

ORDINANCE NO. 1136

AN ORDINANCE IMPLEMENTING SECTIONS 2 AND 3 OF CHAPTER 78 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, SUCH SECTIONS CONCERNING OPEN DITCHES WITHIN THE CITY, BY THE ADDITION OF SUBSECTIONS 3a., 3b., and 3c. PROVIDING FOR THE FINDING OF NUISANCE IN REGARD TO SUCH DITCHES AND PROVIDING FOR APPROACHES TOWARD ACCOMPLISHMENT OF THE COVERING OR CLOSING OF SUCH NUISANCE DITCHES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That Sections 2 and 3 of Chapter 78 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, be implemented by the addition to Section 3 of the following:

3a. To carry out the intent of Sections 2 and 3 of Chapter 78 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, the Council shall determine whether an existing open ditch within said city constitutes a nuisance by endangering the public health, safety or welfare. Such finding of nuisance shall be made by resolution of the City Council after consideration of the conditions in regard to such ditch.

3b. Upon a finding by the City Council that a nuisance exists, the City administration shall proceed to either eliminate the ditch by closing the same or seek the covering of said ditch. As an encouragement to elimination of the ditch entirely, the City administration may offer any one or all of the following inducements to the water users from the ditch:

(1) The purchase by the City of all pumping apparatus owned by the water user in an amount approximating its actual value.

(2) The payment of a lump sum equal to the estimated water charges for a three-year period for watering the existing planted portion of the ditch water users premises; provided, however, that a five-year estimate may be used where the purchase of pump apparatus is not involved.

(3) The purchase by the City, at the option of the ditch water user, of the shares of the ditch water at current value. The ditch water user may elect to retain ownership of said shares or sell them elsewhere.

Upon the closing of a ditch, or portions thereof, within the City, the former water users from said ditch or such portions shall be relieved of all responsibility in connection with such ditch, or portions thereof.

3c. In the event the closing of the ditch is impractical, the City may participate with the ditch water users in the covering of said ditch, or portions thereof. In such case, the City's share as custodian of the public right-of-way shall not exceed one-half of the cost of such covering with the balance being assumed by ditch water users. In the event the City is also a user as well as custodian of the right-of-way, the share of cost of covering may be increased proportionately.

Adopted and Approved this 2nd day of August, 1961.

Charles E. McCormick

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President of the City Council

ATTEST:

Helen C. Tomlinson

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City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1136, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 19th day of July, 1961, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 3rd day of August, 1961.

Helen C. Tomlinson

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City Clerk

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