

RESOLUTION NO. 23-_____

A RESOLUTION APPROVING THE SEWAGE TREATMENT AND DISPOSAL AGREEMENT, AS AMENDED, BY AND BETWEEN THE LOWER FOUNTAIN METROPOLITAN SEWAGE DISPOSAL DISTRICT AND, IN ADDITION TO OTHERS, THE CITY OF COLORADO SPRINGS, COLORADO, ON BEHALF OF ITS ENTERPRISE COLORADO SPRINGS UTILITIES.

WHEREAS, the City Council of the City of Colorado Springs, Colorado, ("City Council") is authorized pursuant to § 32-4-513, C.R.S., to include all or a portion of the City of Colorado Springs ("City") within a metropolitan sewage disposal district for purposes of providing wastewater collection and treatment services to the area included; and

WHEREAS, pursuant to Ordinance No. 16-107, the City Council previously determined that inclusion of a portion of the City within the Lower Fountain Metropolitan Sewage Disposal District ("Lower Fountain") is in the best interests of the City of Colorado Springs, on behalf of Colorado Springs Utilities ("Utilities"), and Utilities' ratepayers; and

WHEREAS, pursuant to Ordinance No. 16-107, the City Council previously further determined that inclusion of a portion of the City within Lower Fountain is necessary for the public health, safety, and general welfare; and

WHEREAS, pursuant to Ordinance No. 16-107, the City Council previously approved and authorized the President of City Council to execute on behalf of the City and Utilities, the Lower Fountain Sewage Treatment and Disposal Agreement ("2016 Agreement"); and

WHEREAS, all parties to the 2016 Agreement, specifically Lower Fountain, Fountain Sanitation District, Colorado Centre Metropolitan District, Utilities, and Vintage Development Company, desire to amend the Agreement ("2022 Amended Agreement") to provide clarity on the inclusion area and to update capacity allocations and other miscellaneous definitions and provisions; and

WHEREAS, City Council has determined that it is in the best interests of the City and Utilities to approve the 2022 Amended Agreement, attached hereto and incorporated herein by reference.

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

Section 1. City Council hereby finds on behalf of Colorado Springs Utilities that the approval of the 2022 Amended Agreement is in the best interests the City of Colorado Springs, on behalf of Colorado Springs Utilities, and Colorado Springs Utilities' ratepayers and hereby approves the 2022 Amended Agreement.

Section 2. City Council authorizes the Chief Executive Officer of Utilities or his designee to execute on behalf of the City and Utilities, the 2022 Amended Agreement, attached hereto as Exhibit "A".

DATED at Colorado Springs, Colorado, this _____ day of _____, 2023.

ATTEST:

Council President

Sarah B. Johnson, City Clerk