

ORDINANCE NO. 2248

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 35-84 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. 35-84 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 cause to be published the Notice of Completion of said local improvements in Sanitary Sewer District No. 35-84, and the apportionment of the cost thereof to all persons interested and to the owners of the real estate which is described therein, said real estate comprising the district of land known as Sanitary Sewer District No. 35-84 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 October 18, 1985, and the last publication thereof appearing on October 20, 1985; 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 18th day of November, 1985, 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 improvement and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Sanitary Sewer District No. 35-84,

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. 35-84 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 \$81,886.89, said amount including six per centum additional for cost of collection and other incidentals and including interest on the bonds of said District to January 20, 1986, at the rate of 9.5480 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:

LEGAL DESCRIPTIONASSESSMENT		
<p>That PT of SE4SW4 Sec 10 1S 1W S + W of Hwy ROW + BEG SE COR SW4SW4 Sec 10 N 4ORD N 81DEG45MIN W 496 Ft S 86DEG30MIN W 388 FT S 40DEG45MIN E 951 Ft E TO BEG EXC BEG 509.5 Ft N OF SE COR SE4SW4 N 61DEG22MIN W 491.7 Ft FOR BEG N61DEG22MIN W 284.8 Ft S 247 Ft E 250 Ft N 110 6 Ft TO BEG AND ALSO INCLUDING A STRIP BEG NE COR NW4 SEC 15 1S 1W S 8 1/4 Ft W 1320 Ft N 8 1/4 Ft E 1320 Ft TO BEG &amp; THAT PT BEG N LI RR ROW 364 LINKS W OF NE COR NW4NW4 SD SEC 15 E 364 LINKS TO NE COR NW4NW4 SD SEC S 219 LINKS W 210 LINKS TO SD ROW ALG ROW TO BEG EXC THAT PT LYG IN RR ROW &amp; EXC HWY LYG IN</p>		

SEC 10 & ALSO EXC RD ROW DESC IN B-1405 P- 969 & 970 OF MESA CO RECORDS\$5317.32		
BEG 30 Ft S + 30 Ft W OF C N2NE4 SEC 15 1S 1W S 203 Ft W 430 Ft N 203 Ft E TO BEG EXC HWY\$2658.66		
BEG SW COR NW4NE4 SEC 15 1S 1W E 1049LKS N 954LKS N 1049LKS* TO BEG LESS AN UNDI 1/2 INT IN FOLL BEG SW COR NW4NE4 SEC 15 1S 1W N 660 Ft E 30 Ft S 660 Ft W to BEG EXC RD ROW PER B-1405 P-971 MESA CO RECORDS\$16891.32*S 954LKS		
BEG 690 Ft S OF NE COR NW4NE4 SEC 15 1S 1W W 30 Ft S 203 Ft W 430 Ft S TO S LI NW4NE4 SEC 15 E TO SE COR NW4NE4 N TO BEG EXC HWY\$7089.76		
BEG 450 Ft W + 535 FT N OF SE COR SW4NE4 SEC 15 1S 1W N 1345 Ft W 30 Ft S 1345 Ft E TO BEG\$1648.33		
BEG 690 Ft S + 490 Ft W OF NE COR NW4NE4 SEC 15 1S 1W W 137.66 FT S TO S LI NW4NE4 SEC 15 E 137.66 Ft N TO BEG\$3544.88		
BEG AT N4 COR SEC 15 1S 1W S 41RDS 13.5 Ft E TO S LI COLO HWY 4 N 45DEG51MIN W ALG HWY TO A PT S 89DEG43MIN E 359.8 Ft + S		

<p>45DEG51MIN E 692.45 Ft  FR N4 COR SEC 15 N 89  DEG43MIN W 658.82 Ft N  0DEG17MIN E 150 Ft  S89DEG43MIN W 502.78  Ft TO S LI HWY N  45DEG51MIN W 476.2 Ft  N 89DEG43MIN W 359.8  Ft TO BEGIN EXC BEG  690 Ft S + 550.13 Ft E  OF NW COR NW4 NE4 SEC  15 E 522.77 Ft + AS  DESC IN B-1019 P-218-  227 CO CLKS OFF EXC W  33 Ft FOR RD ROW AS  PER B-1405 P-973 MESA  CO RECDS\$12867.89</p>		
<p>BEG 8.25 Ft S OF NE  COR NW4 SEC 15 1S 1W W  1326.3 Ft S 298.5 Ft  TO RR ROW SELY ALG ROW  39.7 Ft TO A PT 329 FT  S + 1301.2 Ft W OF BEG  E 1301.2 FT N TO BEG +  BEG A PT WHENCE E LI  OF NW4NW4 CROSSES N LI  OF RR IN 239LKS W  210LKS TO RR SELY ALG  ROW TO BEG EXC E 33 Ft  FOR RD ROW AS PER B-  1405 P-972 MESA CO  RECRDS\$17529.41</p>		
<p>BEG 634 Ft N OF SE COR  NE4NW4 SEC 15 1S 1W N  AS RECD B869 P-218 EXC  E 33 Ft FOR RD ROW AS  PER B-1405 P-974 MESA  CO RECDS\$17210.37</p>		
<p>BEG SE COR NE4NW4 SEC  15 1S 1W W 412 Ft N  40DEG W ALG ROW OF RR  840 Ft E 963 Ft TO E  BDRY NW4 SEC 15 S 634  Ft TO BEG EXC E 33 Ft  FOR RD ROW AS PER B-  1405 P-975 MESA CO  RECDS\$11556.30</p>		

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 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 lien for general, state, county, city or school taxes and no 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 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 at the rates following:

Bond Nos. Principal Interest Rate Maturity			
01- 8\$ 8,000.00 7.00% 4-1-86			

09- 2214,000.007.50% 4-1-87			
23- 3210,000.008.00% 4-1-88			
33- 419,000.008.25%4 -1-89			
42- 498,000.008.50%4 -1-90			
50- 567,000.008.75%4 -1-91			
57- 626,000.009.00%4 -1-92			
63- 686,000.009.25%4 -1-93			
69- 746,000.009.50%4 -1-94			
75- 795,000.009.75%4 -1-95			

In addition to the foregoing interest rates, bonds will bear Supplemental Coupons in the following manner: all bonds 1 to 79, inclusive, to bear 3.50% supplemental interest coupons commencing to accrue interest April 1, 1985, to April 1, 1986.

The first of said installments of said principal shall be due and payable January 1, 1985, 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 cent 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 ad payments under Sanitary Sewer District No. 35-84 after the retirement of all bonds and proper payments 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 or may become in default or for such other purposes as the City Council 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, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Sanitary Sewer District No. 35-84, 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 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 20th day of November, 1985.

ADOPTED and APPROVED this 4th day of December, 1985.

Authenticated and Approved the 4th day of December, 1985.

Raymond G. Phipps

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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. 2248, 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 20th day of November, 1985, 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 5th day of December, 1985.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk

First Publication: November 22, 1985

Published: December 6, 1985

Effective: January 5, 1986