

Law Office

BECKNER & NOTTINGHAM, P.C.

Valley Federal Plaza, Suite 850
225 North Fifth Street
Grand Junction, Colorado 81501

Larry B. Beckner
Edward W. Nottingham

Telephone: (303) 245-4300

June 26, 1987

COPY

Mr. John B. Chiaro
P.O. Box 149
Grand Junction, CO 81502

Dear Mr. Chiaro:

Enclosed is your check in the amount of \$116.87. This amount reflects the rebate from the Central Grand Valley Sanitation District for the past 31 months at \$3.77 per month.

Sincerely,

Larry B. Beckner

Larry B. Beckner

by sh

LBB:sh

Enclosure

Larry B. Beckner
Edward W. Nottingham

Telephone: (303) 245-4300

June 11, 1987

COPY

Mr. John B. Chiaro
P.O. Box 149
Grand Junction, CO 81502

RE: Request for Refund of Sewer Charges at
2851 D Road

Dear Mr. Chiaro:

As the attorney for the Central Grand Valley Sanitation District, I have been requested to respond to your letter of March 21, 1987, requesting a refund of sewer charges for your property at 2851 D Road.

I have had an opportunity to review the facts of this situation with Edith Kinder. Your original request was submitted on about March 7, 1984 for a waiver of sewer charges. At that time, the District did not grant waivers and accordingly, your request was denied.

In September of 1984, the District instituted a new policy whereby certain properties would be eligible to receive waivers of monthly sewer charges under specified conditions. If your request had been submitted to the District after September of 1984, then your property would have qualified for the waiver. Accordingly, since your request was not timely submitted, your property would not normally be considered to be eligible for a waiver. However, since your request was delivered such a short period of time before the new policy was instituted, the District has determined that it would be most equitable to retroactively grant you the waiver effective September 1, 1984. It appears that your payments are current through the month of March, 1987, and accordingly, you would be entitled to a rebate for a period of 31 months.

All billings for the Central Grand Valley Sanitation District are made through the City of Grand Junction and of those monthly bills, \$3.77 is paid to the District and the balance is paid to the City of Grand Junction. Accordingly, the District has the authority to rebate to you only \$3.77 per month for the past 31 months for a total of \$116.87. Any additional rebate would need to be negotiated with the City of Grand Junction and the determination of the Central Grand Valley Sanitation District to grant you the rebate is not binding on the City of Grand Junction.

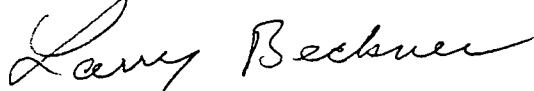
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Mr. John B. Chiaro
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As such time as you once again begin using the sewer facilities at 2851 D Road, you must contact the Central Grand Valley Sanitation District to once again place your property on the monthly billing. Your failure to notify the District in advance will subject you to a \$500 penalty to be assessed by the District. It is very important that proper notification of the use of the sewer line be given to the District in order to avoid liability for the \$500 penalty.

A check from the District to you in the amount of \$116.87 will be mailed under a separate letter.

Sincerely,



Larry B. Beckner

LBB:sh

cc: Edith Kinder
Sandy Glaze
City of Grand Junction

COPY

Central Grand Valley Sanitation District
Grand Junction, Colo. 81502
March 23, 1987

Central Grand Valley Sanitation District
P. O. Box 40219
Grand Junction, Colo. 81504

Attn: Edith M. Vinder, Office Manager

Re: Request for Refund of Sewer Charges
at 1051 D Road, Scott. #1001-1350-01-2

Gentlemen:

Rebate of sewer charges at the above address is hereby being requested for period of March 1984 through the May 4, 1987 billing, since I am told both by the City of Grand Junction and CGVSD that I should not have to be paying for this unused facility.

On March 7, 1984, I requested by letter to CGVSD a waiver of sewer charges, pointing out that the sewer had not been used for several months, the house was vacant and un-rented and no use by me or others was anticipated. I further advised that the water pipes were bursted, precluding use of the sewer and water and that the water had been shut off at the street.

I also stated that I would advise of any circumstances which would affect usage of service, such as selling or whatever.

Public Service was instructed on March 6, 1984, to read and turn off electric and gas service. These facilities, along with the telephone, water, and other companies all have large investments in their facilities, yet they do not find it necessary to bill anyone for services not being used. In those cases where an "availability" assessment is made, after service has been shut off, the charge is a minimal one.

I am now told by CGVS that in order to have my sewer charge of \$12.64 waived for future billings, I must state in writing that I understand I will be fined \$500. (plus back charges) if I fail to contact CGVS in the event of sale or rental of the property. This is a bit difficult to comprehend, since in my original letter in March 1984 I indicated I would do just that, yet my waiver request was denied. The \$500 fine mentioned above is, of course, on top of forfeiture of sewer tap, which I was told back in '84 was worth approximately \$2,000, placing CGVS in a uniquely fine position.

Since I have been paying the full charge all this time, and am told by both the City and CGVS that this is in error, I am asking for the same treatment--namely, a rebate--that would be accorded by any organization acting fairly that has had their attention called to an error.

cc Mr. John Krizman
Chairman, CGVSD

Respectfully yours,
John B. Chiaro
John B. Chiaro