

RESOLUTION NO. 08 11 03

SETTING A PUBLIC HEARING ON THE PROPOSED APPORTIONMENT OF COSTS ON THE REAL PROPERTY WITHIN RIVERVIEW COMMONS SPECIAL IMPROVEMENT DISTRICT NO. 1 (PHASE 2) IN THE RIVERVIEW COMMONS GENERAL IMPROVEMENT DISTRICT, FORT MORGAN, COLORADO

WHEREAS, the total cost of acquiring and/or constructing and installing certain public improvements, together with necessary incidentals, within Riverview Commons Special Improvement District No. 1 (Phase 2) (the "SID"), in the General Improvement District, Fort Morgan, Colorado (the "GID") has been definitely ascertained as of October 28, 2008; and

WHEREAS, the GID's Board of Directors (the "Board") has determined to assess the cost of such public improvements and incidentals against the property included within the SID and specially benefited by said improvements; and

WHEREAS, a statement showing the whole cost of the improvements and incidentals and the proposed apportionment on the real property benefited thereby has been prepared and filed in the offices of the GID or its designee; and

WHEREAS, the GID or its designee will cause to be published in a newspaper of general circulation in the GID a notice to persons interested generally and to the owners of the real property to be assessed specifying the whole cost of the improvements, the proposed apportionment of the assessment against the real property benefited thereby, and the date, place, and time set by the Board for hearing written remonstrances to the proposed apportionment;

NOW, THEREFORE, BE IT RESOLVED BY RIVERVIEW COMMONS GENERAL IMPROVEMENT DISTRICT, FORT MORGAN, COLORADO:

1. The GID or its designee is hereby authorized to give notice that the whole cost of the improvements and incidentals has been ascertained and that a hearing will be held on written remonstrances to the appointment of such cost on the real property within the GID, by publication in one issue of The Fort Morgan Times, a newspaper of general circulation in the GID, such publication being made at least fifteen (15) days prior to the date of the hearing. In addition, the same notice will be mailed by first-class mail to each property owner to be assessed for the cost of the public improvements within the GID. Such mailed notice will be made on or about the date of the publication of the notice of hearing. Any action heretofore taken in connection with such notice is hereby ratified.

The notice shall be in substantially the following form:

NOTICE OF HEARING

RIVERVIEW COMMONS GENERAL IMPROVEMENT DISTRICT,
FORT MORGAN, COLORADO

PUBLIC NOTICE OF THE WHOLE COST OF THE PUBLIC IMPROVEMENTS MADE IN RIVERVIEW COMMONS SPECIAL IMPROVEMENT DISTRICT NO. 1 (PHASE 2), IN THE RIVERVIEW COMMONS GENERAL IMPROVEMENT DISTRICT, FORT MORGAN, COLORADO, AND OF A HEARING ON WRITTEN REMONSTRANCES TO THE PROPOSED APPORTIONMENT OF SUCH COST ON THE REAL PROPERTY BENEFITED BY THE IMPROVEMENTS.

TO ALL PERSONS INTERESTED GENERALLY and to the owners of property to be assessed for the cost of certain public improvements with Riverview Commons Special Improvement District No. 1 (Phase 2) (the "SID"), in the Riverview Commons General Improvement District, Fort Morgan, Colorado (the "GID"), notice is hereby given:

- (a) The total cost of acquiring and/or constructing and installing improvements within the SID, including costs of collection of the assessment and of certain other incidental costs, is \$921,300;
- (b) The portion of the total cost to be paid by the GID is \$-0-;
- (c) The share apportioned to real property in the SID is as follows:

<u>Property</u>	<u>Assessment</u>
Residential Lots 1-12 in Block 1, and Lots 1-24 in Block 2, and Lots 1-48 in Block 3, Riverview Commons, in the City of Fort Morgan, County of Morgan, State of Colorado recorded January 20, 2004 at Reception No. 1500086, Book 10, Pages 114, 115 and 116.	\$4,479.00 per residential lot
Residential Lots 1-20 in Block 4 and Lots 1-40 in Block 5, Riverview Commons Phase 2, an approved re-plat of Lot A of said Riverview Commons, in the City of Fort Morgan, County of Morgan, State of Colorado recorded January 20, 2004 at Reception No. 1500086, Book 10, Pages	\$4,479.00 per residential lot

114, 115 and 116

87,120 square feet of commercial property being more particularly described as Lot 1 of Riverview Commercial Subdivision, an approved re-plat of Lot B of said Riverview Commons Subdivision, in the City of Fort Morgan, County of Morgan, State of Colorado recorded January 20, 2004 at Reception No. 1500086, Book 10, Pages 114, 115 and 116.

\$132,667.00

94,525 square feet of commercial property being more particularly described as Lot 2 of Riverview Commercial Subdivision, an approved re-plat of Lot B of said Riverview Commons, in the City of Fort Morgan, County of Morgan, State of Colorado Recorded January 20, 2004 at Reception No. 1500086, Book 10, Pages 114, 115 and 116.

\$143,723.00

(d) Any written remonstrances which may be made to the proposed apportionment and filed in the offices of the GID or its designee on or before the date of the hearing, will be heard and determined by the Board before the passage of a resolution assessing the cost of said improvements. The amount of the assessments to be levied for the improvements will be due and payable within thirty (30) days after the adoption of the assessment resolution. However, all such assessments must be paid, at the election of the property owner, in fifteen (15) equal annual installments of principal and interest as more particularly set forth in the assessment resolution.

(e) Written remonstrances to the proposed assessments will be heard by the Board of Directors of the Riverview Commons General Improvement District on the 2nd day of December, 2008, at 7:00 p.m., at 110 Main Street, Fort Morgan, Colorado, 80701

WITNESS my hand and the official seal of the GID, this 17th day of November, 2008.



/s/ Andrea J. Strand
Secretary

Publish in: The Fort Morgan Times

Publish on: Monday, November 17, 2008

2. The Board hereby authorizes the publication and mailing of such notice as set forth herein.

3. After the hearing on the proposed apportionment, the Board may consider a resolution levying the assessments, and providing for the collection and enforcement of such assessments.

4. All orders, bylaws, rules, and resolutions of the GID, or parts thereof, inconsistent with this Resolution, are hereby repealed to the extent only of such inconsistency.

5. 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.

ADOPTED AND APPROVED this 18th day of November, 2008.

RIVERVIEW COMMONS GENERAL
IMPROVEMENT DISTRICT, FORT
MORGAN, COLORADO



Jack P. Warner

President

ATTESTED

Andrea Strand

Secretary

Director Powersthen moved that the foregoing Resolution, as introduced, read at this meeting, be adopted. Director Simmons seconded this motion.

The question being upon the adoption of the motion, the roll was called with the following result:

Those voting YES: President Darnell; Directors Deal, McAlister, Powers, Schafer, and Simmons.

Those voting NO: None.

The presiding officer thereupon declared that not less than a majority of all the members present having voted in favor thereof, the motion was carried.

Thereupon, after consideration of the other matters to come before the Board, the meeting was adjourned.



STATE OF COLORADO)
)
COUNTY OF MORGAN)
)
RIVERVIEW COMMONS)
GENERAL IMPROVEMENT DISTRICT)

Andrea Strand
Secretary

I, Andrea J. Strand, Secretary of the Riverview Commons General Improvement District, Fort Morgan, Colorado (the "GID"), do hereby certify that the foregoing pages numbered 1 to 5, inclusive, constitute a true and correct copy of the record of proceedings of the Board of Directors of the GID, taken at a regular meeting thereof, held at 110 South Main Street, in Fort Morgan, Colorado, on Tuesday, the 18th day of November, 2008, insofar as said proceeding relate to the introduction and adoption of the resolution therein set forth concerning notice of assessments to be imposed upon property within Riverview Commons Special Improvement District No. 1 (Phase 2).

IN WITNESS THEREOF, I have hereunto subscribed my name and affixed the official seal of the GID, this 18th day of November, 2008.



Andrea Strand
Secretary