

**RESOLUTION NO. 2010-09-03**

**AUTHORIZING THE CITY ATTORNEY ABANDON DITCH RIGHT ON BIJOU DITCH LATERAL**

**WHEREAS**, City staff recently discovered that the City has ownership in a carriage right on a Bijou Ditch Company lateral; and,

**WHEREAS**, the City has held the carriage right for several years and the right has not been utilized; and,

**WHEREAS**, there is no water right tied to the carriage right, and the City does not currently own a water right that could utilize the carriage right; and,

**WHEREAS**, the Water Advisory Board has reviewed the issue and unanimously voted to recommend that the City abandon the right; and,

**WHEREAS**, the City Charter Article VII, Section 8, requires the City to retain oversight over water rights and its water system.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**SEC. 1:** The City Attorney is authorized to take all steps necessary to abandon or otherwise divest the City of the Bijou Ditch carriage right.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of September 2010, the vote upon roll call being as follows:

**Ayes:** Mayor McAlister, Councilmembers Bryan, Forstedt, Nation, Powers, Deal and Shaver.

**Nays:**

**Absent /Abstain:**

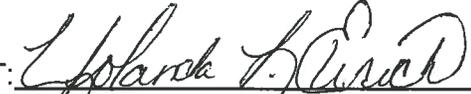
[ SEAL ]

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY:

  
Terry McAlister Mayor

ATTEST:

  
Yolanda L. Eurich Deputy City Clerk

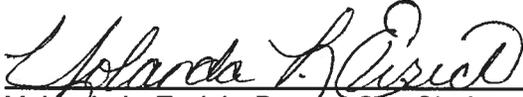
STATE OF COLORADO )  
COUNTY OF MORGAN )  
CITY OF FORT MORGAN )

ss.

**CERTIFICATE**

I, Yolanda Eurich, Deputy City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 15<sup>th</sup> day of September, 2010.

  
Yolanda L. Eurich, Deputy City Clerk