

Council Agenda Summary

January 4, 2022

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Introduction and first reading of an Ordinance authorizing the acquisition of interests in real property located in Weld County related to the development of the Terry Ranch Potable Water Treatment Plant and Additional Water Transmission Lines and Associated Facilities by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq.
(Terry Ranch Water Supply Project)

Summary:

This ordinance authorizes the acquisition of property interests by purchase or by exercise of power of eminent domain, if deemed necessary, required to construct the Terry Ranch Water Supply Project.

The Terry Ranch Water Supply Project is a water supply and storage project that will help fulfill the water needs of the City's growing population. The project will develop approximately 1.2 million acre-feet of non-tributary groundwater from an underground aquifer located in northwest Weld County. A critical component of this project is the construction of a by-directional transmission pipeline from the Terry Ranch aquifer location to the City's existing water transmission line located near Windsor.

The City anticipates construction of the first phase of this project, which includes the southern six miles of the pipeline, starting in 2022. The future phases of the project, encompassing the remaining 24 miles, are anticipated to reach final design and construction during 2025 to 2040.

The Project will require the acquisition of tracts of fee simple land, permanent easements, and temporary construction easements from properties along the pipeline alignment. City staff have begun discussions with owners within the project area. As the Project progresses, staff will continue to work with owners to meet the goals of the project, address site considerations, and acquire the property interests necessary for the project. Staff fully intend to negotiate in good faith and follow a uniform acquisition process for all affected owners. Authorization for the acquisition of property interests by purchase or by exercise of power of eminent domain, if deemed necessary, is needed to meet the schedule and budget requirements of the project. The Greeley Water Board considered and approved a Board Resolution at their December 15th meeting and recommended Council approval.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	To be negotiated, based upon fair market valuation
What is the annual impact?	No ongoing annual impact
What fund of the City will provide Funding?	422-Water Construction
What is the source of revenue within the fund?	Plant Investment Fees & Water Rates
Is there grant funding for this item?	No
If yes, does this grant require a match?	NA
Is this grant onetime or ongoing?	NA
Additional Comments:	

Legal Issues:

The Colorado Constitution and the Greeley Municipal Code authorize the City to acquire interests in real property for public purposes, including by eminent domain when deemed necessary.

Other Issues and Considerations:

At their December 15, 2021 meeting of the Board, the Greeley Water & Sewer Board approved a Resolution recommending City Council approval authorizing the acquisition of interests in real property necessary for the construction of facilities necessary for the development of the Terry Ranch Project.

Strategic Work Program Item or Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for January 18, 2022.

Attachments:

1. Ordinance
2. Exhibit A to Ordinance – Property Ownership List
3. PowerPoint slides on the matter including project map