

**ORDINANCE NO. 3026**

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICTS NO. SS-38-95, AS AMENDED, AND SS-39-95 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 DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.**

WHEREAS, the City Council and the 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 Improvement Districts No. SS-38-95, as Amended, and SS-39-95, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 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 improvements in said Sanitary Sewer Improvement Districts No. SS-38-95, as Amended, and SS-39-95, 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 districts of land known as Sanitary Sewer Improvement Districts No. SS-38-95, as Amended, and SS-39-95, 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 August 15, 1997, and the last publication thereof appearing on August 17, 1997); and (the second publication thereof, which changed the hearing date, appearing on August 22, 1997, and the last publication thereof appearing on August 24, 1997); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said Districts 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, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; 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 Sanitary Sewer Improvement Districts No. SS-38-95, as Amended, and SS-39-95, 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 Improvement Districts No. SS-38-95, as Amended, and SS-39-95, be assessed and apportioned against all of the real estate in said Districts 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 \$212,630.34 ; 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 Districts in the following proportions and amounts, severally, to wit:

TAX SCHEDULE NO.: 2945-163-10-003 LEGAL DESCRIPTION: Lot 12, Redlands Club Heights Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-163-10-007 LEGAL DESCRIPTION: Lot 10, Redlands Club Heights Subdivision and Beginning at the Northeast Corner of Lot 3, Block 4, Country Club Park Subdivision, West 150 ft, South 35 ft, East and parallel to the North line of Lot 3, North 150 ft to Beginning, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-163-10-008 LEGAL DESCRIPTION: Lot 11, Redlands Club Heights Subdivision and that part Beginning N87°34'55"W 150 ft from the Northeast Corner Lot 3, Block 4, Country Club Park Subdivision, S02°25'05"W 35 ft, N87°34'55"W 66.97 ft, N18°17"W 37.35 ft, S87°34'55"E 80.00 ft to Beginning; City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-163-09-008 LEGAL DESCRIPTION: Lot 8, Redlands Club Heights Subdivision and Beginning at the Northwest Corner of Lot 9, Redlands Club Heights Subdivision, S88°33'E 125 ft, South 15 ft, N81°42'W 125.9 ft to Beginning; City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-163-09-009 LEGAL DESCRIPTION: Lot 9, Redlands Club Heights Subdivision except beginning at the Northwest Corner of Lot 9, Redlands Club Heights Subdivision, S88°33'E 125 ft, South 15 ft, N81°42'W 125.9 ft to Beginning; City of Grand Junction

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-163-10-002. LEGAL DESCRIPTION: Lot 13, Redlands Club Heights Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-011 LEGAL DESCRIPTION: LOT 2, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-002 LEGAL DESCRIPTION: LOT 4, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-003 LEGAL DESCRIPTION: LOT 5, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-004 LEGAL DESCRIPTION: LOT 6, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-005 LEGAL DESCRIPTION: LOT 7, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$7,772.00

TAX SCHEDULE NO.: 2945-211-07-006 LEGAL DESCRIPTION: LOT 8, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-007 LEGAL DESCRIPTION: LOT 9, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-008 LEGAL DESCRIPTION: LOT 10, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-009 LEGAL DESCRIPTION: LOT 11, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-010 LEGAL DESCRIPTION: LOT 12, BLOCK 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-014 LEGAL DESCRIPTION: LOT 3, BLOCK 4, Country Club Park Sub except Beginning at the Northeast Corner of Lot 3, Country Club Park Sub, West 150 ft, South 35 ft, East and parallel with the North line of Lot 3, Country Club Park Sub, 150 ft, North to Beginning, and also except that part Beginning N87°34'55"W 150 ft from the Northeast Corner of said Lot 3, S02°25'05"W 35 ft. N87°34'55"W 66.97 ft, N18°17'W 37.35 ft, S87°34'55" E 80.0 ft to Beginning; City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-005 LEGAL DESCRIPTION: LOT 20, BLOCK 3, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-006 LEGAL DESCRIPTION: LOT 19, BLOCK 3, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-007 LEGAL DESCRIPTION: LOT 18, BLOCK 3, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-008 LEGAL DESCRIPTION: LOT 17, BLOCK 3, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-009 LEGAL DESCRIPTION: LOT 15 AND 16, BLOCK 3, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-012 LEGAL DESCRIPTION: LOT 14, BLOCK 3, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-015 LEGAL DESCRIPTION: LOT 13, BLOCK 3, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-016 LEGAL DESCRIPTION: That portion of Lot 22, Block 3, Country Club Park Sub, described as follows: Beginning S22°08'E 207.36 ft, from North 1/4 Corner of said Section 21, T1S, R1W, thence along a curve South and East, radius 30 ft, arc length 67.09 ft, chord bearing S01°46'E 53.96 ft, S65°50'E 70.46 ft, thence along a curve to the right, radius 181.40 ft, arc length 19 ft, chord bearing S62°50"E 18.98 ft, N43°04'45"E 66.87 ft, N70°29'30"E 133.35 ft, N19°30'30"W 115.15 ft to curve, radius 906.51 ft, arc length 67.20 ft, chord bearing S64°25'25"W 67.18 ft, S62°18'W 175.23 ft to Beginning, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-018 LEGAL DESCRIPTION: Lot 21, Block 3, Country Club Park Sub and that portion of Lots 22, 23 and 24 as described in B1039 P901-904, Mesa Country Records, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-00-007 LEGAL DESCRIPTION: Beginning 234 ft East of Southwest Corner of the Northwest 1/4, Northeast 1/4 Section 21, T1S, R1W, N72°16'E 192.5 ft to the Southeast Corner of Lot 12, Block 4, Country Club Park Sub on a curve to the left with a chord that bears S47°16'E 216.3 ft, S79°47'E 21.0 ft, S65°55'W 313 ft, N19°59'W 232.8 ft to Beginning, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-06-017 LEGAL DESCRIPTION: The North Portion of Lot 23, Block 3, Country Club Park Sub described as follows; Beginning at a point which bears S60°13'14"E 382.88 feet from North 1/4 Corner of said Section 21, N70°29'30"E 199.30 feet to a curve the Northwest, Radius 74.45 feet, Arc Length 80.44, Chord Bears N34°13'15"W 76.33 feet, N65°03'30"W 3.27 feet to a curve to the left, Radius 143.33 feet, Arc Length 108.51 feet, Chord Bears N86°43'45"W 105.94 feet to a curve, Radius 906.51 feet, Arc Length 79.94 feet, Chord Bears S 69°04'25"W 79.91 feet, S19°30'E 115.15 feet to Beginning and the South part of Lot 23 and a Part of Lot 24 Beginning S66°01'08" 417.6 feet from said North 1/4 Corner N70°29'30"E 149.30 feet, S03°23'E 186.71 feet, S70°29'30"W 97.44 feet, S19°30'30"W 179.36 feet to Beginning, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

TAX SCHEDULE NO.: 2945-211-07-001 LEGAL DESCRIPTION: Lot 1, Block 4, Country Club Park Subdivision, City of Grand Junction.

ASSESSMENT..... \$ 7,772.00

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said Districts, and to and upon each lot or tract of land within said Districts, 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 the 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 (30) 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 (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

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 8 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 8 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 the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Sanitary Sewer Improvement Districts No. SS-38-95, as Amended, and SS-39-95, 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 28 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 Sanitary Sewer Improvement Districts No. SS-38-95, as Amended, and SS-39-95, 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 **ORDERED PUBLISHED** this 1st day of October, 1997.

**PASSED** and **ADOPTED** this 15th day of October, 1997.

/s/ Janet Terry  
President of the Council

Attest:

/s/ Stephanie Nye  
City Clerk