

ORDINANCE NO. 5
ESTABLISHING A TAX REBATE PROGRAM FOR
SINGLE FAMILY AND TWO-FAMILY DWELLINGS
WITHIN THE CITY OF FORT COLLINS GENERAL
IMPROVEMENT DISTRICT NO. 1

WHEREAS, the City of Fort Collins General Improvement District No. 1 (hereinafter sometimes referred to as the "District") was created for the purpose of providing parking facilities and beautification improvements for the core area of the City of Fort Collins; and

WHEREAS, in order to provide such facilities the District has levied an ad valorem tax and will levy ad valorem taxes in the future; and

WHEREAS, the properties within the District include many properties which are now the site of single family or two-family structures; and

WHEREAS, the properties now utilized as the site for single family or two-family structures will not benefit from the improvements to be installed through the District and will not add to the parking problems which give rise to the need for the District so long as such properties continue to be utilized for this purpose; and

WHEREAS, such properties will benefit from the improvements to be installed and will contribute to the need for such facilities if and when their present use is abandoned and they are devoted to other more intense uses; and

WHEREAS, the Board of Directors of the District recognizes that the payment of the taxes of the District on account of such properties creates an unjustified hardship but if in the future such properties are converted to other uses, a payment on account of such properties should be required the same as other properties have previously made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS EX-OFFICIO THE BOARD OF DIRECTORS OF THE CITY OF FORT COLLINS GENERAL IMPROVEMENT DISTRICT NO. 1:

Section 1. There is hereby established a tax refund program to provide relief from the taxes imposed by the District on properties utilized as the site of single family or two-family structures.

Section 2. Refunds under this program shall be made to the owners of property qualified for such refund upon written application therefor made to the Director of Finance of the City of Fort Collins ex-officio the Treasurer of the District on forms to be provided by him. Such applications shall be made between August 1 and October 15, inclusive, of each year in which taxes were paid on account of the property for which a refund is to be made. If an application is not made within the time herein specified, no refund shall be made for that year.

Section 3. In order to be entitled to a refund under this program, all of the following requirements and conditions must be met:

A. The property to which the refund application applies must be utilized as the site of a single family or two-family residence.

B. Refunds will be made only to the owner of the property of record as herein defined on August 1 of the year in which the refund application was made.

C. Any owner applying for a refund shall be required to enter into a contract with the City of Fort Collins requiring that an amount equal to the total amount of taxes refunded pursuant to this ordinance on account of the property be paid to the City of Fort Collins before such property is used for any purpose other than the site of a single family or two-family residence. Such contract shall waive any right to obtain a building permit to remodel the improvements on the property or to construct new improvements for the purpose of accommodating any use other than a single family or two-family use. Amounts paid to the City of Fort Collins on account of this provision shall be used by the City only for the purpose of providing or maintaining capital improvements for the benefit of that part of the City which constitutes the District.

Section 4. The amount of any refund to be made pursuant to this ordinance shall be the amount of taxes paid during the year in which the application for refund is made on account of the levy made by the District against the property of the owner.

Section 5. In construing this ordinance, the following words, terms and phrases shall be deemed to have the following meanings:

SINGLE FAMILY RESIDENCE or SINGLE FAMILY DWELLING - A detached building occupied and used as a residence by not more than one family with accessory uses relating to such occupancy but not included any business, commercial or professional use.

TWO-FAMILY RESIDENCE or TWO-FAMILY DWELLING - A detached building occupied and used by two families living independently of each other including accessory uses relating to such residential use but not including any business, commercial or professional use.

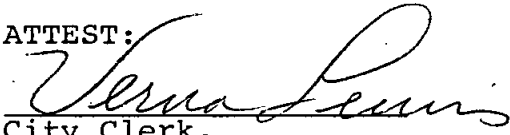
FAMILY - An individual or two or more persons related by blood or marriage or an unrelated group of not more than three persons living together in a dwelling.


OWNER - The fee title owner of a property unless the property is the subject of a contract of sale under which the purchaser has a current right to possession of the property, in which case such purchaser shall be considered to be the owner of the property for the purposes of this ordinance.

Section 6. The Director of Finance of the City of Fort Collins ex-officio the Treasurer of the District shall have the power to formulate and promulgate rules and regulations for the administration of this tax refund program not inconsistent with the provisions of this ordinance.

Introduced, considered favorably on first reading and ordered published this 1st day of November, A.D. 1977, and to be presented for final passage on the 15th day of November, A.D. 1977.

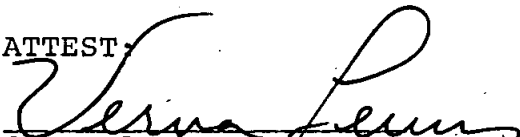
ATTEST:


City Clerk,
Ex-Officio Secretary


Mayor, Ex-Officio President

Passed and adopted on final reading this 15th day of November, A.D. 1977.

ATTEST:


City Clerk,
Ex-Officio Secretary


Mayor, Ex-Officio President