

ORDINANCE NO. 24 - _____

AN ORDINANCE EXERCISING CITY COUNCIL'S LEGISLATIVE
AUTHORITY REGARDING THE EXTENSION OF WATER SERVICE
AND OUTSIDE CITY WATER AND/OR WASTEWATER SERVICE TO
THE PARK VISTA SUBDIVISIONS

WHEREAS, Park Vista Estates, Park Vista Estates Addition, Park Vista Estates Filing 2, Gordon Subdivision, RNC Subdivision, A Subdivision of Block 24 Park Vista Estates Addition, and A Subdivision of Tracts F, N, O & part of M in the ReSubdivision of Block 24 Park Vista Estates Subdivision (the "Park Vista Subdivisions") are unincorporated areas of land entirely outside the City of Colorado Springs city limits; and

WHEREAS, owners of property within the Park Vista Subdivisions regularly request water service and/or wastewater service from Colorado Springs Utilities for their properties for single-family residential use; and

WHEREAS, City Code § 7.5.701(J) provides that in its legislative discretion City Council may authorize water or wastewater service outside the City without annexation; and

WHEREAS, in exercising its discretion to authorize service outside the City without annexation, City Council shall consider a number of factors contained in City Code § 7.5.701(J); and

WHEREAS, Colorado Springs Utilities' Tariff requires City Council approval prior to end-use water and/or wastewater service being provided outside the corporate limits of the City; and

WHEREAS, City Code § 12.4.305 provides that City Council may approve the extension of the water service boundary based on a recommendation of Utilities Board and substantiated and written record demonstrating one of several factors, including that extension of water service to the area will have a de minimis impact on the overall City's available water supply; and

WHEREAS, Colorado Springs Utilities has presented evidence to Council, in the form of a substantiated and written record, demonstrating that extension of water service to each single-family property in the Park Vista Subdivisions, will have a de minimis impact on the overall City's available water supply; and

WHEREAS, Colorado Springs Utilities has provided a template Agreement to Annex, attached hereto as Exhibit A, ("form of "Agreement to Annex") for providing water and/or wastewater service to residential properties within the Park Vista Subdivisions; and

WHEREAS, Utilities Board, based on the factors included in City Code section 12.4.305, has recommended extending the water service boundary to include the properties in the Park Vista Subdivisions; and

WHEREAS, based on consideration of the factors contained in City Code § 7.5.701(J), City Council exercises its legislative discretion to authorize the extension of water and/or wastewater service to individual residential properties within the Park Vista Subdivisions, which is outside the City, and authorizes the Chief Executive Officer of Colorado Springs Utilities to execute agreements to accomplish such extensions in the future, subject to the conditions set forth in this Ordinance.

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

Section 1. City Council has considered the factors contained in City Code § 7.5.701(J) regarding extending service to properties outside of the City without annexation and finds that it is desirable to extend water and/or wastewater service to properties in the Park Vista Subdivisions as the owners of such properties request service.

Section 2. City Council finds, based on a substantiated and written record and a recommendation by Utilities Board, that extension of the water service boundary to include each single-family property in the Park Vista Subdivisions will have a *de minimis* impact on the overall City's available water supply.

Section 3. City Council hereby exercises its legislative discretion and authorizes the Chief Executive Officer of Colorado Springs Utilities to execute extensions of water and/or wastewater service to individual properties within the Park Vista Subdivisions without annexation, subject to the satisfaction of the following conditions:

- A. The owner(s) of the subject property within the Park Vista Subdivisions has submitted a request to Colorado Springs Utilities for water service and/or wastewater service for single-family residential use only;
- B. The City's Planning Department has been given the opportunity to review and comment on the owner(s) request for water service and/or wastewater service;

- C. There is sufficient water capacity and pressure available to serve the subject property if water service is requested and/or that there is sufficient wastewater treatment capacity available to serve the subject property if wastewater service is requested; and
- D. The owner(s) of the subject property has executed an Agreement to Annex substantially in the form attached hereto as Exhibit A.

Section 4. The Chief Executive Officer of Colorado Springs Utilities will provide notice to City Council of extensions of service within the Park Vista Subdivisions pursuant to this ordinance on an annual basis.

Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 202_.

Finally passed: _____

Randy Helms, Council President

ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A
Form of
Agreement to Annex