

AN ORDINANCE PROVIDING FOR THE ADMINISTRATION AND DISPOSITION OF UNCLAIMED PROPERTY WHICH IS IN THE POSSESSION OF OR UNDER THE CONTROL OF THE CITY OF GUNNISON.

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

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

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

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

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:

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 municipality.

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

a. "Unclaimed Property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the municipality, and which has not been claimed by its owner for a period of more than one year after it became payable or distributable. Unclaimed property does not mean any abandoned vehicles, as defined in the Model Traffic Code for Colorado Municipalities.

b. "Municipality" means the City of Gunnison, Colorado.

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

d. "Director" shall mean the Director of Finance or designee thereof.

Section 3. Procedure for Disposition of Property.

a. Prior to disposition of any unclaimed property having an estimated value of \$50.00 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 municipal 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 municipality, and any claim of the owner to such property shall be deemed forfeited.

b. Prior to the disposition of any unclaimed property having an estimated value of less than \$50.00, 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 municipality. 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 municipality, 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 municipality, and any claim of the owner to such property shall be deemed forfeited.

d. If the Director receives a written claim within the 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 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.

f. In the event that all claims filed are denied, the property shall become the sole property of the municipality, 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 and disposition of such property.

Section 4. Sale of Unclaimed Property. The Director, in his discretion, may offer any unclaimed property for public sale, may devote such property to municipal use, or if the Director determines that the probable costs of sale exceed the value of the property, may dispose of the property by any appropriate means.

Section 5. Effective Date. This ordinance shall become effective July 1, 1992.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 26th day of May, 1992, on first reading, and introduced, read, and adopted on second and final reading this 9th day of June, 1992.

Diane Lothamer
Mayor

ATTEST:

Margaret E. Anderson
City Clerk