

**ORDINANCE NO. 3373**

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-44-00, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11<sup>TH</sup> 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 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 District No. SS-44-00, 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 District No. SS-44-00, and the apportionment of cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of lands known as Sanitary Sewer Improvement District No. SS-44-00, 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 17, 2001, and the last publication thereof appearing on August 19, 2001); 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 City 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 District No. SS-44-00, 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 District No. SS-44-00 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 \$297,896.61, said sum including a one-time charge of six percent (6%) for costs of collection and other incidentals; 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 proportions and amounts, severally, to wit:

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-022-03-001	Lot 1, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-002	Lot 2, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-003	Lot 3, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-004	Lot 4, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-03-005	Lot 5, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-001	Lot 14, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-002	Lot 19, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-003	Lot 15, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-006	Lot 16, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-04-007	Lots 17 & 18, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-001	Lot 11, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-003	Lot 10, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-006	Lot 7, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-007	Lot 6, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-009	Lot 13, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-010	Lot 12, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-05-011	Lots 8 & 9, Glen Caro Subdivision, City of Grand Junction.	\$5,957.93
2945-022-08-002	Lot 6, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-08-004	Lot 7, Northfield Estates Subdivision, and also that portion beginning at the NW corner of the SE ¼ of the NW ¼ of Section 2, 1S 1W, thence south 228.58 feet along the west lot line of said Lot 7 to the north line of the Grand Valley Canal, thence N32° 30'W 270.23 feet along the north line, thence N89° 44'E 145 feet to the point of beginning, City of Grand Junction.	\$5,957.93
2945-022-06-009	Lot 8, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-00-047	BEG S 0DEG07' W 2.75FT FR SW COR LOT 15 REPLAT OF LOTS4-10-11-12-15-16 CREST RIDGE SUB S 89DEG51'15SEC W165.27FT TO CUL-DE-SAC CH BEARS 5DEG40'19SEC W 91.01FT N0DEG05'45SEC E 338.68FT S 89DEG58'27SEC E36.58FTS 0DEG05'45SEC W 74FT SDEG58'27SECE 103FT S 5DEG30'49SEC E 127.66FT S65DEG49'49SEC E 133.66FT S 23DEG46' W 186FT N89DEG58'27SEC W 25FT TO SW COR SD LOT 15S0DEG07' W 2.75FT TO BEG, City of Grand Junction.	\$5,957.93
2945-022-06-010	LOT 9 NORTHFIELD ESTATES SUB SEC 2 1S 1W & ALSO BEG S 89DEG44' W 25.26FT FR NECOR SD LOT 9 S 89DEG44' W 80FT N 08DEG04'33SEC E 2.83FT N 89DEG44'E 80.14FT S08DEG04'33SEC W 3.79FT TO POB, City of Grand Junction.	\$5,957.93
2945-022-00-034	The west 218 feet of the following described tract. Beginning 1127 feet south of the north ¼ corner of Section 2, 1S 1W, thence south 200 feet, thence west 544.5 feet, thence north 200 feet, thence east to the point of beginning, City of Grand Junction.	\$5,957.93
2945-022-00-033	Beginning 1127 feet south of the north ¼ corner of Section 2, 1S 1W, thence south 200 feet, thence west 326.5 feet, thence north 200 feet, thence east to the point of beginning; except 30 feet for road right-of-way, City of Grand Junction.	\$5,957.93

2945-022-02-007	Lot 4, Hermanns Subdivision, City of Grand Junction.	\$5,957.93
2945-022-00-041	Beginning 917 feet south of the NE corner of the NE ¼ of the NW ¼ of Section 2, 1S 1W, thence west 320.5 feet, thence south 200.0 feet, thence east 320.5 feet, thence north 200.0 feet to the point of beginning; except the east 30 feet for road right-of-way, City of Grand Junction.	\$5,957.93
2945-022-02-020	LOT 2 HERMANN'S SUB + ALL OF LOT 1 HERMANN'S SUB EXCBEG S 0DEG06' E 40FT + S89DEG58' E 50FT FR NW CORNE4NW4 SEC 2 1S 1W ALG CVE SW CENTRAL ANG 30DEG RAD93.3FT ARC LGTH 48.85FT CHORD S 14DEG54' W 48.3FT CVELT CENTRAL ANG 30DEG RAD 93.3FT ARC LGTH 8.85FT CHORDS 14DEG54' W 48.3FT S0DEG06' E 126.63FT S 89DEG58' E156.5FT N0DEG 06' W 220FT N 89DEG58' W 131.5FT TO BEG, City of Grand Junction.	\$5,957.93
2945-022-02-006	Lot 3, Hermanns Subdivision, City of Grand Junction.	\$5,957.93
2945-022-06-011	Replat of Lot 16, Crest Ridge Subdivision, except beginning S89° 44'W 25.26 feet from the NW corner of Lot 9, Northfield Estates Subdivision, thence S89° 44'W 80 feet, thence N8° 04'33"E 2.83 feet, thence N89° 44'E 80.14 feet, thence S8° 04'33"W 3.79 feet to the point of beginning, City of Grand Junction.	\$5,957.93
2945-022-00-040	Beginning 917 feet south and 320.5 feet west of the NE corner of the NE ¼ of the NW ¼ of Section 2, 1S 1W, thence west 224.0 feet, thence south 200.0 feet, thence east 224.0 feet, thence north 200.0 feet to the point of beginning; except that portion lying within the right-of- way of Step-A-Side Dr., City of Grand Junction.	\$5,957.93
2945-022-14-001	Lot 1, Emily Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-14-002	Lot 2, Emily Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-004	Lot 14, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-003	Lot 15, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-002	Lot 16, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-10-001	Lot 17, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-09-002	Lot 11, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-09-001	Lot 10, Northfield Estates Subdivision, City of Grand Junction.	\$5,957.93
2945-022-07-001	Replat of Lot 4, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-06-008	Lot 15 of the replat of Lots 4, 10, 11, 12 and 15, Crest Ridge Subdivision, and also beginning S0° 07'W 2.75 feet from the SW corner of Lot 15, thence N5° 30' 49"W 356.41 feet, thence N89° 58' 27"W 103 feet, thence N0° 5'45"E 74 feet, thence, S89° 58'27"E 138 feet to the NW corner of Lot 15, thence S0° 07'W 428.75 feet to the point of beginning; except beginning at the SW corner of said Lot 15, thence S0° 07'W 2.75 feet, thence N5° 30' 49"W 228.75 feet, thence S65° 49'49"E 133.66 feet, thence S 23° 46'W 186 feet, thence N89° 58'27"W 25 feet to the point of beginning, City of Grand Junction, Mesa County, Colorado.	\$5,957.93
2945-022-06-002	Replat of Lot 11, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-022	Lot 9, Crest Ridge Subdivision, and also the south ½ of the vacated street on the north, and also that portion beginning at the NE corner of Lot 13, Crest Ridge Subdivision, thence N48° 47'W 27feet, thence S26° 54'E 178 feet, thence N54° E 25 feet, thence N32° 45'W 150 feet to the point of beginning, City of Grand Junction, Mesa County, Colorado.	\$5,957.93
2945-022-02-017	Lot 8, Crest Ridge Subdivision, and also the north ½ of the vacated street adjacent to the lot on the south, except that portion beginning at the NW corner of said Lot 8, thence south along the west line of said Lot 8 to the centerline of the vacated street, thence N69° 45'E along the centerline of the street, thence northwesterly 70 feet to the point of beginning, City of Grand Junction, Mesa County, Colorado.	\$5,957.93
2945-022-02-013	Replat of Lot 12, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-010	Replat of Lot 10, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-012	Lot 6, Hermanns, Subdivision, City of Grand Junction.	\$5,957.93
2945-022-02-011	Lot 5, Hermanns, Subdivision, City of Grand Junction.	\$5,957.93
2945-022-01-005	Lot 3, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-01-004	Lot 5, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93
2945-022-01-002	Lot 6, Crest Ridge Subdivision, City of Grand Junction.	\$5,957.93

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all 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 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 (30) days shall be conclusively considered and held an election on the part of such owner 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 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 eight percent (8%) 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 eight percent (8%) 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 the rate of eight percent (8%) 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 (30) days after the final publication of this Ordinance, and an allowance of the six percent (6%) added for cost of collection and other incidentals shall be made on all payments made during said period of thirty (30) 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 District No. SS-44-00 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 District No. SS-44-00, 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 (10) 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 5<sup>th</sup> day of September, 2001.

Passed and Adopted on the 19<sup>th</sup> day of September, 2001

Attest:

/s/ Stephanie Nye  
City Clerk

/s/ Cindy Enos-Martinez  
President of the Council