


CITY CLERK'S OFFICE MEMORANDUM
#12-05

October 8, 2012

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: Johanna Small, City Clerk 

SUBJECT: CR-101, Certification of Delinquent Municipal Charges;
CR-102, Certification of Delinquent Nuisance Abatement Charges; and
CR-103, 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, 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 1%, to the City on a monthly basis. The property liens are released by the City upon full payment.

A total of 77 accounts (31 administrative citation liens; 20 nuisance liens; and 26 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 September 28, 2012 to pay the charges due and avoid a 10% fee, which is added as part of the certification process by ordinance.

BUDGET/TIME IMPLICATIONS:

The City is required to submit the lists of accounts to be certified to the County Treasurer by October 15, 2012. If the attached resolutions are approved and the special assessments are paid in 2013, \$43,711.64 could be remitted to the City from the County Treasurer for the delinquent charges collected.

If the delinquent accounts are not certified to the County, the liens that have been filed against the properties to secure the charges will 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 a real estate 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-102
Series of 2012

Series of 2012

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. 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 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:

Section 9-11-12. Recovery of Expense of Abatement. Upon the 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:

Section 1. 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.

DATED, at Northglenn, Colorado, this _____ day of _____ 2012.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

EXHIBIT A

2012 Lien Certification Properties Nuisance Abatements

Owner of Record: Wells Fargo Bank National Association
Street Address: N/A
Legal Description: Lot 3, Bunker Hill Village Subdivision Filing No. 3
Parcel No.: 0157335404006
Acct. No.: R0173571
Amount: \$878.96

Owner of Record: Motospa of Northglenn LLLP
Street Address: N/A
Legal Description: DESC: Tract A, Bunker Hill Village Subdivision Filing No. 3
Parcel No.: 0157336315002
Acct. No.: R0173573
Amount: \$755.80

Owner of Record: Denver Investment Group Inc.
Street Address: 900 E. 112th Place
Legal Description: Lot 22, Block 31, Northglenn 18th Filing
Parcel No.: 0171902325022
Acct. No.: R0029505
Amount: \$301.92

Owner of Record: Sibiao Xiao and Zhong Chen
Street Address: 463 W. 114th Way
Legal Description: Lot 11, Block 7, Huron Crossing
Parcel No.: 0171903006016
Acct. No.: R0030107
Amount: \$214.30

Owner of Record: Ashley N. Sulzbach and Joyce A. Sedam
Street Address: 388 E. 116th Avenue
Legal Description: DESC: W 21 FT OF E 425/67 FT OF BLK 11, Northglenn 25th Filing
Parcel No.: 0171903106003
Acct. No.: R0030365
Amount: \$194.14

Owner of Record: Leroy W. Cruz
Street Address: 500 E. 116th Avenue
Legal Description: DESC: THE W 64/33 FT OF BLK 3, Northglenn 25th Filing
Parcel No.: 0171903103002
Acct. No.: R0030253
Amount: \$223.64

Owner of Record: Mikhail Ponomarev
Street Address: 11977 Claude Court
Legal Description: Lot 34, Block 62, Northglenn 23rd Filing
Parcel No.: 0171902101035
Acct. No.: R0027905
Amount: \$308.67

Owner of Record: Marcelino D. Arnold
Street Address: 1200 Dean Drive
Legal Description: Lot 3, Block 43, Northglenn 22nd Filing
Parcel No.: 0171902216034
Acct. No.: R0028744
Amount: \$216.54

Owner of Record: Rosalie Montoya
Street Address: 11226 Downing Drive
Legal Description: Lot 40, Block 27, Northglenn 18th Filing
Parcel No.: 0171902317027
Acct. No.: R0029272
Amount: \$292.96

Owner of Record: Frances Escalante and Samuel G. Escalante
Street Address: 11357 Fowler Drive
Legal Description: Lot 23, Block 19, Northglenn 18th Filing
Parcel No.: 0171902417023
Acct. No.: R0029928
Amount: \$881.96

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: \$4,081.54

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: \$194.34

Owner of Record: Arthur E. Montoya and Beverly A. Montoya
Street Address: 10741 Wanda Lane
Legal Description: Lot 1, Block 13, Northglenn 15th Filing
Parcel No.: 0171909402006
Acct. No.: R0035839
Amount: \$850.37