

R E S O L U T I O N NO. R93-129d

A RESOLUTION CREATING THE LARIMER COUNTY CONSOLIDATED LOCAL IMPROVEMENT DISTRICT NO. 1993-1, IN THE COUNTY OF LARIMER, COLORADO, ORDERING THE CONSTRUCTION, INSTALLATION, COMPLETION, AND ACQUISITION THEREIN OF CERTAIN LOCAL IMPROVEMENTS, TOGETHER WITH ANY NECESSARY INCIDENTALS; PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT FOR SAID IMPROVEMENTS; AND PROVIDING FOR OTHER DETAILS IN CONNECTION WITH THE DISTRICT.

WHEREAS, the Board of County Commissioners (the "Board") of Larimer County, Colorado (the "County"), pursuant to §30-20-601 et seq., C.R.S., and all other laws of the State of Colorado, hereby finds and determines that there exists a necessity for the creation of a local improvement district within the County, to be designated as the Larimer County Consolidated Local Improvement District No. 1993-1 (the "District"), and the construction, installation, completion, and acquisition therein of certain improvements; and

WHEREAS, notice of a public hearing concerning the creation of the District and the construction, installation, completion, and acquisition of the improvements therein has been given by publication in one issue of a newspaper of general circulation in the County, not less than thirty (30) days prior to the date of hearing, and in addition, notice was delivered or mailed to each property owner to be assessed for the cost of improvements and included within the proposed District not less than ten (10) days prior to the hearing; and

WHEREAS, at the time and place set forth in the notice, the Board met in open session for the purpose of hearing any objections or protests that might be made against the proposed District or the improvements to be constructed or installed; and

WHEREAS, all protests or objections to the District or the improvements have been heard, and the Board has determined, based on the evidence submitted at the hearing, that notwithstanding such objections: (i) the District and the improvements are permitted by law; and (ii) it is in the best interests of the County and the property owners within the proposed District that the District be created and the improvements be constructed, installed, completed, and acquired;

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY, COLORADO:

~~SECTION 1. PURPOSE OF DISTRICT.~~ A local improvement district for the construction, installation, completion, and

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acquisition of certain local improvements, together with any necessary incidentals as hereinafter described, is hereby created and established in accordance with §30-20-601 et seq., C.R.S., and all other laws of the State of Colorado thereunto enabling, and shall be known and designated as the "Larimer County Consolidated Local Improvement District No. 1993-1". All proceedings heretofore taken and adopted in connection with the District are hereby ratified, approved, and confirmed. It is hereby found and determined that the proposal to create the District was properly initiated by the Board by an order adopted on August 4, 1993.

Section 2. Approval of Engineering Plans. The County Engineer's reports, together with all of the details, specifications, estimates, maps, and schedules thereto attached or appended, on file in the office of the County Engineer, are hereby approved and adopted.

Section 3. Assessment Units; Boundary of District. The property within the district consists of two non-contiguous areas in the County, and will be divided into two assessment units. Different improvements will be constructed, and different assessments will be imposed, within the two assessment units. The assessment units will consist of the "Crossroads East Business Center Assessment Unit" and the "Fort Collins Business Center Assessment Unit".

The extent of the District to be assessed for the cost of the improvements and the area to be included within the boundary of the District, shall include the real property set forth below:

(a) Crossroads East Business Center Assessment Unit

All Lots in Crossroads East Business Center Subdivision, excluding Lots 1 and 2A of Block 1, located in the NE 1/4 of Section 16, Township 7 North, Range 68 West of the 6th P.M., according to the plats thereof on file in the Office of the Clerk and Recorder, Larimer County, Colorado; and

Lots 1 and 2 of the Interchange Subdivision located in the NE 1/4 of Section 16, Township 7 North, Range 68 West of the 6th P.M., according to the plat thereof on file in the Office of the Clerk and Recorder, Larimer County, Colorado; and

Properties located in Section 16, Township 7 North, Range 68 West of the 6th P.M. Larimer County, Colorado, described at the following

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book and page and reception number of the Larimer County records:

Book 1553, Page 763
Reception Number 87026509

(b) Fort Collins Business Center Assessment Unit

All Lots in Fort Collins Business Center Subdivision; including the Replat Lots 1 and 21, Fort Collins Business Center 1st Filing; the Amended Plat of Lots 1A and 1B of the Replat of Lots 1 and 21 of the Fort Collins Business Center 1st Filing; the Replat of Lots 11 through 17 of the Fort Collins Business Center 1st Filing; all Lots in the Fort Collins Business Center 2nd Filing; all Lots in the Fort Collins Business Center 3rd Filing; the Alpha Tech Condominiums being Lot 5 of the Fort Collins Business Center 1st Filing; the Sunward Condominiums being Lots 11 and 12 of the Fort Collins Business Center 3rd Filing; and the Amended Map of the Sunward Condominiums being Lots 11 and 12 of the Fort Collins Business Center 3rd Filing.

All located in or near the West half of Section 7, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado, according to the plats thereof on file in the Office of the Clerk and Recorder.

PROVIDED HOWEVER, that with respect to both assessment units, there shall be no assessments against any public rights-of-way. In the event any portion of the property to be assessed or any subsequent subdivision thereof includes any public rights-of-way, the assessment which otherwise would be imposed against such public rights-of-way will be deemed to be imposed uniformly, on an area basis, upon the remaining area of the above-described property.

Section 4. Description of Improvements. The kind of improvements and the materials to be used are as follows:

(a) Crossroads East Business Center Assessment Unit:

The improvements to be constructed, installed, completed, and acquired within this assessment unit include the street, curb and gutter, and drainage improvements described below.

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The improvements will consist of the rehabilitation and partial reconstruction of the existing asphalt paved surface of Canal Drive from its intersection with South Frontage Road to its intersection with Stockton Avenue. Areas of pavement failure along Canal Drive will be reconstructed. Reconstruction may involve removal of the existing street material. The underlying material may then be stabilized by the incorporation of an additive to increase its bearing strength, or removed and replaced with aggregate material. Alternatively, the existing street material may be pulverized in place and stabilized with the addition of an additive. A hot asphalt surface course will be placed over the reconstructed section at all locations. The thickness of the reconstructed section will be determined based on the load bearing characteristics of the subgrade material, and the anticipated traffic loading.

Isolated areas of failure will be excavated to a depth of no less than four inches and replaced with full depth hot mix asphalt patches. Areas of alligator cracking and minor cracking in the pavement surface which do not exhibit surface deformation will be sealed prior to overlay of the existing surface. An overlay will then be placed on the patched and sealed surface. A crown will be constructed in the finish grade of the reconstructed street surface to facilitate proper storm water drainage across the pavement surface. Areas of failure of the existing curb and gutter and concrete cross pans will be repaired. Improvements will be made as necessary to those facilities which provide positive storm water drainage away from the pavement surface. No significant changes in horizontal or vertical alignment of the street surface is anticipated.

The materials to be used for the improvements within this assessment unit will consist of asphalt, concrete, and aggregate.

(b) Fort Collins Business Center Assessment Unit

The improvements to be constructed, installed, completed, and acquired within this assessment

unit include the street, curb and gutter, and drainage improvements described below.

The improvements will include the rehabilitation of the existing asphalt paved surfaces of: (i) all of Link Lane from its intersection with Lincoln Avenue northerly and westerly to the boundary of the Fort Collins Business Center Subdivision; (ii) all of Webster Court; (iii) all of Duff Drive from its intersection with Link Lane to the westerly boundary of the subdivision; (iv) all of Webster Avenue from its intersection with Link Lane to the westerly boundary of the subdivision; (v) all of Poudre Parkway from its intersection with Link Lane to the easterly boundary of the subdivision. Areas of pavement failure within such areas will be reconstructed. Isolated areas of pavement failure will be excavated to a depth of no less than four inches and replaced with full depth hot mix asphalt patches. Areas of alligator cracking and minor cracks in the pavement surface which do not exhibit surface deformation will be sealed prior to overlay of the existing surface. The entire pavement surface will be overlaid with geotextile paving fabric prior to being overlaid with hot mix asphalt. A hot mix asphalt mat surface course will be placed over the sealed or reconstructed surfaces. The thickness of the asphalt overlay course will be designed to accommodate anticipated traffic loading for a local street. A crown will be constructed in the finish grade of the asphalt overlay surface to facilitate proper drainage across the pavement surface. Areas of failure of the curb and gutter and concrete cross pans will be repaired. No significant changes in horizontal or vertical alignment of the street surface are anticipated.

Improvements will be made as necessary to provide positive drainage of storm water away from the pavement surface. Existing drainage channels flowing across the subdivision along established drainage easements from Duff Drive to Webster Avenue and from Webster Avenue to the north borrow ditch of Lincoln Avenue and from Webster Court south to the north borrow ditch of Lincoln Avenue will be reconstructed

with concrete pans to restore and preserve their drainage function.

The materials to be used for the improvements within this assessment unit will consist of asphalt, concrete, and aggregate.

Section 5. Improvements Authorized. The construction, installation, completion, and acquisition of the improvements in and for the District (the "Project"), as shown by the plans, specifications, and maps thereof, prepared by the County Engineer and approved by the Board and now on file in the office of the County Engineer, is hereby authorized and ordered, the materials to be used in the construction of the Project to be in accordance with such maps, plans, and specifications. It is hereby found and determined that the Project was duly ordered after notice duly given and after hearing duly held in accordance with law.

Notwithstanding the foregoing, no contracts for construction, installation, completion, or acquisition of the Project shall be awarded until such time as the County Attorney informs the Engineer that any required electoral approval for the imposition of assessments and the issuance of special assessment bonds has been obtained.

Section 6. Cost of Project Relative to Assessments. The estimated total cost of the Project (including both assessment units) is approximately \$463,984. It is anticipated that the County will not pay any part of the cost of the improvements in either assessment unit. The cost estimates and approximate amounts to be assessed as set forth below have been formulated in good faith on the basis of the best information available, but are not binding. After a hearing on the assessments the Board of County Commissioners may make such modifications and changes to the assessments as may seem equitable.

(a) Crossroads East Business Center Assessment Unit

As shown by the estimates of the engineer, the probable total cost of the improvements within the Crossroads East Business Center Assessment Unit is approximately \$214,382, all of which will be assessed against the property in the Crossroads East Business Center Assessment Unit, subject to any required election. It is anticipated that the cost of the improvements shall be assessed against the property in the Crossroads East Business Center Assessment Unit on a per lot basis, so that each lot within such assessment unit receives substantially the same assessment. The probable cost per lot in the Crossroads East Business Center Assessment Unit is \$14,292.

(b) Fort Collins Business Center Assessment Unit

As shown by the estimates of the engineer, the probable total cost of the improvements within the Fort Collins Business Center Assessment Unit is approximately \$249,602, all of which will be assessed against the property in the Fort Collins Business Center Assessment Unit, subject to any required election. It is anticipated that the cost of the improvements shall be assessed against the property in the Fort Collins Business Center Assessment Unit on a per lot basis, so that each lot within such assessment unit receives substantially the same assessment. The probable cost per lot in the Fort Collins Business Center Assessment Unit is \$3,782.

Section 7. Payment of Assessments. The assessments to be levied for the Project shall be due and payable without demand within thirty (30) days after the effective date of the assessing resolution. However, all such assessments may be paid, at the election of the owner, in ten (10) equal annual installments of principal, with interest on unpaid installments of principal, such principal payments to be in such amounts and at such times (notwithstanding any times for payment set forth in Resolution No. 93-103d), and such interest to be at such rate or rates and payable at such times, as shall later be determined by the Board of County Commissioners and set forth in the assessing resolution.

Section 8. Special Assessment Bonds. By virtue of and pursuant to the laws of the State of Colorado, and subject to any required electoral approval, special assessment bonds of the County shall be issued for the purpose of paying the cost of the Project, in an amount not to exceed the cost and expenses of the Project, including without limitation costs of inspection of the improvements and the collection of assessments, capitalized bond interest, capitalized bond reserves, engineering and clerical services and supplies, advertising, printing, fiscal services, election costs, legal services in connection with the district, and all other incidental costs, as provided by law. The bonds shall be issued based upon estimates approved by the Board, and as authorized by a resolution to be passed by the Board. The bonds and the interest thereon shall be payable out of special assessments to be levied against the real property included within the District and specially benefitted by the Project.

Section 9. Construction and Acquisition Contracts. To the extent necessary, the appropriate officers of the County are hereby authorized to obtain bids to construct the Project in accordance with the requirements of law. In addition, to the extent necessary, such officers are authorized to prepare contracts for the acquisition of the Project.

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Section 10. Determination as to Benefits. The Board hereby finds and determines that the Project will confer a special benefit upon the property within the District in an amount not less than the amount of the assessment, and a general benefit upon the County as a whole.

Section 11. Repealer. All acts, orders, resolutions, or parts thereof, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 12. Severability. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 13. Recording and Authentication. This Resolution, immediately on its passage, shall be recorded in the book of Resolutions kept for that purpose, and shall be authenticated by the signatures of the Chairman of the Board and the Deputy County Clerk.

Section 14. Effective Date. This Resolution shall take effect immediately.

ADOPTED AND APPROVED This 7th day of September, 1993.

Quintin W. Hotaler
Chairman
Board of County Commissioners

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ATTESTED:

Sherry E. Graves
Deputy County Clerk and Recorder