

COUNCIL BILL 17-028
ORDINANCE NO. 4606

AN ORDINANCE DECLARING THAT THE CITY CANNOT FEASIBLY PROVIDE SANITARY SEWER SERVICE TO THE TRINITY STORAGE ANNEXATION NO. 2, 15350 STATE HIGHWAY 72, ARVADA, COLORADO AND REQUESTING THAT THE METRO WASTEWATER RECLAMATION DISTRICT BOARD INITIATE AN INVESTIGATION INTO EXCLUSION OF THE SUBJECT PROPERTY, AND THEREAFTER EXCLUDE SAID PROPERTY FROM THE DISTRICT'S SERVICE AREA

WHEREAS, C.R.S. 32-4-515, titled "*Exclusion of territory*" provides a process by which a municipality may request exclusion of all or a portion of property located within the municipality from the Metro Wastewater Reclamation District (the "District") ; and

WHEREAS, on or about October 2, 2017, following publication of notice not less than ten days prior, the City of Arvada, Arvada City Council conducted a public hearing on the subject of the prospective exclusion of Trinity Storage from the District; and

WHEREAS, Trinity Storage Annexation No. 2, 15350 State Highway 72, Arvada, Colorado was annexed into the City on August 7, 2017; and

WHEREAS, the nearest connection point to the City's municipal sanitary sewer system is approximately 0.6 miles from the Trinity Storage property boundary; and

WHEREAS, it is not feasible to construct a sanitary sewer to the Trinity Storage property at this time due to unknowns involving the future expansion of State Highway 72, and the cost of crossing of the Union Pacific railroad; and

WHEREAS, the City of Arvada is a member of the Metro Wastewater Reclamation District and is obligated to send all sewage generated within the City's service area to the District's Wastewater Treatment Plant facilities for treatment and disposal; and

WHEREAS, the Metro Wastewater Reclamation District's Board of Directors Policy on Exclusion – Service Area adopted March 15, 2011, provides guidelines for the Board in evaluating requests for exclusion from the district's service area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The facts, findings, conclusions and determinations described in Whereas Clauses set forth hereinabove are incorporated herein as findings and determinations of the Arvada City Council. With specificity, the Arvada City Council hereby determines and finds the following: (a) Trinity Storage Property cannot be provided feasible access to the City's municipal sanitary sewer at this point in time. (b) A section of the pipeline will parallel the State Highway 72 which is congested and will require expansion to a four lane highway. (c) The design and future

alignment of State Highway 72 is not yet known. (d) The pipeline will also need to cross the Union Pacific railroad right-of-way, taking into account the future alignment of State Highway 72 and construction that would be associated with a grade separation between the highway and the railroad.

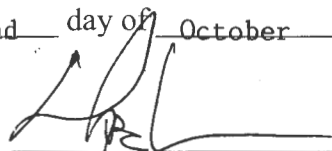
Section 2. The Arvada City Council further finds: (a) The approved development plan for the Trinity Storage site limits development to Lot 1, which is a self-storage facility containing an office area. (b) The development of Lot 2 will require connection to the City's sanitary sewer system, with plans for the connection provided at the time of Preliminary Development Plan submittal for Lot 2. (c) The development of Lot 2 will require the Inclusion of Lot 1 into the Metro Wastewater Reclamation District's service area, and connection of Lot 1 to the City's sanitary sewer system.

Section 3. The Arvada City Council hereby commends this Ordinance, and the findings and determinations made herein, to Board of Directors of the District to conduct an investigation in accordance with C.R.S. 32-4-515(2) to determine whether or not the portion of the municipality described herein can or cannot be feasibly served by the District, and that in the event the subject property cannot be feasibly served by the District, that such property be excluded from the District.

Section 4. This Ordinance shall be effective five days after publication following final passage by the City Council.

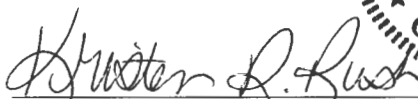
INTRODUCED, READ, AND ORDERED PUBLISHED this 18th day of September, 2017.

PASSED, ADOPTED, AND APPROVED this 2nd day of October, 2017.



Marc Williams, Mayor

ATTEST:

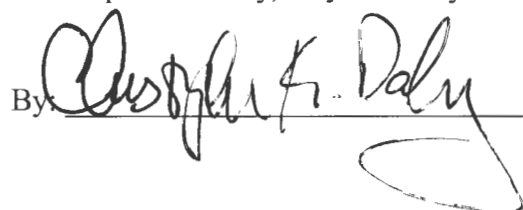


City Clerk



APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

By: 

Publication Dates: September 21, 2017
October 5, 2017