ORDINANCE NO. 97

AN ORDINANCE APPORTIONING AND ASSESSING THE COST OF CURBS, GUTTERS, AND IMPROVEMENTS CONSTRUCTED IN CURB AND GUTTER DISTRICT NO. 1 FOR THE TOWN OF NUCLA, COLORADO, AGAINST REAL ESTATE LOCATED WITHIN SAID DISTRICT, AND ESTABLISHING THE METHOD OF PAYMENT FOR SUCH ASSESSMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Nucla has duly adopted and passed Ordinance No. 92 for the formation of Curb and Gutter District No. 1 for the Town of Nucla, Colorado, and

WHEREAS, pursuant to the authority granted to the Town Board for the Town of Nucla, Colorado, the said Town Board has contracted for the construction of curbs, gutters, and improvements within said District, and

WHEREAS, the said curbs, gutters, and improvements, have been completed and accepted, and

WHEREAS, the cost of said improvements total $23,859.44 which includes six per cent. (6%) for incidentals, and the Town being obligated to pay the sum of $3,318.12 of such cost, and the remaining balance of $20,541.32 being required for payment for said curbs, gutters, and improvements, and

WHEREAS, proper notice of apportionment pursuant to C.R.S. 89-2-17 has been published in the Nucla Forum once each week for three successive weeks, and

WHEREAS, the Board of Trustees has considered all objections to such apportionment, now therefore

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA, COLORADO, AS FOLLOWS:

SECTION I: The Town of Nucla shall pay the sum of $3,318.12 as its share of the curbs, gutters and improvements constructed within Curb and Gutter District No. . for the Town of Nucla, Colorado.

SECTION II: The sum of $20,541.32 is hereby assessed against the property benefited by said curbs, gutters, and improvements in Curb and Gutter District No. 1 for the Town of Nucla, Colorado, and such costs is hereby apportioned to the various Lots and Tracts benefited thereby, as follows:

ALL PROPERTY IN TOWN OF NUCLA, STATE OF COLORADO	AMOUNT
Tract of land described in Book 47, Page 157, Montrose County Public Records.	$ 919.05
Tract described in Book 340, Page 445 less land described in Book 470, Page 157, Montrose County Public Records.	964.56
Tract described in Book 347, Page 145, Montrose County Publis Records.	781.35
Tract described in Book 508, Page 276, Montrose County Public Records.	611.80
Tract described in Book 533, Page 353, Montrose County Public Records.	480.34
Tract described in Book 407, Page 216, less tracts described in Book 555, Page 73, and Book 553, Page 353, Montrose County Public Records.	691.86
Tract described in Book 555, Page 73, Montrose County Public Records.	576.41
Tract described in Book 351, Page 202, Montrose County Public Records and Lots 2, 4, 6, 8, 10, 12, 14, and 16, Block 85.	1,408.99
Lots 12, 14, 16, 18 and 20, Block 84.	755.74
Lots 8 and 10, Block 84.	268.99
Easterly 100 ft. of Lots 4 and 6, Block 84.	268.99
Easterly 100 ft. Lot 2, Block 84.	326.63
Easterly ½ of Lots 18 and 20, Block 73.	313.82
Lot 16, Block 73.	303.03
Lots 10, 12, and 14, Block 73.	403.49
Lots 4 and 6, Block 73.	268.99
Lot 2, Block 73.	188.94
Lots 16, 18 and 20, Block 72.	467.53
Lot 14, Block 72.	134.49
Lot 12, Block 72.	134.49
Southerly 32 ft. of Lot 10, Block 72.	102.47
Lot 8 and Northerly 10 Ft. of Lot 10, Block 72.	166.52
Lots 2, 4 and 6, Block 72.	438.71
Lots 14, 20, 24, Block 61.	285.00
Lots 16 and 18, Block 61.	285.00
Lots 10 and 12, Block 61.	268.98
Lot 8, Block 60.	134.49

Tract described in Book 505, Page 240, Montrose County Public Records.	$ 800.57
Tract described in Book 567, Page 272, Montrose County Public Records.	486.74
Tract described in Book 505, Page 240, Montrose County Public Records.	672.47
Tract described in Book 381, Page 536, Montrose County Public Records.	675.68
Tract described in Book 544, Page 67, and Book 553, Page 464, Montrose County Public Records.	726.92
Tract described in Book 548, Page 477, Montrose County Public Records.	611.63
Tract described in Book 553, Page 402, and 404, Montrose County Public Records.	435.51
Tract described in Book 557, Page 177, Montrose County Public Records.	182.53
Tract described in Book 489, Page 487, Montrose County Public Records.	512.36
Tract described in Book 358, Page 38 Montrose County Public Records.	447.31
Tract described in Book 340, Page 72, Montrose County Public Records.	227.36
Westerly 100 ft. of Lot 19, Block 31.	198.54
Westerly 100 ft. of Lot 17, Block 31.	134.49
Lot 15, Block 31.	134.49
So. 12 ft. of Lot 11, and all of Lot 13, Block 31.	166.52
Lot 9 and North 30 ft. of Lot 11, Block 31.	230.56
Lots 5 and 7, Block 31.	268.98
Lots 1 and 3, Block 31.	301.01
Lot 19, Block 30.	166.52
Southerly 25 ft. of Lot 11 less tract described in Book 323, Page 41, Montrose County Public Records, and includes all of Lots 13, 15 and 17, Block 30.	483.55
Westerly 100 ft. of Lot 9, and Northerly 17 ft. of E½ of Lot 11, Block 30.	188.94
Lot 7, Block 30.	134.49
Lots 1, 3 and 5, Block 30.	403.49
Total	$20,541.32

SECTION III: If any of the owners of the respective Lots and Tracts above described shall pay the full assessment against the real estate owned by them to the Nucla Town Treasurer within thirty days after publication of this ordinance, they shall be allowed a discount of 5%, but no such discount shall be allowed thereafter.

SECTION IV: Those persons not electing to pay the full assessment within thirty days after publication of this ordinance shall be deemed to have elected to pay the same in ten equal annual installments plus interest of 6% computed on the unpaid principal balance from thirty days after publication of this ordinance. The first such payment shall be due on the first day of January, 1970, plus interest thereon as aforesaid at 6% commencing thirty days after publication of this ordinance. Thereafter each annual payment plus accrued interest shall be payable on the first day of January of each year until the principal plus interest has been paid in full. Provided however that interest shall be payable semi-annually with accrued interest being payable as aforesaid on the first day of January each year, and also on the first day of July of each year.

Payments of principal and accrued interest whether such interest be for January 1, or July 1, shall be considered delinquent on the first day of August of each year and failure to pay the same prior to delinquency thereof shall cause the whole amount of said unpaid principal and accrued interest to become due and payable immediately, and thereafter the whole amount of said principal and accrued interest shall draw interest at the rate of 1% per month or a portion of a month until sale; but at any time prior to said sale, the owner or his representative may pay the amount of all unpaid installments with interest, 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 occurred. An owner of any property so assessed not in default as to any installment or payment, may at any time pay the whole unpaid principal

with the interest accruing to the maturity of the next installment of interest or principal.

SECTION V: Upon expiration of said thirty day period running from date of publication of this ordinance, the assessment roll shall be certified to the County Treasurer who shall thereafter collect said assessments. In case of default in the payment as above provided, the County Treasurer shall advertise and sell any and all property concerning which such default is suffered on fo r the payment of the whole of the unpaid assessment thereon. Said advertisements and sale shall be made at the same time, in the same manner, under all the same conditions and penalties and with the same effect as provided by general law for said sales of real estate in default of payment of general taxes.

SECTION VI: It is hereby declared that an emergency exists and therefore this ordinance shall become effective five days after its publication.

ADOPTED AND APPROVED THIS 9th DAY OF October, 1969.

Victor B. Brown
Mayor

ATTEST:

Patricia J. Brown
Town Clerk

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