

ORDINANCE NO. 5.09

AN ORDINANCE ESTABLISHING A WATER RESOURCES FEE AND
PROVIDING FOR ITS COLLECTION AND USE

WHEREAS, water resources are a critical factor in the development of the Town of Larkspur; and

WHEREAS, the Town Council of the Town of Larkspur has determined that land developers are responsible for providing for the water necessary to serve their developments; and

WHEREAS, it may be in the best interest of the Town of Larkspur to permit developers to pay a fee in lieu of providing water supplies.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, THAT:

SECTION I

1.1. Created. There is established in the water and sewer capital improvements fund a water resources account for payment for the acquisition of water rights as provided in this chapter. Into such account shall be deposited all monies collected pursuant to the provisions of this chapter and the monies in such fund shall be expended solely as specified in Section 1.2.

1.2. Use. Monies collected pursuant to this chapter shall be utilized to lease, purchase, option or otherwise attain rights to water whether tributary or non-tributary. Any and all costs associated with the acquisition of water or water rights, including legal, engineering or geological expenses may be paid by monies collected pursuant to this Ordinance.

1.3. Dedication of Water Rights. All water rights both tributary and non-tributary associated with property annexed to the Town shall be dedicated to the Town as a condition of and immediately upon annexation. All water rights both tributary and non-tributary associated with property proposed for rezoning or platting (including replatting) shall be dedicated to the Town as a condition of and immediately upon approval of the rezoning or filing of the final plat.

1.4. Calculation of Water Usage. If the water rights dedicated to the Town are determined to be insufficient to service the proposed development or if the provisions of Section 1.6. apply, the Town, in its sole discretion, may require the developer to secure additional water rights or may permit the developer to make a cash payment sufficient to permit the Town to secure water rights to make up any shortfall.

The amount of water required for a residential development shall be calculated at .29 acre feet per year per dwelling unit and 2 acre feet per year per acre of irrigated land (developed area less calculation for building footprints, driveways, parking lots, and streets and sidewalks, as administratively determined by the staff of the Town of Larkspur). Water usage rates for other land uses shall be estimated based on the State of Colorado Division of Water Resources statistics.

The amount of water rights dedicated to the Town appurtenant to the development or the amount of water usage grandfathered pursuant to Section 1.6. shall be credited to the developer in determining additional rights that would be necessary to serve the development.

1.5. Collection of Fee. At the sole discretion of the Town, developers may be permitted to pay a fee in lieu of providing additional water rights that are required to serve the development. The Town Council, by resolution, shall establish an amount noted in dollars per acre foot, which amount shall be utilized to calculate the amount of water resources fee required when dedicated water rights are insufficient to serve a development. Such fee shall be paid as a condition of and immediately upon annexation, or in the case of rezoning or platting (including replatting) as a condition of and immediately upon approval of rezoning or filing of the final plat. Notwithstanding anything to the contrary contained herein, in the discretion of the Town Council, the fee shall be paid at such time as deemed necessary to provide water service to the development.

1.6. Grandfather Provision for Existing Zoning. Property proposed for rezoning shall receive credit for water consumption based on existing zoning. Such credit shall be based on estimated maximum water usage as calculated utilizing Division of Water Resources statistics.

1.7. Annual Adjustment. On recognition of increasing costs and inflation the fees set forth in this chapter shall be adjusted on at least an annual basis by the Town Council to reflect the actual cost of acquiring water rights by the Town during the previous year.

SECTION II

The Town Administrator is hereby authorized and directed to do all things necessary and proper to provide for collection of fees as specified in this ordinance.

SECTION III

In the event any provision of this ordinance is determined to be illegal or unenforceable for any reason, all other provisions of this ordinance shall remain in force and effect unless and until otherwise determined. The illegality of any provision of this ordinance shall in no way affect the legality and enforceability of any other provision of this ordinance.

SECTION IV

This ordinance shall be deemed effective thirty (30) days following passage thereof and proper publication.

PASSED AND ADOPTED this 20th day of APRIL, 1983, by a vote of the Town Council of the Town of Larkspur of 6 for and 0 against.



Mayor

ATTEST:



Town Clerk

RESOLUTION _____

A RESOLUTION SETTING CHARGE
PER ACRE FOOT OF WATER PURSUANT
TO ORDINANCE NO. 5.09

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LARKSPUR
that:

Any water resources fee calculated pursuant to Ordinance No.
5.09 be based on an amount of \$~~4500.00~~ per acre foot.

PASSED AND RESOLVED by the Board of Trustees of the Town of
Larkspur, Colorado, this 20th day of ^{April} ~~March~~, 1983, by a vote of
6 for and 0 against.



Mayor

ATTEST:



Town Clerk