

RESOLUTION NO. 02 - 013

A RESOLUTION AMENDING THE FINAL ASSESSMENT ROLL OF OURAY COUNTY LOCAL IMPROVEMENT DISTRICT NO. 1995-1, IN THE COUNTY; APPROVING AND CONFIRMING THE APPORTIONMENT OF THE COST TO EACH LOT OR TRACT OF LAND IN SAID DISTRICT; AND ASSESSING A SHARE OF THE COST AGAINST EACH LOT OR TRACT OF LAND THEREIN

WHEREAS, pursuant to Resolution No. 96-031, adopted and approved on May 6, 1996, the Board of County Commissioners (the "Board") of Ouray County, Colorado (the "County"), created the Ouray Local Improvement District No. 1995-1 (the "District") for the purpose of constructing, installing, completing, and acquiring certain improvements (the "Project") in the District, and assessing the costs thereof against the property in the District; and

WHEREAS, the total cost of the Project was reasonably ascertained, and pursuant to §30-20-607, C.R.S., the Board caused to be prepared a statement showing the whole cost of the improvements, including the costs of inspection and collection, capitalized interest, and all other incidental costs, the portion thereof to be paid by the County, and the portion thereof to be assessed upon each lot or tract of land to be assessed, and caused such statement to be filed in the office of the County Clerk and Recorder; and

WHEREAS, pursuant to Resolution No. 96-039, adopted on July 2, 1996, the Board approved the whole costs of the improvements made within the District, approved and confirmed the apportionment of the cost to each lot or tract of land in the District, and assessed a share of the cost against each such lot or tract of land; and,

WHEREAS, pursuant to Resolution No. 98-066, adopted on September 28, 1998, the Board amended the assessment roll, under the authority given the Board in §30-20-610(3), C.R.S.; and,

WHEREAS, the Board has determined that it is appropriate and necessary under said statute to reallocate the number of assessment units attributable to a certain unsubdivided parcel, so as to require an alteration of said assessment roll, but without a change in the total number of assessment units previously authorized; and,

WHEREAS, pursuant to CRS, 30-20-610 (3), the Board has determined that it is necessary to alter the final assessment made pursuant to Part 6, Article 20 of Title 30, C.R.S., upon notice as required by law for any original assessment.

WHEREAS, pursuant to §30-20-608, C.R.S., the County Clerk and Recorder has given notice of apportionment and of the assessment hearing to the property owners to be affected by the proposed amendment to the final assessment roll by publication in one issue of The Ouray County Plaindealer, a newspaper of general circulation in the County, such publication being at least twenty (20) days prior to the date of 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 complaints or objections that might be made; and

WHEREAS, no complaints and objections having been heard, the Board has determined, based on the evidence submitted at the hearing, to approve and confirm the amended assessment roll as set forth in the appendix to this Resolution;

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

Section 1. *Confirmation of Amended Assessment Roll.* The whole cost of the Project and apportionment of the same, as set forth in the amended assessment roll, is hereby approved and confirmed. Said apportionment is hereby declared to be in accordance with the special benefits which the real property in the District received by reason of the construction of the Project. A share of said cost is hereby assessed to and upon each lot or tract of land within the District in the proportions and amounts as set forth in the amended assessment roll, attached hereto as Exhibit A, except as same may be modified by the provisions of Sections 5, 6 and 7 of Ouray County Resolution 1996-039. Except as modified and altered by this Resolution, Resolution 96-039 and the attached Assessment Roll shall remain unchanged.

Section 2. *Assessment Lien; Recordation.* The assessments levied against the real property within the District and as reflected on the attached amended assessment roll, together with all interest thereon and penalties for default in payment thereof, and all costs in collecting the same shall constitute, less any prior payments made thereon, from the effective date of Resolution 1996-039, a perpetual lien in the several amount assessed against each lot or tract of land and shall have priority over all other liens excepting general tax liens, and shall be enforced in accordance with the laws of the State of Colorado

The Ouray County Clerk and Recorder shall file with her office copies of this Resolution after its final adoption for recording on the land records of each lot or tract of land assessed within the County, as provided in Article 36 of Title 38, C.R.S. In addition, the Ouray County Clerk and Recorder shall file copies of the Resolution after its final adoption with the Ouray County Assessor and Ouray County Treasurer. The Ouray County Assessor is authorized to create separate schedules for each lot or tract

of land assessed within the County pursuant to this Resolution.

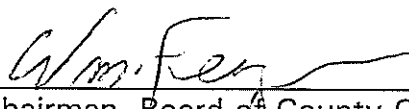
Section 3. Repealer. All orders, bylaws, and resolutions of the County, or parts thereof, inconsistent with this Resolution, are hereby repealed to the extent only of such inconsistency.

Section 4. Severability. If any one or more sections or parts of this Resolution shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the intention that the various provisions hereof are severable.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED AND APPROVED This 8 day of April, 2002.

(S E A L)


Chairman, Board of County Commissioners

ATTESTED:


County Clerk and Recorder

EXHIBIT "A" AMENDED ASSESSMENT ROLL

LEGAL DESCRIPTION	ASSESSMENT UNITS	ASSESSMENT LIEN
(One Assessment Unit = \$1,179.00)		
Loghill Crest Tract 12	22	\$25,938.00
Loghill Crest Tract 13	30	\$35,370.00
Loghill Crest Tract 14	38	\$44,802.00
Loghill Crest Tract 15	17	\$20,043.00
NE1/4 NE1/4, 36-46-9	34	\$40,086.00
SE1/4 NE1/4, 36-46-9	24	\$28,296.00
Lots 1 - 4 and part of Lots 5 & 6 in the W1/2, 31-46-8	30	\$35,370.00
Filing 5B, Fairway Pines Estates	7	\$8,253.00
Filing 5C, Fairway Pines Estates	22	\$25,938.00
Village 1A, Fairway Pines Estates	13	\$15,327.00
Village 3, Fairway Pines Estates	24	\$28,296.00
Village 6A, Fairway Pines Estates	18	\$21,222.00

The balance of the Assessment Roll adopted and approved by the County pursuant to Resolution No. 96-039 shall remain unchanged and is hereby ratified

and affirmed. The above-listed Assessment Liens do not reflect payments previously made.