

DATE FILED: January 5, 2018

CASE NUMBER: 2016CV30362

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 LaPorte Avenue, Suite 210 Fort Collins, CO 80521 970-494-3500	DATE FILED: January 5, 2018 CASE NUMBER: 2016CV30362
<b>Plaintiff(s):</b> LOVELAND EISENHOWER INVESTMENTS, LLC, a California limited liability company,  v.  <b>Defendant(s):</b> THE CITY OF LOVELAND, THE GREELEY AND LOVELAND IRRIGATION COMPANY, a Colorado non-profit corporation and JOHN DOES 1 through 50	<b>▲ COURT USE ONLY ▲</b>
	Case Number: 2016CV30362  Div.: 4C      Ctrm.:
<b>ORDER RE: DEFENDANT CITY OF LOVELAND'S MOTION FOR CERTIFICATION FOR INTERLOCUTORY APPEAL PURSUANT TO C.A.R. 4.2</b>	

This matter comes before the Court on Defendant the City of Loveland's Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2. Being fully advised in the premises, the Court GRANTS this Motion, certifying the December 20, 2017 Order denying the City's motion for summary judgment as immediately appealable and the following issues for interlocutory review:

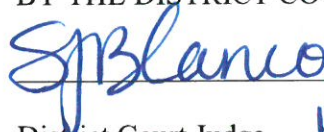
A. Whether an order from a district court invalidating a water court settlement agreement, which forms the basis of a water court decree, exceeds the district court's authority and jurisdiction;

B. Whether broad discretionary authority afforded to a municipal entity under the applicable city code to accept water rights in satisfaction of an applicant's water rights requirements is a legislative function; and

C. Whether a contractual agreement between a municipal entity and a developer must be read consistent with the provisions of the applicable local ordinances or code.

As further articulated in the City's Motion, the Court finds that interlocutory appeal of these issues and the December 20, 2017 Order satisfies both requirements of C.A.R. 4.2, as: (1) immediate review may promote a more orderly disposition or establish a final disposition of the litigation; and (2) the order involves a controlling and unresolved question of law.

BY THE DISTRICT COURT:

A handwritten signature in blue ink that reads "S. P. Blanco". The signature is written in a cursive style and is positioned above a horizontal line.

District Court Judge

1-5-18