

ORDINANCE 2007-22

AN ORDINANCE CREATING AN IMPROVEMENT DISTRICT IN THE CITY OF FRUITA, COUNTY OF MESA, COLORADO, TO BE KNOWN AS THE STATE HIGHWAY 340 SPECIAL IMPROVEMENT DISTRICT; RATIFYING, APPROVING AND CONFIRMING THE PROCEEDINGS HERETOFORE TAKEN FOR THE CREATION OF THE DISTRICT; AND PROVIDING FOR THE METHOD OF PAYMENT OF SPECIAL ASSESSMENTS

WHEREAS, the Fruita City Council has been presented with a petition signed by the attorney-in-fact for more than 50% of the property owners in the proposed State Highway 340 Special Improvement District (District) requesting that the City make specific improvements, create a special improvement district and provide for the assessment of parcels of real property within the proposed district; and

WHEREAS, the Fruita City Council has heretofore taken and adopted preliminary proceedings for the creation of the District in the City of Fruita; and

WHEREAS, notice of the proposal to create said District has been duly published and mailed to those property owners to be assessed for said improvements, and a public hearing thereon was duly held on October 2, 2007; and

WHEREAS, no protests or objections were received by the City Council, either at the meeting or in writing prior to the date of the meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AS FOLLOWS:

Section 1: That said State Highway 340 Special Improvement District is hereby created and established in accordance with the laws of the State of Colorado, and that all proceedings heretofore taken and adopted in connection with said District are hereby ratified, approved and confirmed. Said improvements, as hereinafter described, are duly ordered after notice duly given and hearing duly held, all as required by law.

Section 2: The extent of the Improvement District to be assessed for the cost of constructing and installing improvements therein shall be all the real property specially benefitted as set forth below.

The District will consist of the property benefitting from the improvements in the area described as follows:

The following described property located in Section 17, T1N, R2W of the Ute PM located in the City of Fruita, County of Mesa and State of Colorado.

Units A thru J of the Kokopelli Retail Center Condominium,
Units 1 and 2, North Building, Rose Plaza Condominium
Units 3 and 4, South Building, Rose Plaza Condominium

Units A thru E, T-Rex Condominium
Units A thru K, Kokopelli Professional Plaza Condominium
Lot 1, Kokopelli Commercial Park
Lots 1 thru 4, Block 3, Kokopelli Commercial Park, Phase 2
Lot 4, Block 2, Kokopelli Commercial Park, Phase 2
Lot 2, Block 4, Kokopelli Commercial Park, Phase 2
Lot 1, Block 1, Kokopelli Commercial Park, Phase 3

Section 3: The kind of improvements to be constructed or installed shall be as follows:

- A. Full four way traffic signalization at the intersection of Jurassic Boulevard and SH340 complete with electronically controlled overhead traffic control lights, crosswalk lights and arms, and automatic sensors, consistent with Colorado Department of Transportation signalization specifications.
- B. If sufficient funding is available from the special improvement district assessments and the City of Fruita, the following additional improvements may be constructed.
 - 1) Concrete handicap ramps and crosswalk striping at all four corners of the Jurassic Boulevard and SH340 intersection, and mid-block; and handicap ramps, sidewalk extensions and crosswalk striping at Kokopelli Boulevard.
 - 2) New concrete curb and gutter on the east side of SH340 from Jurassic Boulevard south to the south boundary of the Kokopelli development (570 feet).
 - 3) Demolish existing curb and gutter on the west side of SH340 from approximately 200 feet south of Jurassic Boulevard southward approximately 480 feet to the entrance to the Colorado River State Park
 - 4) Widen the existing pavement and install new curb and gutter over the same 480' section identified in paragraph 3 above.

Section 4: The estimated total cost of said improvements, including engineering, design and inspection is approximately \$430,000. Approximately seventy six per cent (76%) of the cost of these improvements will be assessed against each parcel of land located within the district based on the Average Daily Traffic (ADT) calculations pursuant to the *Agreement Concerning the Formation of a State Highway 340 Special Improvement District by the City of Fruita* (Exhibit A) up to a maximum total assessment of \$325,000 except as may be amended pursuant to the terms of the *Agreement*. The City of Fruita will pay for any cost in excess of the amount levied up to a maximum of \$105,000.

Section 5: The method and manner of making such improvements shall be in accordance with the plans, specifications and maps to be approved by the Fruita City Council, after due notice to property owners in the District, as part of the preliminary order for construction of said improvements.

Section 6: All assessments will be due and payable in full without demand within thirty (30) days after the effective date of the assessment ordinance following its final passage. In case any owner of real estate shall fail to pay the whole amount of such assessment against his property within thirty (30) days, then the whole amount of such assessment against his property shall be payable over a ten year period in annual installments of principal. The first of such installments of assessments shall be due and payable on the 30th day after the final publication of the assessing ordinance and the remainder of said installments annually thereafter until all are paid in full. Interest in all cases on the unpaid principal amount of assessments from the effective date of the assessment ordinance upon its final passage until the respective installment due dates shall be at 0.0% as set forth in the Agreement except that interest on unpaid delinquent installments shall be charged at the rate of eighteen percent (18%) per annum.

Section 7: If any one or more sections or provisions of this ordinance be judicially adjudged invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Introduced on August 21, 2007, read by title, passed on first reading and ordered published as required by C.R.S.

Introduced a second time at a regular meeting of the Fruita City Council held on October 2, 2007, passed without amendment, approved and ordered published.

Dated this 2nd day of October, 2007.

ATTEST:

City of Fruita

City Clerk

Mayor E. James Adams