

CITY OF GREELEY, COLORADO
ORDINANCE _____, 2021

AN ORDINANCE AMENDING CHAPTER 6, TITLE 14 OF THE MUNICIPAL CODE OF THE CITY OF GREELEY (CONCERNING THE DEDICATION OF WATER RIGHTS FOR CITY WATER SERVICE)

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 14.04.110 of the Greeley Municipal Code authorize the Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, Chapter 14.06 (Water Service) of the Greeley Municipal Code sets forth various requirements for initiating water service from the City; and

WHEREAS, the Board has established by resolution certain raw water dedication requirements for water service that include, but are not limited to, specifying water rights suitable for potable and non-potable use within the City's water system, the yield of a water right, and landscape dedication requirements ("Raw Water Dedication Policy"); and

WHEREAS, the City, acting by and through its Water Enterprise, previously entered into a Master Purchase, Sale and Raw Water Credit Administration Agreement (Terry Ranch), dated June 23, 2020, with Wingfoot Water Resources, a Colorado limited liability company, for the purchase and sale of water rights and related property rights ("Agreement"); and

WHEREAS, the Agreement obligates the City to issue and accept certain raw water dedication credits and to incorporate the Raw Water Dedication Policy into Chapter 14.06 of the Greeley Municipal Code; and

WHEREAS, on January 20, 2021, Water and Sewer staff presented a near final version of the proposed amendments, attached hereto as Appendix A; and

WHEREAS, Water and Sewer staff recommends that City Council adopt the proposed amendments in satisfaction of the Agreement and to consolidate the Raw Water Dedication Policy within Chapter 14.06 of the Greeley Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. That part (b) of Section 14.06.040 contained in Chapter 14.06, Water Service, be amended to read as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Section 14.06.050 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 3. That Section 14.06.060 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 4. That Section 14.06.070 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 5. That Section 14.06.080 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 6. That part (c) of Section 14.06.110 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 7. That Section 14.06.130 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 8. That Section 14.06.170 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 9. That Section 14.06.180 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 10. That Section 14.06.190 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 11. That Chapter 14.06 of the Greeley Municipal Code be amended by adding thereto a new Section 14.06.240 to read as shown on Appendix A.

Section 12. Except as explicitly modified on Exhibit A, all other provisions of Title 14 of the Greeley Municipal Code shall remain in full force and effect.

Section 13. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF _____, 2021.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor