


CITY CLERK'S OFFICE MEMORANDUM
#08-04

October 23, 2008

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

FROM: Johanna Small, Acting City Clerk 

SUBJECT: CR-160, Certification of Delinquent Water and Sewer Charges,
CR-161, Certification of Delinquent Nuisance Abatement Charges, and
CR-162, Certification of Delinquent Municipal Charges

RECOMMENDATION:

Attached to this memorandum are resolutions which, if approved, would authorize the City to certify delinquent water and sewer, nuisance abatement, and municipal 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.

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 an individual or title company pays the amounts due to clear the property's title.

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 6, 2008 to pay the charges due.

BUDGET/TIME IMPLICATIONS:

If the attached resolutions are approved, an amount of \$40,202.75 could be paid to the City from the Adams County Treasurer in 2009 for the delinquent charges collected.

STAFF REFERENCE:

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

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-160
Series of 2008

Series of 2008

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 _____ 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
Acting City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

EXHIBIT A

2008 Lien Certification Properties Utility Accounts

Owner of Record: Tonya Wolford
Street Address: 3000 E. 112th Avenue, #77
Legal Description: Lot 77, Homestead at Seven Stones Subd.
Parcel No.: 0171912211072
Acct. No.: R0125081
Amount: \$570.70

Owner of Record: Alberto Hernandez and Dina Hernandez
Street Address: 1402 Leroy Drive
Legal Description: Lot 5, Block 33, Northglenn 11th Filing
Parcel No.: 0171911311013
Acct. No.: R0038640
Amount: \$1,075.00

Owner of Record: Pamela Hack
Street Address: 11644 Lincoln Street
Legal Description: DESC: S 21 FT OF THE N 309/67 FT OF BLK 15, Northglenn 25th Filing
Parcel No.: 0171903105018
Acct. No.: R0030327
Amount: \$557.94

Owner of Record: Accredited Home Lenders Inc.
Street Address: 1540 Phillips Drive
Legal Description: Lot 14, Block 42, Northglenn 21st Filing
Parcel No.: 0171902220015
Acct. No.: R0028842
Amount: \$639.36