

ORDINANCE NO. 042, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS  
TO CLARIFY THE ACCEPTANCE OF WATER CERTIFICATES ISSUED PURSUANT TO  
AN AGREEMENT, DATED MAY 10, 1971, (COMMONLY KNOWN AS "JOSH AMES  
CERTIFICATES") TO MEET RAW WATER REQUIREMENTS

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain, and provide for the collection of such rates, fees, or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations of the water utility, as set forth therein; and

WHEREAS, the City entered into an Agreement with the Josh Ames Ditch Company, dated May 10, 1971, pursuant to which certain water certificates (the "Josh Ames Certificates") were created and pursuant to which the owners of such water certificates are entitled to use them, upon the annexation of land into the City, to fulfill the City's water furnishing requirement for one-eighth acre of land; and

WHEREAS, in Ordinance No. 123, 1983, and Ordinance No. 012, 1984, the City Code was amended to base the requirements for furnishing raw water for City water service on factors other than the acreage of the subject land; and

WHEREAS, there has since been a lack of clarity regarding how the Josh Ames Certificates are to be used to meet City's raw water furnishing requirements under City Code; and

WHEREAS, it is to the benefit of the City and to Utilities ratepayers to clarify City Code regarding this matter in a manner consistent with the Agreement dated May 10, 1971; and

WHEREAS, the City Manager and City staff have recommended to the City Council that the following changes be made.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-149 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-149. Raw water requirement; nonresidential service.**

(g) Notwithstanding any other provisions of this Division, water certificates issued by the City under the Agreement, dated May 10, 1971, between the City and the Josh Ames Ditch Company, shall be subject to the following:

(1) If such certificates are used to meet the RWR upon the annexation of land into the City, each certificate shall be accepted by the City as fulfilling the RWR in the ratio of one certificate for each one-eighth (1/8) acre of land annexed, and if nonresidential service to the annexed land is requested, an annual allotment shall be imposed that is equal to the applicant's estimate of peak annual use on the annexed land, provided that such estimate does not exceed the amount of water, as determined by the Utilities Executive Director, that can reasonably be delivered through the number and size of taps in the water service permit issued for the annexed land, that such estimate is based on the applicant's documented intended use(s) of the annexed land, and that such estimate is first approved and accepted by the Utilities Executive Director. For the purposes of this subsection, "upon the annexation of land into the City" refers to the one hundred (100) day period beginning on the day the ordinance of annexation is approved by Council on second reading.

(2) If such certificates are used for purposes related to water service from Utilities under this Section 26 at any time other than upon the annexation of land into the City pursuant to the foregoing subsection, each certificate shall be accepted by the City and calculated as equaling nine-sixteenths (9/16) acre foot of water, and an annual allotment shall be imposed pursuant to this Section.

(h) Applicants seeking a temporary water connection under Subsection 26-120(e)(1) shall meet the RWR and shall be assigned an annual allotment as set forth in this Subsection. The RWR for such applicants shall be three times the maximum estimated amount of water that would be applied to the subject native vegetation during one irrigation season, as determined by the Utilities Executive Director. The annual allotment shall for such applicants shall be the maximum estimated amount of water that would be applied to the subject native vegetation during one irrigation season, as determined by the Utilities Executive Director.

Section 3. That Section 26-150 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-150. Raw water requirements; satisfaction.**


(a) The RWR imposed pursuant to this Division may be satisfied by one (1) or more of the following methods:


(1) Water rights acceptable to the City may be transferred to the City. The Water Board determines which water rights are acceptable to the City and determines the appropriate conversion factors to be used in determining the yield

from each of the acceptable sources. The determinations of the board are final and conclusive.


(2) Water certificates issued by the City may be submitted in satisfaction of the RWR. The value of each certificate shall be as stated on the face of the certificate and pursuant to § 26-149(g), if and to the extent applicable.

Introduced, considered favorably on first reading, and ordered published this 21st day of March, A.D. 2017, and to be presented for final passage on the 18th day of April, A.D. 2017.

ATTEST:  
  
W Winkelman  
City Clerk

  
Mayor

Passed and adopted on final reading on the 18th day of April, A.D. 2017.

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W Winkelman  
City Clerk

  
Mayor