

ORDINANCE NO. 2392
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 13-6 OF THE BRIGHTON MUNICIPAL CODE TO CLARIFY THE APPROPRIATION OF GROUNDWATER BY THE CITY WHEN ANNEXING LAND TO THE CITY

WHEREAS, Article 13-6 addresses the City's obligation to provide water to its residents and appropriates all nontributary groundwater within its boundaries and incorporates implied consent of landowners to such appropriation but incorrectly cites to a state statute and this should be corrected; and

WHEREAS, in each annexation agreement, property owners agree to the appropriation of groundwater by the City and such is not clearly codified in the Brighton Municipal Code and the City desires to codify such requirement; and

WHEREAS, the City of Brighton relies on groundwater for its wells that provide water to its residents; and

WHEREAS, the City Council finds these updates are necessary and in the best interests of the City and supports the welfare of the residents of the City of Brighton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 13-6-20 of the Brighton Municipal Code is hereby amended as follows:

Sec. 13-6-20. Appropriation of nontributary groundwater.

The City hereby incorporates all groundwater into its municipal service plan from the following aquifers that underlie and/or contribute water to all or any portion of the land encompassed within the boundaries of the City, as they existed on January 1, 1985: Dawson, Denver, Arapahoe, Laramie-Fox Hills and Dakota Aquifers, with the exception of the following described property: That part of the Northeast one-quarter of Section 12, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as: Beginning at the east one-quarter corner of said Section 12; thence N89°55'30"W on an assumed bearing along the south line of said northeast one-quarter Section 12 a distance of 1021.0 feet; thence N00°00'30"E a distance of 475.00 feet to the true point of beginning; thence S89°39'30"W a distance of 374.0 feet; thence N00°44'30"W a distance of 845.0 feet to a point on the north line of the south one-half of said northeast one-quarter; thence N86°56'30"E along said north line a distance of 386.12 feet; thence S34°02'00"E a distance of 50.26 feet; thence S03°11'00"E a distance of 112.86 feet; thence S14°15'56"W a distance of 81.50 feet; thence S02°34'30"W a distance of 344.18 feet; thence S00°00'30"W a distance of 265.94 feet to the true point of beginning. Contains 7.559 acres more or less.

Sec. 13-6-30. Consent to groundwater appropriation.

The owners of all land which overlies such groundwater hereby appropriated shall be deemed to have consented to the withdrawal by the City of all such groundwater unless such consent shall be deemed to have been withheld as otherwise provided by state law. Consent for the following described property is deemed withheld: That part of the northeast one-quarter of Section 12, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as: Beginning at the east one-quarter corner of said Section 12; thence N89°55'30"W on an assumed bearing along the South line of said North east one-quarter

Section 12 a distance of 1021.0 feet; thence N00°00'30"E a distance of 475.00 feet to the true point of beginning; thence S89°39'30"W a distance of 374.0 feet; thence N00°44'30" distance of 845.00 feet to a point on the north line of the south one-half of said northeast one-quarter; thence N89°56'30"E along said north line a distance of 386.12 feet; thence S34°02'00"E a distance of 50.26 feet; thence S03°11'00"E a distance of 112.86 feet; thence S14°15'56"W a distance of 81.50 feet; thence S02°34'30"W a distance of 344.18 feet; thence S00°00'30"W a distance of 265.94 feet to the true point of beginning. Contains 7.559 acres more or less. (Ord. 1194 §1(part), 1985)

Section 2. Section 13-6-50 shall be added to the Brighton Municipal Code as follows:

Section 13-6-50. Groundwater appropriation.

All groundwater underlying land within the boundaries of the City is deemed to have been appropriated by and for the City, and as an obligation of annexation, landowners consent to such groundwater appropriation, which the City may access and put to beneficial use for all residents of the City.

Section 3. All property annexed to the City after 1985 and prior to passage of this ordinance granted or consented to the underlying groundwater being appropriated by the City, and all such agreements, formal and informal, are hereby ratified and recognized as binding.

Section 4. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 2nd DAY OF AUGUST, 2022.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 16th DAY OF AUGUST, 2022.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney