

## ORDINANCE NO. 1078

**AN ORDINANCE AMENDING ORDINANCE NO 971 ENTITLED  
“AN ORDINANCE CHANGING THE ZONING DESIGNATION OF LANDS IN THE  
CITY OF FORT MORGAN, COLORADO, FROM “B-2: BUSINESS DISTRICT: TO  
“PLANNED UNIT DEVELOPMENT”, AND FOR SAID PURPOSE AMENDING THE  
ZONING CODE AND THE *OFFICIAL ZONING DISTRICT MAP* OF THE CITY OF  
FORT MORGAN, COLORADO.”**

**WHEREAS**, Ordinance No. 971 was previously adopted by City Council on July 1, 2003; and,

**WHEREAS**, this Ordinance was enacted to change the zoning designation regarding the Riverview Commons Development thereby amending the *Official Zoning District Map* of the City of Fort Morgan; and,

**WHEREAS**, Section 5 of the ordinance provided for the fencing of the north boundary of the Upper Platte and Beaver Canal by either wrought or masonry construction as a requirement for the development; and,

**WHEREAS**, the Upper Platte and Beaver Canal Company is currently in litigation with the developer of the Riverview Development Project and has recently requested that the City of Fort Morgan and the General Improvement District (GID) be joined to this action; and,

**WHEREAS**, on November 10, 2008, the Court granted the Company’s request, to join the City and the GID as parties to this litigation; and,

**WHEREAS**, in an effort to limit the litigation filed by the Company the City Council amends Ordinance 971 by the removal of Section 5.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO** that Sec. 5 of Ordinance 971 be hereby deleted in its entirety.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 18<sup>th</sup> day of November, 2008.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

By: /s/ Jack L. Darnell  
Mayor

ATTEST:

*/s/ Andrea J. Strand*  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED by title only the 2nd day of December, 2008.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

By: */s/ Jack L. Darnell*  
Mayor

ATTEST:

*/s/ Andrea J. Strand*  
City Clerk

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

**CERTIFICATE**

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1078** was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 18<sup>th</sup> day of November, 2008. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 21st day of November, 2008 published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the 2nd day of December, 2008. Within five (5) days after its final passage, said **Ordinance** was published by title only in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

*/s/ Andrea J. Strand*  
City Clerk