

RESOLUTION NO. _____ - 20

A RESOLUTION APPROVING THE AGREEMENT PROVIDING FOR WATER AND WASTEWATER SERVICE TO LAND LOCATED OUTSIDE THE CITY LIMITS OF THE CITY OF COLORADO SPRINGS AND ANNEXATION AGREEMENT TO PROVIDE WATER AND WASTEWATER SERVICE OUTSIDE THE CITY LIMITS TO PROPERTY LOCATED AT 3764 RED CANON PLACE.

WHEREAS, The David W. Riotte and Rachel E. Riotte Joint Living Trust ("Property Owner"), the owner of the property located at 3764 Red Canon Place, Colorado Springs, Colorado 80904 (TSN: 7403325049) (the "Property"), which is located outside of the Colorado Springs' City limits requested water and 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 water and wastewater services outside the City limits without annexation; and

WHEREAS, "Residential Service - Outside City Limits" of the Water Rate Schedules and Wastewater Rate Schedules of Colorado Springs Utilities' Tariff, requires prior City Council approval for Colorado Springs Utilities to provide end-use water service and wastewater service outside the corporate limits of the City of Colorado Springs in areas where water and wastewater service is available from Colorado Springs Utilities; and

WHEREAS, the Property is outside the City limits; and

WHEREAS, Colorado Springs Utilities provided evidence to City Council that there is sufficient water capacity and pressure available to serve the Property and that there is sufficient wastewater treatment capacity available to serve the Property; and

WHEREAS, water distribution facilities exist in the area and a main extension is not required to extend service to the Property; and

WHEREAS, 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 For Water and 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, transfer the groundwater rights associated with the Property to the City, and pay any costs associated with extending the wastewater main to the Property; and

WHEREAS, City Council has previously approved similar agreements to annex providing water and wastewater service to land located outside the Colorado Springs' City limits of for other residences located nearby the Property and Colorado Springs Utilities is providing water and wastewater service for those other residences in accord with those agreements; and

WHEREAS, Colorado Springs Utilities recommends City Council approval of the Agreement to Annex and the provision of water and 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 water and wastewater service at the Property from Colorado Springs Utilities for single family residential use is in the best interests of the City and meets all applicable requirements of the law.

Section 2: Pursuant to “Residential Service – Outside City Limits” of the Water Rate Schedules and Wastewater Rate Schedules of Colorado Springs Utilities’ tariff, City Council hereby approves water and 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 water and 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 to 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.

Dated at Colorado Springs, Colorado, this ____ day of _____, 2020.

Council President

ATTEST:

Sarah B. Johnson, City Clerk