

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, ASSESSING A PORTION OF THE WELL AND PUMP REPAIR COSTS FOR THE EVERGREEN IRRIGATION SYSTEM AGAINST USERS OF THE SYSTEM; PROVIDING A TIME FOR PAYMENT OF THE ASSESSMENT; AND AUTHORIZING THE FINANCE DIRECTOR TO TAKE THE ACTIONS NECESSARY TO COLLECT THE ASSESSMENT.

WHEREAS, on June 16, 2014, the Mayor and Council approved Ordinance 2865, which authorized repairs to the Evergreen Irrigation system pump and well in an amount not to exceed \$60,000; and

WHEREAS, the total cost of the repairs to the Evergreen Irrigation System incurred by the City was \$52,997.95; and

WHEREAS, Section 13.16.030 of the City Code, as originally adopted by Casa Grande Ordinance No. 645.16, requires that the costs of large expenses, such as repair and replacement of pumps, be assessed against the users of the system; and

WHEREAS, due to the nature of the repairs, the potential for use of the system for other municipal purposes in the future, and the reduced number of customers using the system from the original adoption date of Ordinance 645.16 in 1986, the Mayor and Council believe the appropriate assessment amount to be borne by the users shall be \$1,019.00 per user;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Casa Grande, Arizona:

1. The Mayor and Council find and declare that for purposes of City Code Section 13.16.030, the owners of the properties using the Evergreen Irrigation System as of June 16, 2014, a list of which is attached as Exhibit A and incorporated herein, shall each be assessed the amount of \$1,019.00 toward the costs of repairs of the pump and well.
2. The Community Services Director shall, by regular and certified mail, and no later than December 31, 2014, notify the owners of the properties listed in Exhibit A, at the addresses provided by the records of the Pinal County Assessor, of the assessment and provide each with a copy of this Ordinance.
3. Each assessment shall be due and payable in full no later than December 15, 2015. Any assessments not paid by such date shall be subject to the billing procedures set forth in Section 13.16.040 of the City Code.

4. Notwithstanding Paragraphs 1 and 3 of this Ordinance, any owner of a property listed in Exhibit A may, no later than January 31, 2015, notify the Community Services Director, in writing, that they no longer wish to receive irrigation service from the City. Any owner so notifying the City shall not be liable for the assessment amount, but shall also no longer be eligible to receive irrigation service from the City as of the notification date. Nothing in this Paragraph shall relieve any owner for responsibility for payment of any irrigation water delivered by the City to the property.
5. Any owner of a property not listed on Exhibit A that wishes to begin receiving service from the irrigation system after June 16, 2014 shall be assessed the amount of \$1,019.00 and shall pay such assessment prior to receiving service from the irrigation system. In the event the total amount of assessments collected by the City, not including interest and penalties, exceeds \$52,997.95, such amounts, if any, shall be applied by the Finance Director toward expenses related to the system.
6. The Finance Director is authorized to assess, bill, and collect all amounts authorized by this Ordinance, and to take any and all actions he may deem appropriate to secure such collection.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
City Attorney