

A RESOLUTION AUTHORIZING AND DIRECTING THE CHIEF EXECUTIVE OFFICER OF COLORADO SPRINGS UTILITIES TO ENTER INTO AN AGREEMENT REGARDING DELIVERY/EXCHANGE OF THE CITY OF MANITOU SPRINGS' FRY-ARK PROJECT WATER BETWEEN COLORADO SPRINGS UTILITIES AND THE CITY OF MANITOU SPRINGS

WHEREAS, City Code §12.4.304 and Colorado Springs Utilities' Tariffs allow Colorado Springs Utilities to provide by contract for the use of or connection to its water supply system by institutions, plants, districts, governments, municipal corporations, or other similar users located outside the corporate limits of the City; and

WHEREAS, the City of Manitou Springs, Colorado, has the right to a certain amount of Fryingpan-Arkansas Project Water ("Project Water") that is delivered to and stored in the City of Manitou Springs' project water accounts in Pueblo, Twin Lakes or Turquoise Reservoirs; and

WHEREAS, the City of Manitou Springs does not have the water supply infrastructure necessary to deliver its Project Water stored in Pueblo, Twin Lakes or Turquoise Reservoirs to its water system for the use and benefit of its citizens and water customers; and

WHEREAS, the City of Manitou Springs and Colorado Springs Utilities entered into a contract dated September 27, 2011 which provides for the City of Manitou Springs to receive a physical delivery or exchange of its Project Water through Colorado Springs Utilities' water system infrastructure into the City of Manitou Springs' water system for the use and benefit of its citizens and water customers; and

WHEREAS, the City of Manitou Springs and Colorado Springs Utilities desire to enter into a new agreement that clarifies and restates their obligations related to the physical delivery or exchange of the City of Manitou Springs' Project Water through Colorado Springs Utilities' water system infrastructure into the City of Manitou Springs' water system through December 31, 2049; and

WHEREAS, Utilities currently has infrastructure capacity available in its water system; sufficient water transportation, displacement and storage capacity, to continue delivering the City of Manitou Springs' Project Water to its water system either directly or via exchange; and

WHEREAS, Colorado Springs Utilities requests that City Council authorize and direct the Chief Executive Officer of Colorado Springs Utilities to enter into an agreement that provides for the City of Manitou Springs to receive a physical delivery or exchange of its Project Water through Colorado Springs Utilities' water system infrastructure; and

WHEREAS, the City Council finds that it is in the best interest of the City and the surrounding community for Colorado Springs Utilities to enter into such an agreement with the City of Manitou Springs.

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

Section 1. The City Council finds and determines that a new Agreement regarding delivery/exchange of the City of Manitou Springs' Fry-Ark Project Water between Colorado Springs Utilities and the City of Manitou Springs will benefit the public health, safety and welfare of the surrounding community and is in the best interest of the City, and meets all applicable requirements of the law.

Section 2. The Chief Executive Officer of Colorado Springs Utilities is authorized and directed to enter into an Agreement regarding delivery/exchange of the City of Manitou Springs' Project Water with the City of Manitou Springs in a form substantially similar to that attached hereto.

Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this ____ day of _____, 2024.

Council President

ATTEST:

Sarah B. Johnson, City Clerk