

ORDINANCE NO. 522

ORDINANCE AMENDING THE WATER DEDICATION REQUIREMENTS FOR ANNEXATION TO THE TOWN OF BERTHOUD.

The Board of Trustees of the Town of Berthoud has determined that it is in the best interest of the Town to encourage the owners whose real property is contiguous to the Town to annex their property to the Town.

The Board finds that one of the most significant factors deterring annexation is the requirement that the specified water rights be transferred to the Town at the time of annexation. This requirement becomes punitive for those property owners who wish to annex to the Town but do not wish to develop their property.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 1.

Prior to the time that the annexation plat of a parcel of land is approved by the Board of Trustees or executed by the Mayor or Town Clerk, each fee owner of property which is contained in the parcel being annexed shall make an election to proceed under either Section 2 or Section 3 of this Ordinance.

Section 2.

The fee owner shall transfer to the Town the legal title to the proper quantity of water rights as specified by the Town and thereby retain the right to continue to use the water. At such time as the master plan for the parcel is approved, the fee owner shall convey the balance of his or her interest in the water rights to the Town, thereby divesting the owner of his or her equitable title.

Section 3.

The fee owner may transfer no interest in water rights to the Town until such time as the master plan for the annexed parcel is approved. The quantity of water to be transferred to the Town at the time the master plan is approved shall be in conformance with the requirements of the Town in existence at the time the transfer is made.

Section 4.

The quantity of water to be transferred to the Town of Berthoud, pursuant to Sections 2 and 3, shall be two acre feet of water for each gross acre to be developed. In the event the property is to be developed as a planned unit development or there is intensified commercial or industrial use, the water dedication requirements may be re-evaluated at the time of zoning or rezoning.

The quantity of water allocable to one unit of interest in the Northern Colorado Water Conservancy District shall be based upon the water issued averaged over the 10 prior years.

The quantity of water allocable to one share of Handy Ditch Company shall be based upon the water delivered to the shareholders averaged over the 10 prior years.

The dedication of any other water shall be subject to approval by the Board of Trustees.

Section 5.

Any Ordinance which is in conflict with the provisions of this Ordinance is hereby repealed only insofar as all or portions thereof are in conflict with this Ordinance.

This Ordinance was introduced, read and a public hearing set for November 24, 1981, at the meeting of the Board of Trustees held this 10th day of November, 1981. At the meeting held the 24th day of November, 1981, this Ordinance was passed upon second reading and ordered published.

TOWN OF BERTHOUD:



*Richard D. Strucker*  
MAYOR

ATTEST:



*Vicki Miller Brinker*  
TOWN CLERK

Loveland Reporter Herald  
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