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Chapter 11.04

Definitions

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11.04.010 Generally.

Except where the context otherwise requires, the definitions in this chapter govern the construction of the provisions in this title. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A), 1957)

11.04.020 Acquire or acquisition.

Acquire or *acquisition* means the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from any source, bequest, devise, condemnation, transfer, assignment, option to purchase, other contract or other acquirement (or any combination thereof) of any project, facilities or other property, or an interest therein. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(1), 1957)

11.04.030 Combined sewer project.

Combined sewer project means one integrated project consisting of a sanitary sewer project and a storm sewer project, as defined in this chapter, and shall consist wholly or in part of combined storm and sanitary sewers. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(2), 1957)

11.04.040 Curb and gutter project.

Curb and gutter project means any curbs and gutters to be acquired or improved and appertaining to sidewalks or streets, or both, and all appurtenances and incidentals, including real and other property therefor. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(3), 1957)

11.04.050 Equip or equipment.

Equip or equipment means the furnishing of all necessary or desirable facilities appertaining to any project, facilities or other property, or an interest therein, as authorized in this title. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(4), 1957)

11.04.060 Improve or improvement.

Improve or improvement means the extension, widening, lengthening, betterment, alteration, reconstruction, capital repair or other improvement (or any combination thereof) of facilities, other property, any project, or an interest therein authorized in this title. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(5), 1957)

11.04.070 Project.

Project means any structure, facility, undertaking, improvement or system which the city is authorized by this title to acquire, improve, equip, maintain or operate. A project may consist of all kinds of personal and real property. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(6), 1957)

11.04.080 Real estate.

Real estate means all lands whether platted or unplatted, regardless of lot or land lines. Lots, plots, blocks and other subdivisions may be designated in accordance with any recorded plat thereof and unplatted lands by any definite description. (Ord. 266 §52(part), 1957)

11.04.090 Sanitary sewer project.

Sanitary sewer project means facilities appertaining to a municipal sanitary sewerage system for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial wastes, including without limitation, a sewerage treatment plant, sewerage purification and treatment works, and disposal facilities, drying beds, pumping plant and station, ejector station, gauging station, inlets, connections, laterals, other collection lines, outfalls, outfall sewers, trunk sewers, intercepting sewers, force mains, submains, water lines, sewer lines, conduits, ditches, pipes and transmission lines, engines, valves, pumps, meters, apparatus, fixtures,

structures, buildings, and all appurtenances and incidentals necessary, useful or desirable for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial wastes, or any combination thereof, including land and other property therefor. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(7), 1957)

11.04.100 Sidewalk project.

Sidewalk project means any sidewalk primarily for use by pedestrians, including without limitation, graded, regraded, gravelled, surfaced, macadamized and paved pedestrian rights-of-way, artificial lights and lighting equipment, and all appurtenances and incidentals, or any combination thereof, including real and other property therefor. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(8), 1957)

11.04.110 Storm sewer project.

Storm sewer project means facilities appertaining to a municipal storm sewer system for the collection, interception, transportation and disposal of rainfall and other stormwaters, including without limitation, gauging stations, inlets, connections, laterals, other collection lines, outfalls, outfall sewers, trunk sewers, intercepting sewers, force mains, submains, water lines, sewer lines, canals, pipes, transmission lines, natural and artificial watercourses, wells, ditches, reservoirs, revetments, engines, valves, pumps, meters, apparatus, fixtures, structures, buildings, and all appurtenances and incidentals necessary, useful or desirable for the collection, interception, transportation and disposal of rainfall and other stormwaters, or any combination thereof, including real and other property therefor. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(9), 1957)

11.04.120 Street.

Street, as used in this title, includes avenues, boulevards, alleys and other highways. (Ord. 266 §52(part), 1957)

11.04.130 Street project.

Street project means any street, avenue, boulevard, alley, highway or other public right-of-way used for any vehicular traffic, including without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, cross-walks, sidewalks, driveway approaches, curb cuts, curbs, gutters, culverts, catchbasins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators and traffic-control equipment, and all appurtenances and incidentals, or any combination thereof, including real and other property therefor. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(11), 1957)

11.04.140 Water project.

Water project means facilities appertaining to a municipal water system for the collection, transportation, treatment, purification and distribution of water, including without limitation, springs, wells, other raw water sources, basin cribs, dams, reservoirs, towers, other storage facilities, pumping plants and station, filter plant, purification system, water treatment facilities, power plant, waterworks plant, gauging station, valves, standpipes, connections, hydrants, conduits, flumes, sluices, canals, ditches, water transmission and distribution mains, pipes, lines, laterals, and service pipes, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings, and all appurtenances and incidentals necessary, useful or desirable for the acquisition, transportation, treatment, purification and distribution of potable water or untreated water for domestic, commercial and industrial use and irrigation, or any combination thereof, including real and other property therefor. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(A)(12), 1957)

Chapter 11.08

General Provisions

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11.08.010 Improvements; generally.

The city council shall have the power to contract for or have made local improvements, and to assess the cost thereof wholly or in part upon the property especially benefited, as provided in this title. Except as provided in this title, all contracts for public improvements shall be awarded by the council upon recommendation of the council member who is head of the department of public works, designated in this title as director of public works; and the improvements shall be constructed under the direction

of the director of public works, in accordance with the specifications prescribed or approved by the council. (Ord. 266 §1, 1957)

11.08.020 Improvements; authorization.

Whenever the council by resolution orders any of the local improvements mentioned in this title, the same shall be authorized by ordinance. (Ord. 266 §2, 1957)

11.08.030 Improvements; acquisition and maintenance.

The city council, upon behalf of the city and in its name, without any election, shall have the power from time to time to acquire, improve, equip, operate and maintain, within or without the city, or both within and without the city, the following local improvements:

- A. A combined sewer project;
- B. A curb and gutter project;
- C. A sanitary sewer project;
- D. A sidewalk project;
- E. A storm sewer project;
- F. A street project; and

G. A water project. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(B), 1957)

11.08.040 Proceedings generally.

Proceedings shall be begun on recommendation of the director of public works by the adoption by the city council of a resolution which shall state the nature and location of the improvement or improvements to be made, without mentioning minor details or incidentals; and prescribe the local improvement district to be assessed, by boundaries or other brief description; and direct the director of public works (or an engineer, engineers or engineering firm or corporation specially retained by the city, and under contract with the city, in connection with such district who, in such event, may perform all or any portion of the duties prescribed in this title to be performed by the director of public works as directed by the council) to prepare and present to the council:

- A. Preliminary plans and specifications for such improvement or improvements;

B. The total estimated cost thereof, including, without limiting the generality of the foregoing, the cost of constructing or otherwise acquiring such improvement or improvements, administration, interest and collection costs; and

C. A map of the local improvement district to be assessed. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(B), 1957)

11.08.050 Preliminary plans; contents.

The preliminary plans shall show, for a street project, a curb and gutter project or a sidewalk project, a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and width. For a storm sewer project, a sanitary sewer project, a combined sewer project or a water project, the preliminary plans shall show the type of material and the approximate diameter or diameters of any trunk lines, mains, laterals or house connections. The resolution may provide for one (1) or more types of construction, and the director of public works shall separately estimate the cost of each type of construction either in a lump sum or by unit prices as the director of public works may determine. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(D), 1957)

11.08.060 Combination of improvements.

More than one (1) improvement may be combined in one (1) local improvement district, combined together in an efficient and economical district. Improvements need not be connected or contiguous. If in the combination of improvements they shall be separate and distinct by reason of substantial difference in their character, location or otherwise, each such improvement shall be considered as a unit or district for the purpose of petition, remonstrance and assessment (such unit or district being in this title sometimes designated as an assessment unit). In case of such combination, the city council shall designate the improvement and area constituting each such assessment unit, and in the absence of an arbitrary and unreasonable abuse of discretion, its determination that there is or is not such a combination and its determination of the improvement and area constituting each such unit shall be final and conclusive. The costs of constructing and otherwise acquiring each such improvement shall be segregated for the levy of assessments, and an equitable share of the incidental costs shall be allocated to each such assessment unit. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(E), 1957)

11.08.070 Assessments generally.

Notwithstanding anything to the contrary contained in this title, the council, for the purpose of acquiring and improving or of defraying all the costs of acquiring or improving any project or projects authorized in this title, or any portion of the cost thereof not to be defrayed with moneys legally available therefor from the general fund,

any special fund or otherwise shall have power to levy assessments against assessable property within the city by the following methods:

A. If the assessment is made upon the basis of frontage, each tract shall be assessed with such relative portion of the whole amount to be levied as the length of front of such premises bears to the whole frontage of all the tracts to be assessed, and the frontage of all tracts to be assessed shall be deemed to be the aggregate number of feet as determined upon for assessment.

B. If the assessment is directed to be according to an area, zone or other equitable basis other than a front-foot basis, each tract shall be assessed such relative portion of the whole sum to be levied as is proportionate to the estimated benefit according to such basis.

C. Regardless of the basis used, in cases of wedge-shaped or V-shaped or any other irregular shaped tracts, an amount apportioned thereto shall be in proportion to the special benefits thereby derived. (Ord. 361 §1(part), 1967; Ord. 325 §1(part), 1962; Ord. 266 §3(F), 1957)

11.08.080 Improvements; initiation; petition.

A public work or improvement, the costs of which, in whole or in part, are to be assessed by the city, may be initiated on petition of property owners in such form as may be prescribed by the general statutes of the state; provided, however, that such petition shall in no event be jurisdictional and the council may make all, part or none of the improvement described in the petition, as it deems in the best interests of the city. (Ord. 266 §4, 1957)

11.08.090 Petition; procedure.

Upon the filing of such a petition, the council shall proceed, except as provided in Section 11.04.080, in the same manner as is provided for by this title where proceedings are initiated by the city council. (Ord. 266 §5, 1957)

11.08.100 Notices generally.

Whenever any notice is mailed as required in this title, the fact that the person to whom it was addressed does not receive it shall not in any manner invalidate or affect the proceedings provided for in this chapter. (Ord. 266 §53, 1957)

11.08.110 Proceedings and notices; contents.

In all proceedings and notices authorized by this title, figures may be used instead of words, and it shall not be necessary in an improvement district to designate each piece of real estate in the district separately, but general description and quantities may be used

except in the assessment rolls, and except in assessments, the cost may be stated as being a probable amount per front foot, per square foot or per lot of a given size and proportionate amounts for other lots, or when a different method of assessment is provided, then as being subject to such method. (Ord. 266 §54, 1957)

11.08.120 Proceedings; commencement of actions.

All actions legal or equitable for relief against any proceedings had under this title, whether based upon irregularities or jurisdictional defects, shall be commenced within thirty (30) days after the wrongful act complained of, or else be thereafter perpetually barred. (Ord. 266 §55, 1957)

11.08.130 Order to make utility connections.

Whenever any paving district or local improvement providing for paving is ordered under the provisions of this title, the mayor, if he deems it advisable, may order the owners of the abutting real estate to connect their several premises with the water and gas mains or with any other utility in the street in front of their several premises. Upon default of the owners for twenty (20) days after such order to make such connections, the city may contract for and make the connections or do the work by day labor in the manner and in accordance with the specifications prescribed for such work. The whole cost of each connection shall be assessed against the premises with which the connections are made in accordance with the provisions of this title for the acquisition of improvements, creating local improvement districts and defraying the cost thereof, for such paving or local improvement district. (Ord. 266 §56, 1957)

11.08.140 Enforcement.

The officers of the city are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this title. (Ord. 266 §57, 1957)

Chapter 11.12

Preliminary Plans and Specifications

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- 11.12.085 Combination of districts
- 11.12.090 Ordinance requirements; legal actions

11.12.010 Adoption by resolution; requirements.

A. The council shall by resolution adopt the preliminary plans and specifications and the map of the director of public works for the proposed improvement when the same are satisfactory to it. The council shall by that resolution or a resolution subsequently adopted prescribe:

1. The extent of the local improvement district to be assessed and of each assessment unit if the district is so divided, by boundaries or other brief description;
2. The kind of improvement or improvements proposed, without mentioning minor details;
3. The number of installments and the time in which the cost of the improvement or improvements will be payable;
4. The total estimated cost thereof, computed as set forth in this title by the director of public works, which estimate shall not constitute a limitation upon the cost of the project nor for any other purpose;
5. The estimated percentage of the respective benefits which will accrue from the district to the property owners benefited thereby, and to the city at large and the estimated proportion of the cost of the improvements to be borne by each, but no such improvement shall be ordered, except by approval of the taxpaying electors of the city at a general or special election at which the question shall be duly submitted for a vote of the taxpaying electors of the city, when more than twenty-five percent of such cost is to be borne by the city; and
6. The method of levying assessments.

B. The council in that resolution shall order that the project be made when the same has been authorized by ordinance, and shall fix a day upon which a hearing in respect to such project shall be had within thirty (30) days after the adoption of the resolution prescribing the extent of the local improvement district. (Ord. 361 §2, 1967; Ord. 325 §2, 1962; Ord. 284 §2, 1959; Ord. 266 §6, 1957)

11.12.020 Notification of property owners; hearing.

A. After the adoption of that resolution, the city clerk shall, by published advertisement for once a week for two (2) consecutive weeks by two (2) weekly insertions, the first publication to be not more than thirty (30) nor less than fifteen (15) days prior to the hearing prescribed in this chapter, in a newspaper of general circulation

in the city, and shall by mailing notice, postage prepaid, as first-class mail, at least fifteen days prior to such hearing, to the last known address of each last known owner of land within the proposed district whose property will be assessed for the cost of the improvements, such addresses and owners being those appearing on the real property assessment rolls for general (ad valorem) taxes of the

county wherein the property is located, give notice to the owners of real estate in the local improvement district and to all persons interested, generally, and without naming such owners or persons, of:

1. The kind of improvement proposed, without mentioning minor details or incidentals;
2. The number of installments and time in which the cost of the improvements will be payable;
3. The maximum rate of interest on unpaid installments;
4. The extent of the district to be assessed, by boundaries or other brief description;
5. The total estimated cost, computed as set forth in this title by the director of public works;
6. The time when the council will consider the ordering of the proposed improvements and hear all complaints, remonstrances and objections that may be made in writing concerning the same, by the owner of any real estate to be assessed or any person interested; and
7. The fact that all proceedings in the premises are on file and can be seen and examined at the office of the city clerk during business hours, at any time, by any person so interested.

B. If any project will result in any substantial change in any existing street elevation or grade, it shall be sufficient for the notice required in this section merely so to state without stating a description of the extent or the location of such change. (Ord. 361 §3, 1967; Ord. 325 §3, 1962; Ord. 284 §3, 1959; Ord. 266 §7, 1959)

11.12.030 Hearing; procedure; determination by council.

On the date fixed for such hearing, any and all property owners interested in such improvement may, by written petition, remonstrance or otherwise, present their views in respect to the proposed improvements to the council, and the council may adjourn the hearing from time to time. After the hearing has been concluded, after all written complaints, remonstrances and objections have been read and duly considered, and after

all persons desiring to be heard in person have been heard, the council shall consider the arguments, if any, and any other relevant material put forth. Thereafter, if the council determines that it is not for the public interest that the proposed project, or a part thereof, be made, the council shall make an order by resolution to that effect and thereupon the proceeding for the project, or the part thereof, determined against by such order, shall stop and shall not be begun again until the adoption of a new resolution. (Ord. 266 §8(A), 1957)

11.12.040 Protests or objections; denial of improvements.

The improvements for streets or alleys, except sidewalks, shall not be made if the owners of more than fifty percent (50%) of the frontage to be assessed, exclusive of publicly owned property, shall file with the council written protest or objection to the proposed assessment in any case where more than half of the cost of the improvement is required to be paid by special assessments against real estate. (Ord. 266 §8(B), 1957)

11.12.050 Modifications.

All proceedings may be modified or rescinded wholly or in part by resolution adopted by the council at any time prior to the passage of the ordinance adopted pursuant to Section 11.12.080 and authorizing the project. No substantial change in the district, details, preliminary plans or specifications or estimates shall be made after the first publication or mailing of notice to property owners, whichever occurs first, except for the deletion of a portion of a project and property from the proposed program and district or assessment unit. The director of public works, however, shall have the right to make minor changes in the time, plans and materials entering into the work at any time before its completion. (Ord. 266 §8(C), 1957)

11.12.060 Objections.

Any objection to the regularity, validity and correctness of the proceedings and instruments taken, adopted or made prior to the date of the hearing shall be deemed waived unless presented by written remonstrance at the time and in the manner specified in this title. (Ord. 266 §8(D), 1957)

11.12.070 Determination to proceed with improvements; required material.

A. After such hearing, after the city council has disposed of all remonstrances, if any, so filed, and after the council has determined to proceed with the local improvement district as modified, if modified, the council by resolution shall direct the director of public works to prepare and present to the council:

1. A revised and detailed total estimated cost, including, without limiting the generality of the provisions of this chapter, the cost of constructing and otherwise acquiring each proposed improvement and of administration, interest and collection

costs, which revised estimate shall not constitute a limitation for any purpose except as provided in Section 11.12.080;

2. Full and detailed plans and specifications for each proposed improvement designed to permit and encourage competition among the bidders, if the work is to be acquired or improved by contract; and

3. A revised map showing the location of each improvement and the real property to be assessed therefor.

B. That resolution may combine or divide the proposed improvement or improvements into suitable construction units for the purpose of letting separate and independent contracts, regardless of the extent of any improvement constituting an assessment unit and regardless of whether all, a portion or none of the cost of any improvement is to be defrayed other than by the levy of special assessments. Nothing, however, contained in this chapter shall be construed as not requiring the segregation of costs for assessment purpose as provided in this title. (Ord. 266 §9(A), 1957)

11.12.080 Presentation of required material; creation of district.

When the revised and detailed total estimate cost, the full and detailed plans and specifications and the revised map are prepared, are presented and are satisfactory to the council, it shall adopt an ordinance creating the district and prescribing:

A. The extent of the local improvement district to be assessed and of each assessment unit, if any, by boundaries or other brief description;

B. The kind and location of each improvement proposed, without mentioning minor details;

C. The percentage of the respective benefits which will accrue from the district to the property owner benefited thereby, and to the city at large, and the proportion of the cost of the improvements to be borne by each; but no such improvement shall be ordered, except by approval of the taxpaying electors of the city at a general or special election at which the question shall be duly submitted for a vote of the taxpaying electors of the city, when more than twenty-five percent (25%) of such cost is to be borne by the city; the method of levying assessments; the number of installments; and the times in which the costs assessed will be payable; and

D. The character and extent of any construction units. The director of public works may further revise such cost, plans and specifications and map from time to time for all or any part of any project, and the ordinance may be appropriately amended prior to letting any construction contract therefor and prior to any work being done other than by independent contract let by the city. The ordinance, as amended, if amended, shall order the work to be done as provided in this title. No contract shall be let for any

improvement nor an improvement ordered made under the direction of the director, or otherwise, for any amount exceeding the revised total estimated cost of such improvement, excluding incidental costs, i.e., excluding administration, interest, collection costs and any other estimated costs over and above the estimated construction or contract cost. (Ord. 266 §9(B), 1957)

11.12.085 Combination of districts.

Two (2) or more districts created pursuant to the provisions of this title may be combined at any time for purposes of issuing local improvement bonds and assessing the costs of the respective improvements to the property benefitted thereby. A combination of districts pursuant to this section shall specifically provide that the districts being combined will be treated as separate units for purposes of assessment, it being intended that property in a district will not be assessed for costs incurred with respect to other districts, even if all of such districts are combined as provided herein. (Ord. 539 §1, 1979; Ord. 266 §9(C), 1957)

11.12.090 Ordinance requirements; legal actions.

The finding of the council by ordinance that any improvement provided for in this title was duly ordered after notice duly given, or that a petition or remonstrance was or was not filed, or was or was not duly subscribed by the required number of owners shall be conclusive in every court or other tribunal. Within fifteen (15) days immediately succeeding the publication of the ordinance upon its final passage, any person who has filed a written remonstrance, as provided in this chapter, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside the determination of the council to the contrary. Any person concerned who objects to the regularity, validity and correctness of proceedings and instruments taken, adopted or made at or subsequent to the hearing and prior to the final passage of the ordinance shall also have the right so to commence such an action or suit to cure or set aside such purported irregularity, invalidity or incorrectness. Nothing in this section shall be construed as not requiring any person to make any objection by written remonstrance at the hearing in order not to waive such objection, if the purported irregularity, invalidity or incorrectness of any matter first occurred prior to the first publication of the notice of the hearing. After the expiration of the fifteen days, all actions or suits not so commenced attacking the regularity, validity and correctness of that ordinance and of all proceedings, determinations and instruments taken, adopted or made prior to the ordinance's final passage shall be perpetually barred. (Ord. 266 §14, 1957)

Chapter 11.16

Bids and Contracts

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11.16.070	Paving contracts
11.16.080	Additional conditions
11.16.090	Bonds; form, issuance and payment

11.16.010 Procedure.

Any improvement or improvements of any nature made in any district shall be submitted to competitive bidding and awarded to the lowest responsible bidder upon proper terms after due public notice has been given. The notice shall state that bids will be received at a time and place designated therein and shall be published at least once a week for two (2) consecutive weeks by two (2) weekly insertions in a newspaper of general circulation in the city, the first publication to be not less than fifteen (15) nor more than thirty (30) days prior to the time specified in the notice for opening bids. The city shall have the right to reject any and all bids and to waive any irregularity in any bid. Any contract may be let on a lump sum or unit basis. No contract shall be entered into for such work unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the city council and in an amount fixed by the council for the faithful performance of the contract, substantially as required by Section 38-26-106, C.R.S., as from time to time amended, except as specifically otherwise provided in this title. Upon default in the performance of any contract, the proper official may advertise and relet the remainder of the work without further ordinance, deduct the cost from the original contract price, and recover any excess cost by suit on the original bond, or otherwise. All contracts shall provide among other things that the person or corporation entering into the contract with the city will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing the materials or rendering the services may maintain an action to recover for the same against the obligor in the undertaking as though the person or corporation was named therein; provided that the action is brought within one (1) year after the time of the cause of action accrued. Final settlement shall be effected substantially as required by Section 38-26-107, C.R.S., as from time to time amended, and all laws thereunto enabling. The city shall have the authority to bid upon any contract let for the construction of any improvement in an improvement district and if it be the successful bidder, to construct any improvement ordered therein, using its own officers, servants, agents, employees and facilities; provided that the city shall not make any bid on any such contract for any sum less than the total estimated cost of such improvement determined by the council in ordering such improvement, without regard to amounts added for administration, interest, collection charges or safety surplus. If the city shall so

construct any such improvement, it shall do so according to the plans and specifications for the project, but shall not be required to furnish bond for the faithful performance of the contract, nor shall it be subject to any provisions of law relating to public contracts performed by independent contractors. (Ord. 266 §10(A), 1957)

11.16.020 Purchase of supplies and materials.

All supplies and materials purchased by the city, for any district, costing five hundred dollars (\$500.00) or more, shall be purchased only after due advertisement as provided in Section 11.16.010. The city shall accept the lowest bid, kind, quality and material being equal, but the city shall have the right to reject any and all bids, to waive any irregularity in any bid, and to select a single item from any bid. (Ord. 266 §10(B), 1957)

11.16.030 Interest in contracts by council member.

No council member shall be interested, directly or indirectly, in the profits of any contract authorized by this chapter, except any such contract separately let for supplies and materials purchased by the city, for any district, costing five hundred dollars (\$500.00) or more, in accordance with Section 11.16.020. (Ord. 266 §10(C), 1957)

11.16.040 Financial assistance.

Subject to the provisions of this chapter, but without intending by this provision to limit any powers of the city, it may enter into and carry out any contract or establish or comply with the rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the city may deem desirable or as may be requested by the United States of America, the state of Colorado or any federal or state agency, instrumentality or corporation that may assist in the financing of any project or any part thereof. Advantage may be taken of any offer from any source to complete any improvement or improvements on a division of expense or responsibility. The department of public works, under the direction of its director on behalf of and in the name of the city, is authorized to make any such improvement or improvements in a manner consistent with the Charter, when so authorized by an ordinance adopted pursuant to Sections 11.12.070 and 11.12.080. (Ord. 266 §10(D), 1957)

11.16.050 Transfers or assignments.

The provisions of Sections 11.16.010 through 11.16.050 shall not apply to any case in which the city has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions of this title, nor to any contract in connection with the construction or improvement of any project which the city may have had transferred to it by any person or private corporation. (Ord. 266 §10(E), 1957)

11.16.060 State and federal contracts.

All improvements authorized by this title may be acquired and the cost thereof defrayed by the levy of special assessments and the issuance of local improvement bonds without the award and execution of construction and material contracts by the city if such improvement contracts, after competitive bidding, have been awarded and entered into by the state of Colorado or the United States of America. Such state or federal contracts may be for all or part of such improvements, and such improvements may comprise all or only a part of the work to be undertaken under a state or federal contract. Prior to the commencement of work on any such improvements, the city shall have entered into an agreement with the state or federal government providing for such government's reimbursement by the city for such improvements, but the city shall make no agreement for the issuance of local improvement bonds or the levy of special assessments under the provisions of this title, nor shall such work be commenced, until the city shall have taken all preliminary action required by Sections 11.12.010 through 11.12.030 as they may be heretofore or hereafter amended, to the extent the sections are not inconsistent with the provisions of this section. (Ord. 428 §1, 1975; Ord. 266 §10(F), 1957)

11.16.070 Paving contracts.

In all cases of paving, any specifications and contracts may provide that bidders shall guarantee that the paving shall remain in good order and repair for a period of five (5) years from and after the date of its acceptance by the council, or for such lesser period as may be determined by the council, and to make all necessary repairs during such period without further compensation; provided that in case of macadamizing, after two (2) years the guaranty, if any, shall extend only to the maintaining of a perfect grade, surface and foundation and not to any diminution of the thickness of the original pavement by wear and tear; in case of concrete curb, gutter or sidewalk, the specifications and contracts may provide for a guaranty not in excess of two (2) years; and the council may provide for a guaranty for a reasonable time, not to exceed two years, of all other work. (Ord. 266 §11, 1957)

11.16.080 Additional conditions.

The council, except as specifically limited in this chapter, may in the letting of contracts impose such conditions upon bidders with regard to bonds and securities, and such guaranties of good and faithful performance and completion of the work and keeping the same in repair, and providing for any further matter or thing in connection therewith, as may be considered by the council advantageous to the city and to all interested. (Ord. 266 §12, 1957)

11.16.090 Bonds; form, issuance and payment.

A. All local improvement district bonds shall be of such form and of such date as may be prescribed by the council, shall be issued in the name of the city and bear the

name of the district to be improved, shall be payable to bearer at a designated time in a sufficient period of years to cover the period of construction and payments provided for, but subject to call as hereinafter provided, in a convenient denomination or convenient denominations of one hundred dollars (\$100.00) or any integral multiple thereof.

B. All such bonds shall be issued by the city treasurer upon estimates of the director of public works and order of the mayor, approved by the council; and the city treasurer shall preserve a record of the same in a suitable book kept for that purpose. The bonds shall be subscribed by the mayor, attested by the city clerk with the seal of the city affixed thereto, and countersigned by the city treasurer.

C. The bonds, both principal and interest, shall be payable only out of moneys collected on account of the assessments for the improvements in any district (except as hereinafter provided). Such assessments shall be applied to the payment of the bonds issued for the same district only, until the payment of all the said bonds. The payment of said bonds shall be additionally secured by a pledge of and made from the special surplus and deficiency fund, and whenever three-fourths ($\frac{3}{4}$) of the bonds of any public improvement district have been paid and cancelled, and for any reason the remaining assessments are not paid in time to take up the final bonds of the district and there is not sufficient money in said special surplus and deficiency fund, then the city shall pay said bonds when due and reimburse itself by collecting the unpaid assessments due said district, all as authorized by Sections 15 and 16, Article XII, City Charter. Sufficient portions of said bonds or the proceeds therefrom may be used to pay for administration, interest, collection charges and other incidentals. (Ord. 539 §3, 1979; Ord. 266 §31, 1957)

Chapter 11.20

Sewer Systems

Sections:

11.20.010	Establishment and maintenance generally
11.20.020	Construction; location
11.20.030	Construction; types of sewers
11.20.040	Construction; subdistrict laterals
11.20.050	Cost assessments
11.20.060	Temporary connections
11.20.070	Private sewers
11.20.080	Extensions
11.20.090	Connections; assessment payments
11.20.100	Connections; illegal assessment

11.20.010 Establishment and maintenance generally.

The city may establish and maintain separate or combined sewer systems, which systems shall be divided into district and subdistrict sewers for storm drainage, sanitary drainage or both, upon initiation by the city council. (Ord. 266 §20, 1957)

11.20.020 Construction; location.

The sewers shall be established and constructed at such time and in such locations, or such extent, dimensions and materials, and in accordance with such full details and specifications as may be prescribed by the council. Whenever necessary, land and rights-of-way for any sewer ordered by the council may be purchased or condemned on behalf of the district, and the cost charged to such district. (Ord. 266 §21, 1957)

11.20.030 Construction; types of sewers.

The council may order the construction of district sewers and appurtenances for sanitary drainage for districts to be known as sanitary sewer districts; the construction of district sewers and appurtenances for storm drainage for districts to be known as storm sewer districts; the construction of district sewers and appurtenances for storm and sanitary drainage for districts to be known as combined sewer districts; the construction of relief sewers or intercepting sewers; and appurtenances for storm drainage, sanitary drainage or both, for districts to be known as relief sewer districts or intercepting sewer districts; and the construction of district sewers and appurtenances for sanitary drainage for districts to be known as special sanitary sewer districts, the same to be approved by ordinance passed by the council. Such sewers shall be constructed so as to connect, within or without the district, with some other sufficient sewer or sewage disposal station or with some natural drainage. Such districts, except special sanitary sewer districts, may be composed of subdistricts to be specifically named or numbered in the ordinance. District sewers except as provided in this chapter shall include all submains necessary to provide outlets for all subdistrict laterals within the district. Special district sewers shall include the necessary mains to provide outlets for all laterals within the special sewer district. (Ord. 266 §22, 1957)

11.20.040 Construction; subdistrict laterals.

The council may at the time of ordering the construction of district sewers, or at any time or times thereafter, order the construction of subdistrict laterals in any such subdistrict so as to connect the same with the submains or with the district main sewer, the same to be approved by ordinance as in the case of district sewers. (Ord. 266 §23, 1957)

11.20.050 Cost assessments.

The cost of district sewers shall be assessed upon all the real estate in the district benefitted thereby in such manner as the council may determine; and the cost of subdistrict laterals shall be assessed in like manner upon all the real estate in the subdistrict. The construction, however, of any submain may be omitted until such time as it may be required, in which case subdistricts so left without submains shall not be assessed for any part of the costs of submains constructed along, with and as a part of the sewer district. Whenever submains so omitted are required and constructed, they may be ordered as provided for other sewers, and their cost shall be assessed to the subdistricts which are supplied with submains. (Ord. 539 §2, 1979; Ord. 266 §24, 1957)

11.20.060 Temporary connections.

Temporary connections may be made with any sewer from property lying without the district, with the consent of the council and upon such terms as it may require. (Ord. 266 §25, 1957)

11.20.070 Private sewers.

Private sewers connected with district sewers may be constructed under such restrictions and subject to such regulations as may be prescribed by the council, but no expense shall be incurred by the city in constructing them; and the city shall have power, by ordinance, to compel the owner of any premises in any sewer district or subdistrict to connect the same with the district or subdistrict sewer at his own expense. (Ord. 266 §26, 1957)

11.20.080 Extensions.

The city may extend and maintain any existing public sewer or any district sewer main wherever constructed, from its outlet to any point within or without the city. Such sewer extensions shall be established and constructed at such times, in locations within or without the city, of such extent, dimensions and material, and in accordance with such full details and specifications as may be prescribed by the council. Necessary lands and rights-of-way, upon the order of the council, shall be purchased or condemned on behalf of the city, and the whole cost of such sewer rights-of-way may be paid by the city. (Ord. 266 §27, 1957)

11.20.090 Connections; assessment payments.

No lot, premises or tract in any sewer district shall be connected with the sewer district sewer unless, before the completion a pro rata share of the estimated cost shall be, or after completion the assessment has been paid; except that in cases where the cost of sewers is to be assessed upon property in a district and the payment therefor had been

fixed by the council to be made in installments, then connections may be made at any time when deemed advisable by the director of public works. (Ord. 266 §28, 1957)

11.20.100 Connections; illegal assessment.

If in any sewer district any assessment upon the lots therein for the construction of the sewer has in any court of competent jurisdiction been held illegal, the owner of any lot in such district shall only be permitted to connect with such sewer upon payment into the treasury for the use of the holder of warrants or bonds issued for the construction of such sewer or if such warrants and bonds have been taken up then into the general fund of the city, such amount as may be fixed by ordinance. Nothing contained in this title concerning sewer districts shall be construed as applicable to storm sewers and drains acquired as a part of a street improvement program. (Ord. 266 §29, 1957)

Chapter 11.24

Assessment of Costs

Sections:

- 11.24.010 Improvements; adoption
- 11.24.020 Authorization of improvement; assessment
- 11.24.030 City-owned property
- 11.24.040 Grading or paving district
- 11.24.050 Street and alley intersections
- 11.24.060 Sidewalks

11.24.010 Improvements; adoption.

If at the time of the passage of the ordinance authorizing any improvements for any district, any piece of real estate or any railway company to be assessed in the district has the whole or any part of the proposed improvements conforming to the general plan, the same may be adopted in whole or in part or may be changed to conform to the general plan, if deemed practical; and the owner of such real estate shall, when the assessment is made, be credited with the amount which is saved by reason of adapting or adopting such existing improvements. (Ord. 266 §13, 1957)

11.24.020 Authorization of improvement; assessment.

Whenever any improvement authorized to be made by the city pursuant to this title is so ordered, the city council shall determine that all or any part of the total cost thereof, including but not limited to the cost of improving the intersections of streets and alleys, but excepting the share to be assessed against any street or other railway company, shall be assessed against the tracts or parcels of land specially benefited thereby and included

within the district or within the assessment unit if the district is divided into such units, except any tract or parcel owned by the United States of America. (Ord. 266 §15, 1957)

11.24.030 City-owned property.

When any public, special or local improvement district shall embrace any part or other property owned by the city, except streets, alleys and thoroughfares, the city shall pay its proportion of the cost of such improvement, calculated the same as for other property in the district. (Ord. 266 §16(A), 1957)

11.24.040 Grading or paving district.

Whenever any grading or paving district shall be created under this title, the council shall include in the area to be paved or graded the entire width of street from curb to curb, or in the absence of curbs to street lines determined by the city council, including the portion of the street or streets occupied by, or required by franchise obligation to be paved or chargeable or assessable to any street or other railway company whose tracks run through or across any street or streets in the district, and shall charge to, assess and collect the proper proportion as provided in this title, of the cost of the improvement from such street or railway company or companies, in the same manner as is provided for in this title in case of other property specially benefited thereon, and shall issue bonds for the same which bonds shall be issued and made payable in like manner as bonds issued for the improvement to be assessed against the real estate especially benefited. In the meaning of this title, a street or railway company shall be held to occupy and shall be liable for the grading and paving of that part of the street lying between the rails of each track and two (2) feet outside each rail; and every railway company, whether street railway or otherwise, shall be assessed for the cost of the paving and grading of any part or parts of any street or alley occupied by or required by franchise obligation to be paid by them; and the assessment levied for the cost of the improvement chargeable to a railway company shall be a first and prior lien against the entire franchise and property of the company within the district, and also without the district, but within the limits of the city, excepting any lien thereon to secure the payment of general taxes. All the terms, conditions and provisions contained in this title relative to the collection of the amounts chargeable against tracts or parcels of land assessed shall be applicable in the enforcement and collection of such assessment against such railway company; and the property of such railway shall be sold by the city as in cases of default in payment of general taxes levied thereon; but railway trackage shall not be considered or computed as assessable frontage, in determining the sufficiency of petitions or remonstrances as provided in this title. (Ord. 266 §16(B), 1957)

11.24.050 Street and alley intersections.

The cost of improvements in street intersections may be segregated; and such cost, except the share assessable to street or other railway companies, may be assessed upon all frontage of the street improved and on intersecting streets within a distance of one-half

(1/2) block in each direction from such intersections, in proportion to the frontage of each lot or tract on the street improved or on an intersecting street, or on both within said distance. The cost of the improvement of an alley intersection may be assessed upon the real estate in the same block extending to the nearest street intersection and half the length of the block along its sides; provided that where the sides of blocks are of unequal length, the council may determine the limit of assessment. The cost of improving street and alley intersections may be treated as one of the costs of any improvement without separately segregating such intersection cost. In such case the total cost of any improvement shall be assessed as provided in this section upon the basis determined without any separate assessment for intersection costs. (Ord. 266 §17, 1957)

11.24.060 Sidewalks.

A. In districts for the construction and reconstruction of sidewalks alone, or in combination with other improvements, the work may include the necessary grading from curblin to lot line; and the owner of any lot or tract to be assessed shall have the right to construct or reconstruct his own walks in conformity with the plans and specifications for the district, within thirty (30) days from the publication of the ordinance authorizing the improvement.

B. The whole cost of construction and reconstruction of sidewalks, including intersections and necessary grading and removal of obstructions, shall be assessed upon the lots or lands in front of which such improvements are made, as follows: The grading, removal of obstructions, intersections and all other general expenses, including cost of collection and interest, pro rata per front foot; new walks, pro rata per front foot where constructed; and reconstructed walks, upon each lot or piece of land where reconstructed according to the cost of reconstruction. This section shall not, however, be construed to have any application to curbside, that is, walk built immediately adjacent to curb or as a part of curb, it being the meaning of this title that curbside may be constructed and the cost thereof defrayed in any manner council may see fit as otherwise provided in this title for the making and financing of local improvements. (Ord. 284 §4, 1959; Ord. 266 §§18, 19, 1957)

Chapter 11.28

Assessment Roll

Sections:

- 11.28.010 Preparation of statement; certification and filing
- 11.28.020 Contents
- 11.28.030 Hearing for objections or remonstrances
- 11.28.040 Hearing; notice; filing of objections
- 11.28.050 Hearing; procedure; decision by council
- 11.28.060 Levy of assessments by ordinance

11.28.070 Legal actions or suits; time limit

11.28.080 Form

11.28.010 Preparation of statement; certification and filing.

Upon the completion of any local improvement or any part thereof in any district, or if assessments are to be levied on estimates, at any time after the award of the construction contract or contracts pursuant to Sections 11.16.010 through 11.16.060, and upon the council's determination to assess all or a part of the cost thereof, the director of public works shall prepare a statement, showing the total cost of the improvement, or of such part or parts thereof, including, without limiting the generality of this section, administration, interest and collection costs. (Ord. 551 §2(A), 1980; Ord. 266 §42(A), 1957)

11.28.020 Contents.

A. The director of public works also shall prepare an assessment roll which shall contain among other things:

1. The names of the last known owners of the property to be assessed, or if not known, that the name is unknown;
2. A description of each tract or parcel of land to be assessed (and in the case of street or other railway company, a general description of the franchise and property thereof assessed); and
3. The amount of the assessment thereon.

B. The council shall order the director to certify, and he shall certify, the assessment roll to the city council by filing the same in the office of the city clerk when the roll is so prepared. (Ord. 551 §2(B), 1980; Ord. 266 §42(B), 1957)

11.28.030 Hearing for objections or remonstrances.

When the assessment roll is so certified and filed, the city council shall fix a time and place when objections or remonstrances thereto by the owners of such real estate to be assessed, street or other railway companies and all interested persons will be heard. (Ord. 266 §43(A), 1957)

11.28.040 Hearing; notice; filing of objections.

A. The city clerk shall thereupon give notice thereof and of the hearing thereon by publication for once a week for two (2) consecutive weeks by two (2) weekly insertions, the first publication to be not more than thirty (30) nor less than fifteen (15) days prior to the hearing, in a newspaper of general circulation in the city, and by mailing notice, postage prepaid, as first-class mail, at least fifteen (15) days prior to such hearing, to the

last known address of each last known owner of land within the district whose property will be assessed for the cost of the improvements, such addresses and owners being those appearing on the real property assessment rolls for general (ad valorem) taxes of the county wherein the property is located. The notice shall state:

1. That such assessment roll is on file in the city clerk's office;
2. The date of filing the same; and
3. The time and place when and where the city council will hear and consider objections and remonstrances to the assessment roll and to the proposed assessments by the parties thereby aggrieved.

B. The owner or owners of any property which is assessed in such assessment roll, such street or other railway company, or other interested persons, whether or not named in the roll, may, within twelve (12) days from the first publication of the notice, file with the city clerk his or their specific objections in writing. Any objection to the regularity, validity and correctness of the proceedings, of the assessment roll, of each assessment contained therein, and of the amount thereof levied on each tract and parcel of land shall be deemed waived unless presented in writing at the time and in the manner specified in this chapter. (Ord. 266 §43(B), 1957)

11.28.050 Hearing; procedure; decision by council.

At the time and place so designated for hearing such objections, the city council shall hear and determine all written objections or remonstrances which have been so filed by any party interested to the regularity of the proceedings in making such assessment, and the correctness of such assessment, or of the amount levied on any particular tract or parcel of land to be assessed. The council shall have the power to consider any other matter concerning the validity of any assessment and the power to adjourn such hearing from time to time. After the hearing has been concluded, after all written complaints, remonstrances and objections have been read and duly considered, and after all persons desiring to be heard in person have been heard, the council shall consider the arguments, if any, and any other relevant material put forth. Thereafter, the council by resolution shall have power, in its discretion, to revise, correct, confirm or set aside any assessment and to order that such assessment be made de novo. (Ord. 266 §43(C), 1957)

11.28.060 Levy of assessments by ordinance.

The council by ordinance shall, by reference to the assessment roll as so modified, if modified, and as confirmed by such resolution, levy the assessments in the roll. Such decision, resolution and ordinance shall be a final determination of the regularity, validity and correctness of the proceedings, of the assessment roll, of each assessment contained therein, and of the amount thereof levied on each tract and parcel of land. That determination by the council shall be conclusive upon the owners of the property

assessed. The ordinance also shall state substantially the provisions in Section 11.28.070. (Ord. 266 §43(D), 1957)

11.28.070 Legal actions or suits; time limit.

Within the fifteen days immediately succeeding the publication after its final passage of any ordinance so levying any special assessments, any person who has filed a written objection or objections, or written remonstrance or remonstrances, as provided in this chapter, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter all actions or suits attacking the regularity, validity and correctness of the proceedings, of the assessment roll, of each assessment contained therein, and of the amount thereof levied on each tract and parcel of land shall be perpetually barred. (Ord. 266 §43(E), 1957)

11.28.080 Form.

The city treasurer shall, from the assessing ordinance, complete and extend the assessment roll, showing in suitable columns after each piece of real estate and railway company assessed, and after the total amount of the assessment for each piece of real estate and railway company, the amounts of each installment of principal and interest, if in pursuance of this title the same is payable in installments, and the date when such installments will become due, with suitable columns for use in case of payment of the whole amount, or of any installment or penalty. (Ord. 266 §45, 1957)

Chapter 11.32

Assessment Liens

Sections:

- 11.32.010 Generally
- 11.32.020 Remedies
- 11.32.030 Irregularity; new assessment.

11.32.010 Generally.

All assessments made in pursuance of this title shall be a lien in the several amounts assessed against each tract or parcel of land and the property of any street or railway company assessed from the effective date of the assessing ordinance. A lien shall not, however, attach to any tract or parcel of land so assessed which is owned by the state, or any agency, instrumentality or corporation thereof, or any county, municipality, school district, special or quasi-municipal district, other political subdivision, or private corporation operating a public utility. As to any subdivision of any real estate assessed in pursuance of this title, the assessments shall in each case be a lien upon all the subdivisions in proportion to their respective shares, except for real estate owned by such

a public corporation or privately owned public utility. The lien for each such assessment shall be prior and superior to all other liens, claims, encumbrances and titles, whether prior in time or not, and shall constitute such a lien until paid, except as follows:

A. Any assessment lien is subordinate and junior to any lien for general (ad valorem) taxes and is subject to extinguishment by the sale of any property on account of the nonpayment of general taxes; and

B. Any assessment lien on any tract or parcel of land is prior and superior to any assessment lien thereon subsequently levied. (Ord. 266 §44(A), 1957)

11.32.020 Remedies.

No delays, mistakes, errors, defects or irregularities in any act or proceeding authorized by this title shall prejudice or invalidate any final assessment, but the same shall be remedied by subsequent or amended acts or proceedings as the case may require, and when so remedied the same shall take effect as of the date of the original act or proceedings. (Ord. 266 §44(B), 1957)

11.32.030 Irregularity; new assessment.

If in any court of competent jurisdiction any final assessment made in pursuance of this title is set aside for irregularity in proceedings, then the council may, upon notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this title. (Ord. 266 §44(C), 1957)

Chapter 11.36

Assessment Payment

Sections:

- 11.36.010 Generally
- 11.36.020 Installments; nonpayment
- 11.36.030 Installments; type
- 11.36.040 Notice; time limit
- 11.36.050 Assessment or installment in default
- 11.36.055 Caveat emptor and remedies
- 11.36.060 Land not used as a street or other public right-of-way

11.36.010 Generally.

All assessments made in pursuance of this title shall be due and payable without demand within thirty (30) days after the publication upon final passage of the assessing ordinance. An allowance of two percent (2%) shall be made on all payments made

during such thirty-day period. All assessments may, however, at the election of the owner be paid in installments with interest, and without allowance or discount, as provided in this chapter. Failure to pay any such assessment within the thirty-day period shall be conclusively considered and held as an election on the part of all persons interested, whether under disability or otherwise, so to pay in installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to the improvements; and such election shall be conclusively considered and held as a waiver of any and all rights to question the power or jurisdiction of the city to construct or otherwise acquire the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment. The owner of any piece of real estate may at any time pay the whole unpaid principal with the interest accrued to the next interest payment date, together with penalties if any. Subject to the provisions of this section, all installments, both of principal and interest, shall be payable at such times as may be determined in and by the assessing ordinance. (Ord. 284 §4, 1959; Ord. 266 §46, 1957)

11.36.020 Installments; nonpayment.

Failure to pay any installment, whether principal or interest, when due shall ipso facto cause the whole amount of the unpaid principal to become due and payable immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one percent (1%) per month or fraction of a month until the day of sale, i.e., the time of the issuance of a delinquency certificate, plus two percent (2%) additional on unpaid principal and accrued interest as penalties, plus costs of collection. At any time prior to the day of sale, the owner may pay the amount of delinquent installments with accrued interest at one percent (1%) per month, or fraction of a month as set forth in this section; 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 default had not been made. (Ord. 266 §47, 1957)

11.36.030 Installments; type.

In case of such election to pay in installments, the assessments shall be payable in not less than two (2) nor more than thirty (30) substantially equal annual installments, or not less than four (4) nor more than thirty (30) substantially equal semiannual installments, of principal; with interest in all cases on the unpaid principal payable annually or semiannually at a rate determined by the council, but not less than the highest coupon interest rate (as reflected in any one coupon in the case of multiple coupons) borne by the bonds of the local improvement district; as the number of installments, assessments, the period of payment and the rate of interest may be determined by the council. Nothing contained in this chapter shall be construed as limiting the discretion of the city council in determining the time the first installment of principal or interest, or both, shall become due. (Ord. 551 §3, 1980; Ord. 428 §3, 1975; Ord. 266 §48, 1957)

11.36.040 Notice; time limit.

Payments may be made to the city treasurer at any time within thirty (30) days after the final publication of the assessing ordinance, without penalty or the payment of interest. The city treasurer shall give notice of the place and time for payment by publication in a newspaper of general circulation in the city once a week for two (2) consecutive weeks, the first publication to be at least twenty (20) days before the end of the thirty-day period. Thereafter, before any installment payment date the city treasurer shall mail a bill for said installment payment to the property owner at his or her last known address. The failure of the city treasurer to publish the notice or to do any other act or thing required by this chapter shall not affect such assessment or any installment thereof, nor extend the time for payment thereof. (Ord. 266 §49, 1957; Ord. 791 §3, 1992)

11.36.050 Assessment or installment in default.

As soon as any assessment or installment thereof of any local improvement district is in default, the city treasurer shall enter it on a list of delinquent special assessments, together with the amount of unpaid principal and accrued interest thereon to the date of delinquency. Once a year the city treasurer shall deliver such list of delinquent special assessments to the city clerk.

The city council hereby delegates to the city clerk the power and duty to certify such list of delinquent special assessments to the county treasurer for collection at tax sale. The list to be certified shall contain the following information: the name of the property owner as it appears on the assessment roll or the name of any subsequent owner of the property, if known; the legal description of the property as it appears on the assessment role or any corrected legal description, if known; the total amount of principal due on the date of delinquency and the total amount of interest due on the date of delinquency. The certified list shall be headed by the following notice, typed in bold letters, with the current date inserted:

NOTICE TO PROSPECTIVE PURCHASERS: THIS LIST OF DELINQUENT SPECIAL ASSESSMENTS WAS CERTIFIED BY THE CITY OF CRAIG, COLORADO TO THE COUNTY TREASURER OF MOFFAT COUNTY ON THE ____ DAY OF _____, 199__, BUT IT MAY CONTAIN ASSESSMENTS WHICH FIRST BECAME DELINQUENT IN PRIOR YEARS. PURCHASERS OF CERTIFICATES FOR THE CITY OF CRAIG'S SPECIAL ASSESSMENT LIENS BUY AT THEIR OWN RISK; PROSPECTIVE PURCHASERS ARE ADVISED TO INSPECT THE PROPERTY AND REVIEW THE ENTIRE PAYMENT RECORD WHICH IS AVAILABLE TO THE PUBLIC IN THE OFFICE OF THE CITY TREASURER AT CITY HALL DURING NORMAL WORKING HOURS. THE CITY OF CRAIG IS NOT RESPONSIBLE

FOR ANY ERRORS MADE BY THE COUNTY TREASURER IN THE PUBLICATION OF THIS LIST.

The county treasurer shall publish the notice and list as certified. Thereafter the county treasurer shall collect such special assessments at tax sale, in the same manner and with the same interest thereon as other taxes collected by the county treasurer on behalf of the city. After certification of the list of delinquent special assessments to the county treasurer, all the laws of the state for the collection of general taxes including the laws for the sale of property for taxes and redemption therefrom shall be applicable to and have the same effect with respect to the collection of such assessments, unless such laws are superseded by the charter and ordinances of the city. (Ord. 266 §50, 1957; Ord. 791 §4, 1992)

11.36.055 Caveat emptor and remedies.

A. Caveat emptor shall apply to the purchase of certificates for the city's special assessment liens; prospective purchasers buy such liens at their own risk and are advised to inspect the property and review the entire special assessment payment record before the date of the tax sale.

B. No delays, mistakes, errors, defects or irregularities in any act or proceeding authorized by this chapter shall prejudice or invalidate any final assessment, the lien for such assessment, or the tax certificate evidencing payment of such assessment. Any such errors, including, but not limited to, errors in the name of the property owner or the legal description of the property, may be corrected at any time before or after tax sale by notice to the property owner and the owner of the tax certificate, if any, published once a week for two (2) consecutive weeks in a local newspaper of general circulation, the first notice to be published at least twenty (20) days before the correction is made. The owner of any tax certificate so corrected shall relinquish the incorrect tax certificate to the county treasurer, who shall issue to said owner a corrected certificate. (Ord. 791 §5, 1992)

11.36.060 Land not used as a street or other public right-of-way.

When the state or any agency, instrumentality or corporation thereof, or any city, county, school district or any other public or quasi-public corporation, except the United States of America or any agency, instrumentality or corporation thereof, owns any land or holds the title to any land not used as a street or other public right-of-way, which if owned by a private person would be liable to assessment for benefits to pay for any public improvement mentioned in this title, an assessment shall be made against such land as though such land were the property of a private person; and the state, its agency, instrumentality or corporation, or the city, county, school district or other public or quasi-public corporation shall pay the amount of that assessment. If the assessment is not paid within thirty days after the final publication of the assessing ordinance, suit may be brought in the district court to enforce the collection of such assessment and the judgment rendered against such city, county, school district or other public or quasi-public

corporation shall be enforced as other judgments there against, but no such land owned thereby shall be sold under any such judgment. (Ord. 266 §51, 1957)