


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 jsmall@northglenn.org or 303-450-8757 with any questions or comments.

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-119
Series of 2009

Series of 2009

A RESOLUTION CERTIFYING DELINQUENT WATER AND SEWER 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. Municipality may certify delinquent charges. 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 16-10-6 (j) of the Municipal Code specifically authorizes the City of Northglenn to certify unpaid utility charges to the Adams County Treasurer for collection, providing as follows:

Section 16-10-6 (j). The City shall have as security for collection of all utilities charges, a lien upon the real property served. The lien shall become effective upon supplying of water utility services and/or billing of capital charge, trash collection/removal, and other associated rates, penalties and charges. The lien shall not be discharged until payment of all utilities charges. In order to preserve any lien created by operation of this ordinance, the City shall file for record a lien statement in the office of Adams County Clerk and Recorder, at any time before the expiration of five months after the day in which a bill for utilities charges becomes delinquent as defined by this Article. All liens created and perfected by virtue of this ordinance shall relate back to and take effect as of the time that utilities services are first provided to or billed for, respectively, the real property. Such lien shall be enforceable against any person acquiring an interest in such real property. Liens which are created by this ordinance, but not perfected, shall be enforceable against any person, with an interest in the real property subject to the lien, that has notice of such lien. In the event the lien provided by this section is not discharged by payment, the City Manager shall report the delinquency to the City Council and the City Council shall be authorized to collect the delinquent charges, rates and penalties by certification of such delinquency with the Adams County Treasurer and collected as all other taxes as authorized by C.R.S. 31-20-101 to 107 as amended.

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 utility 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 16-10-6 (j) of the Municipal Code of the City of Northglenn, Colorado.

DATED, at Northglenn, Colorado, this _____ day of _____ 2009.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

**2009 Lien Certification Properties
Utility Accounts**

Owner of Record: Secretary of Housing and Urban Dev C/O Michaelson Conner
Street Address: 883 W. 100th Place
Legal Description: Lot 17, Block 11, Victoria Heights West Amended
Parcel No.: 0171916116014
Acct. No.: R0042865
Amount: \$846.87

Owner of Record: Eugene Montoya and Corinna R. Montoya
Street Address: 2257 E. 109th Drive
Legal Description: Lot 57, Block 4, Fox Run Filing No. 12
Parcel No.: 0171911114057
Acct. No.: R0118762
Amount: \$502.45

Owner of Record: Christopher D. Winholtz and Samantha G. Winholtz
Street Address: 1026 E. 111th Place
Legal Description: Lot 21, Block 11, Northglenn 6th Filing
Parcel No.: 0171911203022
Acct. No.: R0037893
Amount: \$1,420.69

Owner of Record: Susan Kay Bergh
Street Address: 1376 E. 111th Place
Legal Description: Lot 27, Block 3, Northglenn 6th Filing
Parcel No.: 0171911204021
Acct. No.: R0037918
Amount: \$835.23

Owner of Record: Richard J. Yanez
Street Address: 1846 E. 113th Place
Legal Description: Lot 2, Block 13, Northglenn 18th Filing
Parcel No.: 0171902419008
Acct. No.: R0029944
Amount: \$648.59

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: \$974.73

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: \$840.86

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: \$732.66

Owner of Record: Tony Fabiano and Shila Smart
Street Address: 11590 Community Center Drive #43
Legal Description: Lot 43, The Villas at Northglenn
Parcel No.: 0171903414043
Acct. No.: R0031123
Amount: \$394.63

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: \$908.72

~~Owner of Record: Joanne M. Witak~~
~~Street Address: 10729 Fillmore Way~~
~~Legal Description: Lot 16, Block 1, Fox Run Filing No. 6~~
~~Parcel No.: 0171912003076~~
~~Acct. No.: R0111584~~
~~Amount: \$957.47~~

*Payment has been received;
lien will be released*

Owner of Record: Secretary of Housing and Urban Dev C/O Michaelson Conner
Street Address: 11337 Fowler Drive
Legal Description: Lot 21, Block 19, Northglenn 18th Filing
Parcel No.: 0171902417021
Acct. No.: R0029926
Amount: \$674.74

Owner of Record: US Bank National Association as Trustee
Street Address: 10130 Melody Drive
Legal Description: Lot 22, Block 3, Northglenn 3rd Filing
Parcel No.: 0171915207013
Acct. No.: R0041836
Amount: \$747.35

Owner of Record: Michelle R. Kelly
Street Address: 10439 Pearl Way
Legal Description: Lot 21, Block 3, Northglenn 1st Filing
Parcel No.: 0171910421011
Acct. No.: R0037639
Amount: \$806.39

Owner of Record: Francis P. Slumski
Street Address: 11713 Quam Drive
Legal Description: Lot 22, Block 49, Northglenn 22nd Filing
Parcel No.: 0171902212022
Acct. No.: R0028635
Amount: \$715.81

Owner of Record: Russell P. Miller and Charlene H. Miller
Street Address: 1325 Regina Lane
Legal Description: Lot 25, Block 22, Northglenn 11th Filing
Parcel No.: 0171911222010
Acct. No.: R0038343
Amount: \$617.49

Owner of Record: Jo Ann Garcia
Street Address: 11849 Sylvia Drive
Legal Description: Lot 6, Block 51, Northglenn 22nd Filing
Parcel No.: 0171902209007
Acct. No.: R0028574
Amount: \$557.10

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: \$966.85

Owner of Record: Dung Anh Truong and Tho Le
Street Address: 11495 Washington Street
Legal Description: Lot 2, Washington Street Car Wash
Parcel No.: 0171903413005
Acct. No.: R0162825
Amount: \$3,564.53