

ORDINANCE NO. 013, 2020  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN PROCEEDINGS OF  
CERTAIN PROPERTY RIGHTS NECESSARY FOR ACCESS IN CONNECTION WITH  
PHASE I (PERMITTING AND DESIGN) OF THE HALLIGAN WATER SUPPLY PROJECT

WHEREAS, by the adoption of Resolution 2003-121, City Council authorized the City Manager to proceed with investigation, planning, regulatory review processes, site acquisition, design, and construction of the Halligan Reservoir Enlargement Project, now referred to as the Halligan Water Supply Project (the "Project"); and

WHEREAS, the City is proceeding with Phase 1 of the Project, which will include site visits and data collection related to the permitting and design work for the reservoir enlargement and replacement or modification of the dam and diversion structures; and

WHEREAS, to accomplish the work of Phase 1, the City needs access to Halligan Reservoir, the North Poudre Canal Diversion Structure, and the Calloway Diversion Structure; and

WHEREAS, to meet near-term project timelines, the City will need to acquire certain property rights as described on Exhibits "A" through "C", attached hereto and incorporated herein by this reference (the "Property Rights"); and

WHEREAS, the City will negotiate in good faith for the acquisition of the Property Rights from the owners thereof; and

WHEREAS, the acquisition of the Property Rights is desirable and necessary for the permitting and design phase of the Project, is in the City's best interest, and enhances public health, safety, and welfare because it is in furtherance of the Project, which will meet the demands of future Fort Collins Utilities customers and provide added reliability for all Utilities customers; and

WHEREAS, the acquisition of the Property Rights may, by law, be accomplished through eminent domain.

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

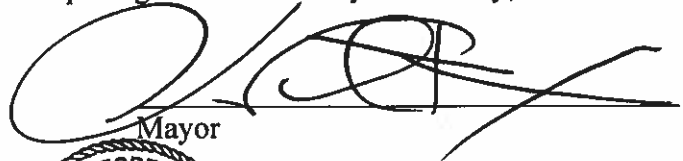
Section 1. That the City Council hereby makes and adopts the determination and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds and determines that it is necessary in the public interest to acquire the Property Rights described herein for the purpose of the permitting and design of the Project.

Section 3. That the City Council hereby authorizes the City Attorney and other appropriate officials of the City to acquire the Property Rights for the City by eminent domain proceedings.

Section 4. That the City Council further finds that, in the event acquisition of eminent domain of the Property Rights or any of them is commenced, immediate possession is necessary for the public health, safety, and welfare.

Introduced, considered favorably on first reading, and ordered published this 7th day of January, A.D. 2020, and to be presented for final passage on the 21st day of January, A.D. 2020.

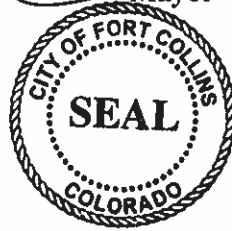


Mayor

ATTEST:



City Clerk



Passed and adopted on final reading on the 21st day of January, A.D. 2020.



Mayor

ATTEST:



City Clerk

