


CITY CLERK'S OFFICE MEMORANDUM
#11-06

October 13, 2011

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: Johanna Small, City Clerk 

SUBJECT: CR-93, Certification of Delinquent Municipal Charges;
CR-94, Certification of Delinquent Nuisance Abatement Charges; and
CR-95, 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.

A total of 77 liens (26 administrative citation liens; 21 nuisance liens; and 30 utility liens) are 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 3, 2011 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 28, 2011. If the attached resolutions are approved and the special assessments are paid in 2012, an amount of \$51,155.57 could be remitted to the City from the County Treasurer in 2012 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 charges are paid or until the property changes ownership and an individual 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.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-95
Series of 2011

Series of 2011

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 (i) 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 (i). 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:

Section 1. 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 (i) of the Municipal Code of the City of Northglenn, Colorado.

DATED, at Northglenn, Colorado, this _____ day of _____ 2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

EXHIBIT A

2011 Lien Certification Properties Utility Accounts

Owner of Record: Yoon Don Park and Insoon Park
Street Address: 1144 W. 97th Avenue
Legal Description: Lot 6, Block 1, Deza Estates 2nd Filing
Parcel No.: 0171916414037
Acct. No.: R0044235
Amount: \$520.73

Owner of Record: Irma Moreno
Street Address: 1483 W. 103rd Place
Legal Description: Lot 34, Block 18, Heftler Homes Hillcrest 1st Filing
Parcel No.: 0171916103004
Acct. No.: R0042530
Amount: \$670.52

Owner of Record: Charles Savage
Street Address: 129 E. 104th Place
Legal Description: Lot 7, Block 9, Northglenn 1st Filing
Parcel No.: 0171910416006
Acct. No.: R0037576
Amount: \$566.46

Owner of Record: David A. Minear and Deborah F. Minear
Street Address: 381 E. 109th Place
Legal Description: Lot 1, Block 29, Northglenn 2nd Filing
Parcel No.: 0171910117020
Acct. No.: R0036604
Amount: \$1,012.03

Owner of Record: Dawn M. Gallegos and Adam J. Gallegos
Street Address: 2299 E. 109th Drive
Legal Description: Lot 64, Block 4, Fox Run Filing No. 12
Parcel No.: 0171911114064
Acct. No.: R0118769
Amount: \$1,321.29

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: \$425.48

~~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: \$477.49~~

*Payment has been received;
lien will be released*

Owner of Record: Shannon M. and James P. Dome Jr.
Street Address: 385 W. 116th Avenue
Legal Description: Lot 16, Block 2, Huron Crossing
Parcel No.: 0171903211016
Acct. No.: R0030886
Amount: \$499.18

Owner of Record: Pedro M. Escamilla and Christopher L. Francis
Street Address: 10473 Brewer Drive
Legal Description: Lot 4, Block 7, Northglenn 12th Filing
Parcel No.: 0171909418014
Acct. No.: R0036137
Amount: \$1,092.80

Owner of Record: Bank of New York Mellon FKA the Bank of New York as Trustee
Street Address: 10522 Carlile Street
Legal Description: Lot 11, Block 41, Northglenn 13th Filing
Parcel No.: 0171911315002
Acct. No.: R0038710
Amount: \$713.19

Owner of Record: Turn Key Properties
Street Address: 11670 Community Center Drive #85
Legal Description: Lot 85, Block 1, Parkview
Parcel No.: 0171903122120
Acct. No.: R0030713
Amount: \$597.54

Owner of Record: Terry A. Nanstiel
Street Address: 10468 Cook Court
Legal Description: Lot 7, Block 3, Fox Run Filing No. 1
Parcel No.: 0171912408039
Acct. No.: R0039321
Amount: \$1,122.95

Owner of Record: Daniel Rodriguez III
Street Address: 11768 Delaware Court
Legal Description: Lot 11, Block 6, Huron Heights 1st Filing
Parcel No.: 0171903207004
Acct. No.: R0030820
Amount: \$898.72

Owner of Record: Brandon Simmons
Street Address: 11171 Detroit Way
Legal Description: Lot 26, Block 3, Fox Run Filing No. 8
Parcel No.: 0171912011026
Acct. No.: R0114520
Amount: \$1,158.15

~~Owner of Record: Edward J. De Herrera
Street Address: 11465 Fowler Drive
Legal Description: Lot 17, Block 39, Northglenn 21st Filing
Parcel No.: 0171902304013
Acct. No.: R0029006
Amount: \$1,454.57~~

*Bankruptcy filed;
removed from list*

Owner of Record: Lionel O. Wyatt Trust C/O Jon Wyatt
Street Address: 11485 Fowler Drive
Legal Description: Lot 19, Block 39, Northglenn 21st Filing
Parcel No.: 0171902304015
Acct. No.: R0029008
Amount: \$528.42

Owner of Record: Francisco J. Rodriguez
Street Address: 10432 Franklin Street
Legal Description: Lot 2, Block 51, Northglenn 13th Filing
Parcel No.: 0171911409009
Acct. No.: R0039009
Amount: \$1,319.30

Owner of Record: CSB 11255 Grant Drive DPC Holdings LLC
Street Address: 11255 Grant Drive
Legal Description: DESC: TRACT 2, Bee Hive Homes Subdivision
Parcel No.: 0171903417026
Acct. No.: R0116158
Amount: \$2,611.21

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: \$633.51

Owner of Record: Caleb Kane Toledo and Bethany Toledo
Street Address: 11928 Keough Drive
Legal Description: Lot 7, Block 58, Northglenn 22nd Filing
Parcel No.: 0171902204004
Acct. No.: R0028454
Amount: \$622.77

Owner of Record: Steven Carmer and Stephanie Flores Carmer
Street Address: 10527 Lipan Street
Legal Description: Lot 6, Block 4, Northglenn 12th Filing
Parcel No.: 0171909415021
Acct. No.: R0036064
Amount: \$982.53

Owner of Record: Freedom Mortgage Corporation
Street Address: 10430 Livingston Drive
Legal Description: Lot 16, Block 5, Northglenn 12th Filing
Parcel No.: 0171909416016
Acct. No.: R0036084
Amount: \$581.87

Owner of Record: James D. Riegel
Street Address: 9629 Lou Drive
Legal Description: Lot 11, Block 3, Tol Win Subd
Parcel No.: 0171915320014
Acct. No.: R0042257
Amount: \$2,045.04

Owner of Record: Daniel Joe Foster and Melissa D. Foster
Street Address: 663 Melody Drive
Legal Description: Lot 36, Block 3, Northglenn 19th Filing
Parcel No.: 0171915310006
Acct. No.: R0042066
Amount: \$496.07

~~Owner of Record: Southstar III
Street Address: 10843 Northglenn Drive
Legal Description: Lot 41, Block 36, Northglenn 2nd Filing
Parcel No.: 0171910108007
Acct. No.: R0036321
Amount: \$5,224.51~~

*Payment has been received;
lien will be released*

Owner of Record: Jared L. Bender
Street Address: 908 Ogden Circle
Legal Description: Lot 16, Block 9, Northglenn 9th Filing
Parcel No.: 0171911216021
Acct. No.: R0038138
Amount: \$461.66

Owner of Record: Tramor Enterprise LLC
Street Address: 11426 Pearl Street
Legal Description: Lot 3, Block 2, Webster Lake Third Minor Subd of Blk 2
Parcel No.: 0171903412011
Acct. No.: R0031077
Amount: \$1,549.67

Owner of Record: Mary C. Knapp
Street Address: 11771 Pennsylvania Street
Legal Description: Lot 4, Block 7, Northglenn 27th Filing
Parcel No.: 0171903118011
Acct. No.: R0030517
Amount: \$569.34

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: \$385.59

Owner of Record: John L. Cullinane III and Melanee S. Cullinane
Street Address: 1305 Regina Lane
Legal Description: Lot 24, Block 22, Northglenn 11th Filing
Parcel No.: 0171911222009
Acct. No.: R0038342
Amount: \$911.67