

ORDINANCE NO. 2577

CITY DISPOSITION OF UNCLAIMED PROPERTY

WHEREAS, certain property held by or under the control of the City which is owned by an individual or entity may be unclaimed by the owner; and

WHEREAS, the City desires to establish an administrative procedure for notification and, where possible, transfer of unclaimed property to the owner; and

WHEREAS, the City desires to dispose of unclaimed property after notification has been provided; and

WHEREAS, the City desires to enact a local law providing a local procedure for administration and disposition of unclaimed property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the City and its departments.

Section 2. Definitions. Unless otherwise required by context or use, words and terms shall be defined as follows:

a. City means the City of Grand Junction, Colorado, its departments and employees.

b. "Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful changes, that is held by or under the control of the City and which has not been claimed by its owner for a period of more than one year after it became payable or distributable.

c. "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this City, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the City.

d. "Director" shall mean the Director of Administrative Services or his designee thereof.

Section 3. Procedure for disposition of property.

(a) Prior to disposition of any unclaimed property having an estimated value of one hundred dollars (\$100.00), or more, the Director shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall

be the last address of the owner as shown by the records of the City department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

b. Prior to disposition of any unclaimed property having an estimated value of less than one hundred dollars (\$100.00) or having no last known address of the owner, the Director shall cause a notice to be published in a newspaper of general circulation in the City. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

c. If the Director receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

d. If the Director receives a written claim within the above sixty (60) day claim period, the Director shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Director may investigate the validity of a claim and may request further supporting documentation, which may be required to be made under oath, from the claimant prior to disbursing or refusing to disburse the property.

e. In the event that there is more than one claimant for the same property, the Director may, in the Director's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action, or if allowed by law, by action filed in the Municipal Court of the City.

f. In the event that all claims filed are denied, the property shall become the sole property of the City and any claim of the owner of such property shall be deemed forfeited.

g. Any legal action filed challenging a decision of the Director

shall be filed pursuant to rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Director pursuant to the order of the Court having jurisdiction over such claim.

h. The Director is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Ordinance, including compliance requirements for other municipal officers and employees in the identification of disposition of such property.

Section 4. Sale of unclaimed property. Unclaimed property shall be sold pursuant to regulations adopted by the Director.

Section 5. Repeal. The provisions of City Code Section 22-6 are hereby repealed, to the extent inconsistent herewith.

Section 6. Effective date. This ordinance is effective June 30, 1992.

INTRODUCED this 6th day of May, 1992.

PASSED and ADOPTED this 20th day of May, 1992.

NAME

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President of the Council

Attest:

Theresa F. Martinez

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Acting City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2577, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 6th day of May, 1992, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of May, 1992.

Theresa F. Martinez

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Theresa F. Martinez, CMC  
Acting City Clerk

Published: May 8, 1992  
Published: May 22, 1992  
Effective: June 30, 1992