CITY OF GREELEY, COLORADO
ORDINANCE 06, 2021

AN ORDINANCE ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 43840 FOR THE CONSTRUCTION OF SANITARY SEWER INFRASTRUCTURE LOCATED IN THE CITY OF GREELEY, COUNTY OF WELD, COLORADO; DETERMINATION OF LOTS AND LANDS TO BE INCLUDED WITHIN LOCAL IMPROVEMENT DISTRICT NO. 43840; SETTING FORTH THE MAXIMUM COSTS OF CONSTRUCTION; AND SETTING FORTH THE PROPERTY TO BE INCLUDED AND NAMES OF THE APPARENT OWNERS OF PROPERTY TO BE INCLUDED (JOHNSON SUBDIVISION SANITARY SEWER INFRASTRUCTURE)

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX, and Section 7 of Article X of the Colorado Constitution to, *inter alia,* levy assessments against real property within the City for municipal purposes, including, without limitation, for local improvements; and

WHEREAS, the Charter for the City of Greeley, Colorado and Article 25 (Public Improvements) of Title 31 (Government – Municipal) of the Colorado Revised Statutes further empower the City to establish local improvement districts, for the purpose of, *inter alia,* constructing local improvements and assessing the costs thereof upon the property especially benefitted by such improvements; and

WHEREAS, Chapter 13.44 (Local Improvement Districts) of the Greeley Municipal Code sets forth the particular authority and procedures by which the City may establish such local improvement districts; and

WHEREAS, the Johnson Subdivision is a neighborhood within the City of Greeley, located north of 4th Street and west of 35th Avenue, in which the vast majority of residential lots dispose of generated sewage via aging private septic systems; and

WHEREAS, the City Council desires, on its own initiative, to establish a local improvement district for the construction of municipal sanitary sewer infrastructure for the benefit of properties in the area of the Johnson Subdivision, in order to avoid any potential public health and safety issues associated with the aging private septic systems;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

Section 1. Establishment of Local Improvement District No. 43840. Pursuant to the authority set forth in Section 13.44.010(d) of the Greeley Municipal Code, the City Council hereby orders the creation of a local improvement district for the construction of sanitary sewer infrastructure in the area of the Johnson Subdivision in Greeley, Colorado ("Johnson Subdivision Sanitary Sewer Infrastructure"). The local improvement district shall be assigned number 43840 and contain the lots and lands set forth in Section 4 below. The anticipated location of the sanitary

sewer infrastructure, and the lots and lands to be included in Local Improvement District No. 43840, are shown on the map attached hereto as Exhibit A.

Section 2. Estimation and Description of Maximum Costs. The maximum cost of construction and incidental expenses for the Johnson Subdivision Sanitary Sewer Infrastructure is estimated at this time to be $480,000.00. Incidental expenses may include those expenses associated with inspection, and other similar expenses attributable to the construction of the Johnson Subdivision Sanitary Sewer Infrastructure and the establishment of Local Improvement District No. 43840. The final determination of assessments to be made against the lots and lands included in Local Improvement District No. 43840 shall be established by an ordinance adopted after completion of the improvements described herein, and such assessments shall be based upon the costs of construction and incidental expenses. Assessments shall be set as a fixed amount by the assessing ordinance, and shall not accrue interest. Each of the lots described in Section 4 below will be benefitted equally by construction of the Johnson Subdivision Sanitary Sewer Infrastructure; therefore, the total of such construction costs and incidental expenses shall be divided among and assessed equally against all of the lots described in Section 4 below, in accordance with Sections 13.44.030 and 13.44.050 of the Greeley Municipal Code. Assessments shall be due and payable by the property owner at the time sanitary sewer service is requested or otherwise required by the Greeley Municipal Code.

Section 3. City of Greeley staff shall perform construction of the Johnson Subdivision Sanitary Sewer Infrastructure, or authorize it to be done, within a reasonable time after passage of this ordinance.

Section 4. Lots and Lands to be Included in Local Improvement District No. 43840; Owners. The lots and lands that shall be included within Local Improvement District No. 43840, the street addresses of such lots and lands, and the current record owners of such lots and lands, according to the real property records of the Weld County Assessor, are as follows.

1.	Owner(s):	Thomas E. Kissleman
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	321 40th Avenue Greeley, Colorado 80634-1107
	Legal Description of Property within LID:	Lot 1, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
2.	Owner(s):	Paul Guajardo, Jr. and Jessie A. Guajardo
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	307 40th Avenue Greeley, Colorado 80634-1107
	Legal Description of Property within LID:	Lot 2, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
3.	Owner(s):	Mark E. Ulrich
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	219 40th Avenue

		Greeley, Colorado 80634-1107
	Legal Description of Property within LID:	Lot 3, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
4.	Owner(s):	Connie J. Cannone
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	209 40th Avenue Greeley, Colorado 80634-1107
	Legal Description of Property within LID:	Lot 4, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
5.	Owner(s):	Cole Fox and Michele Fox
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	117 40th Avenue Greeley, Colorado 80634-1111
	Legal Description of Property within LID:	Lot 5, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
6.	Owner(s):	Shawn Stratford and Erin Stratford
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	320 40th Avenue Greeley, Colorado 80634-1108
	Legal Description of Property within LID:	Lot 43, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
7.	Owner(s):	Travis D. McPhee and Danyell McPhee
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	306 40th Avenue Greeley, Colorado 80634-1108
	Legal Description of Property within LID:	Lot 42, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
8.	Owner(s):	Sandra Phelps Living Trust
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	228 40th Avenue Greeley, Colorado 80634-1108
	Legal Description of Property within LID:	Lot 41, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
9.	Owner(s):	Ronald G. Johnson and Gloria J. Johnson
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	222 40th Avenue Greeley, Colorado 80634-1108
	Legal Description of Property within LID:	Lot 40, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado

10.	Owner(s):	Russell G. Archibeque
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	210 40th Avenue Greeley, Colorado 80634-1108
	Legal Description of Property within LID:	Lot 39, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
11.	Owner(s):	Steven Clyde Nale and Sheree L. Nale
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	118 40th Avenue Greeley, Colorado 80634-1108
	Legal Description of Property within LID:	Lot 38, Johnson Subdivision, City of Greeley, County of Weld, State of Colorado
12.	Owner(s):	Ronald E. Redfern and Jodie R. Redfern
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	111 38th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 36, Johnson Subdivision First Addition, County of Weld, State of Colorado
13.	Owner(s):	Norrene L. Halldorson
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	209 38th Avenue Greeley, Colorado 80634-1117
	Legal Description of Property within LID:	Lot 35, Johnson Subdivision First Addition, a subdivision of part of NE¼ of Section 2, Township 5 North, Range 66 West of the 6th P.M., Weld County, Colorado
14.	Owner(s):	Matthew J. Knutson
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	201 38th Avenue Greeley, Colorado 80634-1117
	Legal Description of Property within LID:	Lot 34, Johnson Subdivision First Addition, in the City of Greeley, County of Weld, State of Colorado
15.	Owner(s):	David H. Grauberger and Patricia A. Grauberger
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	221 38th Avenue Greeley, Colorado 80634-1117

	Legal Description of Property within LID:	Lot Thirty-Three (33), Johnson Subdivision First Addition, in the County of Weld, State of Colorado
16.	Owner(s):	Bonnie J. Egan
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	315 38th Avenue Greeley, Colorado 80634-1117
	Legal Description of Property within LID:	Lot Thirty-Two (32), Johnson Subdivision, First Addition, in the County of Weld, State of Colorado, according to the recorded map or plat thereof
17.	Owner(s):	Gerald L. Suppes and Phala G. Suppes
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	302 38th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot Thirty (30), Johnson Subdivision First Addition, in the City of Greeley, County of Weld, State of Colorado, as per map recorded December 26, 1969 in Book 619 under Reception No. 1540736, Weld County Records
18.	Owner(s):	Gerald A. Lewis and Pamela Ann Lewis
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	218 38th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 29, Johnson Subdivision First Addition, Weld County, Colorado
19.	Owner(s):	Stanley W. Greenwood and Mary L. Greenwood
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	210 38th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 28, Johnson Subdivision First Addition, County of Weld, State of Colorado
20.	Owner(s):	Theresa M. Sartz Trust
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	114 38th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 27, Johnson Subdivision First Filing, a subdivision of Weld County, Colorado

21.	Owner(s):	Lawrence R. Mackey and Sidnia Mackey
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	108 38th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot Twenty-Six (26), Johnson Subdivision First Addition, a subdivision of a part of the Northeast Quarter (NE¼) of Section Two (2), Township Five (5) North, Range Sixty-Six (66) West of the 6th P.M., County of Weld, State of Colorado
22.	Owner(s):	Skye M. Sterling and Donald R. Sterling, Jr. and Donald R. Sterling
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	104 38th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 25, Johnson Subdivision, First Addition, County of Weld, State of Colorado
23.	Owner(s):	Raymond F. Larson
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	120 40th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 23, Johnson Subdivision, County of Weld, State of Colorado
24.	Owner(s):	Raymond F. Larson
	Mailing Address of Owner(s):	120 40th Avenue
	Address of Properties within LID:	N/A (Vacant Land) Greeley, Colorado 80634
	Legal Description of Properties within LID:	Lot 22, Johnson Subdivision, First Addition, County of Weld, State of Colorado
25.	Owner(s):	Raymond F. Larson
	Mailing Address of Owner(s):	120 40th Avenue
	Address of Properties within LID:	N/A (Vacant Land) Greeley, Colorado 80634
	Legal Description of Properties within LID:	Lot 21, Johnson Subdivision, First Addition, County of Weld, State of Colorado
26.	Owner(s):	Raymond F. Larson
	Mailing Address of Owner(s):	120 40th Avenue
	Address of Properties within LID:	N/A (Vacant Land) Greeley, Colorado 80634
	Legal Description of Properties within LID:	Lot 20, Johnson Subdivision, First Addition, County of Weld, State of Colorado

27.	Owner(s):	John A. Baumgartner and Beth Ann Baumgartner
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	208 N. 40th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 19, Johnson Subdivision, County of Weld, State of Colorado
28.	Owner(s):	Douglas D. Smith and Margaret Ellen McGurk
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	222 N. 40th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 18, Johnson Subdivision, County of Weld, State of Colorado
29.	Owner(s):	The Holman Living Trust
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	3924 B Street Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 17, Johnson Subdivision First Addition, County of Weld, State of Colorado
30.	Owner(s):	Tracy Sue Trentlage
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	3914 B Street Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 16, Johnson Subdivision 1st Addition, County of Weld, State of Colorado, together with that portion of vacated B Street which was vacated by instrument recorded December 14, 2004, under Reception No. 3243860
31.	Owner(s):	Daniel A. Delventhal and Rachel L. Delventhal
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	3915 B Street Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 2, Best Way Park Minor Subdivision, First Replat
32.	Owner(s):	Laira L. Ziegler
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	3995 B Street

		Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 14, Johnson Subdivision First Addition, County of Weld, State of Colorado
33.	Owner(s):	Kim S. Martin
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	4001 B Street Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 13, Johnson Subdivision First Addition, County of Weld, State of Colorado
34.	Owner(s):	Kirk Cosson
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	4007 B Street Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 12, Johnson Subdivision First Addition, County of Weld, State of Colorado
35.	Owner(s):	Kurt Weaver and Neleda Jean Lang
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	225 N. 40th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 11, Johnson Subdivision, a subdivision of a part of the Northeast ¼ of Section 2, Township 5 North, Range 66 West of the 6th P.M., according to the recorded map or plat thereof, County of Weld State of Colorado
36.	Owner(s):	Bart A. Petersen
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	217 N. 40th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 10, Johnson Subdivision, Weld County, Colorado
37.	Owner(s):	Jack L. Hough and Shirley L. Hough
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	203 N. 40th Avenue Greeley, Colorado 80634
	Legal Description of Property within LID:	Lot 9, Johnson Subdivision, Weld County, Colorado
38.	Owner(s):	Jeffrey G. Cozad and Molly J. Cozad
	Mailing Address of Owner(s):	Same as Address of Property within LID
	Address of Property within LID:	115 N. 40th Avenue Greeley, Colorado 80634

Legal Description of Property within LID: Lot 8, Johnson Subdivision, Weld County, Colorado

Section 5. Assessments shall be collected only on sanitary sewer taps that connect directly to, or upstream of, the Johnson Subdivision Sanitary Sewer Infrastructure associated with Local Improvement District No. 43840, and against the properties described in Section 4 above.

Section 6. Properties within the boundaries of Local Improvement District No. 43840 remain subject to all requirements of the Greeley Municipal Code regarding City sanitary sewer service, including, without limitation, the requirement to construct additional sanitary sewer line extensions if necessary in order to facilitate connection to the Johnson Subdivision Sanitary Sewer Infrastructure, and the requirement to pay sanitary sewer plant investment fees.

Section 7. A public hearing on this ordinance and the establishment of Local Improvement District No. 43840 is hereby scheduled for February 2, 2021 during the regular meeting of the City Council. Additional notice of the public hearing shall be given by the City Clerk to the property owners listed in this ordinance, in accordance with Section 13.44.100 of the Greeley Municipal Code.

Section 8. This ordinance shall take effect on the fifth (5^{th}) day following its final publication, as set forth in Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS 2nd DAY OF FEBRUARY, 2021.

ATTEST: CITY OF GREELEY, COLORADO

City Clerk Mayor

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Miles

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Legend

- Properties Included in Improvement District
- Existing Sewer
- Proposed Sewer

Exhibit A

File: Johnson_Sub_Sewer_LID
Date: 1/4/2021
By: City of Greeley

Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited. This document is not intended to be used for the preparation of construction documents or surveying or navigation purposes.

City of Greeley Colorado