

ORDINANCE NO. 938

AN ORDINANCE AMENDING SECTION 13.04.008 OF
THE GOLDEN REVISED ORDINANCES OF 1965
RELATING TO WATER SERVICE CONTRACTS FOR
NON-COMMITTED AREAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN,
COLORADO:

Section 1. Sub-section (b) (3) of Section 13.04.008 of the
Golden Revised Ordinances of 1965 is hereby repealed and re-
enacted as follows

13.04.008 Application and Contract for
Water Service. . . .

(b) Non-committed areas. . . .

(3) The water service contract shall delineate the water permit fees due the City as a result of the development. The contract shall also include, where applicable, payment by the applicant of pro rata share of additional expenses incurred or to be incurred by the City due to unusual development designs, location, and/or revision to the City's master plan facilities required because of service to the applicant's development.

Where City Council so requires the contract shall include one of the following provisions:

(i) Water rights owned or to be acquired by the applicant, in an amount sufficient to meet the needs of the development, shall be deeded to the City.

(ii) If the City determines that water rights deeded to the City are not sufficient to serve the water needs of applicant's development the City Council may then consider fees in lieu of water rights for the remainder of the required water needs.

(iii) If the applicant does not own or is unable to acquire water rights acceptable to the City, the City Council may then consider fees in lieu of water rights up to the maximum of the required water needs of applicant's development.

Water rights tendered to the City will be evaluated by the city's water engineer and water attorney who will determine if said water rights would meet the required needs of the development. Given said information City Council will be the sole judge as to whether the tendered water rights will be accepted.

The City shall credit the applicant from System Development Fees collected from applicant's development the value of water rights provided. The value of the water rights will be determined by the City of Golden after consultation with the City's water engineer and water attorney.

If fees in lieu of water rights are accepted City Council will consider credits of said fees to System Development Fees of said development with a maximum credit limitation of 50% of said System Development fees.

The maximum period wherein system development fee credits will be provided is seven (7) years from the date of the contract, unless otherwise allowed by City Council and provided for in the contract. The contract shall include provisions concerning the rebates permitted the developer from system development fees realized from other customers tapping a service pipe onto distribution or transmission facilities, furnished by the developer. Finally, the contract shall include such other matters as the city attorney deems relevant.

Section 2. Any ordinances or portions of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 12th day of July, 1984.

Adopted, approved and ordered published this 23rd day of August, 1984.

Dr. Ruth A. Maurer
Mayor

ATTEST:

Sharon L. Bennetts
City Clerk

Approved as to form:

Russell J. Sindt
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city, held on the 12th day of July, 1984 and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held and on the 23rd day of August, 1984, the said proposed ordinance was read on second reading and passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 24th day of August, 1984.

Attest:

Sharon L. Bennetts
City Clerk of the City of
Golden, Colorado

(SEAL)