

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 05, 2022**

**AN ORDINANCE AUTHORIZING THE CITY OF GREELEY TO ACQUIRE INTERESTS IN
REAL PROPERTY LOCATED IN WELD COUNTY, COLORADO 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 THE 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 CRS §§ 31-15-101, *et seq.*;
38-1-101, *et seq.*
(TERRY RANCH WATER SUPPLY PROJECT)**

WHEREAS, the City of Greeley ("City") is a Colorado home-rule municipality empowered, pursuant to Article II, Section 15, and Article XX, Sections 1 and 6 of the Colorado Constitution, as affirmed by the City's Charter, Sections 1-3, to exercise the power of eminent domain to acquire real property to construct, operate, and maintain transportation systems and other public works and everything required to do so, with the payment of just compensation; and,

WHEREAS, C.R.S. §§ 31-15-101, *et seq.*, and 38-1-101, *et seq.*, provide statutory authority and procedures for the exercise of the power of eminent domain by the City; and

WHEREAS, the City has determined that the development of a potable water treatment plant located on the former Terry Ranch and related additional water transmission lines and associated facilities are needed for the public purpose of delivery of improved potable water services for the City's citizens, and thereby, promote growth; and

WHEREAS, accordingly, the acquisition of interests in real property in Weld County identified and depicted on Exhibit A, attached hereto and incorporated herein, either through purchase or exercise of the City's power of eminent domain, is necessary.

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

Section 1. The City Council hereby finds and determines that it is in the interest of the health, safety, and welfare of the public, serves a public purpose, and is necessary to acquire the real property identified and depicted on Exhibit A.

Section 2. Should City staff be unsuccessful in negotiating a mutual agreement for the purchase of the property, the City Council hereby directs City

staff to begin acquisition by eminent domain, including, but not limited to, obtaining immediate possession of the Property, pursuant to the above-named statutes.

Section 3. The City Council hereby ratifies any previous actions by City staff in providing notice of the City's intent to acquire the property and extending an offer to purchase the property. Nothing contained in this ordinance shall be construed as precluding or preventing continued good faith negotiations by City staff in an effort to purchase the property.

Section 4. This ordinance shall take effect five (5) days after its final publication as provided by the City's Charter, Section 3-16.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 18TH DAY OF JANUARY, 2022.



ATTEST:

City Clerk

THE CITY OF GREELEY, COLORADO

Mayor

Attachment: Exhibit A – Property Ownership Map