

TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2021-42

CREATING TOWN OF JOHNSTOWN WATER BANK

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, pursuant to the Johnstown Municipal Code, persons who seek an extension of water service or a change in land use that requires an increased demand for Town water service are required to dedicate a sufficient amount of acceptable raw water to the Town to satisfy the anticipated water needs of the proposed project; and

WHEREAS, the Town Council recognizes the challenges of obtaining raw water, particularly when the amount of raw water that a person is required to dedicate is relatively small, such as, for illustrative purposes only, one single family equivalent or less; and

WHEREAS, the Town Council desires to create a water bank to assist persons who are required to dedicate a relatively small amount of raw water to the Town and allow such persons to pay cash-in-lieu of the required raw water dedication; and

WHEREAS, the Town Council hereby finds that adoption of an economic development incentive policy is in the best interest of the Town and the citizens of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. The Town Council hereby creates a water bank, to be known as the Town of Johnstown Water Bank. The Town Council hereby directs that the following water owned by the Town shall be deposited into the Town of Johnstown Water Bank: 16 acre-feet of raw water from the Consolidated Home Supply Ditch & Reservoir Company.

2. The Town of Johnstown Water Bank shall be available to persons who are required to dedicate a relatively small amount of raw water to the Town. “Persons” shall be deemed to include associations, corporations, firms, partnerships and bodies politic and corporate as well as individuals.

3. Persons authorized to use the raw water held in the Town of Johnstown Water Bank shall pay cash-in-lieu of the required raw water dedication in an amount that is at least equal to the fair market value of the water as of the date of actual cash-in-lieu payment.

4. The Town Council shall retain discretion to administer the Town of Johnstown Water Bank, which discretion shall include, among other aspects of the administration,

determining whether a person is entitled to purchase raw water from the Town of Johnstown Water Bank and, if so, the amount of the cash-in-lieu payment.

5. The Town Manager, or his designee, is hereby directed to create an application wherein a person may apply to use the water in the Town of Johnstown Water Bank.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of December, 2020.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor