

BEFORE THE BOARD OF TRUSTEES OF THE
TOWN OF LA JARA

RESOLUTION NO. 1986-5

The members of the Board of Trustees of the Town of La Jara hereby make the following findings:

1. That the members of the Board of Trustees of the Town of La Jara certify the mill levy of the Town of La Jara each year to the Board of County Commissioners as part of the process of collecting taxes on the basis of the assessed valuation of the taxable property within the Town of La Jara as determined and certified to said Board of Trustees by the office of the County Assessor;

2. That the assessed valuation of the Town of La Jara for the 1984 tax year was submitted to the Board of Trustees of said Town of La Jara using as a basis the values which had been established as to the individual taxable properties within the Town by James P. Cleminshaw, d/b/a Appraisers, Inc., an Ohio Corporation; Appraisers, Inc., an Ohio Corporation; and Joe Bowers, d/b/a the Appraisers Group, Inc.;

3. That the Board of Trustees of the Town of La Jara certified the mill levy to the Board of County Commissioners in reliance of the values received from the office of the County Assessor after taking into consideration the need for revenues by the Town and further the limitations applicable to taxing authorities by the laws of the State of Colorado;

4. That the reappraisal conducted by James P. Cleminshaw, d/b/a appraisers, Inc., an Ohio Corporation, Appraisers, Inc., an Ohio Corporation, Joe Bowers, d/b/a the Appraisers Group, Inc. did not pass the state audit and resulted in massive protests by the taxpayers within the Town;

5. That the Town of La Jara has sustained damages in the form of lost revenue because of the various protests, court settlements and allowances of refunds and abatements by the Board of County Commissioners of Conejos County so as to resolve all taxpayer disputes surrounding the defective 1984 appraisal;

6. That the contract into which the Board of County Commissioners of Conejos County entered into with James P. Cleminshaw, d/b/a Appraisers, Inc., an Ohio Corporation; Appraisers, Inc., an Ohio Corporation; and Joe Bowers, d/b/a the Appraisers Group, Inc. was a contract for the benefit of third parties;

7. That the Town of La Jara is a Third-Party Beneficiary of said contract;

8. That in Civil Action No. 84-CV-13, an amended Third-Party Complaint has been filed against James P. Cleminshaw, d/b/a Appraisers, Inc., an Ohio Corporation; Appraisers, Inc., an Ohio Corporation; and Joe Bowers, d/b/a the Appraisers Group, Inc. and whereby the Third-Party Plaintiff, the County of Conejos, State of Colorado, acting by and through its Board of County Commissioners seeks to recover the damages that were sustained by the Town of La Jara.

NOW, THEREFORE, in consideration of the foregoing recitations and the terms and conditions hereinafter set forth, the Board of Trustees of the Town of La Jara at its regular meeting held on the 10th day of September, 1986, commencing at the hour of 7:30 o'clock p.m. at La Jara Town Hall, La Jara,

Colorado, at which meeting a legal quorum was present, has resolved to assign and by these present does hereby assign without condition whatever claim, if any, the Town of La Jara has as a Third-Party Beneficiary to the contract aforesaid against James P. Cleminshaw, d/b/a Appraisers, Inc., an Ohio Corporation; Appraisers, Inc., an Ohio Corporation; and Joe Bowers, d/b/a the Appraisers Group, Inc. to the County of Conejos acting by and through its Board of County Commissioners.

BE IT FURTHER RESOLVED that by execution of these present, the Board of County Commissioners is authorized to assert said claim of the Town of La Jara in the District Court in and for the County of Conejos and State of Colorado in Civil Action No. 84-CV-13.

BE IT FURTHER RESOLVED that in the event of actual recovery against the Third-Party Defendants, the members of the Board of County Commissioners will have the sole and absolute authority and discretion as to how said recovery will be apportioned.

This Resolution was considered, discussed and adopted on the 10th day of September, 1986, by the Board of Trustees of the Town of La Jara at a regular meeting at which a legal quorum was present.

James M. Beget
Director

James M. Beget
Director

Gloria Peña
Director

Lo Roy Velasquez
Director

James M. Beget
Director

James M. Beget
Director

Attest:

William J. Nitalicis
Town Clerk