

A BILL FOR AN ORDINANCE

ORDINANCE NO. 08

SERIES OF 2023

INTRODUCED BY: COUNCILMEMBER WIESNER

AN ORDINANCE LEVYING ASSESSMENTS UPON THE REAL PROPERTY WITHIN THE CHERRYVILLE ROAD LOCAL IMPROVEMENT DISTRICT IN THE CITY OF GREENWOOD VILLAGE, COLORADO, FOR THE COST OF UNDERGROUNDING ELECTRIC POWER TRANSMISSION LINES AND RELATED FACILITIES; AND PRESCRIBING THE MANNER FOR THE PAYMENT AND COLLECTION OF SAID ASSESSEMENTS

WHEREAS, BY Ordinance No. 7, Series of 2020, passed and adopted August 12, 2020, the City Council created the Cherryville Road Local Improvement District, for the purpose of undergrounding electric power transmission lines and related facilities; and

WHEREAS, the City Council has determined to assess the cost of \$123,226.40 against the real property included in the District and specially benefited by the undergrounding improvements; and

WHEREAS, the City Council has considered the special benefits accruing to the parcels of real property with the District as a result of the improvements and has determined that the owners of property included within the District shall be apportioned and equal share of the cost of said improvements as set forth in the assessment roll approved by City Council; and

WHEREAS, pursuant to Chapter 4-9-90 of the Greenwood Village Code the City Council set by Resolution No. 27, Series of 2023, a public hearing on the proposed assessments; and

WHEREAS, the City Council has determined to assess the cost of the improvements against those parcels of real property as set forth in the assessment roll attached to this ordinance as Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO, ORDAINS:

Section 1. Determination of Assessments. The cost of the improvements authorized by Ordinance No. 07, Series of 2020, in the amount of \$123,226.40, is hereby assessed against the real property included in the Cherryville Local Improvement District, which real property is hereby determined to be specially benefited by such improvements in equal amounts.

Section 2. Confirmation of Assessment Roll. The assessment roll attached hereto as Exhibit A and incorporated herein is hereby approved and confirmed. Each parcel is hereby assessed as stated in the assessment roll, a copy of which is on file in the office of the City Clerk.

Section 3. Payment of Assessments.

a. The assessments shall be due and payable at the office of the Director of Finance of the City, within thirty (30) days after the publication of this ordinance following final passage, without demand; provided that all such assessments may be paid, at the election of the property owner, in installments with interest as hereinafter set forth. Failure to pay the whole assessment within said thirty-day period shall be conclusively considered to be an election on the part of all persons interested, whether under disability or otherwise, to pay in installments.

b. An election to pay in installments shall be conclusively considered to be a waiver of any right to question the power or jurisdiction of the City to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or the accuracy of the assessments or the lien therefor.

c. In the event of an election to pay in installments, the assessments shall be payable at the office of the County Treasurer of Arapahoe County, in ten (10) annual installments, the first of which settlements of principal shall be due and payable on or before June 15, 2024 and the remainder of said installments shall be due and payable successively on or before June 15 in each year thereafter until paid in full, with interest on the unpaid principal amount at the rate of five percent (5%) per annum or at such lesser interest rate as the City Council may later determine, commencing on the date of publication of this ordinance following final passage and payable each year at the time of paying installments of assessments. The tenth and last installment of assessments will be due and payable on June 15, 2033. Payment of outstanding balances and accrued interest may be made in full at the office of the County Treasurer of Arapahoe County at any time during the ten (10) year payment period.

Section 4. Penalty for Default or Nonpayment. Failure to pay any installments of principal or interest when due shall cause the whole of the unpaid principal to become due and payable immediately. The whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate established pursuant to C.R.S. § 5-12-106(2) and (3), until the date of tax sale, as provided by law. At any time prior to the date of the tax sale, the owner may pay the amount of all unpaid installments with interest and all penalties and costs of collection accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if there had been no default. The owner of any property not in default may, at any time, pay the whole of the unpaid principal with accrued interest to the date of the next installment payment date.

Section 5. Assessment Lien. All assessments levied against the real property in the District, together with all interest thereon, penalties for default and all costs in collecting the same, shall constitute, from the date of publication of this ordinance following final passage, a perpetual lien in the several amounts assessed against each parcel of real property. Such lien shall have priority over all other liens except general tax liens and shall be enforced in accordance with the laws of the State of Colorado. A copy of this ordinance shall be filed with the County Clerk and Recorder of Arapahoe County for recording against such real property.

Section 6. Assessments Against Divided or Subdivided Tracts. If any parcel of real property included within the District is hereafter divided or subdivided into two (2) or more tracts or parcels, the City Clerk is hereby authorized and directed to divide the assessment against

such parcel in the same proportion that the parcel itself is subdivided, and to certify the revised assessments to the County Treasurer of Arapahoe County.

Section 7. Notice. The City Clerk shall cause a notice of assessments due, in the form provided in **Exhibit B**, attached hereto and incorporated herein, to be published on the same day and in the same manner as the final publication of this ordinance.

INTRODUCED AND APPROVED ON FIRST READING ON THE 7TH DAY OF
AUGUST 2023, AND ORDERED PUBLISHED.

CITY COUNCIL OF THE
CITY OF Greenwood Village, COLORADO
George Lantz, Mayor
ATTEST: Susan M. Ortiz, City Clerk
APPROVED AS TO FORM: Tonya Haas
Davidson, City Attorney
Date Published: August 10, 2023
Published at: www.greenwoodvillage.com

EXHIBIT A**ASSESSMENT ROLL OF THE CHERRYVILLE ROAD LOCAL IMPROVEMENT DISTRICT**

Parcel Number	Owner Name (or Current Resident) and Address	Legal Description	Assessment
2077-14-1-03-001	Bruce & Beverly Wagner, 1601 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 1 Block 5 Plaza Acres Subdivision	\$15,403.30
2077-14-1-03-002	Clarke & Jill Octigan, 1685 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 2 Block 5 Plaza Acres Subdivision	\$15,403.30
2077-14-1-03-003	Brad & Stacy Lorenzen, 1715 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 3 Block 5 Plaza Acres Subdivision	\$15,403.30
2077-14-1-03-004	Craig & Denise Slawson, 1755 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 4 Block 5 Plaza Acres Subdivision	\$15,403.30
2077-14-1-03-005	Mark & LeAnn Donahue, 1785 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 5 Block 5 Plaza Acres Subdivision	\$15,403.30
2077-14-1-03-006	Colleen McVaney, 1825 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 6 Block 5 Plaza Acres Subdivision	\$15,403.30
2077-14-4-02-001	Mary Talbot, 1875 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 7 Block 5 Plaza Acres Subdivision	\$15,403.30
2077-14-4-02-002	James & Renee Kartantounis, 1885 Cherryville Rd., Greenwood Village, Colorado 80121	Lot 8 Block 5 Plaza Acres Subdivision	\$15,403.30