

ORDINANCE NO. 2255

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-84, PHASE A, 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-84, Phase A, 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-84, Phase A, 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-84, Phase A, 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, Colorado (the first publication thereof appearing on October 19, 1985 and the last publication thereof appearing on October 20, 1985; 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 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 a letter was sent on behalf of Gerald Hayes and Loyann Hayes objecting to the amount of the assessment against property which they owned in the district and agreement was entered into the record, the agreement indicating that others had agreed to pay the assessment against the lands of A. L. Brodak, Gerald L. Kelley and Shirley Kelley under certain circumstances; and

WHEREAS, as to the said objections, the City Council has found that the Hayes were signers of the petitions for the district in which the amount potentially assessable was much greater than the amount actually assessed, and the agreement on the Brodak-Kelley\*???? property did not run in favor of the City but would have to be enforced by the parties to the agreement; 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-84, Phase A, 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-84, Phase A, 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 \$199,962.85, said amount including six percent additional for cost of collection and other incidentals and including interest to the 20th day of January, 1986, at the average rate of 9.2107 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 DESCRIPTIONASSESSMENT	
Beg 330 Ft N + 1118 ft W of SE Cor NE4SE4 Sec 10 1S 1W W 202 ft S 130 ft E 97 ft S 200 ft E 105 ft N 330 ft to Beg Exc St as Recd B-1021 P-157 CO Clerks Off\$ 96949.36	
Beg 200 ft N + 1223 ft W of SE Cor NE4SE4 Sec 10 1S 1W W 97 ft S 200 ft E 97 ft N to Beg Exc Rd ROW as Desc in B-1510 P-774 thru 775 Mesa Co Recd\$ 9015.82	
Lot 1 Monument View Estates Sub Sec 10 1S 1W Exc ROW on E as Desc B-1502 P-529 & 530 Mesa Co Recds\$ 9215.87	

Lot 3 Monument View Estates Sub Sec 10 1S 1W\$13893.61	
Beg NW Cor NE4NW4 Sec 12 1S 1W E 512 ft S 304.3 ft N 89 deg. 56 min. W to a pt 307.3 ft S of Beg N to Beg Exc Rd ROW on W as Desc in B-1541 P-410 & P-411 Mesa Co Recds\$10806.45	
Beg 664.8 ft S of NW Cor NE4NW4 Sec 12 1S 1W E 429 ft N 40 deg. 29 min. E 20 ft S 411.4 ft SWly to a pt 548 ft S of Beg N to Beg\$23131.15	
Beg SE Cor Blk 12 Fairmont Sub Sec 12 1S 1W W 130 ft N 230 ft E 130 ft S to Beg\$10270.58	
That Pt of Blk 10 Fairmont Sub Sec 12 1S 1W N of G V Cnl + E 20 ft of Vac Rd on W Exc Rd ROW Beg W 29.97 ft & S 30 ft & S 00 deg. 03 min. E 526.47 ft NE Cor SE4NW4NW4 Sd Sec 12 S 88 deg. 55 min. W 14 ft N 01 deg. 05 min. W 4.5 ft N 88 deg. 55 min. E 14.08 ft S 0 deg. 03 min. E 4.5 ft to Beg\$23509.37	
Lots 1 + A Blk 1 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 1 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 1 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 1 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 2 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 2 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 2 Patterson Gardens Sec 12 1S 1W\$ 373.98	

Lots 4 + D Blk 2 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 3 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 3 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 3 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 3 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 4 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 4 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 4 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 4 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 5 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 5 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 5 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 5 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 6 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 6 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 6 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 6 Patterson Gardens Sec 12 1S 1W\$ 373.98	

Lots 1 + A Blk 7 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 7 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 7 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 7 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 8 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 8 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 8 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 8 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 9 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 9 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 9 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 9 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 1 + A Blk 10 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 2 + B Blk 10 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 3 + C Blk 10 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lots 4 + D Blk 10 Patterson Gardens Sec 12 1S 1W\$ 373.98	
Lot 2 Houston Heights Sec 12 1S 1W\$22659.38	

Lots 1 to 9 Inc Blk 3 Teller Arms Sub\$ 9453.84	
Lot 18 Blk 3 Teller Arms Sub 1069.77	
Lot 17 Blk 3 Teller Arms Sub 1044.90	
Lot 16 Blk 3 Teller Arms Sub 1044.90	
Lot 15 Blk 3 Teller Arms Sub 1044.90	
Lot 14 Blk 3 Teller Arms Sub 1044.90	
Lot 13 Blk 3 Teller Arms Sub 1044.90	
Lot 12 Blk 3 Teller Arms Sub 1044.90	
Lot 11 Blk 3 Teller Arms Sub 1044.90	
Lot 10 Blk 3 Teller Arms Sub 1069.77	
Lot 2 Blk 6 The Reservation Sub Sec 24 1S 1W 116.71	
Lot 3 Blk 6 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 4 Blk 6 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 5 Blk 6 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 6 Blk 6 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 7 Blk 6 The Reservation Sub Sec 24 1S 1W 547.62	
Lot 1 Blk 7 The Reservation Sub Sec 24 1S 1W 265.21	

Lot 2 Blk 7 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 3 Blk 7 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 4 Blk 7 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 5 Blk 7 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 6 Blk 7 The Reservation Sub Sec 24 1S 1W 276.42	
Lot 7 Blk 7 The Reservation Sub Sec 24 1S 1W 257.90	
Lot 7 Blk 5 The Reservation Sub Sec 24 1S 1W 225.28	
Lot 5 Blk 5 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 277.53	
Lot 4 Blk 5 of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 294.05	
Lot 8 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 245.71	
Lot 3 Blk 5 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 294.05	
Lot 10 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 245.71	
Lot 2 Blk 5 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 294.05	
Lot 11 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 245.71	
Lot 12 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 550.51	
Lot 1 Blk 5 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation	

Sub Sec 24 1S 1W\$ 599.04	
Lot 10 Blk 4 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 581.22	
Lot 9 Blk 4 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 276.42	
Lot 8 Blk 4 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 276.42	
Lot 7 Blk 4 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 276.42	
Lot 6 Blk 4 Replat of Blk 4 Exc Lot 1 + E2 Blk 5 The Reservation Sub Sec 24 1S 1W\$ 348.26	
Lot 1 Blk 4 The Reservation Sub Sec 24 1S 1W 321.41	

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 costs 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 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, except as to Laguna Drive, Acoma Drive and Apache Drive where the assessments shall be paid in like manner in four equal annual installments. 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 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-84, Phase A, 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.

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-84, Phase A, 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 4th day of December, 1985.

PASSED and ADOPTED this 18th 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. 2255, 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 4th day of December, 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 19th day of December, 1985.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk

Published: December 4, 1985

Final Publication: December 20, 1985

Effective: January 19, 1986