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Colorado Land Use Commission v. Board of County Com'rs of Larimer County

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FILED IN THE
SUPREME COURT
OF THE STATE OF COLORADO
MARCH 1976

David W. Begia

NO. 79SA47

IN THE
SUPREME COURT
OF THE
STATE OF COLORADO

COLORADO LAND USE COMMISSION,)
)
 Appellee,)
)
 vs.)
)
 THE BOARD OF COUNTY COMMIS-)
 SIONERS OF THE COUNTY OF)
 LARIMER and in their official)
 capacity, WILLIAM LOPEZ,)
 Chairman, DAVID WEITZEL, and)
 NONA THAYER, the individual)
 members of said Board, and)
 THE CITY OF FT. COLLINS, THE)
 CITY OF LOVELAND, THE CITY)
 OF LONGMONT, THE TOWN OF ESTES)
 PARK, and THE PLATTE RIVER)
 POWER AUTHORITY, a political)
 coporation and a political)
 subdivision of the State of)
 Colorado.)
)
 Appellants.)

MOTION FOR LEAVE TO
FILE BRIEF OF
AMICUS CURIAE
PURSUANT TO RULE 29,
COLORADO APPELLATE RULES

COMES NOW, Norman Carlson, June K. Steinmark, Leonard L. Roe, Lydia Dunbar, and C.W. Kirby, as the Board of County Commissioners of the County of Weld, and State of Colorado, and Elwin Crabtree, John E. Martling, and Herbert A. Ritschard, as the Board of County Commissioners of the County of Grand, and State of Colorado, by and through their attorneys, Thomas O. David, Weld County Attorney, and Richard P. Doucette, Grand County Attorney, and move the Court for leave to file a brief as Amicus Curiae in this action for the following good and sufficient reasons:

1. The West boundary of Weld County borders the East boundary of Larimer County for 57 contiguous miles.

2. Weld County, Colorado, and its citizens have an interest in the subject matter of the litigation before this Court inasmuch as the designation of the site of the proposed "Rawhide Project" poses potential dangers to adjacent landowners in Weld County, Colorado because of potential loss of water which will be required in the operation of said plant and further because of the danger of land, air, and water pollution which might naturally occur as a result of the construction of said "Rawhide Project."

3. Weld County, Colorado, and its citizens, have an interest in the subject matter of the litigation before this Court inasmuch as the proposed site selection and development of a solid waste disposal site poses potential dangers to adjacent landowners in Weld County, Colorado, because of the danger of land, air, and water pollution which might naturally occur as a result of the construction of said proposed solid waste disposal site.

4. Weld County, Colorado, and its citizens have an interest in the subject matter of the litigation before this Court inasmuch as the utilization of some 4500 acre feet of water per year poses a potential danger to the agricultural community located in Western Weld County, Colorado due to the potential loss of said water by citizens of Weld County engaged in agricultural pursuits in Western Weld County, Colorado.

5. Weld County, Colorado, and its citizens have a further interest in the subject matter of the litigation before this Court inasmuch as the proposed development of the "Rawhide

Project" would encourage urban growth and encroachment within the Western boundaries of Weld County, Colorado, all contrary to the Comprehensive Plan previously adopted by Weld County, Colorado.

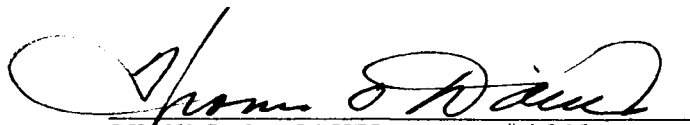
6. The East boundary of Grand County, Colorado borders the West boundary of Larimer County, Colorado for approximately 27 contiguous miles.

7. Grand County, Colorado, and its citizens have an interest in the subject matter of the litigation before this Court inasmuch as the proposed construction of the "Rawhide Project" poses potential losses of water in Grand County, Colorado which may have an adverse affect on the health, safety and welfare of the residents and inhabitants of Grand County, Colorado.

WHEREFORE, your applicants pray for leave to file a Brief of Amicus Curiae pursuant to Rule 29 of the Colorado Appellate Rules.

Respectfully submitted this 28th day of March, 1979.

NORMAN CARLSON, JUNE K. STEIN-
MARK, LEONARD L. ROE, LYDIA
DUNBAR, and C.W. KIRBY AS THE
BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF WELD AND STATE
OF COLORADO; and ELWIN CRABTREE,
JOHN E. MARTLING, HERBERT A.
RITSCHARD, AS THE BOARD OF
COUNTY COMMISSIONERS OF THE
COUNTY OF GRAND AND STATE OF
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CERTIFICATE OF MAILING

I, Thomas O. David, do hereby certify that I mailed a true and correct copy of the above and foregoing Motion to the following named attorneys by depositing a copy of said Motion in the United State mail, postage prepaid, on the 28th day of March, 1979:

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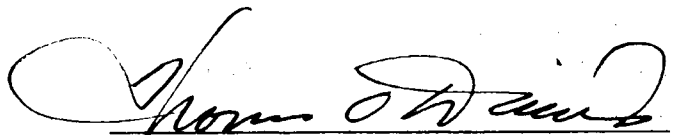
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