

ORDINANCE NO. 103

AN ORDINANCE AMENDING TERMS AND CONDITIONS OF ANNEXATION TO THE TOWN OF MEAD.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, WELD COUNTY, COLORADO:

Section 1. Section 3 of Ordinance No. 81 of the Town of Mead is repealed in its entirety and is re-enacted as follows:

Section 3. Terms and Conditions of Annexation.

A. The owner and applicant, for themselves and for their heirs, assigns, and legal representatives, of property for annexation to the Town of Mead must agree in writing to furnish the following described minimum water rights to the Town in connection with the annexation:

1. Residential. There shall be one acre foot of water required of the owner or his assignee or successor in interest for every living unit in areas zoned residential in the annexation. Title to the requisite water shares shall be deliverable to the Town, free and clear of any lien or encumbrance, at the time of final platting of any residential area in the annexed territory or, for good cause shown, after platting but prior to the issuance of any building permit in the platted area. If the Town agrees to accept cash in lieu of water shares, the cash shall be due at the time the water shares would have been deliverable to the Town. An owner, his assignee, or successor in interest having furnished to the Town the requisite water shares pursuant to this requirement shall receive full credit therefor against any water acquisition fee required by the Town upon application for building permit.

2. Commercial and Industrial. The owner shall furnish three acre feet of water for every gross acre of the annexation zoned commercial or industrial or cash in lieu thereof at the Town's option. This requirement shall be met at the time of annexation, or for good cause shown, on a lot by lot basis at the time a building permit is applied for on such lot. At the time a building permit is applied for on any subdivided lot in an industrial or commercial area, the applicant for the building permit shall be required to pay the water acquisition fee then in force by the Town of Mead but shall receive credit against that water acquisition fee according to the following formula: Area of the parcel for which the building permit is applied for divided by the net developable area, zoned commercial or industrial, in the initial annexation times the current water acquisition fee times the number of shares contributed for the commercial and industrial land annexed.

If the annexation water requirement has not been met at the time the building permit is applied for the applicant for the building permit shall meet the annexation water requirement for his parcel based on the following formula: Area of parcel for which the building permit is applied divided by the net developable area times the gross area annexed as commercial or industrial times three (3). The building permit applicant shall then pay the current water acquisition fee required for his water tap less a credit as set forth above.

In any circumstance where the credit for water provided under the annexation requirement exceeds the current water acquisition fee, no refund shall be made either to the building permit applicant or the annexing party.

B. In addition, the owner shall offer to sell all remaining water rights appurtenant to his property to the Town at the fair market value to be determined by a competent appraiser chosen jointly by the owner and the Town. Furthermore, the land owner shall petition for inclusion of the property in the Northern Colorado Water Conservancy District if the property sought to be annexed is not already in that District.

C. All water shares required under this Section shall be Northern Colorado Water Conservancy District water shares or such other shares as the Town may agree to accept in lieu thereof.

Section 2. All Ordinances, Resolutions, and Motions of the Board of Trustees of the Town of Mead or parts thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict hereby superseded and repealed.

Section 3. The sections of this Ordinance are hereby declared to be severable, and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this Ordinance shall continue in full force and effect, it being the legislative intent that this Ordinance would have been adopted even if such unconstitutional or invalid matter had not been included therein. It is further declared that if any provision or part of this section, or the application thereof to any person, or circumstances, is held invalid, the remainder of this Ordinance and the application thereof to other persons shall not be effected thereby.

Approved, adopted, and ordered published by the Board of Trustees of the Town of Mead on the \_\_\_\_\_ day of \_\_\_\_\_, 1982.

  
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Mayor

ATTEST:

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Town Clerk