

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2012

COUNCIL BILL NO. CB12-0389
COMMITTEE OF REFERENCE:
4 HEALTH, SAFETY, EDUCATION & SERVICES

5
6 **A B I L L**

7 **for an ordinance approving a Supplemental Reimbursement Application to the**
8 **Colorado Petroleum Storage Tank Fund for reimbursement of expenses**
9 **incurred in remediating petroleum contamination.**

10 WHEREAS, Under C.R.S. § 8-20.5-101 *et seq.* owners and operators of petroleum storage tanks who
11 remediate releases in compliance with applicable federal and state laws and regulations may apply for
12 reimbursement of costs incurred consistent with the above-referenced statute (referred to as the “Statute”);

13 WHEREAS, The City periodically submits applications to the Colorado Petroleum Storage Tank Fund
14 for reimbursement of expenses the City incurs in remediating petroleum contamination as provided for in the
15 Statute;

16 WHEREAS, Under the current application, the City is requesting reimbursement of Forty-One
17 Thousand, Ninety-Two and 47/100 Dollars (\$41,092.47) for funds expended the site known as Osage Fleet
18 Maintenance Facility, located at 2013 S. Osage, Denver, Colorado (“Site”);

19 WHEREAS, The City has received reimbursement totaling Four Hundred Seventy-One Thousand, Six
20 Hundred Ninety-Two and 25/100 Dollars (\$471,692.25) for remediation activities at the Site and together the
21 amount requested in the current application and the previous reimbursement amounts exceed Five Hundred
22 Thousand Dollars (\$500,000); and

23 WHEREAS, the City anticipates seeking future reimbursement of expenses not to exceed the current
24 statutory limits of \$2,000,000 for this site under the Statute.

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

26 **Section 1.** The proposed Supplemental Reimbursement Application to the Colorado Petroleum
27 Storage Tank Fund in the words and figures contained and set forth in that form of application filed in the
28 office of the City Clerk of the City and County of Denver, on May 31, 2012, City Clerk's Filing No. 2005-0706-C
29 is hereby approved.

30 **Section 2.** The Mayor or his lawful successor and other proper officials of the City and County of
31 Denver, in its behalf, and without further action by City Council, are hereby authorized to execute future
32 Supplemental Reimbursement Application to the Colorado Petroleum Storage Tank Fund up to the statutory
33 limits pursuant to C.R.S. § 8-20.5-101 *et seq.* for reimbursement of remediation activities conducted at the site
34 known as Osage Fleet Maintenance Facility, located at 2013 S. Osage, Denver, Colorado.

35 **Section 3.** All payments the State of Colorado makes to the City pursuant to the Supplemental
36 Reimbursement Application to the Colorado Petroleum Storage Tank Fund for the Site as herein approved
37 shall be deposited into the Treasury of the City and credited to Special Fund No. 78410, which is set forth and
38 described in Section 20-18 of the Revised Municipal Code of the City and County of Denver.

1 COMMITTEE APPROVAL DATE: May 24, 2012 (Consent Agenda)

2 MAYOR-COUNCIL DATE: May 29, 2012

3 PASSED BY THE COUNCIL _____ 2012

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____ 2012

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012: _____ 2012

10 PREPARED BY: Katherine L. Wilmoth - ASSISTANT CITY ATTORNEY - May 29, 2012

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City
12 Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The
13 proposed ordinance is submitted to the City Council for approval pursuant to §3.2.6 of the Charter.

14
15 Douglas J. Friednash, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____, 2012