

UTILITIES RULES AND REGULATIONS

WASTEWATER

34. WASTEWATER DEVELOPMENT CHARGE - cont'd

G. Credit for Prior WWDC Payment

Credit for the WWDC paid for a prior development may be given for reuse of existing connections, or for new connections to a land parcel where the WWDC charge was paid. Credit for Multi-Family Residential dwelling units and nonresidential service must be determined by inspection by Utilities before any remodeling, moving or demolition of the structure occurs. No refund for excess credit will be given.

Credit for the WWDC may only be transferred between Premises if all of the conditions listed below are met to Utilities' satisfaction. Any sale of credit for the WWDC is expressly prohibited. Credit for a WWDC can only be transferred one time. Any paid recovery agreement charges shall remain with the donor Premises and are not eligible to be transferred. No refund of excess credits, if any, will be given.

Conditions:

1. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WWDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
2. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
3. The donor Premises must be a vacant parcel without structure(s);
4. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
5. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WWDC credit;
6. All service line ordinances, regulations, and policies shall apply to transferred WWDC credits and any applicable charges and/or fees shall be paid; and
7. The party requesting the credit transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Approval Date: January 26, 2016
Effective Date: February 10, 2016
Resolution No. _____

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Upon the completion of a transfer of credit for the WWDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

H. Request for WWDC Refund

Requests for a refund of the WWDC for connections not constructed must be made in writing to Utilities within two (2) years of payment of the WWDC. No refunds of any such charges will be made unless a request is received by Utilities within two (2) years of payment and no service has been connected. Any charges which are not refunded are retained by Utilities as a contribution-in-aid of construction. Payments for WWDC may be applied within twenty (20) years as a credit towards the payment of the WWDC for connection of the same land parcel, which may become due thereafter.

In any event, no credit will be given after twenty (20) years or more from the date of discontinuance of use of the existing connection or payment of the unused WWDC.

I. Inactive Wastewater Service

In the event that a service line was classified as abandoned and/or inactive through prior Utilities' Rules and Regulations standards and/or City Code provisions (prior to March 1, 2016), the property Owner(s) may request to reestablish utility service from Utilities and Utilities shall reestablish the service upon payment of applicable fees and compliance with applicable rules and regulations.

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