

AN ORDINANCE
 CONCERNING THE WILLOW CREEK FLOODWAY PROJECT
 AND THE DESIGNING, BUILDING AND MAINTENANCE OF
 THE CHANNEL OF WILLOW CREEK EXTENDING THROUGH
 THE CITY OF CREEDE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY
 OF CREEDE, A TOWN:

Section 1. That by reason of the annual overflow of Willow Creek, the channel of which extends through the City of Creede, and the consequent damage to and weakening of the present walls of the floodway known as Willow Creek Channel, and the resulting damage to property within the Town, the Board of Trustees of the City of Creede, a Town, hereby finds and determines that it is necessary for the public peace, health and safety, that said Channel and Floodway of Willow Creek be enlarged, deepened, widened and walled with a flume of greater capacity than the present channel and floodway.

Section 2. That the Corps of Engineers, Department of the United States Army, Albuquerque District, is about to undertake a project known and designated as the Willow Creek Floodway Project, whereby the channel of Willow Creek will be enlarged, deepened, widened and walled with a flume designed by and to be constructed by or under the supervision of the Corps of Engineers of the United States Army with funds provided by the Congress of the United States, and it is necessary and in the public interest that the City of Creede make and enter into all necessary contracts, agreements, resolutions or other undertakings with said Corps of Engineers necessary, proper and convenient to provide the necessary rights of way, land, and other things required of the City of Creede in connection with said Floodway Project. The Board of Trustees of the City of Creede, a Town, do hereby authorize and direct the Mayor, or in his absence, the acting Mayor, and the Clerk of the City of Creede to execute in the name of the City of Creede, upon proper resolution or direction of the Board of Trustees, all contracts, easements, resolutions and other undertakings on the part of the City of Creede necessary and proper to meet the requirements of the Corps of Engineers of the United States Army.

Section 3. That the Board of Trustees of the City of Creede, a Town further finds and determines that it is urgent and necessary in the public interest that the City of Creede provide the rights of way and easements for said enlarged Willow Creek Floodway, and in order to provide the same, to take, damage and condemn private property abutting upon said Channel of Willow Creek or in the immediate vicinity thereof in such amounts and areas, and in such locations, as will be necessary for the said enlarged channel and the flume floodway to be constructed therein, and for the convenience of construction, storage of materials, and ingress and egress to and from said channel, and the Board of Trustees, or its authorized agents, are hereby authorized and directed to acquire such necessary rights of way by purchase when possible, and if unable to agree with any owner of property so required with respect to the value of any property so to be taken or damaged, the Board shall proceed to condemn the same by action in eminent domain as provided by statute in such case made and provided.

