

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. CB11-0688
COMMITTEE OF REFERENCE:

Land Use, Transportation & Infrastructure

A BILL

For an ordinance approving an Agreement and Plan for Exclusion of Territory from the Lakehurst Water and Sanitation District and agreeing to continue providing sanitary sewer service to the excluded area.

WHEREAS, the Lakehurst Water and Sanitation District (“District”) is a duly organized Title 32 special district that provides water and sanitary sewer services; and

WHEREAS, the boundaries of the District include certain territory that was annexed into the City and County of Denver (“City”) in 1973 (“Area of Overlap”); and

WHEREAS, to avoid both double taxation and any duplication of service that can occur within such an Area of Overlap, Section 32-1-502, C.R.S., provides for the exclusion of territory from the District; and

WHEREAS, Section 32-1-502, C.R.S., provides that where the City and the District agree on a plan for exclusion of the Area of Overlap from the District, that plan can be incorporated into an Agreement; and

WHEREAS, Section 32-1-502, C.R.S., further provides that before the Area of Overlap can be excluded from the District, the City must agree to provide sanitary sewer service within the Area of Overlap from and after the date said Area is excluded from the District; and

WHEREAS, the District does not provide either sanitation or potable water service to the Area of Overlap and has no plans to provide either such service to the Area of Overlap in the future; and

WHEREAS, the City provides sanitary sewer service to the Area of Overlap; and

WHEREAS, the City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”) provides potable water service to the Area of Overlap; and

WHEREAS, the District, City and Denver Water have agreed upon a plan for exclusion of the Area of Overlap from the City and have incorporated that plan into a proposed agreement which is on file in the office of the Clerk of the City.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the Mayor and other proper officials of the City and County of Denver be and hereby are authorized, empowered and directed in the name and on behalf of the City and

1 County of Denver, to approve the proposed Agreement and Plan for Exclusion of Territory between
2 the District, the City and Denver Water filed on the 27th day of September, 2011, in City Clerk File
3 No. 2011-801, and to execute said Agreement according to the terms thereof.

4 **Section 2.** On and after the effective date of any Order entered by the Jefferson County
5 District Court excluding the Area of Overlap from the District, the City shall continue to provide
6 sanitary sewer service to the persons and property located within the Area of Overlap under the same
7 general terms and conditions under which the City now provides such service to said Area.

8 COMMITTEE APPROVAL DATE: September 29, 2011 by consent

9 MAYOR-COUNCIL DATE: October 4, 2011

10 PASSED BY THE COUNCIL: _____, 2011

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____, 2011

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2011; _____, 2011

17 PREPARED BY: Karen A. Aviles, Assistant City Attorney DATE: October 6, 2011

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
19 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.

22
23 Douglas J. Friednash, Denver City Attorney

24 BY: _____, Assistant City Attorney DATE: _____, 2011