

ABJ053

ORDINANCE 16
Series 2002

September 17, 2002: Introduced as Council Bill No. 10, Series 2002 by Doug Tisdale, seconded by Fred Boutin, and considered by the title only on first reading. Passed unanimously.

October 15, 2002: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 16, Series 2002.

**AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE CONCERNING GROUND
WATER AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH**

WHEREAS, Section 37-90-137(8), C.R.S. allows for municipal water service providers to adopt ordinances or resolutions, after ten day's notice, which incorporate ground water from the Dawson, Denver, Arapahoe, Laramie-Fox Hills aquifers underlying all or any specified portion of such provider's boundary into its water service plan; and

WHEREAS, the City seeks to provide water to portions of the incorporated area of the City of Cherry Hills Village, which are generally located in parts of Sections 5, 6, 7, and 8, T5S, R67W, and Sections 1, 2, 11, and 12, T5S, R68W of the 6th P.M., subject to the exceptions provided by Section 37-90-137(8), C.R.S. A specific legal description and map of the City's boundaries are available for review at the City's municipal office; and

WHEREAS, the City Council of the City of Cherry Hills Village deems it desirable and necessary that incorporation of ground water from the aquifers as specified above within the City's water service plan be made in order to more adequately provide for water supplies in the future; and

WHEREAS, the effect of this ordinance will be to reserve to the City the exclusive right to withdraw and use all nontributary and not nontributary groundwater underlying the portion of the City as described above, except (1) Rights previously permitted or decreed to others, and (2) Rights subject to a prior conveyance, reservation, or consent properly recorded as provided in Section 37-90-137(8)(c), C.R.S.;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1: Pursuant to Section 37-90-137(8), C.R.S., ground water from the Dawson, Denver, Arapahoe, Laramie-Fox Hills aquifers underlying that portion of the City's boundaries as they existed on January 1, 1985, subject to the exceptions provided by Section 37-90-137(8), C.R.S., shall be and hereby is incorporated in the City's water service plan.

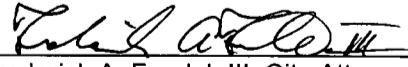
Section 2: The City staff is hereby directed and authorized to accomplish all further actions necessary to comply with Senate Bill No. 5 and to incorporate said water as described in Section 1 hereof in the City's water service plan.

Adopted as Ordinance No. 16, Series 2002, by the City Council of the City of Cherry Hills Village, Colorado, the 15th day of October, 2002.


Douglas C. Scott, Mayor

ATTEST:


Jennifer Pettinger, City Clerk


Frederick A. Fendel, III, City Attorney

