

ORDINANCE NO. 2189

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-82, PHASE D, 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 ASSESSMENT.

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-82, Phase D, 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-82, Phase D, 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-82, Phase D, 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 March 14, 1984, and the last publication thereof appearing on May 16, 1984); 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 16th day of April, 1984, 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 a letter was sent by the Walker Field, Colorado, Public Airport Authority, objecting generally to the assessment against the Authority, but not contesting the amounts of assessments, and James F. Squirrel appeared indicating he had not received any prior notice of the creation of the District, with a subsequent check of the records indicating mailing of such a notice to the correct address; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the 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-82, Phase D, 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-82, Phase D, 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 \$513,974.85, said amount including six percent additional for cost of collection and other incidentals and including interest to the 3rd day of June, 1984, at the average rate of 9.0323 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 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:

Legal Description	Assessment
Beg SE Cor SW4NE4 Sec 36 1N 1W N 89 deg. 51 min. 40 sec. W 329.64 ft N 0 deg. 08 min. E 240.1 ft N 85 deg. 58 min. 54 sec. E 330.51 ft N 67 deg. 50 min. 18 sec. E 264.44 ft S 21 deg. 18 min. 31 sec. E to N Li Horizon Dr Swly Alg Horizon Dr to a point S of Beg N to Beg	\$33,773.48
Lots 1 and 2 Blk 1 Crossroads Colorado West Sec 36 1N 1W	\$2,225.79
Lot 5 Replat of Lots 1 thru 5 Blk 2 Crossroads Colorado West Sec 36 1N 1W	\$11,558.17
Lot 2 Horizon Park Plaza Sec 36 1N 1W	\$12,272.83
That Pt Lots 3 thru 8 Horizon Park Plaza Desc as Foll Beg N Cor Lot 3 S 40 deg. 10 min. E 304.31	

<p>ft N 31.1 ft S 40 deg. 10 min. E 77.38 ft to a Pt S 40 deg. 10 min. E 38.00 ft fr N Cor Lot 8 S 49 deg. 50 min. W 314.66 ft N 40 deg. 10 min. W 153.0 ft to a Pt N 40 deg. 10 min. W 15.0 ft fr S Cor Not 5 N 49 deg. 50 min. E 147.8 ft N 40 deg. 10 min. W 217.69 ft N 54 deg. 46 min. 30 sec. E 147.41 ft to Beg Sec 36 1N 1W as Desc in B-1103 P-504 Co Clerks Office\$11,031.32</p>	
<p>Lot 3 Horizon Park Plaza Sec 36 1N 1W Exc Beg N Cor Sd Lot 3 S 40 deg. 10 min. E 120.1 ft S 49 deg. 50 min. W 146.86 ft N 40 deg. 10 min. W 132.69 ft N 54 deg. 46 min. 30 sec. E 147.41 ft to Beg\$235.73</p>	
<p>Lot 1 and Lot 25 Horizon Park Plaza Sec 36 1N 1W Exc S 50 Ft\$18,558.91</p>	
<p>Beg A Pt N 01 min. E 943 ft fr SW Cor E4NW4SE4 Sec 36 1N 1W N 01 min. E 375.42 ft N 89 deg. 59 min. E 329.64 ft S 01 min. W 212.84 ft S 63 deg. 44 min. W 367.6 ft to Beg\$28,249.95</p>	
<p>Beg N 35 deg. 46 min. W 2248.7 ft fr SE Cor Sec 36 1N 1W N 23 deg. W 265.8 ft N 43 deg. 38 min. E 150.6 ft to E Li NW4SE4 S 350 ft M-L to Beg\$11,270.05</p>	
<p>Beg Pt on S R-O-W Li of I-70 465.45 ft S of NW Cor NE4SE4 Sec 36 1N 1W N 42 deg. 32 min. E 426.5 ft N 54 deg. 36 min. E 191.16 ft S 20 deg. 36 min. E 604 ft S 73 deg. 19 min. W 683.5 ft. to Pt on W Li NE4SE4 N Alg W Li 337.1 ft to Beg\$45,948.28</p>	
<p>Beg at a Pt which is N 82 deg. 02 min. 56 sec. W 684.33 ft fr E4 Cor Sec 36 1N 1W Pt being on S R-O-W Li Horizon Dr S 54 deg. 46 min. 30 sec. W 240 ft S 20 deg. 26 min. E 689.92 ft N 69 deg. 34</p>	

<p>min. E 220 ft N 20 deg. 26 min. W  460 ft N 58 deg. 41 min. 22 sec.  E 169.8 ft N 20 deg. 26 min. W  300 ft to S R-O-W Li Horizon Dr  Alg R-O-W S 54 deg. 46 min. 30  sec. W 160 ft to Beg Exc Tract as  Desc in B-970 P-469 and also Exc  R-O-W as Desc in B-1426 P-641  Mesa Co Records\$18,147.33</p>	
<p>That Pt of SW4NW4 Sec 31 1N 1E N  and W of Co Road Exc that part  taken up in C H Four Commercial  Park Fil 1\$20,729.11</p>	
<p>Beg Pt of Intersection S R-O-W H  Rd and W Li NW4NW4 Sec 31 1N 1E  fr which NW Cor Sd Sec 31 bears N  30 ft S 89 deg. 48 min. 40 sec. E  200.10 ft S 33 deg. 46 min. 05  sec. E 1468.89 Ft S 54 deg. 46  min. 30 sec. W 122.55 ft N 89  deg. 50 min. 20 sec. W 916.46 ft  N 1289.87 ft to Beg Exc That  Portion Taken Up in C H Four  Commercial Park Fil 1\$13,170.84</p>	
<p>S2SE4 and SE4SW4 and Lot 4 Sec 30  1N 1E and N2NE4 and NE4NW4 and  Lot 1 Sec 31 1N 1E Exc Beg Pt of  Intersection S R-O-W H Rd and W  Li NW4NW4 Sec 31 1N 1E fr which  NW Cor Sd Sec 31 bears N 30 ft S  89 deg. 48 min. 40 sec. E 200.10  ft S 33 deg. 46 min. 05 sec. E  1468.89 ft S 54 deg. 46 min. 30  sec. W 122.25 ft N 89 deg. 50  min. 20 sec. W 916.46 ft N  1289.87 ft to Beg\$80,222.39</p>	
<p>Lots 1 and 2 Blk 2 of Replat of  Lots 1 thru 5 Blk 2 Crossroads  Colorado West Sec 36 1N 1W Exc  Beg SEly Cor Sd Lot 1 N 35 deg.  05 min. 30 sec. W 166.6 ft S 54  deg. 54 min. 30 sec. W 126.2 ft S  21 deg. 18 min. 31 sec. E to Sly  Li Sd Lot 1 N 54 deg. 54 min. 30  sec. E 164.75 ft to Beg\$11,506.52</p>	
<p>Beg SEly Cor Lot 1 Blk 2 Replat  of Lots 1 thru 5 in Blk 2  Crossroads Colorado West Sec 36</p>	

<p>1N 1W N 35 deg. 05 min. 30 sec. W  166.6 ft S 54 deg. 54 min. 30  sec. W 126.2 ft S 21 deg. 18 min.  31 sec. E to Sly Li Sd Lot 1 N 54  deg. 54 min. 30 sec. 164.7 ft to  Beg Exc R-O-W on SEly Cor as Per  B-1436 P-739\$11,144.33</p>	
<p>Lot 1 Blk 1 Grand Junction  Technological Center Sub Sec 31  1N 1E &amp; Vac R-O-W Beg N 3150.59  ft SW Cor Sd Sec 31 N 48.79 ft N  54 deg. 46 min. 30 sec. E 242.46  ft S 35 deg. 13 min. 30 sec. E 40  ft S 54 deg. 46 min. 30 sec. W  270.70 ft to Beg\$18,144.33</p>	
<p>Lot 87 Tech del Sol Replat Lots  2, 3, 4, 5, 6 Block 1 of Grand  Junction Technological Center Sub  Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 88 Tech del Sol Replat Lots  2, 3, 4, 5, 6 Block 1 of Grand  Junction Technological Center Sub  Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 89 Tech del Sol Replat Lots  2, 3, 4, 5, 6 Block 1 of Grand  Junction Technological Center Sub  Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 90 Tech del Sol Replat Lots  2, 3, 4, 5, 6 Block 1 of Grand  Junction Technological Center Sub  Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 91 Tech del Sol Replat Lots  2, 3, 4, 5, 6 Block 1 of Grand  Junction Technological Center Sub  Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 92 Tech del Sol Replat Lots  2, 3, 4, 5, 6 Block 1 of Grand  Junction Technological Center Sub  Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 93 Tech del Sol Replat Lots  2, 3, 4, 5, 6 Block 1 of Grand  Junction Technological Center Sub  Sec 31 1N 1E\$1,496.69</p>	

<p>Lot 94 Tech del Sol Replat Lots 2, 3, 4, 5, 6 Block 1 of Grand Junction Technological Center Sub Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 95 Tech del Sol Replat Lots 2, 3, 4, 5, 6 Block 1 of Grand Junction Technological Center Sub Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 96 Tech del Sol Replat Lots 2, 3, 4, 5, 6 Block 1 of Grand Junction Technological Center Sub Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 97 Tech del Sol Replat Lots 2, 3, 4, 5, 6 Block 1 of Grand Junction Technological Center Sub Sec 31 1N 1E\$1,496.69</p>	
<p>Lot 103 Tech del Sol Replat Lots 2, 3, 4, 5, 6 Block 1 of Grand Junction Technological Center Sub Sec 31 1N 1E\$7,483.43</p>	
<p>Lots 1 to 23 inclusive and Lots 98, 99, 100 Tech del Sol Replat Lots 2, 3, 4, 5, 6 Block 1 of Grand Junction Technological Center Sub Sec 31 1N 1E and that pt of Lot 101 of Sd Sub Desc Beg at SW Cor Sd Lot 98 S 35 deg. 13 min. 30 sec. E 125 ft to NW Cor Sd Lot 23 N 54 deg. 46 min. 30 sec. E 60 ft to NE Cor Sd Lot 21 N 35 deg. 13 min. 30 sec. W 125 ft to NW Cor Lot 8 S 54 deg. 46 min. 30 sec. W 60 ft to Beg\$14,556.03</p>	
<p>That Pt Lot 101 as Desc Beg Most SWly Cor Lot 7B 1N Tech del Sol Sub of Lots 2, 3, 4, 5, 6 Block 1 Grand Junction Technological Center Sub Sec 31 1N 1E N 54 deg. 46 min. 30 sec. E 180 ft S 35 deg. 13 min. 30 sec. E 62.50 ft S 54 deg. 46 min. 30 sec. W 180 ft N 35 deg. 13 min. 30 sec. W 62.50 ft to Beg and Also Lots 78 thru 86 Located in Tech del Sol Sub of Lots 2, 3, 4, 5, 6 Block 1 Grand</p>	

Junction Technological Center Sub\$13,470.17	
Lots 46 thru 77 Inc All Lot 102 and Beg SW Cor Lot 101 N 35 deg. 13 min. 30 sec. W 125 ft N 54 deg. 46 min. 30 sec. E 120 ft S 35 deg. 13 min. 30 sec. E 125 ft S 54 deg. 46 min. 30 sec. W 120 ft to Beg All in Tech del Sol Replat Lot 2 thru 6 Block 1 Grand Junction Technological Center Sub Sec 31 1N 1E\$25,033.57	
Lot 1 C H Four Commercial Park Fil No 1 Sec 31 1N 1E and Sec 36 1N 1W Exc R-O-W on Sly Li as Per B-1430 P-250 and B-1437 P-952 Mesa Co Records\$31,430.41	
Lot 2 C H Four Commercial Park Fil No 1 Sec 31 1N 1E and Sec 36 1N 1W\$36,593.98	

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 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 of 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 date 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 manners 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-82, Phase D, 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 finding of past or subsequent improvement districts which may be or may become in default.

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-82, Phase D, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.



Section 9. That this Ordinance, after its introduction and first reading shall be published once in full in The Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the City of Grand Junction.

Introduced and read at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 18th day of April, 1984.

/s/ Gary A. Lucero

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President of the Council

Attest:

/s/Theresa F. Martinez

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Deputy City Clerk

PASSED and ADOPTED this 2nd day of May, 1984.

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President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2189, 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 18th day of April, 1984, 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 3rd day of May, 1984.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk

Published: April 20, 1984

Published: May 4, 1984

Effective: June 3, 1984