

## **ORDINANCE NO.**

### **AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CITY OF GILLETTE, WYOMING, SPECIAL IMPROVEMENT DISTRICT NO. 52; ASSESSING THE COST OF CONSTRUCTION OF THE IMPROVEMENTS AGAINST THE LOTS AND PARCELS OF LAND INCLUDED WITHIN THE DISTRICT; PRESCRIBING THE MANNER FOR COLLECTION AND PAYMENT OF ASSESSMENTS; AND PROVIDING FOR THE NOTICE OF PAYMENT OF ASSESSMENTS.**

WHEREAS, on November 7, 2017, the governing body of the City of Gillette, Wyoming ("City") passed and adopted Ordinance No. 3937 ("Ordinance"). The Ordinance established City Special Improvement District No. 52 ("District"), for the purpose of construction and installation of a new water system and all necessary appurtenances ("Project") for the subdivision commonly referred to as Interstate Industrial Park, and assessing cost of the Project to the properties specifically benefitted by the Project, including the pro rata share of the cost for Project, engineering design, rights-of-way, permitting, construction inspection, special services and legal, fiscal and administrative costs; and

WHEREAS, on May 10, 2019 the City Engineer prepared and filed an assessment roll ("Roll") with the City Clerk, in accordance with WYO. STAT. §§ 15-6-401-405 and all other applicable law. The Roll reflects the assessment against each lot and parcel of property within the District specially benefitted by the Project; and

WHEREAS, the City set a public hearing on May 28, 2019, at 6:00 PM in the 2nd Floor Community Room, located at 201 E. 5th Street in Gillette, Wyoming, regarding objections to the Roll. The Notice of Hearing on Assessments for the City of Gillette, Wyoming, Special Improvement District No. 52. ("Notice of Hearing") was published on Friday May 10, 2019 and Friday May 17, 2019 in the Gillette News-Record; and

WHEREAS, in accordance with WYO. STAT. § 15-6-405, the Notice of Hearing was also mailed to the last known owner(s) of each assessed tract at least fifteen (15) days prior to May 28, 2019; and

WHEREAS, on March 28, 2019, the City sat as a board of equalization to consider any objections to the assessment roll; and

WHEREAS, protests and objections to the Roll that were filed at or prior to the hearing are attached and made a part of this ordinance as Exhibit A; and

WHEREAS, at the hearing on May 28, 2019, the City duly considered the written protests and objections; and

WHEREAS, in accordance with WYO. STAT. § 15-6-409, it is necessary for the City to confirm the Roll by ordinance;

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:**

**SECTION 1. Confirmation of Assessment Roll.** All action taken and adopted regarding the creation of the District, the construction and completion of the Project, and the apportionment of the cost of the Project against each lot and parcel of land in the District, is hereby approved, and the assessments in the amounts levied and apportioned on and against each lot and parcel of land in the District are hereby confirmed. The Roll is attached and made a part

of this ordinance as Exhibit B. The confirmed Roll shall be certified to by the City Clerk and transmitted to the City Treasurer for collection.

**SECTION 2. Payment of Assessment.** The amount of any assessment or any portion of any assessment may be paid without penalty, interest or costs at any time within thirty (30) days following the date of the publication of this ordinance and Notice of Assessment (“Notice”). This Ordinance and the Notice will be published on June 21, 2019. If the assessment is not paid in full by July 22, 2019, the amount of the assessment shall be collected in fifteen (15) substantially equal annual installments. The first installment is due June 21, 2020, one (1) year from the date of the publication of this ordinance and Notice. Subsequent installments shall be due annually on the same date, June 21, until paid in full. Interest on the installments of assessments shall be at a rate of two and one-half percent (2.50%) per year, and shall be paid at the time of installment payments of the assessment. Installment payments, when delinquent, in addition to interest, shall bear a penalty of five percent (5.00%) on the unpaid assessment. All interest and penalties shall be included in and made a part of the assessment lien. In accordance with WYO. STAT. § 15-6-420, upon failure to pay any installment when due, the entire assessment is due and payable, and collection will be enforced by any or all methods authorized under WYO. STAT. §§ 15-6-401-448.

**SECTION 3. Notice of Assessments.** The City Clerk shall publish the Notice stating that this ordinance is effective and that the Roll has been certified and transmitted to the City Treasurer for collection. The Notice shall also state that the assessment or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the Notice. The Notice shall be published in the Gillette News Record in two (2) weekly publications. The Notice is attached and made a part of this ordinance as Exhibit C. The Notice states the following:

**NOTICE OF ASSESSMENTS FOR IMPROVEMENTS  
CONSTRUCTED IN THE CITY OF GILLETTE,  
WYOMING, SPECIAL IMPROVEMENT DISTRICT NO. 52.**

**NOTICE IS HEREBY GIVEN** that the assessment roll for Improvements constructed in the City of Gillette, Wyoming, Special Improvement District No. 52, has been certified by the City Clerk and transmitted to the City Treasurer for collection. The assessments or any portion of the assessments may be paid at any time on or before July 22, 2019, thirty (30) days from the date of the first publication of this Notice. Failure to pay the full assessment within thirty (30) days shall be deemed an election to pay the assessment in installments, at an interest rate of two and one-half percent (2.50%) per year.

The assessment may be paid in fifteen (15) substantially equal **annual** installments, with interest. The first assessment installment is due June 21, 2020, one (1) year from the date of this Notice and subsequent installments shall be due each year on the anniversary of this Notice, until the assessment is paid. An installment payment is considered delinquent unless paid when due. Upon failure to pay any installment when due, the entire assessment is due and payable immediately. In addition to interest, a penalty of five percent (5.00%) shall be added to the delinquent unpaid assessment.

If the amount of the assessment is paid in full any time after thirty (30) days from the date of the first publication of this Notice, interest from the next installment payment will be added to assessment. Please make full assessment payments and installment payments payable to the City Treasurer, City of Gillette, 201 E. 5th Street, P.O. Box 3003, Gillette, Wyoming 82717-3003.

IN WITNESS WHEREOF, I have hereunto subscribed my name at Gillette, Wyoming, as of the 21<sup>st</sup> day of June 2019.

( S E A L )

CITY OF GILLETTE, WYOMING

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Cindy Staskiewicz, City Clerk

Publish in: The News-Record  
Publish on: Friday, June 21, 2019  
Friday, June 28, 2019

**SECTION 4. Assessment Lien.** All special assessments, with any interest or penalty, shall constitute a lien upon the respective lots and parcels of land included within the District, from the time the Roll is certified by the City Clerk and transmitted to the City Treasurer for collection. The special assessments shall remain a lien on each lot and parcel of land assessed until the amount of the assessment has been paid in full. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, created before or after, except a lien for assessments for general taxes.

**SECTION 5. Delinquent Assessments.** Assessments and installments, when delinquent, in addition to interest charges, shall bear a penalty of five percent (5.00%) and the interest and penalty shall be included in the assessment lien. Upon the failure of any owner of property in the District to pay any installment when due, the entire amount of the assessment shall become due and payable immediately. Delinquent assessments, shall be enforced and collected in accordance with WYO. STAT.§§ 15-6-401-448. The City is authorized to enact any ordinance necessary to collect or enforce the collection of assessment(s) or the installment payments of the assessment(s).

**SECTION 6. Severability.** Should any portion of this ordinance be judicially determined to be illegal or unenforceable, the remainder of this ordinance shall continue in full force and effect.

**SECTION 7. Effective Date of Ordinance.** This ordinance is effective upon its passage and publication.

**SECTION 8. Recording.** This ordinance, after its passage and approval, shall be recorded by the City Clerk in the book kept for that purpose, and this ordinance shall be published as required by law.

( S E A L )

CITY OF GILLETTE, WYOMING

\_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
City Clerk

**FIRST READING: May 28, 2019**  
**SECOND READING: June 04, 2019**  
**THIRD READING: June 11, 2019**

## EXHIBIT A

### PROTESTS AND OBJECTIONS TO SPECIAL IMPROVEMENT DISTRICT NO. 52 ASSESSMENT ROLL

1. In accordance with WYO. STAT. § 15-6-405, “[a]ny person may object to the roll in writing and file the objections with the clerk on or before the date of the hearing.” The Notice of Hearing on Assessments for the City of Gillette, Wyoming Special Improvement District No. 52., scheduled for May 28, 2019, was published on Friday May 10, 2019 and Friday May 17, 2019 in the Gillette News-Record. *See Attached Affidavit of Publication.* The Notice of Hearing on Assessments was also mailed to the last known owner(s) of each assessed tract at least fifteen (15) days prior to the hearing on May 28, 2019. The City did not receive written objections to the Special Improvement District No. 52 Assessment Roll.

## EXHIBIT B

### SPECIAL IMPROVEMENT DISTRICT NO. 52 ASSESSMENT ROLL

## EXHIBIT C

# NOTICE OF ASSESSMENTS FOR IMPROVEMENTS CONSTRUCTED IN THE CITY OF GILLETTE, WYOMING, SPECIAL IMPROVEMENT DISTRICT NO. 52