

**ORDINANCE NO. 2020-021**

**AN ORDINANCE AMENDING SECTION 14.02.050 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING THE LEASE OF PUBLIC PROPERTY FOR WATER LEASES LESS THAN OR EQUAL TO 10 ACRE FEET**

**WHEREAS**, the disposition of Town-owned property is governed by Chapter 14.02 of the Castle Rock Municipal Code (“CRMC”), incorporating applicable provisions in state statutes,

**WHEREAS**, pursuant to C.R.S. §31-1-102, the Town Council may, by adoption of an ordinance, vary the statutory requirements governing the disposition of real property by a municipality contained in C.R.S. §31-15-713,

**WHEREAS**, the Town Council seeks to provide equitable, fair, and efficient consent to enter into water leases for amounts less than or equal to ten (10) acre feet on an annual basis.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1.**     **Amendment.** Section 14.02.050 of the Castle Rock Municipal Code is amended to read as follows:

**14.02.050     Lease of real property.**

A.       Except as provided in Subsection B, C, AND D, below, the lease of any real property for a term of less than one (1) year shall be authorized by Town Council resolution or at the option of the Town Council by ordinance. Any lease of real property interests for a term of greater than one (1) year shall be authorized and approved only by ordinance.

B.       The lease of any real property owned by the Town for the placement of (i) micro facilities, or (ii) small cell facilities, all as defined in Chapter 17.60 of the Castle Rock Municipal Code (“CRMC”), may be authorized administratively by the Town Manager or his/her designee.

C.       The lease of any real property owned by the Town for the placement of macro cell wireless communication facilities, as defined in Chapter 17.60 of the CRMC, may be authorized by Town Council resolution. Provided, however, a macro facility located on an existing structure, other than Towers, as defined in Chapter 17.60 of the CRMC may be authorized administratively by the Town Manager of his/her designee, pursuant to 17.60.060.B.1.c of the CRMC.

D.       THE LEASE OF WATER RIGHTS MAY BE AUTHORIZED BY THE DIRECTOR OF CASTLE ROCK WATER OR HIS/HER DESIGNEE IN THE AMOUNT OF LESS THAN OR EQUAL TO TEN (10) ACRE FEET AND FOR A TERM NOT TO EXCEED ONE (1) YEAR. AT A MINIMUM, THE PRICE FOR WATER LEASES SHALL BE SET AT MARKET VALUE, BUT IN NO EVENT LESS THAN \$300 PER ACRE FOOT. THE CUMULATIVE AMOUNT OF LEASES

AUTHORIZED PURSUANT TO THIS SUBSECTION D SHALL NOT EXCEED FIFTY (50) ACRE FEET IN ANY CALENDAR YEAR.

**Section 2. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 3. Safety Clause.** The Town 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 legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 6<sup>th</sup> day of October, 2020 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of October, 2020, by the Town Council of the Town of Castle Rock by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
Mark Marlowe, Director of Castle Rock Water