

**TOWN OF BUENA VISTA, COLORADO**

**ORDINANCE NO.14**

**(SERIES OF 2018)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,  
ASSESSING THE COSTS OF THE PINON-BELDAN WATER MAIN  
UPON THE BENEFITTED LANDOWNERS**

**WHEREAS**, pursuant to C.R.S. §§ 31-15-707 and 709, the Board of Trustees of the Town has the power to acquire, construct, operate and maintain waterworks; to construct and keep in repair culverts, sewers and water mains; and to assess the costs of such improvement in a manner it deems equitable;

**WHEREAS**, pursuant to C.R.S. § 31-15-709(1)(a), such assessments made against the owners of the lots or lands adjacent to and opposite the improvements shall be in proportion to the frontage of such lots or land to the street in which the water main is laid;

**WHEREAS**, also pursuant to C.R.S. § 31-15-709(1)(a), the cost of water mains at street intersections or crossings shall be wholly paid for by the Town, and the benefit to the public generally, if any, shall be determined and paid by the Town;

**WHEREAS**, the Town has recently installed a new eight inch (8") diameter water main that is nine hundred twenty nine feet (929') in length between Pinon and North Beldan Streets to serve the water needs of residents at a total cost of \$230,000 (the "Pinon-Beldan Water Main");

**WHEREAS**, the Town wishes to assign the proportional share of the cost of the Pinon-Beldan Water Main to the owners of the twenty-four (24) lots adjacent to and benefitting from the water main;

**WHEREAS**, the Town desires to impose these costs in three equal assessments payable in the years 2019, 2020, and 2021;

**WHEREAS**, to ensure the Town is made whole, annual assessments, if not timely paid, shall be certified to the County Treasurer for collection as a tax against the properties; and

**WHEREAS**, to ensure that each lot owner, as well as any interested members of the public, have an opportunity to be heard on this matter, the Town provided mailed, published and posted notice of a public hearing on this matter and did hold a public hearing on this matter on June 12, 2018.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF BUENA VISTA, COLORADO:**

**Section 1.** As permitted by C.R.S. § 31-15-709(1)(a) the property owners adjacent to the Pinon-Beldan Water Main are hereby assessed their equitable share of the cost of constructing and install in the Pinon-Beldan Water Main, in proportion to the frontage of such

lots to the street in which the water main is laid, as shown on **Exhibit A**, attached hereto and incorporated herein.

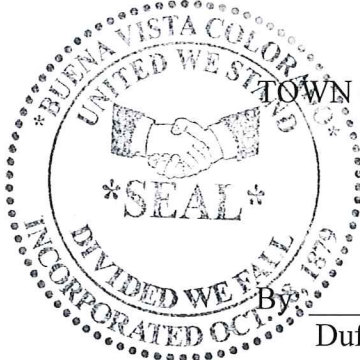
**Section 2.** As shown on Exhibit A, the cost of the Pinon-Beldan Water Main at street intersections or crossings as well as the benefit to the public generally of the Pinon-Beldan Water Main is determined to be \$56,695, which amount shall be paid by the Town.

**Section 3.** Assessments shall be due in three annual payments shown on Exhibit A on or before June 1 of the years 2019, 2020, and 2021, and pursuant to C.R.S. § 31-15-401(1)(d)(II), payments not received by July 1 of each year shall be certified by the Town Clerk to the County Treasurer for collection of the assessment together with a ten percent (10%) penalty for the cost of collection in the same manner as other taxes are collected.

**Section 4.** The Town Clerk is hereby directed to send assessment notices annually to the affected property owners requiring payment of the assessment to the Town by June 1, and notifying owners that the assessment shall be imposed by the County as a tax along with a ten percent (10%) penalty if not timely paid.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 12<sup>th</sup> day of June, 2018.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.**



TOWN OF BUENA VISTA, COLORADO

By   
Duff Lacy, Mayor

ATTEST:

  
Paula Barnett, Town Clerk

**EXHIBIT A**  
**Pinon-Beldan Water Main Assessment**

Lot	Description	Owner	Frontage in linear feet	Total Due	Deposit Paid April 2017	Balance as of 4/16/18	2019 Assessment	2020 Assessment	2021 Assessment
506 Pinon St 2	LOT 2 BLK 38	Dustin Steffenson	25.0 \$	6,602 \$	3,000 \$	3,602 \$	1,201 \$	1,201 \$	1,201 \$
512 Pinon St 3, 4, 5	LOTS 3 4 AND 5 BLK 38	Erik & Corey Johnson	75.0 \$	19,806 \$	9,000 \$	10,806 \$	3,602 \$	3,602 \$	3,602 \$
530 Pinon St 6	LOT 6 BLK 38	John & Allison Abdelnour	25.0 \$	6,602 \$	3,000 \$	3,602 \$	1,201 \$	1,201 \$	1,201 \$
536 Pinon St 7	LOT 7 BLK 38	Kenny Layton	25.0 \$	6,602 \$	3,000 \$	3,602 \$	1,201 \$	1,201 \$	1,201 \$
542 Pinon St 8	LOT 8 BLK 38	John & Leslie Allen	25.0 \$	6,602 \$	3,000 \$	3,602 \$	1,201 \$	1,201 \$	1,201 \$
548 Pinon St 9, 10	LOTS 9 AND 10 BLK 34	Krasnow LLP	50.0 \$	13,204 \$	6,000 \$	7,204 \$	2,401 \$	2,401 \$	2,401 \$
560 Pinon St 11	LOT 11 BLK 38	Barbara Zucker	25.0 \$	6,602 \$	3,000 \$	3,602 \$	1,201 \$	1,201 \$	1,201 \$
566 Pinon St 12	LOT 12 BLK 38	Jenna Pfingston	25.0 \$	6,602 \$	3,000 \$	3,602 \$	1,201 \$	1,201 \$	1,201 \$
572 Pinon St 13	LOT 13 BLK 38	Matthew Miller	25.0 \$	6,602 \$	3,000 \$	3,602 \$	1,201 \$	1,201 \$	1,201 \$
578 Pinon St 14, 15, 16	LOTS 14 15 AND 16 BLK 38	Phillip & Cindy Puckett	75.0 \$	19,806 \$	9,000 \$	10,806 \$	3,602 \$	3,602 \$	3,602 \$
303 N Beldan St	LOT 41 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	42.5 \$	9,292 \$	- \$	9,292 \$	3,097 \$	3,097 \$	3,097 \$
313 N Beldan St	LOT 40 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	32.5 \$	7,106 \$	- \$	7,106 \$	2,369 \$	2,369 \$	2,369 \$
323 N Beldan St	LOT 39 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	34.5 \$	7,543 \$	- \$	7,543 \$	2,514 \$	2,514 \$	2,514 \$
333 N Beldan St	LOT 38 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	40.0 \$	8,746 \$	- \$	8,746 \$	2,915 \$	2,915 \$	2,915 \$
343 N Beldan St	LOT 37 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	41.9 \$	9,150 \$	- \$	9,150 \$	3,050 \$	3,050 \$	3,050 \$
353 N Beldan St	LOT 36 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	41.9 \$	9,150 \$	- \$	9,150 \$	3,050 \$	3,050 \$	3,050 \$
363 N Beldan St	LOT 35 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	34.5 \$	7,543 \$	- \$	7,543 \$	2,514 \$	2,514 \$	2,514 \$
373 N Beldan St	LOT 34 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	29.5 \$	6,450 \$	- \$	6,450 \$	2,150 \$	2,150 \$	2,150 \$
383 N Beldan St	LOT 33 TOWN OF BUENA VISTA BLOCK 39 LLA	Town Company LLC	42.5 \$	9,292 \$	- \$	9,292 \$	3,097 \$	3,097 \$	3,097 \$
<b>Totals</b>			\$	<b>173,305 \$</b>	<b>45,000 \$</b>	<b>128,305 \$</b>	<b>42,768 \$</b>	<b>42,768 \$</b>	<b>42,768 \$</b>

Project Allocation	Total Linear Footage	Owner Footage	Cost Allocation	Lots	Location per Lot
Full Project	929		\$ 230,000		
Pinon St	400	375	\$ 99,031	15	\$ 6,602
Beldan St	300	339.7	\$ 74,273	9	\$ 8,253
Town of BV (including loop from end of Beldan to existing line on Arkansas plus intersections at Pinon/Beldan and Beldan/Arkansas)	229		\$ 56,695		