CITY CLERK'S OFFICE MEMORANDUM #09-02

October 22, 2009

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: Johanna Small, City Clerk

SUBJECT: CR-117, Certification of Delinquent Municipal Charges;

CR-118, Certification of Delinquent Nuisance Abatement Charges; and

CR-119, Certification of Delinquent Water and Sewer Charges

RECOMMENDATION:

Attached to this memorandum are resolutions which, if approved, would authorize the City to certify delinquent municipal charges, nuisance abatement, and water and sewer charges to the Adams County Treasurer to be collected as special assessments with property taxes and paid to the City. Staff recommends approval of the proposed resolutions.

BACKGROUND:

C.R.S. § 31-20-105 authorizes municipalities to certify delinquent charges to the County Treasurer for collection if the municipality has adopted an enabling ordinance to do so. The City has adopted ordinances to allow the certification of these types of charges. Once the amounts are certified, the County Treasurer assigns these special assessments to the property accounts and collects the charges with the property tax payments. The County then remits payment, less their fee of one percent (1%), to the City on a monthly basis. The property liens are released by the City upon full payment.

There are a total of 120 liens proposed to be certified. Each of the property owners were sent a notice of the City's intent to certify the delinquent amounts and were given a deadline of October 5, 2009 to pay the charges due and avoid the 10% fee, which is added as part of the certification process.

BUDGET/TIME IMPLICATIONS:

The City is required to submit the lists of accounts to be certified to the County Treasurer by October 30, 2009. If the attached resolutions are approved and the special assessments are paid in 2010, an amount of \$113,426.48 could be remitted to the City from the County Treasurer in 2010 for the delinquent charges collected.

If the delinquent charges are not certified to the County, the liens that have been filed against the properties to secure the charges would remain in place until the property changes ownership and a person or title company pays the amounts due to clear the property's title in the transaction.

STAFF REFERENCE:

Please contact Johanna Small, City Clerk at <u>jsmall@northglenn.org</u> or 303-450-8757 with any questions or comments.

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION	RESOLUTION NO.
No. <u>CR-118</u>	
Series of 2009	Series of 2009

A RESOLUTION CERTIFYING DELINQUENT NUISANCE ABATEMENT CHARGES TO THE ADAMS COUNTY TREASURER FOR COLLECTION PURSUANT TO C.R.S. SECTION 31-20-105.

WHEREAS, C.R.S. Section 31-20-105 authorized municipalities to certify delinquent charges to the county treasurer for collection and provides as follows:

C.R.S. 31-20-105. <u>Municipality may certify delinquent charges</u>. Any municipality, in addition to the means provided by law, if by ordinance it so elects, may cause any or all delinquent charges, assessments, or taxes made or levied to be certified to the treasurer of the county in the same manner as the taxes are authorized to be by this title; and

WHEREAS, Section 9-11-12 of the Municipal Code specifically authorizes the City of Northglenn to certify unpaid nuisance charges to the Adams County Treasurer for collection, providing as follows:

Recovery of Expense of Abatement. Upon the Section 9-11-12. expiration of the period of notice provided in Section 9-11-7 or at any time thereafter, if the nuisance has not been abated on the property described in such notice, the City of Northglenn may enter upon such property and abate the nuisance pursuant to the provisions of this ordinance, and actual costs thereof, including five (5) percent for inspection, a minimum fee assessment of twenty-five (\$25.00) dollars and other incidental costs in connection therewith, shall be assessed upon the lot or lots or tracts of land in the City of Northglenn upon which such nuisance is abated. Such assessment shall be made pursuant to the procedures provided by law in the ordinances of the City of Northglenn for special assessments. Every such assessment shall be a lien in the several amounts assessed against such lot or tract of land until paid, and shall have priority over all other liens, except general taxes and prior special assessments. In case any assessment is not paid within thirty (30) days after the same have been certified to the City Clerk by the City Council, the City Clerk shall then be and is hereby authorized to certify to the County Treasurer of the County in which the property is located, the list of all delinquent assessments, giving the name of the owner as appears of record, the number of lot, block and subdivision, or other legal descriptions sufficient to identify such property upon the records of the said County Treasurer, and the amount of assessment. Said certification shall be the same in substance and in the same form as required for the certification of special assessment, and the County Treasurer, upon the receipt of such certified list is hereby authorized to place the same upon the tax list for the current year and to collect the special assessment in the same manner as other taxes are collected with a ten percent (10%) penalty thereon; and all the laws of the

State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of such assessments.

WHEREAS, the City Council of the City of Northglenn wishes to avail itself of these provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

The delinquent nuisance abatement charges set forth in Exhibit A, attached hereto, are hereby certified to the Adams County Treasurer to be collected and paid over by the Treasurer in the same manner as other taxes pursuant to C.R.S. Section 31-20-105 and Section 9-11-12 of the Municipal Code of the City of Northglenn, Colorado.

day of

2009.

DATED, at Northglenn, Colorado, this

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	KATHLEEN M. NOVAK
	Mayor
ATTEST:	
JOHANNA SMALL, CMC	
City Clerk	
APPROVED AS TO FORM:	
COREY Y. HOFFMANN	
City Attorney	

EXHIBIT A

2009 Lien Certification Properties Nuisance Abatements

Owner of Record: Sytech Development Inc.

Street Address: N/A

Legal Description: Northglenn Pavilion Filing #2 Desc: Tract A

Parcel No.: 0157335403033

Acct. No.: R0153540 Amount: \$21,969.05

Owner of Record: Motospa of Northglenn LLLP

Street Address: N/A

Legal Description: Bunker Hill Village Subdivision Filing No. 3 Desc: Tract A

Parcel No.: 0157336315002

Acct. No.: R0173573 Amount: \$1,295.45

Owner of Record: Gregory M. Rose Street Address: 1441 W. 100th Avenue

Legal Description: Lot 23, Block 25, Heftler Homes Hillcrest 2nd Filing

Parcel No.: 0171916118004

Acct. No.: R0042914 Amount: \$659.48

Owner of Record: Stacey Tasa

Street Address: 10958 E. 109th Place

Legal Description: Lot 16, Block 18, Northglenn 9th Filing

Parcel No.: 0171911218035 Acct. No.: R0038210 Amount: \$323.95

Owner of Record: Doug Begines and Samantha Begines

Street Address: 3098 E. 110th Drive

Legal Description: Lot 23, Block 2, Fox Run Filing No. 11

Parcel No.: 0171912212023

Acct. No.: R0120741 Amount: \$405.09

Owner of Record: Adrian Ayaquica and Tonie Arias

Street Address: 1948 E. 114th Avenue

Legal Description: Lot 1, Block 3, Northglenn 18th Filing

Parcel No.: 0171902413001 Acct. No.: R0029828

Amount: \$550.75

Owner of Record: Juan Rodriguez Street Address: 1281 E. 119th Place

Legal Description: Lot 10, Block 61, Northglenn 22nd Filing

Parcel No.: 0171902201010 Acct. No.: R0028398 Amount: \$381.70

Owner of Record: Bryan Sullivan Street Address: 1501 E. 119th Place

Legal Description: Lot 21, Block 61, Northglenn 22nd Filing

Parcel No.: 0171902201021 Acct. No.: R0028409 Amount: \$535.29

Owner of Record: Elnora M. Traphagan Street Address: 363 Bonita Place

Legal Description: Lot 29, Block 66, Northglenn 5th Filing

Parcel No.: 0171910206013 Acct. No.: R0036872 Amount: \$276.54

Owner of Record: Anthony J. Sanchez and Kimberly Sanchez

Street Address: 10839 Carrol Lane

Legal Description: Lot 9, Block 15, Northglenn 2nd Filing

Parcel No.: 0171910122010 Acct. No.: R0036722 Amount: \$532.28

Owner of Record:

Stanley ABS
Street Address:

10814 Clarkson Street

Legal Description: Lot 55, Block 18, Northglenn 9th Filing

Parcel No.: 0171911223010 Acct. No.: R0038379 Amount: \$1,119.70

Owner of Record: Caryn M. Berg Street Address: 11047 Claude Court

Legal Description: Lot 34, Block 3, Fox Run Filing No. 12

Parcel No.: 0171911113034 Acct. No.: R0118629 Amount: \$222.31

Owner of Record: Pete Mendez Jr. Street Address: 11844 Claude Court

Legal Description: Lot 22, Block 74, Northglenn 23rd Filing

Parcel No.: 0171902102012 Acct. No.: R0027916 Amount: \$838.43

Deutsche Bank National Trust Company as Trustee for Morgan

Owner of Record: Wilshire Holding Group Inc.

Street Address: 9960 Croke Drive

Legal Description: Lot 1, Block 7, Victoria Heights West Amended

Parcel No.: 0171916408001 Acct. No.: R0044083 Amount: \$28,269.52

Owner of Record: Monica Mendoza and Jose De Jesus Mendoza

Street Address: 1460 Dean Drive

Legal Description: Lot 6, Block 56, Northglenn 22nd Filing

Parcel No.: 0171902215013 Acct. No.: R0028707

Acct. No.: R002870 Amount: \$340.99

Owner of Record: Jacob Bruder and Catherine Bruder

Street Address: 11335 Downing Drive

Legal Description: Lot 11, Block 28, Northglenn 18th Filing

Parcel No.: 0171902322030 Acct. No.: R0029433 Amount: \$535.12

Owner of Record: Tri State Properties Inc.

Street Address: 2002 Fisher Way

Legal Description: Lot 8, Block 6, Northglenn 18th Filing

Parcel No.: 0171902411025 Acct. No.: R0029808 Amount: \$222.31

Owner of Record: Federal National Mortgage Association

Street Address: 10525 Franklin Way

Legal Description: Lot 11, Block 49, Northglenn 13th Filing

Parcel No.: 0171911407001 Acct. No.: R0038974 Amount: \$195.75

Owner of Record: Joel P. James Street Address: 10694 Grant Drive

Legal Description: Lot 8, Block 12, Northglenn 2nd Filing

Parcel No.: 0171910405009

Acct. No.: R0037311 Amount: \$1,401.47

Owner of Record: Elena Aguilar and David K. Jensen

Street Address: 11664 Grant Street

Legal Description: S 21 FT OF N 120/33 FT BLK 9, Northglenn 25th Filing

Parcel No.: 0171903104007 Acct. No.: R0030275 Amount: \$187.08 Owner of Record: John P. Magnuson and Michele Hunt

Street Address: 10440 Inca Street

Legal Description: Lot 4, Block 1, Northglenn 4th Filing

Parcel No.: 0171909411005 Acct. No.: R0035960 Amount: \$660.01

Owner of Record: Joe A. and Susan M. Folks

Street Address: 390 Leonard Lane

Legal Description: Lot 39, Block 29, Northglenn 2nd Filing

Parcel No.: 0171910117021 Acct. No.: R0036605 Amount: \$1,088.65

Owner of Record: Theodore M. Walters Street Address: 11657 Lincoln Street

Legal Description: DESC: S 29/84 FT OF THE N 192/17 FT OF BLK 16, Northglenn

25th Filing

Parcel No.: 0171903107010 Acct. No.: R0030390 Amount: \$260.37

Owner of Record: Malley Heights LLC Street Address: 530 Malley Drive

Legal Description: Lot 2, Webster Lake 1st Fil Amnd Resubd Block 1

Parcel No.: 0171903409019 Acct. No.: R0031061

Amount: \$363.80

Owner of Record: Matias Serbantez Street Address: 9781 Melody Drive

Legal Description: Lot 15, Block 4, Northglenn 19th Filing

Parcel No.: 0171915312015 Acct. No.: R0042134 Amount: \$769.29

Owner of Record: Lynette S. Hamer Street Address: 10290 Melody Drive

Legal Description: Lot 8, Block 3, Northglenn 3rd Filing

Parcel No.: 0171915202009 Acct. No.: R0041748 Amount: \$495.57

Owner of Record: Marilyn S. Sickler Street Address: 10948 Murray Drive

Legal Description: Lot 11, Block 1, Northglenn 6th Filing

Parcel No.: 0171911106011 Acct. No.: R0037770

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Amount: \$1,094.34 Owner of Record: Erik Fritzler

Street Address: 767 Niver Avenue

Legal Description: Lot 9, Block 11, Northglenn 19th Filing

Parcel No.: 0171915309002 Acct. No.: R0042053 Amount: \$674.48

Owner of Record: Richard F. Siminas II Street Address: 841 Niver Avenue

Legal Description: Lot 13, Block 8, Victoria Heights West Amended

Parcel No.: 0171916407008

Acct. No.: R0044077 Amount: \$1,166.66

Owner of Record: James A. Mousseau III and Saima Mousseau

Street Address: 203 Northglenn Drive

Legal Description: Lot 4, Block 25, Northglenn 2nd Filing

Parcel No.: 0171910124016 Acct. No.: R0036770 Amount: \$565.91

Owner of Record: Phoenix Investment Holding LLC

Street Address: 10263 Pecos Street

Legal Description: Lot 1, Block 34, Heftler Homes Hillcrest 2nd Filing

Parcel No.: 0171911610001 Acct. No.: R0042692 Amount: \$1,574.23

Owner of Record: Matthew L. Wilson and Kenneth J. Wilson

Street Address: 1441 Phillips Drive

Legal Description: Lot 23, Block 43, Northglenn 22nd Filing

Parcel No.: 0171902216014 Acct. No.: R0028724

Amount: \$267.07

Owner of Record: William Howeth Street Address: 11808 Sherman Street

Legal Description: Lot 15, Block 3, Northglenn 27th Filing

Parcel No.: 0171903115007 Acct. No.: R0030487 Amount: \$317.89

Owner of Record: Peter E. Cavanaugh and Lisa K. Cavanaugh

Street Address: 10746 Ura Lane

Legal Description: Lot 15, Block 13, Northglenn 24th Filing

Parcel No.: 0171909303001 Acct. No.: R0035450 Amount: \$1,388.86 Owner of Record: 10974 Verna Lane Residential Land Trust

Street Address: 10974 Verna Lane

Legal Description: Lot 8, Block 65, Northglenn 5th Filing

Parcel No.: 0171910209002 Acct. No.: R0036938 Amount: \$2,100.27

Owner of Record: Gaylord Gallegos Street Address: 10449 Williams Street

Legal Description: Lot 10, Block 52, Northglenn 13th Filing

Parcel No.: 0171911410010

Acct. No.: R0039032 Amount: \$1,091.63