

RESOLUTION NO. \_\_\_\_-21

A RESOLUTION APPROVING AN AGREEMENT PROVIDING WATER SERVICE TO LAND LOCATED OUTSIDE THE CITY LIMITS OF THE CITY OF COLORADO SPRINGS AND AGREEMENT TO ANNEX FOR THE PROPERTY KNOWN AS LOT 1, FOX ROCK SUBDIVISION IN EL PASO COUNTY, COLORADO

WHEREAS, Glenn S. Pressman, Trustee for Keogh Money Purchase Plan & Profit Sharing Plan for the Benefit of Glenn S. Pressman (“Owner”), the owner of the real property known as Lot 1, Fox Rock Subdivision (TSN: 7415302001), in El Paso County, Colorado (the “Property”) requested water 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 services outside the City without annexation; and

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

WHEREAS, the Property is located outside the City limits and is not currently eligible for annexation; 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 Colorado Springs Utilities in the reasonable exercise of its discretion has determined that the Property may jointly use a portion of the existing water service line and meter vault of Lot 2 Fox Rock Subdivision; and

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

WHEREAS, the Property Owner has executed an Agreement Providing Water 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, among other things, to annex the Property to the City when it is eligible for annexation and when requested to do so, and to transfer the groundwater rights associated with the Property to the City; and

WHEREAS, Colorado Springs Utilities recommends approval of the Agreement to Annex and the provision of water 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 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 of Colorado Springs Utilities' Tariff, City Council hereby approves water 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 service may not be enlarged or the use changed without the prior written approval of the City Council. 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 Mayor 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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk