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## Chapter 14.02

### Real Property Acquisition and Disposition

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#### 14.02.010 Definitions.

As used in this Chapter, the following terms shall have the indicated meanings:

A. *Disposition* means the sale, exchange, transfer, conveyance, assignment or any other alienation of real property.

B. *Real property* means land and improvements thereon, water rights and appurtenances thereto. (Ord. 91-05 §1(part), 1991)

#### 14.02.020 Title conveyance.

The Town may acquire real property by virtue of deed, in a form recognized under Colorado law as conveying real property interests, or by acceptance of an offered dedication on or in conjunction with a final subdivision plat approved in accordance with Title 16 of this Code. The Town may acquire temporary property interests, by deed, grant, agreement, license, consent or other documentation evidencing the intention of the party or entity to grant to the Town such temporary property rights. The grantee in all such conveyances shall be designated as the "Town of Castle Rock, a municipal corporation," although the failure to make such designation shall not impair the vesting of title in the Town under an otherwise valid conveyance. (Ord. 91-05 §1(part), 1991)

#### 14.02.030 Acceptance of dedications.

The recordation of a final subdivision plat processed and approved by the Town in accordance with the provisions of Title 16 of this Code shall be prima facie evidence of the acceptance by the Town of title and ownership of such real property interests dedicated on the plat. However, the obligation of maintenance, repair and replacement of any improvement on the property dedicated shall not be deemed accepted by the Town unless specifically provided in the plat dedication, or as otherwise assumed by the Town pursuant to contract or ordinance. Plat dedication shall constitute a conveyance to the Town of fee simple ownership and title to the real property dedicated, unless otherwise reserved or limited in such dedication. (Ord. 91-05 §1(part), 1991)

#### 14.02.040 Disposition.

The Town may dispose of any real property upon such terms and conditions as the Town Council may determine, provided that such disposition shall be authorized by ordinance. Any real property interests previously accepted by the Town by plat dedication may be abandoned by the Town, by designation of the unequivocal intent of the Town Council to abandon such property interests on the

face of the subdivision plat or replat. In the event of such abandonment, the ownership of the property shall vest in the subdivider and/or property owner in the same manner as title is vested upon vacation made in accordance with Part 3, Article 2, Title 43, C.R.S. (Ord. 91-05 §1(part), 1991)

**14.02.050 Lease of real property.**

The lease of any real property for a term of less than ten (10) years shall be authorized by written resolution, or at the option of the Town Council by ordinance. Any lease of real property interests for a term of greater than ten (10) years shall be authorized and approved only by ordinance. In computing the term of a lease, the primary term shall be added to any renewal term(s) in which the lessee has the unrestricted right to renewal of the lease. (Ord. 91-05 §1(part), 1991)

**14.02.060 Administrative approval of real estate documents.**

The Town Manager or the Assistant Town Manager is authorized to accept tender of and/or execute on behalf of the Town real estate documents by which the Town acquires necessary easements or other real property interests without the payment of cash or the exchange of Town property. Any such document shall be approved as to form by the Town Attorney prior to recordation. (Ord. 96-10 §1, 1996)

**Chapter 14.04**

**Disposition of Personal Property**

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**14.04.010 Purpose.**

The purpose of this Chapter is to provide for the administration and disposition of lost, abandoned, seized, unclaimed and surplus property which is in the possession of or under the control of the Town. (Ord. 2002-51 §2, 2002; Ord. 92-11 §1(part), 1993)

**14.04.020 Definitions.**

Unless otherwise required by context or use, words and terms shall be defined as follows:

A. *Abandoned property* or *lost property* means any property delivered to the Town as lost or abandoned, or property found by the police department as lost or abandoned, and held by the police department.

B. *Forfeited property* or *seized property* means any property seized by law enforcement agencies within the control or possession of the Castle Rock Police Department, pursuant to Section 16-13-310 C.R.S., et seq.

C. *Owner* means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality or a duly authorized legal representative or successor in interest of same, which owns abandoned, lost or unclaimed property held by the municipality.

D. *Surplus property* means equipment, supplies or personal property determined by the appropriate Department Director of the Town to no longer be needed by the Town.

E. *Town* means the Town of Castle Rock, Colorado.

F. *Town Manager* means the Town Manager or his or her designee.

G. *Unclaimed property* means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town and which has not been claimed by its owner for a period of more than thirty (30) days after it became payable or distributable, excluding motor vehicles. (Ord. 2002-51 §2, 2002; Ord. 92-11 §1(part), 1993)

#### **14.04.030 Abandoned or lost property.**

Any personal property delivered to the Town as lost or abandoned within the Town, or personal property that is found lost or abandoned on Town property shall be held by the Town Manager pending presentation of satisfactory proof of ownership for a period of one hundred eighty (180) days. If the property has not been claimed within this time period, the property shall be considered unclaimed, and shall be disposed of in accordance with the provisions of this Chapter. (Ord. 2002-51 §2, 2002)

#### **14.04.040 Property used as evidence.**

It shall be the duty of the Chief of Police to hold, pending final disposition of any charges filed in court against the owner or possessor thereof, all articles of personal property seized as evidence for the use in the trial of such charges. After final disposition of said charges, the articles, except as the judge of the presiding jurisdiction may otherwise direct, shall upon presentation of satisfactory proof of ownership, be turned over to such rightful owner. In the absence of such a request within thirty (30) days, the same shall be disposed of in accordance with the provisions of this Chapter as unclaimed property. (Ord. 2002-51 §2, 2002)

#### **14.04.050 Exempted items.**

Where the personal property in the Town's possession consists of burglar tools of any description; firearms; cartridges or explosives; armored or bulletproof clothing; gambling apparatus or instruments; medicines; wines and fermented liquors; soiled, bloody or unsanitary clothing; solids and liquids of unknown or uncertain composition; controlled substances as defined in Section 18-18-102(5), C.R.S.; hypodermic syringes and needles; sexually explicit pictures, prints, effigies or statues; any poisonous, noxious or deleterious solids or liquids; or any other property or contraband which in

the opinion of the Town Manager is of slight value and the sale of which might result in injury to the health or safety of the public, the Town Manager shall destroy each and every article of such nature; unless, in the opinion of the Town Manager, any such firearms, cartridges or explosives or armored or bulletproof clothing may be used for departmental purposes, in which case the same need not be offered for sale or destroyed as in this Section provided. (Ord. 2002-51 §2, 2002)

#### **14.04.060 Procedure for disposition of property.**

A. Prior to disposition of any unclaimed property having an estimated value of two hundred dollars (\$200.00) or more, the Town Manager shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the municipal department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town Manager with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

B. Prior to disposition of any unclaimed property having an estimated value of less than two hundred dollars (\$200.00) or having no last known address of the owner, the Town Manager shall cause a notice to be published in a newspaper of general circulation in the municipality. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town Manager with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

C. If the Town Manager receives no written claim within the above sixty-day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

D. If the Town Manager receives a written claim within the sixty-day claim period, the Town Manager shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Town Manager may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

E. In the event that there is more than one (1) claimant for the same property, the Town Manager may, in his or her sole discretion, resolve said claims or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.

F. In the event that all claims filed are denied, the property shall become the sole property of the Town and any claim of the owner of such property shall be deemed forfeited.

G. Any legal action filed challenging a decision of the Town Manager shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Town Manager pursuant to the order of the court having jurisdiction over such claim.

H. The Town Manager is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Chapter, including compliance requirements for other municipal officers and employees in the identification and disposition of such property. (Ord. 2002-51 §2, 2002; Ord. 92-11 §1(part), 1993)

**14.04.070 Sale of unclaimed property.**

Any tangible unclaimed property for which ownership has passed to the Town pursuant to the provisions of this Chapter may be disposed of at a public or private sale, in a manner determined by the Town Manager, in his or her sole discretion, to maximize the consideration received for sale or disposition of such property. If the Town Manager determines that the unclaimed property has minimal resale value, such that the administrative time and expense of disposition is not justifiable, the Town Manager may destroy or otherwise dispose of the property at any time. In such case the Town Manager shall make best efforts to find a suitable charitable donee for the unclaimed property. In no event shall the Town Manager transfer unclaimed property to an officer or employee of the Town, or a relative of an officer or employer. (Ord. 2002-51 §2, 2002; Ord. 92-11 §1(part), 1992)

**14.04.080 Distribution to charity.**

Any property that is unclaimed or unsold after a public sale may, at the discretion of the Town Manager, be donated to charitable organizations or destroyed. (Ord. 2002-51 §2, 2002)

**14.04.090 Forfeited or seized property.**

Forfeited or seized property shall be disposed of in accordance with Section 16-13-301, C.R.S., et seq. (Ord. 2002-51 §2, 2002)

**14.04.100 Surplus property.**

A. Each department director is responsible for determining the surplus status of the equipment, supplies and personal property within that department's operations. Upon determining that certain property is surplus, the department director shall make a recommendation to the Town Manager as to the most appropriate method of disposition, be it transfer, disposal, sale or donation.

B. When the department director recommends sale of surplus property, the department director shall arrange for disposal via sealed bid, public auction or trade-in as deemed appropriate by the department director. The method of sale shall be selected to maximize the return of the items being sold or traded in. When selling by bid or auction, an effort shall be made to combine items with other departments to maximize the number of items being bid or auctioned.

C. Upon a finding by the department director that the surplus property has minimal or no saleable value, the items may be disposed of upon approval of the Town Manager.

D. Surplus property may be donated to charitable organizations or other political subdivisions upon approval by the Town Council.

E. Department directors shall notify the Finance Director of the disposition of all fixed assets.

F. All payments to the Town for the purchase of surplus property shall be made in cash or by certified check unless otherwise approved by the Town Manager. Town employees are not prohibited from participating in public solicitations for sale of surplus. All terms and conditions of the public sale shall apply to Town employees participating in the solicitation. (Ord. 2007-13 §4, 2007; Ord. 2006-26 §17, 2006; Ord. 2002-51 §2, 2002)