

ORDINANCE NO. 5289

AN ORDINANCE AUTHORIZING, APPROVING AND CONFIRMING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, THE GRAND VALLEY WATER USERS ASSOCIATION, AND THE CITY OF GRAND JUNCTION CONCERNING TRANSFERRING THE OPEN DITCH AND PIPED DRAIN KNOWN AND REFERRED TO AS THE TRIANGLE DRAIN, A PART OF THE GRAND VALLEY PROJECT, TO THE CITY AND RATIFYING ALL ACTIONS HERETOFORE TAKEN AND IN CONNECTION THEREWITH

Recitals.

In 1907, Secretary of the Interior, James R. Garfield, approved the plan for the construction of the Grand Valley Project ("Project") by the Bureau of Reclamation, then known as the United States Reclamation Service. The Project provided a significant benefit to the valley by supplying a reliable source of irrigation water to 33,368 acres of land in the vicinity of Grand Junction. The Project includes a diversion dam, a powerplant, two pumping plants, two canal systems of approximately 90 miles, 166 miles of laterals, and 113 miles of drains. One segment of those drains is the open ditch and piped drain known and referred to as the Triangle Drain. The specific segment of the Triangle Drain located near Matchett Park is described and shown on Exhibit A to the agreement attached to and approved by and with this Ordinance.

For many years, the agricultural use of the lands originally served by the drain has diminished, leaving little if any agricultural return flow water in it. The original purpose of the Triangle Drain was to collect water so that lands could be cultivated; in large part due to residential and other development, water in the drain is from streets and developed and developing commercial and residential areas. While development has historically relied on existing facilities such as the Triangle Drain the United States has not maintained or operated the Triangle Drain as an urban storm water facility. The Association operates and maintains the Triangle Drain under the provisions of a contract with the United States, Contract No. ILR-644 dated January 27, 1945, and other contracts supplementary or amendatory thereto (collectively, the "United States-Association Contract").

The City as part of its land use and development review processes, requires developers to plan for storm water drainage. Historically, developers have constructed storm water discharges into Triangle Drain without authorization from the United States. The United States has determined that it is not authorized to operate and maintain the Triangle Drain for any non-agricultural use. In order to accommodate the storm water drainage needs of the community and recognizing that residential, commercial and other development will continue to expand into the area historically served by the Triangle Drain, the City has indicated its willingness to, pursuant to the written agreement approved by and with this ordinance, to accept the maintenance, repair, replacement

and operational control of, and responsibility for, the Triangle Drain as provided in the agreement and in accordance with applicable law.

While the United States has determined that the Triangle Drain is no longer necessary for Project purposes and that ownership and control of the Triangle Drain be transferred to the City the United States does reserve a right to continue to discharge administrative spills and irrigation drainage into the Triangle Drain. By separate instrument, the United States will quitclaim the Triangle Drain to the City and grant to the City a perpetual non-exclusive easement for purposes of operating, maintaining, repairing, and replacing the Triangle Drain for the purposes that the City determines.


The City and United States have agreed to certain terms and conditions regarding the Triangle Drain and in accordance with that agreement, which is attached to and incorporated by this reference ("Agreement") as if fully set forth, the City, the United States, and the Association desire to enter into contract.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO AS FOLLOWS:

1. The foregoing Recitals are incorporated and adopted and in accordance with and pursuant to this Ordinance the City Council of the City of Grand Junction, Colorado hereby authorizes, confirms, and ratifies the Agreement; and,
2. All actions heretofore taken by the officers, employees and agents of the City relating to the Agreement are hereby ratified, approved, and confirmed; and,
3. The Agreement in the form attached hereto is hereby approved. The City Manager and the officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions thereof, including, without limitation, the execution and delivery of the signature(s) to affect the intent and purposes of this Ordinance and the Agreement.
4. If any part or provision of this Ordinance or the application thereof to any person or circumstance(s) is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.
5. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the lawful objectives sought to be obtained.

INTRODUCED ON FIRST READING, PASSED for publication this 3rd day of December 2025 in pamphlet form, and setting a hearing for December 17th, 2025, by the City Council of the City of Grand Junction, Colorado.

HEARD, PASSED and ADOPTED ON SECOND READING and ordered published in pamphlet form this 17th day of December 2025, by the City Council of the City of Grand Junction, Colorado.



Cody Kennedy
President of the City Council

Attest:



Selestina Sandoval
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5289 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 3rd of December, 2025, and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the day of the 17th of December 2025, at which Ordinance No. 5289 was read, considered, adopted, and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of December 2025.


Deputy City Clerk

Published: December 6, 2025
Published: December 20, 2025
Effective: January 19, 2026

