all judicial or further City Council proceedings in connection with any action commenced within such period shall have been completed, whichever is later. Reapportioned assessments shall be collected as provided in Section 10 of this Ordinance, except that any reapportioned assessments payable in installments shall be payable on the same installment schedule as originally prescribed by the City Council. No assessment shall be reapportioned more frequently than once in any twelve-month period, and no such reapportionment shall reduce the aggregate amount of the assessments payable when such assessments constitute, in whole or in part, the security for any bonds of the City then outstanding.

10. Collection of Assessments. All assessment levied as provided

in this Ordinance shall be collected as follows:

(a) The City Clerk shall cause to be prepared an assessment roll in book form showing in suitable columns each property assessed, the total amount of each assessment, if applicable the amount of each installment of principal and interest, and the date when the whole amount or each installment will become due. The assessment roll shall also have suitable columns for use in the event of payment of the whole amount or of any installment before due and of payment of any penalty. All such rolls shall be numbered for convenient reference. The city clerk shall deliver the assessment roll duly certified under the seal of the City to the City Treasurer for collection.

(b) Payment in full of assessments levied pursuant to Section 8(d) of this Ordinance may be made, and for assessments levied pursuant to Section 8(f) of this Ordinance shall be made, to the City Treasurer without interest at any time within thirty (30) days after the passage of the assessing ordinance. All receipts shall be deposited by the City Treasurer in the case of assessments levied pursuant to Section 8(d) of this Ordinance in a special improvement fund bearing the name and number of the District, and in the case of assessments levied pursuant to Section 8(f) of this Ordinance in a special operation and maintenance fund so designated.

(c) At the expiration of said thirty-day period, the City Treasurer shall return the assessment roll to the City Clerk, therein showing all payments made and the date of each. Said roll shall be certified by the City Clerk under the seal of the City and delivered by the City Clerk to the County Treasurer of Mesa County with his or her warrant for the collection of the same. The County Treasurer shall receipt for the same.

(d) The owner of any partial interest in any property assessed may pay his share of any assessment upon producing evidence of the extent of his separate interest satisfactory to the City Treasurer or County Treasurer having charge of the roll.

(e) All collections made by the County Treasurer upon such assessment roll in any calendar month shall be accounted for and paid over to the City Treasurer on or before the tenth day of the next succeeding calendar month, with separate statements for all such collections for each improvement.

(f) All special assessments shall be due and payable within thirty (30) days after the passage of the assessing ordinance without demand. The City Clerk shall give such Mailed Notice to the Landowners of the properties assessed.

(g) All special assessments, except those made pursuant to Section 8(f) of this Ordinance, may be paid, at the election of the Landowner, in installments with interest. Incase of an election to pay in installments, the assessments shall be payable in two (2)

or more equal annual installments of principal with interest on the unpaid principal payable annually. The first installment shall be payable as prescribed by the City Council in not more than five (5) years, and the last installment shall be payable in not more than twenty (20) years. The number of installments, the period of payment, and the rate of interest on unpaid installments shall be determined by the City Council and set forth in the assessing ordinance adopted pursuant to Section 8(d) or Section 9 of this Ordinance. Failure to pay the whole assessment within said period of thirty (30) days shall be conclusively considered to be an election on the part of all Landowners, whether under disability or otherwise, to pay in installments.

(h) Failure to pay any assessment or any installment thereof when due shall cause the whole of the unpaid principal to become due and collectible immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one percent (1%) per month or fraction of a month until the day of the sale authorized in subsection (i) of this section. At any time prior to the day of such sale the defaulting Landowner may pay the amount of all unpaid installments with interest at one percent (1%) per month or fraction of a month, and all penalties accrued and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if a default had not occurred. Any Landowner not in default as to any installment or payment may at any time pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment.

(i) In case of default in the payment of any assessment or any installment thereof when due, the County Treasurer shall advertise and sell all property concerning which such default has occurred for the payment of the whole of the unpaid assessments thereon. Said advertisements and sales shall be made at the same times, in the same manner, under all the same conditions and penalties, and with the same effect as provided by general law for sales of real estate in default of payment of the general property tax.

(j) The City shall have the following rights and remedies with respect to any sale by the County Treasurer of any property for the purpose of paying any special assessment made under the provisions of this Ordinance:

(1) The City Treasurer, having written authority from the City Council, may purchase any such property without paying for the same in cash and shall receive a certificate of purchase therefor in the name of the City. The certificate shall be received and credited at its face value, with all interest and penalties accrued, on account of the assessments in pursuance of which the sale was made. Any such certificate may thereafter be sold by the City Treasurer at its face value, with all interest and penalties accrued, and assigned by him or her to the purchaser in the name of the City. The proceeds of such sale shall be credited to the special improvement fund or the special operation and maintenance

fund or both such funds pro rata as the circumstances require. In the event that all bonds issued in payment for the improvement have been discharged in full, said certificate may be sold by the City for the best price obtainable at public sale, at auction, or by sealed bids in the same manner and under the same conditions as is provided in paragraph (3) of this subsection. In such event the proceeds shall be credited to the special surplus and deficiency fund in lieu of the special improvement fund. Such assignment shall be without recourse, and the sale and assignment shall operate as a lien in favor of the purchaser and assignee as provided by law in the case of sales of real estate in default of payment of the general property tax.

(2) The City as purchaser has the right to apply for a tax deed on any such certificate of purchase at any time after three (3) years from the date of issuance thereof, and any such deed shall be issued as provided by law for issuance of tax deeds for the nonpayment of the general property tax.

(3) If the City is the owner of property by virtue of a tax deed, or is the owner of property otherwise acquired, in satisfaction or discharge of the lien represented by any such certificate of sale, it may sell such property in the manner provided by Section 48 of the City Charter, and the City shall then convey the property to the purchaser by quitclaim deed.

(4) If the City is a holder of a certificate of purchase, it may bring a civil action for foreclosure thereof, joining as defendants all Persons holding record title, Persons having or claiming any interest in the property or in the proceeds of foreclosure sale, all governmental taxing units having taxes or other claims against said property, and all unknown Persons having or claiming any interest in said property. Any number of certificates may be foreclosed in the same proceeding. In such proceeding the City, as plaintiff, is entitled to all relief provided by law in actions for an adjudication of rights with respect to real property.

(5) The proceeds of any such sale of property shall be credited by the City Treasurer to the special improvement fund, the special operation and maintenance fund, or the special surplus and deficiency fund as may be appropriate, after deduction of necessary expenses in securing deeds and taking proceedings for the sale or foreclosure.

11. Special Assessment Bonds. For the purpose of paying all or such portion of the cost of any improvement constructed under the provisions of this Ordinance as may be assessed against the property specially benefited thereby and not otherwise paid, the City Council may issue special assessment bonds of the City as provided herein without an election. If the cost of any improvement is not known with certainty such bonds may be issued upon estimates approved by the City Council.

(a) Special assessment bonds issued pursuant to the authority of this section may be in such form and bear such date as may be prescribed by the City Council. Such bonds shall mature a sufficient number of years from their date so that payment may be made from assessments levied therefor but subject to call as provided in this section. Such bonds shall be subscribed by the presiding officer of the City Council with the seal of the City affixed thereto and attested by the City Clerk. Such bonds shall bear such rate or rates of interest as may be determined by the City Council not exceeding the maximum net effective interest rate specified by the City Council prior to the use of said bonds in payment for improvements or the sale thereof. Such interest shall be payable annually or semiannually and evidenced by one or two sets of coupons executed with the facsimile signature of the City Clerk. The Holders of such bonds may look for the payment thereof solely to and the bonds shall be secured solely by, a pledge of the appropriate special improvement fund established therefor into which shall be deposited all moneys received on account of special assessments levied against the properties in the district specially benefited by the acquisition, construction, and installation of the improvements financed by the issuance of the bonds. Notwithstanding the foregoing sentence, the City may at its option apply any other funds legally available therefor to the payment of the bonds. All moneys collected from such assessments for any improvement shall be applied to the payment of the bonds issued until payment in full is made of all the bonds, both principal and interest. The bonds may be used in payment of the cost of the improvement, or the City Council may sell the bonds at public or private sale on such terms as it may determine at a price sufficient to pay such cost in cash.

(b) All such bonds shall be negotiable instruments within the meaning of part 1 of article 1 of title 4, Colorado Revised Statutes 1973, as amended.

(c) Whenever the City Treasurer has a sum of money to the credit of any special improvement fund exceeding six (6) month's interest on the unpaid principal of the bonds issued therefor and outstanding, he or she shall call in a suitable number of such bonds for payment by giving Published and Mailed Notice to the holder or holders of all bonds to be so redeemed. For this purpose the holder of any such bond may at any time furnish his or her post-office address to the City Treasurer. At the expiration of thirty (30) days from such publication of notice, interest on the bonds so called shall cease. The notice shall specify by number the bonds so called, and all such bonds shall be paid in their direct numerical order.

12. Findings Conclusive - Limitation of Actions. All findings and determinations of the City Council with respect to the matters required in this Ordinance to be considered shall be final and conclusive upon all parties in interest and not subject to judicial review in absence of fraud, collusion or gross abuse of discretion. No ordinance or resolution or action of the City

Council relating to the organization of any District, the authorization of any improvements, the approval of any method of apportioning assessments, the issuance of any bonds, or the levy of any special assessments shall be challenged after the expiration of thirty (30) days from the effective date of any such ordinance, resolution, or action.

13. Ratification of Actions. All actions not inconsistent with the provisions of this Ordinance heretofore taken by the officers of the City, whether elected or appointed, directed toward the establishment of public offstreet parking districts, are hereby ratified, approved and confirmed.

14. Repealer. All ordinances or resolutions or parts thereof in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any ordinance, resolution or part thereof heretofore repealed.

15. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision will not effect any of the remaining sections, paragraphs, clauses or provisions of this Ordinance.

PASSED FOR PUBLICATION this 4th day of April, 1979.

CITY OF GRAND JUNCTION, COLORADO

Karl M. Johnson

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk
City of Grand Junction, Colorado

I HEREBY CERTIFY that the following entitled Ordinance:

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF PUBLIC OFFSTREET PARKING DISTRICTS AND ENUMERATING THE POWERS OF THE CITY COUNCIL WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, INSTALLATION, FINANCING AND OPERATION OF IMPROVEMENTS THEREIN.

being Ordinance No. 1807, was introduced, read, and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 21st day of March, 1979, and that Notice to this effect 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 seal of said City this 6th day of April, 1979.

Neva B. Lockhart, CMC

Neva B. Lockhart
City Clerk

Published: March 23, 1979

Published: April 10, 1979

Effective: May 10, 1979