

AN ORDINANCE SUBMITTING TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF BOULDER, COLORADO, AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE 21ST DAY OF JULY, 1959, THE QUESTION OF AMENDING THE CHARTER OF THE SAID CITY OF BOULDER BY ADDING THERETO AND INSERTING THEREIN A NEW PROVISION PROHIBITING THE SAID CITY FROM SUPPLYING WATER FOR DOMESTIC, COMMERCIAL OR INDUSTRIAL USES TO LAND LYING ON THE WESTWARD SIDE OF A SPECIFICALLY DEFINED LINE EXCEPT THAT SAID PROVISION WOULD NOT DENY CITY WATER TO AREAS WHICH ARE A PART OF SAID CITY OF BOULDER ON THE EFFECTIVE DATE OF SAID MEASURE OR TO TAPS BEING SUPPLIED BY SAID CITY IN OTHER AREAS AT SAID EFFECTIVE DATE; PROVIDING FOR DETAILS IN CONNECTION WITH SAID ELECTION; AND DECLARING AN EMERGENCY THEREFOR.

WHEREAS, on the 27th day of May, A. D. 1959, there was filed with the City of Boulder, Colorado, a petition proposing an amendment to the Charter of said City, said amendment being related generally to the supplying of City water to lands lying to the west of said City, all of which is set forth in full in said petition;

AND, WHEREAS, said petition demanded that said proposed amendment to the Charter of the City of Boulder be submitted to a vote of the qualified electors of said City for their adoption or rejection at a special election to be held not less than thirty nor more than sixty days after the date of filing such petition;

AND, WHEREAS, said petition has been examined and found to be legally sufficient under the Constitution and laws of the State of Colorado and the Charter and ordinances of the City of Boulder, Colorado.

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

Section 1. That at a special municipal election to be held in the various precincts of the City of Boulder, Boulder County, State of Colorado, on Tuesday, the 21st day of July, A. D. 1959, between the hours of 7:00 o'clock A. M. and 7:00 o'clock P. M., there shall be submitted to the vote of the qualified electors of the City of Boulder, Colorado, in addition to all other questions heretofore or which may hereafter be referred or submitted, the following question, to wit:

Shall the Charter of the City of Boulder be amended by enactment of a new provision thereto which shall read as follows:

The City of Boulder shall not supply water, for domestic, commercial, or industrial uses, to land lying on the westward side of the following described line, except as specifically stated herein. This provision shall not deny City water to areas which are a part of the City of Boulder on the effective date of this measure nor to taps being supplied by said City in other areas at said effective date.

Said line begins at the intersection of contour line of 5750 feet U. S. Geological Survey datum with the North line of Section 30, Township 1 South, Range 70 West of the 6th P. M.; thence northerly along said contour line to the first intersection North of Baseline Road of this line and the Boulder City limits as they existed as of May 5, 1959; thence North along the Boulder City limits as said limits existed as of May 5, 1959, to the most northerly intersection of said City limits and Anderson Ditch; thence Westerly along Anderson Ditch to the western boundary of Section 36, Township 1 North, Range 71 West of the 6th P. M.; thence due North to the middle line of Colorado Highway No. 119; thence Easterly along the middle line of said Colorado Highway No. 119 to a point where said middle line intersects the Farmers Ditch; thence North-easterly along the Farmers Ditch to its intersection with the Boulder City limits as they existed as of May 5, 1959; thence Northerly along said Boulder City limits to their intersection with Alpine Street projected westerly; thence easterly on said City limits to a point 150 feet West of the center of Third Street; thence North to the westward projection of Kalmia Street; thence Westerly along this projection to its intersection with the contour line of 5650 feet U. S. Geological Survey datum; thence Northerly on said contour line 5650 feet U. S. Geological Survey datum to its intersection with the north boundary of Section 13, T. 1 N., R. 71 West of the 6th P. M.; thence Westerly on this line to its intersection with contour line 5750 feet U. S. Geological Survey datum; thence North indefinitely on said contour line 5750 feet U. S. Geological Survey datum.

Section 2. That said election on the Charter amendment question above set forth shall be held and conducted in as near the same manner as that prescribed for general municipal elections by the applicable provisions of the Charter and of the Code of the City of Boulder, 1955, as amended.

Section 3. That at the several voting places in each election precinct of the City of Boulder, the vote upon the question so to be submitted shall be by official ballot, separate and distinct from other ballots submitting other questions at such election. The automatic voting machines shall be so arranged that a separate tally shall be taken of the votes cast on said question.

automatic voting machines shall show the nature of the question to be voted on as aforesaid and the voting machines used at said election shall carry the following designation clause, which clause shall be the submission clause, and each qualified elector voting at said election and desirous of voting for or against the following proposal shall indicate his choice by depressing the appropriate counter of the voting machine which indicates his choice of the word "For" or the word "Against":

CHARTER AMENDMENT PROPOSAL

FOR THE AMENDMENT

AGAINST THE AMENDMENT

Shall the Charter of the City of Boulder be amendmend by enactment of a new provision there- to which shall read as follows:

The City of Boulder shall not supply water, for domestic, commercial, or industrial uses, to land lying on the westward side of the following described line, except as specifically stated herein. This provision shall not deny City water to areas which are a part of the City of Boulder on the effective date of this measure nor to taps being supplied by said City in other areas at said effective date.

Said line begins at the intersection of contour line of 5750 feet U. S. Geological Survey datum with the North line of Section 30, Township 1 South, Range 70 West of the 6th P. M.; thence northerly along said contour line to the first intersection North of Baseline Road of this line and the Boulder City limits as they existed as of May 5, 1959; thence North along the Boulder City limits as said limits existed as of May 5, 1959, to the most northerly intersection of said City limits and Anderson Ditch; thence Westerly along Anderson Ditch to the Western boundary of Section 36, Township 1 North, Range 71 West of the 6th P. M.; thence due North to the middle line of Colorado Highway No. 119; thence Easterly along the middle line of said Colorado Highway No. 119 to a point where said middle line intersects the Farmers Ditch; thence Northeasterly along the Farmers Ditch to its intersection with the Boulder City limits as they existed as of May 5, 1959; thence Northerly along said Boulder City limits to their intersection with Alpine Street projected westerly, thence Easterly on said City limits to a point 150 feet West of the center of Third Street; thence North to the westward projection of Kalmia Street; thence Westerly along this projection to its intersection with the contour line of 5650 feet U. S. Geological Survey datum; thence Northerly on said contour line 5650 feet U. S. Geological Survey datum to its intersection with the north boundary of Section 13, T. 1 N., R. 71 West of the 6th P. M.; thence Westerly on this line to its intersection with contour line 5750 feet U. S. Geological Survey datum; thence North indefinitely on said contour line 5750 feet U. S. Geological Survey datum.

the qualified absent voters, and at such polling place or places where a voting machine is not available, shall show the nature of the question to be voted upon, and such paper ballot used at said election shall be prepared and furnished by the Director of Finance and Record, ex-officio City Clerk of the City of Boulder, to the judges and clerks of said election, and such ballot shall be in substantially the following form:

(Form of Ballot)

OFFICIAL CHARTER AMENDMENT BALLOT
SPECIAL ELECTION
HELD ON TUESDAY, JULY 21, 1959
CITY OF BOULDER, BOULDER COUNTY, COLORADO

PROPOSED AMENDMENT OF THE
CHAPTER OF THE CITY OF BOULDER, COLORADO

Shall the Charter of the City of Boulder be amended by enactment of a new provision thereto which shall read as follows:

The City of Boulder shall not supply water, for domestic, commercial, or industrial uses, to land lying on the westward side of the following described line, except as specifically stated herein. This provision shall not deny City water to areas which are a part of the City of Boulder on the effective date of this measure nor to taps being supplied by said City in other areas at said effective date.

Said line begins at the intersection of contour line of 5750 feet U. S. Geological Survey datum with the North line of Section 30, Township 1 South, Range 70 West of the 6th P. M.; thence northerly along said contour line to the first intersection North of Baseline Road of this line and the Boulder City limits as they existed as of May 5, 1959; thence North along the Boulder City limits as said limits existed as of May 5, 1959, to the most northerly intersection of said City limits and Anderson Ditch; thence Westerly along Anderson Ditch to the western boundary of Section 36, Township 1 North, Range 71 West of the 6th P. M.; thence due North to the middle line of Colorado Highway No. 119; thence Easterly along the middle line of said Colorado Highway No. 119 to a point where said middle line intersects the Farmers Ditch; thence Northeasterly along the Farmers Ditch to its intersection with the Boulder City limits as they existed as of May 5, 1959; thence Northerly along said Boulder City limits to their intersection with Alpine Street projected westerly; thence Easterly on said City limits to a point 150 feet West of the center of Third Street; thence North to the westward projection of Kalmia Street; thence Westerly along this projection to its intersection with the contour line of 5650 feet U. S. Geological Survey datum; thence

Northerly on said contour line 5650 feet U. S. Geological Survey datum to its intersection with the north boundary of Section 13, T. 1 N., R. 71 West of the 6th P.M.; thence Westerly on that line to its intersection with contour line 5750 feet U. S. Geological Survey datum; thence North indefinitely on said contour line 5750 feet U. S. Geological Survey datum.

FOR THE AMENDMENT

: :
: :
: :

AGAINST THE AMENDMENT

: :
: :
: :

Voters using printed, paper ballots, including absentee ballots, wishing to vote in the affirmative, shall mark a cross (X) in the space opposite the words "For the Amendment"; and those voters using printed, paper ballots, including absentee ballots, wishing to vote in the negative, shall mark a cross (X) in the space opposite the words "Against the Amendment".

(Back of Ballot)

OFFICIAL CHARTER AMENDMENT BALLOT
FOR
ABSENT VOTERS OR FOR USE AT SUCH
POLLING PLACES WHERE AUTOMATIC
VOTING MACHINES ARE NOT AVAILABLE
CITY OF BOULDER, COUNTY OF
BOULDER, STATE OF COLORADO
SPECIAL MUNICIPAL
ELECTION
ON
TUESDAY, JULY 21, 1959

Ned W. Phye, Jr.
Director of Finance and Record
Ex-officio City Clerk

(End of Ballot Form)

Section 6. That no vote on the automatic voting machines or by paper ballot, either for or against the proposal so submitted, shall be received or permitted by the judges of said election unless the person offering same shall be a duly qualified and registered voter in the precinct in which he offers to vote and is entitled to vote in such precinct at such election, provided, however, that a qualified absentee voter's ballot shall be received and counted at the polling place of such precinct as the Director of Finance and Record, ex-officio City Clerk, may select.

Section 7. That each vote cast by automatic voting machine at said election shall be on counters of such machines which are marked off and separate from all other counters on said machines.

Section 8. That votes cast at said election by absentee voters shall be received, cast and tallied in accordance with the applicable provisions of the Code of the City of Boulder, Colorado, 1955.

Section 9. That the votes cast at said election, on the Charter Amendment proposal so submitted shall be canvassed and tallied and the returns thereof made and the result thereof declared in substantially the same manner as is provided by law for the canvass, tally, returns and declaration of results of votes cast at an election of officers of the City of Boulder, Colorado.

Section 10. That the Director of Finance and Record, ex-officio City Clerk, of the City of Boulder shall give public notice of the submission of the Charter Amendment question as hereinabove proposed to the vote of the qualified electors of the City at the special election herein referred to and provided for, which notice shall be published once a week for three (3) consecutive weeks by three (3) insertions a week apart, the first publication to be made at least twenty (20) days before said election; and said Director of Finance and Record, ex-officio City Clerk, shall further cause to be published a notice, calling such special municipal election for five (5) successive days before such election in the Boulder Daily Camera, a newspaper published and of general circulation in the City of Boulder, and, if he so desires he may publish said notice in other newspapers of his choice, copies of which said notice shall be mailed by said Director of Finance and Record, ex-officio City Clerk, to the Judges of Election in each precinct of the City and be posted at the place of voting at least ten (10) days before said election day, and shall be in substantially the following form:

(Form of Notice)
NOTICE OF SPECIAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, JULY 21, 1959
IN THE CITY OF BOULDER, COLORADO

"NOTICE IS HEREBY GIVEN that at a special municipal election to be held in each precinct in the City of Boulder, Colorado, on Tuesday, the 21st day of July, A.D. 1959, there shall be submitted to the vote of the qualified electors of the said City of Boulder, Colorado, the following Charter amendment proposal:

CHARTER AMENDMENT PROPOSAL

Shall the Charter of the City of Boulder be amended by enactment of a new provision thereto which shall read as follows:

The City of Boulder shall not supply water, for domestic, commercial, or industrial uses, to land lying on the westward side of the following described line, except as specifically stated herein. This provision shall not deny City water to areas which are a part of the City of Boulder on the effective date of this measure nor to taps being supplied by said City in other areas at said effective date.

Said line begins at the intersection of contour line of 5750 feet U. S. Geological Survey datum with the North line of Section 30, Township 1 South, Range 70 West of the 6th P. M.; thence northerly along said contour line to the first intersection North of Baseline Road of this line and the Boulder City limits as they existed as of May 5, 1959; thence North along the Boulder City limits as said limits existed as of May 5, 1959, to the most northerly intersection of said City limits and Anderson Ditch; thence Westerly along Anderson Ditch to the western boundary of Section 36, Township 1 North, Range 71 West of the 6th P.M.; thence due North to the middle line of Colorado Highway No. 119; thence Easterly along the middle of said Colorado Highway No. 119 to a point where said middle line intersects the Farmers Ditch; thence Northeasterly along the Farmers Ditch to its intersection with the Boulder City limits as they existed as of May 5, 1959; thence Northerly along said Boulder City limits to their intersection with Alpine Street projected westerly; thence Easterly on said City limits to a point 150 feet West of the center of Third Street; thence North to the westward projection of Kalmia Street; thence Westerly along this projection to its intersection with the contour line of 5650 feet U. S. Geological Survey datum; thence Northerly on said contour line 5650 feet U. S. Geological Survey datum to its intersection with the north boundary of Section 13, T. 1 N., R. 71 West of the 6th P. M.; thence Westerly on this line to its intersection with contour line 5750 feet U. S. Geological Survey datum; thence North indefinitely on said contour line 5750 feet U. S. Geological Survey datum.

The voting machines used at said election shall carry the question above set forth, which question shall be the designation and submission clause.

The election precincts and the polling places shall be the same as the election precincts and polling places designated for the special municipal election held on December 2, 1958, except as follows, to wit:

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2221, passed and adopted the 5th day of May, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 1.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2212, passed and adopted the 24th day of March, A. D. 1959, and by Ordinance No. 2233, passed and adopted the 5th day of May, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 3.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2197, passed and adopted the 27th day of January, A. D. 1959, and by Ordinance No. 2205, passed and adopted the 17th day of February, A. D. 1959, and by Ordinance No. 2209, passed and adopted the 24th day of March, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 5.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2210, passed and adopted the 24th day of March, A. D. 1959, and by Ordinance No. 2211, passed and adopted the 24th day of March, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 10.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2182, passed and adopted the 18th day of November, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 11.

The polls at each polling place in each precinct will be opened at 7:00 o'clock A. M. on the day of said election and will be closed at 7:00 o'clock P. M. on said day. No vote shall be received or permitted by the Election Judges unless the person offering to vote shall be a duly qualified and registered elector in the precinct in which he offers and is entitled to vote in such precinct at such election; provided, however, that a qualified absentee voter's ballot shall be received and counted at the polling place of such precinct as the Director of Finance and Record, ex-officio City Clerk, shall designate. The registration of and balloting by absentee voters shall be in conformity with Chapter 9 of the Code of the City of Boulder, Colorado, 1955, as amended.

Any elector qualified as to age and residence under the Charter of the City of Boulder, the Code and Ordinances thereof, all as amended, and by the laws of the State of Colorado to vote in the City at said special municipal election whose name does not appear in the precinct registration books of the City in the office of the Director of Finance and Record, ex-officio City Clerk for such elector's precinct shall have the right to register in said office at

any time during regular office hours up to and including Tuesday, the 14th day of July, 1959; provided, that if any qualified elector of said City, because of serious illness or physical disability or service in the armed forces, shall be unable to register in person, such elector may make an absentee registration by filing or causing to be filed with said Director of Finance and Record, ex-officio City Clerk a verified application for such registration up to and including 12:00 o'clock P. M. on Saturday, the 11th day of July, 1959, all pursuant to Chapter 9 of the Code of the City of Boulder, Colorado, 1955, as amended, and such laws of the State of Colorado not in conflict therewith.

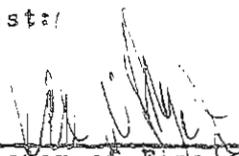
Judges and Clerks for said special municipal election will be selected and appointed in conformity with the Charter of the City of Boulder and the applicable provisions of the Code of the City of Boulder, Colorado, 1955, as amended, and said election will be in all respects held and conducted and the results thereof counted, tallied, canvassed and declared as nearly as may be as provided by said Charter and Code of the City of Boulder, Colorado, 1955, as amended, and the laws of the State of Colorado relating to municipal elections not in conflict therewith.

IN WITNESS WHEREOF, the City Council of the City of Boulder, Colorado, has caused this notice to be published and dated this 16th day of June, A. D. 1959.



Mayor

Attest:



Director of Finance and Record
Ex-officio City Clerk

(End of Form of Notice)

Section 11. That the election precincts and the polling places shall be the same as the election precincts and polling places designated for the special election held in said City on December 2, 1958, except as follows: to wit:

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2221, passed and adopted the 5th day of May, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 1.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2212, passed and adopted the 24th day of March, A. D. 1959, and by Ordinance No. 2223, passed and adopted the 5th day of May, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 3.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2197, passed and adopted the 27th day of January, A. D. 1959, and by Ordinance No. 2205, passed and adopted the 17th day of February, A. D. 1959, and by Ordinance No. 2209, passed and adopted the 24th day of March, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 5.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2210, passed and adopted the 24th day of March, A. D. 1959, and by Ordinance No. 2211, passed and adopted the 24th day of March, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 10.

That part of the City of Boulder, Colorado annexed to said City by Ordinance No. 2182, passed and adopted the 18th day of November, A. D. 1959, shall be included as a part of the City of Boulder Precinct No. 11.

Section 12. That the election shall be conducted by the Judges and Clerks to be hereinafter appointed.

Section 13. That pursuant to the provisions of Chapter 9 of the Code of the City of Boulder, Colorado, 1955, as amended, and Section 32 of the Charter of said City, the City Council shall meet as a general canvassing and election board and duly canvass the election returns on the afore-said question on Tuesday, the 21st day of July, 1959, at 7:30 o'clock P. M., at the regular meeting place of said Council.

Section 14. That the provisions of this ordinance relating to the use of automatic voting machines at said special election to be held on the 21st day of July, 1959, are subject to the provisions of any general ordinances and laws of the City of Boulder prescribing the method and manner of voting in any precinct within the City not having automatic voting machines on the day of the election, and also subject to the provisions of any ordinances and laws relating to absentee voting.

Section 15. That the officers of the City be, and they hereby are, authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance, including, without limiting the generality of the foregoing, the printing of instructions, the furnishing of supplies, and the publication and posting of notices.

Section 16. That all action (not inconsistent with the provisions of this ordinance) heretofore taken by the officers of the City of Boulder directed toward the calling of the special election herein involved and the placing of the proposed amendment to the Charter of the City of Boulder here involved before the qualified electors of the said City, be, and the same hereby are, ratified, approved and confirmed.

Section 17. That if any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the remaining portions of this ordinance; the City Council hereby declares that it would have passed this ordinance and each part, section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 18. That in order that the proposed Charter amendment question herein involved may be placed

before the qualified electors of the City of Boulder at the earliest possible opportunity, and in order that numerous special municipal elections in said City of Boulder may be averted, in the opinion of the Council an emergency exists and this ordinance is deemed necessary for the preservation of the public peace, health, property and safety, and that, therefore, it shall take effect immediately upon its introduction,^{and} passage and be published in accordance with the provisions of the Charter of the City of Boulder.

INTRODUCED, READ, PASSED AND ADOPTED this 16th day of June, A. D. 1959.



Mayor

Attest:



Director of Finance and Record
Ex-officio City Clerk