

RESOLUTION 87- 176
OF THE COUNCIL OF THE CITY OF FORT COLLINS,
COLORADO ACCEPTING THE IMPROVEMENTS IN THE
THE PROVINCETOWNE/PORTNER ESTATES SOUTH
SPECIAL IMPROVEMENT DISTRICT NO. 81 ADOPTING THE
STATEMENT OF THE DIRECTOR OF FINANCE SHOWING
THE COST OF THE IMPROVEMENTS IN SAID DISTRICT AND THE
ASSESSMENT ROLL PREPARED BY THE DIRECTOR OF FINANCE
IN CONNECTION THEREWITH, ALL IN ACCORDANCE WITH THE
ORDINANCES OF THE CITY OF FORT COLLINS, COLORADO

WHEREAS, the Council of the City of Fort Collins, Colorado, (the "Council") has heretofore duly adopted Resolution No. 84-44 and Resolution No. 84-143 of the City of Fort Collins, Colorado (the "City") and Ordinance No. 136, 1984 of the City creating the Provincetowne/Portner Estates South Special Improvement District No. 81 of the City (the "District") for the acquisition, construction, and installation of street, curb and gutter, street lighting, water line, storm drainage, sanitary sewer line and landscaping improvements (the "Improvements") in the City; and

WHEREAS, the Director of Engineering has certified to the Council that the acquisition, construction, and installation of the Improvements has been completed and the Council now desires to accept said Improvements; and

WHEREAS, the Director of Engineering and the Financial Officer, in accordance with §22-85 of the Code of the City (the "Code") have prepared a statement showing the whole cost of the Improvements and an assessment roll showing the owners of the property to be assessed, describing said property and stating the amount of the assessment on each property, said statement of cost and assessment roll being on file with the City Clerk of the City (the "City Clerk") and incorporated herein by reference; and

WHEREAS, the Council desires to receive and accept said statement of cost and assessment roll relating to the District and, upon such acceptance, to order the City Clerk to notify the owners of the property to be assessed and all persons interested generally, in accordance with the requirements of §22-88 of the Code and in substantially the form set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

1. That those Improvements heretofore certified by the Director of Engineering to the City Council as fully acquired, constructed, and installed be, and they hereby are accepted and approved by the Council.

2. That the statement of cost and the assessment roll of the District prepared by the Director of Engineering and the Financial Officer are hereby accepted and approved.

3. That the City Clerk shall, by publication and mailing of a notice in accordance with §22-88 of the Code, notify the owners of property to be assessed and all persons interested generally that the Improvements have been completed and accepted, said notice to be in substantially the form set forth on Exhibit "A".

4. That on the 5th day of January, 1988 at the hour of 6:30 p.m. or as soon thereafter as the matter may come on for hearing, in the Council Chambers of the Municipal Building, City of Fort Collins, Colorado, the Council will consider the ordering by ordinance of assessments for the cost of the Improvements and hear all complaints and objections by the owners or any interested persons that may be made and filed in writing concerning the proposed assessments.

5. That the Council hereby finds and determines that at the time of formation of the District by the Council, the District property owners expressly waived, in writing, notice and other provisions to which they would otherwise be entitled pursuant to Chapter 22 of the Code.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, 1987.



Mayor

ATTEST:



City Clerk

EXHIBIT "A"

NOTICE

TO: The property owners in the Provincetowne/Portner Estates South Special Improvement District No. 81, (the "District") and all persons interested generally in the completion and acceptance of the improvements in the District, (the "Improvements") the total cost thereof, the portion thereof to be paid by the City of Fort Collins, Colorado (the "City"), the assessments to be made on property within the District to pay the cost of the Improvements, and the date of hearing on any objections or complaints that may be made in writing by the owners of such property.

Notice is hereby given to the owners of all property to be assessed in the Provincetowne/Portner Estates South Special Improvement District No. 81, and to all persons interested generally that the Improvements in the District have been completed and accepted.

Notice is further given that the entire cost of the Improvements, including final construction costs; engineering and construction management costs; acquisition costs of existing improvements and rights of way; interest accruing on bonds issued for the District and; legal fees, publication, administration, financing and other incidentals incurred in connection with the Improvements for the District (but excluding the 2% cost of collection which will be added to the assessment at the time such assessment is due) is \$2,288,528.03, that the portion of the costs of the Improvements in the District to be paid by the City and not by special assessments is \$102,984.38, that the cost in the District to be assessed against property in the District is \$ 2,185,543.65, that the assessment roll showing the share apportioned to each lot or tract of land in the District is on file in the office of the City Clerk and can be seen and examined at any time during normal business hours; that any complaints or objections which may be made in writing by such owner or owners to the City Council of the City (the "Council") and filed in the Office of the City Clerk within thirty (30) days from the publication of this notice, will be heard and determined by the Council before the passage of any ordinance assessing the cost of the Improvements; and that on January 5, 1988, at the hour of 6:30 p.m. or as soon thereafter as the matter may come on for hearing in the Council Chambers of the Municipal Building, City of Fort Collins, Colorado, the Council will hear such complaints and objections and determine the same and act upon an ordinance assessing the cost of the Improvements.

The owner of 100% of the property included in the District at the time of its creation by the City waived certain provisions of Chapter 16 of the City Code including, but not limited to, provisions relating to notice and hearing, the maximum amount of the cost of the Improvements and limitations on District assessments and further consented to inclusion in the District,

the construction of the Improvements therein, the financing of the Improvements and the levying of assessments therefor against District properties, all in accordance with the District petition submitted by such property owner and the Master Agreement between such owner and the City, on file in the office of the City Clerk.

DATED at Fort Collins, Colorado this 6th day of December, 1987.

City Clerk

(NOTE: This notice must be published once a week for two successive weeks; the first publication not to be less than thirty (30) days nor more than forty-five (45) days from the date set for hearing. In addition, a copy of this notice is to be mailed to the last known address of each property owner to be assessed as such owners and addresses are shown in the real property assessment rolls for general taxes Larimer County, Colorado.)

EXHIBIT

ASSESSMENT ROLL
 PROVINCETOWNE/PORTNER ESTATES SOUTH
 SPECIAL IMPROVEMENT DISTRICT

<u>NAME OF OWNER</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>AMOUNT OF ASSESSMENT</u>
Dueck Colorado Properties, Ltd. 15701 E. First Avenue Suite #200 Aurora, CO 80011	Provincetowne	\$ 1,478,796.34
MSP Investment Co. 650 S. Cherry St. Suite #1050 Denver, CO 80222	Portner Estates South	\$ 436,154.10
Mr. G.R. McIntyre 5690 S. D.T.C. Parkway Englewood, CO 80111	Brittany Knolls	\$ 263,834.21