

ORDINANCE O-2021-

A BILL FOR AN ORDINANCE AUTHORIZING A LONG-TERM WATER SUPPLY
AGREEMENT BETWEEN THE CITY OF LONGMONT, ACTING BY AND THROUGH ITS
WATER UTILITY ENTERPRISE, GOLDEN FARM, LLLP, AND AGGREGATE
INDUSTRIES-WCR, INC. FOR THE IRWIN-THOMAS RECLAMATION PROJECT

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

The City Council finds:

- A. That the City, a home rule municipality, duly organized and existing as a home-rule city under Article XX of the State of Colorado Constitution, by and through its water utility enterprise, is authorized pursuant to sections 1.2, 1.3, and 11.1 of Longmont’s Home Rule Charter and section 31-15-101, et. seq., C.R.S., as amended, to acquire, hold, lease, and dispose of real and personal property, including water and water rights.
- B. That Golden Farm, LLLP (“Golden”) and Aggregate Industries-WCR, Inc. (“Aggregate”) are parties to a certain mining lease (“Mining Lease”), whereby Aggregate holds rights to mine sand, gravel, and other resources on the mining property (“Property”), and that pursuant to the Mining Lease, Golden shall supply water for Aggregate’s mining operations.
- C. That the City owns water, water rights, or water credits in the St. Vrain Creek basin that are fully consumable.
- D. That Golden and Aggregate require a supply of fully consumable water for use in support of post-mining and reclamation of the Property pursuant to a plan for

1 augmentation and to ensure an efficient transition of responsibilities for the
2 replacement of water depletions on the Property, subsequent to mining operations.

3 E. That the City, Golden, and Aggregate desire to enter into a Long-Term Water Supply
4 Agreement for the Irwin-Thomas Project (“Agreement”) to provide fully-consumable
5 water to be supplied by the City for use in support of post-mining and reclamation of
6 the Property.

7 Section 2

8 The Mayor, acting on behalf of the City, is hereby authorized to execute and deliver the
9 Agreement, in substantially the form now before the City Council.

10 Section 3

11 To the extent only that they conflict with this ordinance, the Council repeals any conflicting
12 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of
13 any part shall not affect the validity or effectiveness of the rest of this ordinance.

14 Introduced this _____ day of _____, 2021.

15 Passed and adopted this _____ day of _____, 2021.

16
17
18 _____
19 MAYOR

20
21
22 ATTEST:

23
24
25 _____
26 CITY CLERK

27
28 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
29 7:00 P.M. ON THE _____ DAY OF _____, 2021, AT THE
30 LONGMONT CITY COUNCIL MEETING.

1 APPROVED AS TO FORM:

2
3
4 _____
5 CITY ATTORNEY

_____ DATE

6
7
8 _____
9 PROOFREAD

_____ DATE

10
11
12 APPROVED AS TO FORM AND SUBSTANCE:

13
14
15 _____
16 ORIGINATING DEPARTMENT

_____ DATE

17
18 CA File: 10535