

Federico Peña  
MAYOR



City and County of Denver  
CITY AND COUNTY BUILDING • DENVER, COLORADO • 80202  
TELEPHONE (303) 575-2721

**EXECUTIVE ORDER NO. 97**

**TO:** All Departments and Agencies Under the Mayor  
**FROM:** Mayor  
**DATE:** June 27, 1991  
**SUBJECT:** Restrictions on the Use of Land, Surface Water and Groundwater at the Lowry Landfill (Denver-Arapahoe Disposal Site)

1. This Executive Order establishes the policy of the City and County of Denver concerning activities and use of the land and water, including surface water and ground water, at the Lowry Landfill. This Executive Order supersedes any prior policies or orders relating to the use of land or water at Lowry Landfill.

2. "Lowry Landfill", as used herein, includes the following property:

The West Half (1/2), and the West Half of the East Half (W1/2E1/2), of Section 6, Township 5 South, Range 65 West of the Sixth Principal Meridian ("Section 6");

and

All of Section 31, Township 4 South, Range 65 West of the Sixth Principal Meridian (Section 31");

and

The North Half (N1/2), and the North Half of the South Half (N1/2S1/2), of Section 32, Township 4 South, Range 65 West of the Sixth Principal Meridian ("Section 32");

and

The North Half (N1/2), the Southeast Quarter (SE1/4), the North Half of the Southwest Quarter (N1/2SW1/4), and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4), of Section 4, Township 5 South, Range 65 West of the Sixth Principal Meridian ("Section 4");

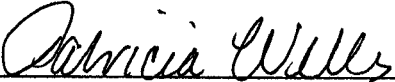
The East Half (E1/2), and the East Half of the West Half (E1/2W1/2), of Section 9, Township 5 South, Range 65 West of the Sixth Principal Meridian except for the property described on Exhibit A; ("Section 9").

3. No direct use or reuse shall be made of the surface water or of alluvial ground water or of ground water in the Dawson and Denver aquifers on or underlying either Section 6 or Section 31 which could cause exposure of humans or animals to contaminants in said water; provided, however, that this restriction shall not interfere with treatment and subsequent use or discharge of any such water.
4. No direct use or reuse shall be made of ground water in the Arapahoe and Laramie-Fox Hills aquifers underlying Sections 6 and 31 for domestic, residential or municipal water supply purposes.
5. No water production or dewatering wells shall be constructed on Sections 4, 9, and 32 without the express written consent of the Mayor or his designee.
6. Certain uses of Sections 6 and 31 would be inconsistent with the landfill uses of those sections and the nature of Section 6 as a listed site on the National Priorities List pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"). Section 6 and Section 31, therefore, shall not be used for any of the following purposes or any other purposes designated by the Mayor from time to time: agricultural; residential development, including boarding houses, motels and hotels; commercial development; day care centers; pre-schools; schools; hospitals; nursing homes; office buildings; community centers; correctional facilities; community recreational facilities; senior citizen centers; restaurants; hunting or fishing.
7. No employee, agent, invitee, lessee, or other person or entity shall construct a building or other structure on those portions of Sections 6 and 31 that have been used as a landfill; provided, however, that buildings and structures necessary to remediation of the contamination may be constructed with the express written consent of the Mayor or his designee.
8. No employee, agent, invitee, lessee, or other person or entity shall dispose, discharge, deposit, inject, dump, spill, leak or place any waste or other material, liquid or solid, upon the Lowry Landfill property without the express written consent of the Mayor or his designee.
9. No excavation or drilling shall be done anywhere on Sections 6 and 31 without the express written consent of the Mayor or his designee.
10. Appropriate health and safety plans shall be prepared for all employees, agents, invitees and lessees working on Sections 6 and 31. All those working on Sections 6 and 31 shall be familiar with the health and safety plans. Failure to adhere to the health and


safety plans shall be grounds for dismissal from employment by the City or denial of access to Sections 6 and 31.


11. Any violation of this Executive Order shall be grounds for the termination of any access rights of the violating person or entity, including revocable permits, access agreements or contracts. The City Attorney's office is authorized to enforce the terms of this Executive Order by appropriate trespass, contract actions, and/or any other remedy available at law or in equity.

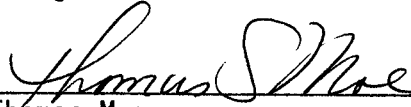
Approved for Legality:

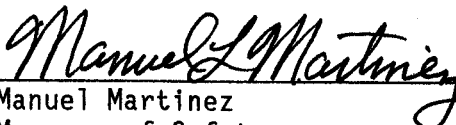
  
Patricia L. Wells  
Attorney for the City and  
County of Denver

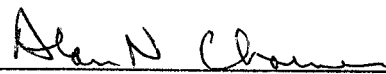
Approved:

  
Federico Peña  
Mayor

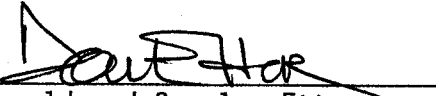
  
William R. Roberts  
Manager of Public Works

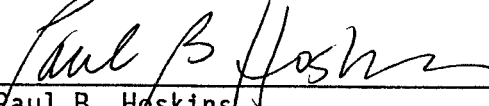
  
Thomas Moe  
Manager of Health & Hospitals

  
Manuel Martinez  
Manager of Safety

  
Alan N. Charnes  
Manager of Revenue

  
Mary C. Krang  
Manager of Social Services

  
Donald and Carolyn Etter  
Managers of Parks and Recreation

  
Paul B. Hoskins  
Manager of General Services

# EXHIBIT A

A parcel of land situated in Section 9, T5S, R65W, 6th P.M., Arapahoe County, Colorado, more particularly described as follows:

Commencing at the SE corner of the SE 1/4 of Section 9, T5S, R65W, 6th P.M., Arapahoe County, Colorado;

thence N89°56'43"W along the south line of said SE 1/4 a distance of 461.45 feet to the Point of Beginning;

thence N89°56'43"W, continuing along said south line a distance of 2,179.54 feet to the SE corner of the E 1/2 of the SW 1/4 of said Section 9;

thence N89°56'56"W along the south line of said E 1/2 a distance of 1,320.46 feet to the SW corner of said E1/2;

thence N00°26'24"E along the west line of said E 1/2 a distance of 2,628.77 feet to the SW corner of the E 1/2 of the NW 1/4 of said Section 9;

thence N00°26'45"W along the west line of the E 1/2 of said NW 1/4 a distance of 2,573.49 feet to a point lying on the south right-of-way line of East Quincy Avenue;

thence N89°43'06"E along said south right-of-way line a distance of 40.00 feet;

thence S00°26'45"E parallel with the west line of the E 1/2 of said NW 1/4 a distance of 2,573.55 feet to a point on the north line of said SW 1/4;

thence S00°26'24"W, parallel with the west line of the E 1/2 of said SW 1/4, a distance of 1,508.79 feet;

thence S89°56'43"E a distance of 2,810.00 feet;

thence S29°47'07"E a distance of 1,291.19 feet to the Point of Beginning.

The above described parcel contains 3,719,349 square feet (85.384 acres more or less).

The bearings used in this description were taken from the plat of Aurora Reservoir Subdivision Filing No. 1.

LEGALS 075  
6/9/89

