

AGENDA ITEM #11.

CITY COUNCIL COMMUNICATION FORM

FROM: Ben Beall, City Engineer
Jennifer Bock, Staff Attorney

THROUGH: Jon Snyder, Dir. of Public Works
Dan Foote, City Attorney

DATE: March 13, 2018

ITEM: An ordinance levying assessments upon Real Property in the City of Steamboat Springs for the cost of constructing sidewalks in the Downtown Area and prescribing the manner for the payment and collection of said assessment.

FORM OF MOTION: Move to adopt an ordinance levying assessments upon real property in the City of Steamboat Springs for the cost of constructing sidewalks in the downtown area and prescribing the manner for the payment and collection of said assessments.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST/ISSUE & BACKGROUND INFORMATION:

A. Background.

As part of the Downtown Improvements Plan (DIP) the City Council included private property owner sidewalk assessments as part of the revenue structure for the overall project. The Council found in Ordinance No. 2559 that sufficient sidewalks had been laid in the downtown area to make it reasonable that intervening areas should be provided with sidewalks. The Council directed by Resolution 2016-20 the City Engineer to notify properties

abutting areas without sidewalks to construct sidewalks conforming to City specifications. Properties deemed eligible for sidewalk construction and assessment were those segments missing sidewalks or those that were too narrow for Americans with Disabilities Act (less than 4 feet wide).

In 2017, the City completed six blocks of streetscape improvements along Oak Street, five blocks along Yampa Street, and along several side street blocks including 4th St, 9th St, and 11th St that did not previously have sidewalk and that are adjacent to property owned by a party other than the City of Steamboat Springs. The identified sidewalk construction segments in this assessment roll include twenty-eight parcels adjacent to Yampa, Oak, and the previously mentioned side streets. Should the Council decide to assess these parcels by an ordinance pursuant to RMC Sections 13-145 through 13-159, the City will levy the assessment based on the assessment roll amount listed for each parcel. The assessment payments will cover the costs associated with the construction of each sidewalk as described in the Notice to Construct.

Per the code, the final assessment is based on the final costs of the sidewalk improvement. As noted in the assessment roll, the final costs for each segment of sidewalk are very close to the Good Faith Estimates as originally provided to each property owner. In no case did the final cost approach the threshold of 130% of the original cost estimate. In eight instances the final cost was less than the original estimate by more than 10%.

In November 2017, work was deemed substantially complete for the sidewalk segments mentioned prior. On February 27, 2018, City Council directed the City Engineer to certify the 2017 assessment roll to the City Clerk. The roll was filed with the City Clerk on March 6, 2018.

Should the Council decide to assess the parcels adjacent to the constructed sidewalk segments, the City will invoice the property owners based on the assessment amount for each parcel. The assessment will cover the costs associated with the construction as described.

B. Public Hearing.

Section 13-148 of the Steamboat Springs Municipal Code requires that the Council hold a public hearing on the proposed assessments at which the owner of any property proposed to be assessed may present their views with respect to the regularity of the proceeding in making such assessments, the correctness of such assessment or the amount levied on any particular tract or parcel of land to be assessed to the council. Owners will be notified of the public hearing by certified mail, publication, and posting prior to the hearing per RMC 13-147.

Because the public hearing is quasi-judicial in nature, oaths may be administered upon request to all parties or witnesses who appear to testify on factual matters. The

ordinance levying the assessment provides the factual basis and reasons for the Council's decision.

II. ALTERNATIVES:

City Council can elect not to adopt an ordinance establishing the assessment levy. In this case, the sidewalk final costs would need to be allocated via a supplemental budget request out of the general fund or another funding source.

III. STAFF RECOMMENDATION:

Staff recommends a motion adopting the ordinance levying the assessment on the benefitted properties.

IV. FISCAL IMPACTS:

Expenditure: \$238,239.86

Funding Source: Assessment of properties adjacent to constructed sidewalks (Funds for construction were withdrawn from reserves. Property assessments are then levied and collected until such time as the expenditure is fully reimbursed)

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

ATTACHMENTS:

Attachment 1: Resolution 2016-20.

Attachment 2: Ordinance No. 2559.

Attachment 3: City Engineer's 2017 Assessment Roll Certification Letter.

Attachment 4: Ordinance Levying Assessments for 2017 Sidewalk Construction.

Attachment #1

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 2016-20

A RESOLUTION DIRECTING THE CITY ENGINEER TO ISSUES NOTICES TO CONSTRUCT SIDEWALKS PURSUANT TO R.M.C. SECTION 13-143.

WHEREAS, the City Council of the City of Steamboat Springs on March 3, 2015 reviewed a plan referred to as the Downtown Improvement Plan or Downtown Investment Plan (the "Plan") and adopted the Plan's recommendation to construct sidewalks in areas intervening between existing sidewalks in the Plan Area; and

WHEREAS, July 7, 2015 the City Council of the City of Steamboat Springs moved to proceed with the construction of Plan improvements, with the construction of sidewalks to be funded by the assessment, if necessary, of the owners of abutting property at a 25% public subsidy; and

WHEREAS, the City Council hereby determines that it is necessary to the public health, safety, and welfare to proceed with the construction of sidewalks identified in the Plan and in connection therewith hereby orders and directs the City Engineer, upon the effective date of this ordinance, to give notice to the owners of property abutting areas identified in the Plan for the construction of new sidewalks or for the replacement of sidewalks that do not meet minimum width standards established by the Americans with Disabilities Act to construct or replace said sidewalks in accordance with Division 2, Article V, Chapter 13 of the Steamboat Springs Revised Municipal Code as amended by this ordinance and in the event said owner or owners fail to comply, to construct said sidewalks and assess 75% of the costs of construction, including a 15% fee to defray the City's administrative costs, against said owner or owners.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS HEREBY RESOLVES THAT:

The City Engineer is hereby directed upon the effective date of Ordinance No. ____ to issue the notice to construct referred to in Section 13-143 to the owners of property abutting sidewalks identified for construction in the Plan. The notice shall be issued to the owners of property abutting areas without existing sidewalks and to the owners of property abutting areas that are improved with sidewalks that do not meet the minimum width standard established by the Americans with Disabilities Act. The notice shall provide the owners a minimum of thirty (30) days to commence construction and sixty (60) days to complete construction. The notice may extend the deadline for compliance in the case of property that is the subject of a pending development application that is technically complete, or of an approved development application, if the anticipated development would be likely to damage the required sidewalk. The deadline shall not extend beyond June 1, 2018 and shall be conditioned on the property

owner entering into an improvements agreement and providing collateral in accordance with Article VIII, Chapter 26 of the Community Development Code. The notice may establish longer periods for compliance for owners of property abutting sidewalks identified in the Plan for construction in 2017 or 2018. The deadline shall not extend beyond June 1 of the year in which the Plan schedules sidewalk construction.

PASSED, ADOPTED, AND APPROVED, this 5th day of April, 2016


Walter Magill, President
Steamboat Springs City Council

ATTEST:


Julie Franklin, CMC
City Clerk



Attachment #2

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. 2559

AN ORDINANCE AMENDING ARTICLE V, CHAPTER 13 OF THE REVISED MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR THE ASSESSMENT OF THE COST OF SIDEWALK CONSTRUCTION OUTSIDE OF IMPROVEMENT DISTRICTS

WHEREAS, Article XX, Section 6 of the Constitution of the State of Colorado, Sections 1:2, 3.1, and 13.3. of the City's Home Rule Charter, and C.R.S. 31-12-702(1)(b) authorize the City of Steamboat Springs to impose upon the owners of property abutting and adjacent to sidewalks the obligation to construct, reconstruct, replace, repair, and maintain at the owner's expense said sidewalks; and

WHEREAS, the City of Steamboat Springs has previously elected to exercise its authority to order the construction of sidewalks by the adoption of Ordinance No. 450 on June 18, 1974, which is codified at Section 13-143 of the Revised Municipal Code; and

WHEREAS, the City Council finds that construction and maintenance of sidewalks is essential to the preservation of the public health, safety, and welfare and is particularly necessary to promote pedestrian safety in the City of Steamboat Springs due winter walking and driving conditions, high volumes of visitor traffic in commercial areas, parking availability in commercial areas, and snow accumulation and storage in roadway shoulder areas during the winter season; and

WHEREAS, the City Council wishes to adopt procedures governing the exercise of the authority to order sidewalk construction per Section 13-143 of the Revised Municipal Code, including procedures for notifying property owners to construct sidewalks, for appeals, and for the assessment and collection of the costs of sidewalk construction undertaken by the City; and

WHEREAS, the City Council of the City of Steamboat Springs on March 3, 2015 reviewed a plan referred to as the Downtown Improvement Plan or Downtown Investment Plan (the "Plan") and adopted the Plan's recommendation to construct sidewalks in areas intervening between existing sidewalks in the Plan Area; and

WHEREAS, the City Council hereby finds that sufficient sidewalks have been laid in the downtown area to make it reasonable that intervening sidewalk areas should be provided with sidewalks and that the areas identified in the Plan for new sidewalk construction or for replacement constitute "intervening areas" for the purposes of Section 13-143.

Sec. 13-143. - Construction outside improvement districts.

The ~~city council~~ City Council may order the construction or reconstruction of sidewalks other than in improvement districts whenever in the opinion of the ~~council~~ Council it is proper because sufficient sidewalks have been laid in the vicinity to make it reasonable that intervening sidewalk areas should be provided with sidewalks or that existing sidewalks should be reconstructed. In all such cases the ~~city council~~ City Council shall direct the City Engineer to notify the owner(s) of abutting property or his agent to construct or reconstruct such sidewalks. within forty five (45) days from the date of the service of such notice. Such notice shall be in writing and served upon the owner by registered United States mail. Said owner or agent shall have thirty (30) days to commence construction and sixty (60) days to complete construction or such longer period established by the City Council. Such period may be extended in the discretion of the City Engineer in the event of persistent precipitation or temperatures below freezing during the construction period. Whenever the owner is in default, the council may have the required work done by day labor or contract, and when done issue to the person doing the work a certificate therefor, stating the just amount due him, which certificate shall draw interest at the rate of six (6) percent per year until paid. The assessment shall be a lien upon the property until it is paid. In case of failure to pay such assessment within thirty (30) days after the issuance of the certificate, the assessment may be certified by the city clerk to the county officer having the custody of the tax list at the time the certification is made, to be by him placed upon the tax list for the current year, and to be collected in the same manner as other taxes are collected, with a ten (10) percent penalty thereon to defray the cost of collection. All the laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and their redemption of the property, shall apply and have as full an effect for the collection of the assessment for sidewalks as for general taxes.

Sec. 13-144. - Contents and service of notice.

(a) Service of the notice provided for in Section 13-143 shall be made either by: (i) personal service of such notice on the owner of the abutting property or (ii) by sending such notice by first class mail, certified, return receipt requested to the owner of the abutting property and by posting such notice in a conspicuous place on the abutting property. Notices shall be mailed to the owner at the address contained in the records of the Routt County Assessor.

(b) Any notice issued under Section 13-143 shall contain:

(1) A description of the required construction;

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

The Council shall order the City Engineer to certify, and he or she shall certify, the assessment roll to the City Council by filing the roll in the office of the City Clerk when the roll is so prepared.

Sec. 13-147. - Levy; notice.

(a) When the assessment roll is certified and filed as provided in this article, the City Council, by ordinance, shall levy the assessment in the roll.

(b) The first publication and posting after first reading of the ordinance levying the assessments and of the public hearing therefor shall be notice to all persons affected thereby of the contents and requirements thereof as to the proposed assessments. Such notice shall state:

- (1) That such assessment roll is on file in the City Clerk's office;
- (2) The date of filing the roll by the City Engineer;
- (3) A description each lot or parcel to be assessed, by boundaries or other brief description;
- (4) The method of assessment;
- (5) Whether any part of the costs of construction, including the fee for administrative costs, shall be paid for other than by assessment;
- (6) The time and place of the public hearing on the ordinance levying the assessment; and
- (7) The terms upon which the assessment may be paid in installments, including the number of installments and the rate of interest.

(c) The City Clerk shall further send such notice by certified mail with return receipt to the last known address of each last known owner of land whose property will be assessed for the cost of the improvements, such addresses and owners being those

Sec. 13-149. - New assessment when assessment set aside.

If in any court of competent jurisdiction any final assessment made pursuant to this article is set aside for irregularity in the proceedings, the Council may, upon recommendation and notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this article.

Sec. 13-150. – Appeal.

(a) Any party wishing to appeal a notice sent pursuant to Section 13-144 shall file a written notice of appeal with the office of the City Clerk no later than ten (10) days after the delivery of said notice. The Hearing shall be held prior to the date for completion of the required improvements as set forth in the notice being appealed. The notice of appeal shall include a brief statement of the grounds for the appeal.

(b) Appeals from a notice sent pursuant to Section 13-144 shall be heard by a Hearings Officer appointed by the City Council. Appeals shall be heard in accordance with the provisions of Division 3, Article II, Chapter 2 of this Code. The person filing the appeal shall have the burden of proving by a preponderance of the evidence that the notice sent pursuant to Section 13-144 fails to comply in one or more respects with the provisions of this article.

(c) The Hearings Officer shall have the power to review and to order the amendment of the terms of any notice issued pursuant to Section 13-144 upon a finding that the notice fails to comply with the provisions of this article and may in connection with said review consider the following:

(1) Whether the required construction complies with City standards and specifications for sidewalk construction; and

(2) Whether the notice is given at a time that gives the property owner a reasonable opportunity to commence and complete the required construction, which may include consideration of the incidence of precipitation and freezing temperatures since the date of the notice; and

(3) Whether the method of assessment and its proposed application is reasonably calculated to equitably apportion the costs of construction among the adjacent property owners; and

(4) Whether the notice and other proceedings comply with the provisions of this Article and other applicable regulations.

(d) The Hearings Officer's jurisdiction shall not extend to the validity of this Article or to any decision of the City Council to commence proceedings pursuant to Section 13-143.

INTRODUCED, READ AND ORDERED published, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 15th day of March, 2016.

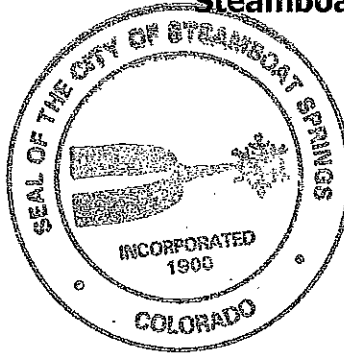


**Walter Magill, President
Steamboat Springs City Council**

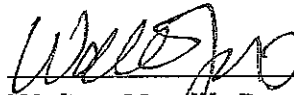
ATTEST:



**Julie Franklin, CMC
City Clerk**

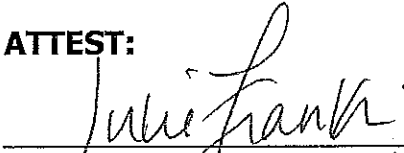


FINALLY READ, PASSED AND APPROVED this 5th day of April, 2016.

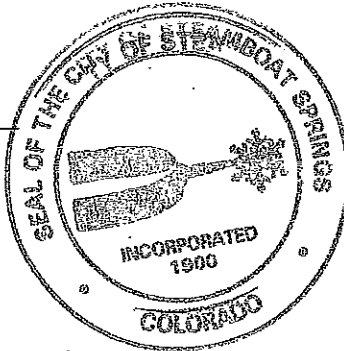


**Walter Magill, President
Steamboat Springs City Council**

ATTEST:



**Julie Franklin, CMC
City Clerk**



Attachment #3



March 6th, 2017

Julie Franklin – City Clerk
124 10th Street
Steamboat Springs, CO 80487

Re: Downtown Improvements Plan – 2017 Sidewalks
Certification of Final Assessment Roll

Dear Ms. Franklin,

Please accept and file this letter as certification of the attached final assessment roll for the 2017 Sidewalk Assessment Roll associated with the ongoing Downtown Improvements Plan. This letter shall serve as the official certification.

The roll has been generated based on the final project costs associated with the improvements associated with the determination that the downtown area has intervening areas needing sidewalk connections via Ordinance No. 2559 and the direction provided to the City Engineer to issue notice to construct sidewalks via Resolution 2016-20. Section 13-108 and 13-146 of the City Municipal Code outlines the process for creation and certification of the roll. On February 27th, 2018 City Council directed the City Engineer by motion to certify the final assessment roll.

Sincerely,

A handwritten signature in black ink that reads "Ben Beall". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ben Beall, P.E.
City Engineer

CC: Dan Foote, City Attorney
Jennifer Bock, Staff Attorney
Jon Snyder, Director of Public Works
Kim Weber, Finance Director

Attachments: 2017 Final Assessment Roll

2017 Property Owner Sidewalk Assessment Roll					
Downtown Improvements Plan					
Property	Owner	Final Project Cost	Responsibility %	Initial Good Faith Estimate	Total Amount Due
W2 OF LOT 5, ALL LOTS 6-8 OF BLOCK 27 OF ORIGINAL TOWN OF SS	BANK OF THE WEST	\$ 15,836.42	75%	\$ 11,877.34	\$ 11,877.32
A TR 60'X60' LYING BW S'LY LINE OF YAMPA & N'LY LINE OF BEAR RIVER & A TR 30' OF YAMPA STREET, ALL OPP LOTS 7,8,9 OF BLOCK 28 OF ORIGINAL TOWN OF SS	YAMPA RIVER PROPERTIES, LLC	\$ 10,624.15	75%	\$ 7,968.13	\$ 7,968.11
TR CONT. TO AMBULANCE BARN (BK.256, PG.450)	YAMPA VALLEY ELECTRIC ASSN., INC.	\$ 12,663.24	75%	\$ 9,497.43	\$ 9,497.43
LOT 9 & W2 LOT 10 OF BLOCK 32 OF ORG ADD TO SS	HAMILS HOLDINGS, LLC	\$ 9,936.84	75%	\$ 7,452.63	\$ 7,452.63
LOTS 7-8 OF BLOCK 32 OF ORG ADD TO SS	LOCKHART LANDING, LLLP	\$ 25,033.43	75%	\$ 18,775.07	\$ 18,775.07
E2 OF LOT 9 OF BLOCK 33 OF ORG ADD TO SS	W.H. MATZDORF TRUST & JOAN MATZDORF TRUST	\$ 3,705.71	75%	\$ 2,779.28	\$ 2,779.28
SORE SADDLE CONDOS COMMON AREA	SORE SADDLE CONDOS	\$ 9,220.71	75%	\$ 6,915.54	\$ 6,915.53
LOT 7 OF BLOCK 6 OF ORIGINAL TOWN OF SS	MADISON AVENUE, LLC	\$ 8,276.75	75%	\$ 5,521.11	\$ 6,207.56
COMMON AREA, 634 OAK STREET	634 OAK STREET TOWNHOME ASSOCIATION	\$ 5,956.79	75%	\$ 3,794.97	\$ 4,467.59
LOT 9 OF BLOCK OF 6 ORIG ADD TO SS	LAURETTA DAVIDSON & DOUGLAS MONGER	\$ 4,267.08	75%	\$ 3,303.03	\$ 3,200.31
LOT 10 OF BLOCK OF 6 ORIG ADD TO SS	MIGHTY OAK, LLC	\$ 4,326.97	75%	\$ 3,604.72	\$ 3,245.23
LOT 11 OF BLOCK OF 6 ORIG ADD TO SS	WILLIAM C HIBBARD, (ETAL)	\$ 4,172.91	75%	\$ 3,110.66	\$ 3,129.68
LOT 12 OF BLOCK OF 6 ORIG ADD TO SS	VALUATION CONSULTANTS, INC	\$ 16,458.20	75%	\$ 13,040.22	\$ 12,343.65
LOT 9 OF BLOCK OF 9 ORIG ADD TO SS	Guire, Rhoda L.	\$ 4,005.40	75%	\$ 2,927.31	\$ 3,004.05
LOT 10 OF BLOCK OF 9 ORIG ADD TO SS	Guire, Rhoda L.	\$ 4,005.40	75%	\$ 2,927.31	\$ 3,004.05
LOT 11 OF BLOCK OF 9 ORIG ADD TO SS	Guire, Rhoda L.	\$ 4,587.60	75%	\$ 3,045.88	\$ 3,440.70
LOT 12 OF BLOCK OF 9 ORIG ADD TO SS	207 Ventures, LLC	\$ 5,168.10	75%	\$ 7,846.67	\$ 3,876.08
GENERAL COMMON ELEMENT RIVER HOUSE CONDOMIUM	RIVER HOUSE OWNERS ASSOCIATION, INC.	\$ 14,932.60	75%	\$ 14,642.81	\$ 11,199.45
DEVELOPMENT UNIT RIVER HOUSE CONDOMIUM	CR DEVELOPMENT, LLC	\$ 7,961.88	75%	\$ 7,692.08	\$ 5,971.41
PART OF LOT 4 OF BLOCK 12 OF ORIGINAL TOWN OF S.S.	SILVERMAN, RICHARD A. & PAULA A.P.	\$ 8,398.66	75%	\$ 6,582.41	\$ 6,299.00
PART OF LOTS 5, 6 & 7 OF BLOCK 12 OF ORIGINAL TOWN OF S.S.	GULER, PETER & KATHLEEN D.	\$ 16,368.00	75%	\$ 11,689.09	\$ 12,276.00
PART OF LOTS 8 & 9 OF BLOCK 12 OF ORIGINAL TOWN OF S.S.	MARSHALL, WILLARD B., III & MARSHALL, WILLARD B., JR.	\$ 8,263.98	75%	\$ 11,261.79	\$ 6,197.99
E 40 FT OF N 65 Ft of Lot 4 of Block 15 Original Addition to Steamboat Springs	Charles G Cook Trust (ETAL)	\$ 5,111.72	75%	\$ 4,697.05	\$ 3,833.79
Lots 5 & 6 and W 10 FT OF N 65 FT of Lot 4 of Block 15 Original Addition to Steamboat Springs	Oak Street Plaza, LLC.	\$ 22,579.42	75%	\$ 16,133.85	\$ 16,934.57
TL393	QWEST CORPORATION PROPERTY TAX DEPT	\$ 12,276.70	75%	\$ 12,711.31	\$ 9,207.53
LOT 3 OF BLOCK 16 OF ORIGINAL TOWN OF SS	CYPRESS STREET LLC	\$ 4,244.65	75%	\$ 3,365.74	\$ 3,183.49
LOT 4 OF BLOCK 16 OF ORIGINAL TOWN OF SS	BRD PROPERTIES, LLC	\$ 4,473.99	75%	\$ 3,720.48	\$ 3,355.49
LOTS 1, 2, 3, 4, 5, & 6 OF BLOCK 20 OF ORIGINAL TOWN OF S.S.	WELLS FARGO BANK	\$ 64,795.85	75%	\$ 50,405.36	\$ 48,596.89

Attachment #4

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE LEVYING ASSESSMENTS UPON REAL PROPERTY IN THE CITY OF STEAMBOAT SPRINGS FOR THE COST OF CONSTRUCTING SIDEWALKS IN THE DOWNTOWN AREA AND PRESCRIBING THE MANNER FOR THE PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, the City of Steamboat Springs, a home rule municipality, has, pursuant to the authority granted by Article XX, Section 6 of the Constitution of the State of Colorado, Sections 1.2, 3.1, and 13.3. of the City's Home Rule Charter, and C.R.S. 31-12-702(1)(b), imposed upon the owners property abutting and adjacent to sidewalks the obligation to construct, reconstruct, replace, repair, and maintain at the owner's expense said sidewalks, curbs, and gutters and codified this requirement at Article II, Chapter 20 and Article V, Chapter 13 of the Revised Municipal Code; and

WHEREAS, the City Council of the City of Steamboat Springs determined in connection with its review of the Downtown Improvement Plan or Downtown Investment Plan (the "Plan") that it is necessary and appropriate to the public health, safety, and welfare to order the construction of sidewalks in areas intervening between then existing sidewalks in the Plan Area; and

WHEREAS, the City Council of the City of Steamboat Springs found in Ordinance No. 2559 that sufficient sidewalks have been laid in the downtown area to make it reasonable that intervening sidewalk areas should be provided with sidewalks; and

WHEREAS, the City Council of the City of Steamboat Springs by Resolution No. 2016-20 directed the City Engineer to issue Notices to Construct to owners of property abutting areas without existing sidewalks and to the owners of property abutting areas that are improved with sidewalks that do not meet the minimum width standard established by the Americans with Disabilities Act; and

WHEREAS, the City Engineer thereafter notified all owners of property abutting or adjacent to the subject sidewalks as described below (hereinafter "Property Owners") in writing of their obligation to construct sidewalks in accordance with the specifications established by the Department of Public Works pursuant to R.M.C. Section 20-1; and

WHEREAS, the City Engineer's notice ("Notice to Construct") advised the Property Owners that if they did not commence said construction within thirty (30) days or complete said construction within sixty (60) days of the date of the Notice to Construct, that the City would undertake such construction at the Property Owner's expense; and

WHEREAS, the Property Owners were provided and notified of an opportunity to appeal the Notice to Construct; and

WHEREAS, following said Notice to Construct, construction of the sidewalks was not undertaken by the Property Owners and subsequently was ordered by the City Engineer and undertaken and completed in 2017 by the City; and

WHEREAS, the Council on February 27, 2018 ordered the City Engineer to certify the assessment roll for the 2017 sidewalks to the Council by filing the roll in the office of the City Clerk and the City Engineer on the 6th day of March, 2018 filed the assessment roll with the City Clerk; and

WHEREAS, the Property Owners were offered an opportunity to be heard on the justness and correctness of the amount assessed hereunder at the public hearing on the second reading of this ordinance and the opportunity for hearing was preceded by notice duly given to the Property Owners by publication in a newspaper of general circulation in the City at least ten (10) days prior to the opportunity for hearing and by certified mail; and

WHEREAS, the notice duly given regarding the opportunity for hearing provided the following information:

- (1) That such assessment roll is on file in the city clerk's office;
- (2) The date of filing the roll by the city engineer;
- (3) A description each lot or parcel to be assessed, by boundaries or other brief description;
- (4) The method of assessment;
- (5) Whether any part of the costs of construction, including the fee for administrative costs, shall be paid for other than by assessment;
- (6) The time and place of the public hearing on the ordinance levying the assessment; and
- (7) The terms upon which the assessment may be paid in installments, including the number of installments and the rate of interest; and

WHEREAS, the Council having considered the evidence presented at the public hearing on this ordinance hereby determines that it is necessary to the public health, safety, and welfare to levy the assessments provided in the assessment roll against those parcels of real property as set forth in the assessment roll included within this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO AS FOLLOWS:

SECTION 1. That for the purpose of paying the costs and expenses of sidewalk construction, there are hereby levied and assessed against the lots and tracts of the Property Owners, as named and described in the assessment roll below, the following construction costs:

2017 Property Owner Sidewalk Assessment Roll					
Downtown Improvements Plan					
Property	Owner	Final Project Cost	Responsibility %	Initial Good Faith Estimate	Total Amount Due
W2 OF LOT 5, ALL LOTS 6-8 OF BLOCK 27 OF ORIGINAL TOWN OF SS	BANK OF THE WEST	\$ 15,836.42	75%	\$ 11,877.34	\$ 11,877.32
A TR 60'X60' LYING BW S'LY LINE OF YAMPA & N'LY LINE OF BEAR RIVER & A TR 30' OF YAMPA STREET, ALL OPP LOTS 7,8,9 OF BLOCK 28 OF ORIGINAL TOWN OF SS	YAMPA RIVER PROPERTIES, LLC	\$ 10,624.15	75%	\$ 7,968.13	\$ 7,968.11
TR CONT. TO AMBULANCE BARN (BK.256, PG.450)	YAMPA VALLEY ELECTRIC ASSN., INC.	\$ 12,663.24	75%	\$ 9,497.43	\$ 9,497.43
LOT 9 & W2 LOT 10 OF BLOCK 32 OF ORG ADD TO SS	HAMILS HOLDINGS, LLC	\$ 9,936.84	75%	\$ 7,452.63	\$ 7,452.63
LOTS 7-8 OF BLOCK 32 OF ORG ADD TO SS	LOCKHART LANDING, LLP	\$ 25,033.43	75%	\$ 18,775.07	\$ 18,775.07
E2 OF LOT 9 OF BLOCK 33 OF ORG ADD TO SS	W.H. MATZDORF TRUST & JOAN MATZDORF TRUST	\$ 3,705.71	75%	\$ 2,779.28	\$ 2,779.28
SORE SADDLE CONDOS COMMON AREA	SORE SADDLE CONDOS	\$ 9,220.71	75%	\$ 6,915.54	\$ 6,915.53
LOT 7 OF BLOCK 6 OF ORIGINAL TOWN OF SS	MADISON AVENUE, LLC	\$ 8,276.75	75%	\$ 5,521.11	\$ 6,207.56
COMMON AREA, 634 OAK STREET	634 OAK STREET TOWNHOME ASSOCIATION	\$ 5,956.79	75%	\$ 3,794.97	\$ 4,467.59
LOT 9 OF BLOCK OF 6 ORIG ADD TO SS	LAURETTA DAVIDSON & DOUGLAS MONGER	\$ 4,267.08	75%	\$ 3,303.03	\$ 3,200.31
LOT 10 OF BLOCK OF 6 ORIG ADD TO SS	MIGHTY OAK, LLC	\$ 4,326.97	75%	\$ 3,604.72	\$ 3,245.23
LOT 11 OF BLOCK OF 6 ORIG ADD TO SS	WILLIAM C HIBBARD, (ETAL)	\$ 4,172.91	75%	\$ 3,110.66	\$ 3,129.68
LOT 12 OF BLOCK OF 6 ORIG ADD TO SS	VALUATION CONSULTANTS, INC	\$ 16,458.20	75%	\$ 13,040.22	\$ 12,343.65
LOT 9 OF BLOCK OF 9 ORIG ADD TO SS	Guire, Rhoda L.	\$ 4,005.40	75%	\$ 2,927.31	\$ 3,004.05
LOT 10 OF BLOCK OF 9 ORIG ADD TO SS	Guire, Rhoda L.	\$ 4,005.40	75%	\$ 2,927.31	\$ 3,004.05
LOT 11 OF BLOCK OF 9 ORIG ADD TO SS	Guire, Rhoda L.	\$ 4,587.60	75%	\$ 3,045.88	\$ 3,440.70
LOT 12 OF BLOCK OF 9 ORIG ADD TO SS	207 Ventures, LLC	\$ 5,168.10	75%	\$ 7,846.67	\$ 3,876.08
GENERAL COMMON ELEMENT RIVER HOUSE CONDOMIUM	RIVER HOUSE OWNERS ASSOCIATION, INC.	\$ 14,932.60	75%	\$ 14,642.81	\$ 11,199.45
DEVELOPMENT UNIT RIVER HOUSE CONDOMIUM	CR DEVELOPMENT, LLC	\$ 7,961.88	75%	\$ 7,692.08	\$ 5,971.41
PART OF LOT 4 OF BLOCK 12 OF ORIGINAL TOWN OF S.S.	SILVERMAN, RICHARD A. & PAULA A.P.	\$ 8,398.66	75%	\$ 6,582.41	\$ 6,299.00
PART OF LOTS 5, 6 & 7 OF BLOCK 12 OF ORIGINAL TOWN OF S.S.	GULER, PETER & KATHLEEN D.	\$ 16,368.00	75%	\$ 11,689.09	\$ 12,276.00
PART OF LOTS 8 & 9 OF BLOCK 12 OF ORIGINAL TOWN OF S.S.	MARSHALL, WILLARD B., III & MARSHALL, WILLARD B., JR.	\$ 8,263.98	75%	\$ 11,261.79	\$ 6,197.99
E 40 FT of N 65 Ft of Lot 4 of Block 15 Original Addition to Steamboat Springs	Charles G Cook Trust (ETAL)	\$ 5,111.72	75%	\$ 4,697.05	\$ 3,833.79
Lots 5 & 6 and W 10 FT of N 65 FT of Lot 4 of Block 15 Original Addition to	Oak Street Plaza, LLC.	\$ 22,579.42	75%	\$ 16,133.85	\$ 16,934.57
TL393	QWEST CORPORATION PROPERTY TAX DEPT	\$ 12,276.70	75%	\$ 12,711.31	\$ 9,207.53
LOT 3 OF BLOCK 16 OF ORIGINAL TOWN OF SS	CYPRESS STREET LLC	\$ 4,244.65	75%	\$ 3,365.74	\$ 3,183.49
LOT 4 OF BLOCK 16 OF ORIGINAL TOWN OF SS	BRD PROPERTIES, LLC	\$ 4,473.99	75%	\$ 3,720.48	\$ 3,355.49
LOTS 1, 2, 3, 4, 5, & 6 OF BLOCK 20 OF ORIGINAL TOWN OF S.S.	WELLS FARGO BANK	\$ 64,795.85	75%	\$ 50,405.36	\$ 48,596.89

SECTION 2. The City Council hereby finds that the proceedings for the levy of this assessment, as described in the recitals set forth above, have been conducted in accordance with the provisions of the Revised Municipal Code, Chapter 13, Article V; that the assessment of the costs of the sidewalks does not include construction costs in excess of one hundred thirty (130) percent of the cost estimate provided to the owner in the Notice to Construct; and that the amounts so levied have been correctly calculated.

SECTION 3. The assessment roll set forth above in Section 1 is hereby approved and confirmed. Each parcel of real property listed on the assessment roll is hereby assessed based on a 75% share of final project costs as stated in the assessment roll, a copy of which is also on file in the office of the City Clerk.

SECTION 4. Within thirty (30) days immediately succeeding the publication after final passage of this ordinance so levying special assessments, any person who has filed a written objection or written remonstrance shall have the right to commence 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, or the assessment roll, of each assessment contained herein and of the amount thereof levied on each tract and parcel of land shall be perpetually barred.

SECTION 5. Said assessments shall be due and payable at the office of the City's Director of Financial Services within thirty (30) days following receipt of the Notice of Assessment sent by certified mail to the Property Owners upon final passage of this Ordinance.

SECTION 6. If any person fails or refuses to pay when due any charges imposed by this assessment ordinance, the City may collect said charges in accordance with the provisions set forth in Sections 13-112 through 113-121 of the Revised Municipal Code.

SECTION 7. The amounts assessed herein shall be a lien in the several amounts assessed against each tract or parcel of land as described above from the final publication of the assessing ordinance and shall have priority over 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 nonpayment of general taxes.
- (b) Any assessment lien on any tract or parcel of land is prior and superior to any assessment lien thereon subsequently levied.

SECTION 8. The amounts assessed herein may be paid in five substantially equal annual installments of principal with interest thereon at a rate not to exceed 3%, with the first installment due on May 10, 2018 and each subsequent installment due on the tenth day of May for each succeeding year.

SECTION 9. This ordinance shall take effect immediately upon the expiration of five (5) days from and after the final date of publication, as provided by Section 7.6(h) of the Steamboat Springs Home Rule Charter.

SECTION 10. The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

SECTION 11. A public hearing on this ordinance shall be held on April 17, 2018 at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

INTRODUCED, READ AND ORDERED published, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 13th day of March, 2018.

Jason Lacy
City Council President

Julie Franklin, City Clerk

FINALLY READ, PASSED AND APPROVED, this _____ day of _____, 2018.

Jason Lacy
City Council President

Julie Franklin, City Clerk