

Resolution No. ____-15

A RESOLUTION APPROVING AN AGREEMENT PROVIDING WASTEWATER SERVICE TO LAND LOCATED OUTSIDE THE CITY LIMITS OF THE CITY OF COLORADO SPRINGS AND AGREEMENT TO ANNEX FOR THE PROPERTY LOCATED AT 7409 TUDOR ROAD

WHEREAS, David Bang (“Property Owner”), the owner of the property located at 7409 Tudor Road, (TSN: 6306003029), which is located in the Pine Creek Estates subdivision enclave, (the “Property”) requested wastewater service for the Property directly from Colorado Springs Utilities for single-family residential use; and

WHEREAS, in accord with City Code section 7.6.210 City Council, in its legislative discretion, has the authority to authorize wastewater service outside the City without annexation; and

WHEREAS, “Residential Service – Outside City Limits” of the Wastewater Rate Schedule of Colorado Springs Utilities’ Tariff, requires prior City Council approval for Colorado Springs Utilities to provide end-use wastewater service outside the corporate limits of the City of Colorado Springs in areas where wastewater service is available from Colorado Springs Utilities; and

WHEREAS, the Property is outside the City limits and is legally ineligible for annexation; and

WHEREAS, Colorado Springs Utilities provides wastewater services to some properties in the area; and

WHEREAS, Colorado Springs Utilities provided evidence to City Council that there is sufficient wastewater treatment capacity available to serve the Property, wastewater collection facilities exist in the area and a main extension is not required to extend service to the Property; and

WHEREAS, the Property Owner has executed an Agreement Providing Wastewater Service to Land Located Outside the City Limits of the City of Colorado Springs and Agreement to Annex (“Agreement to Annex”); and

WHEREAS, under the terms of the Agreement to Annex, as a condition of service, the Property Owner has irrevocably consented to, among other things, annex the Property to the City and transfer the groundwater rights associated with the Property to the City; and

WHEREAS, City Council has previously approved similar Agreements Providing Wastewater Service to Land Located Outside the City Limits of the City of Colorado Springs and Agreement to Annex for other residences outside the City and Colorado

Springs Utilities is providing wastewater service for those other residences in accord with those agreements; and

WHEREAS, Colorado Springs Utilities recommends approval of the Agreement to Annex and the provision of wastewater service to the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City Council finds that the request for Colorado Springs Utilities' wastewater service at the Property for single-family residential use is in the best interest of the City and meets all applicable requirements of the law.

Section 2. Pursuant to "Residential Service - Outside City Limits" Wastewater Rate Schedule of Colorado Springs Utilities' Tariff, City Council hereby approves wastewater service outside the corporate limits of the City of Colorado Springs to the Property for single-family residential use in accord with the Agreement to Annex. The wastewater service may not be enlarged or the use changed without the prior written approval of the City. Any requests to enlarge service or change use shall be reviewed in accord with the then-current tariffs, rules, regulations, ordinances or other applicable law, and may require the Property Owner execute a new Agreement to Annex.

Section 3. The City Council hereby approves the Agreement to Annex in the form attached hereto and authorizes the President of City Council to execute the Agreement to Annex. The Chief Executive Officer of Utilities is authorized to administer the Agreement.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2015.

Merv Bennett, President of Council

ATTEST:

Sarah B. Johnson, City Clerk