

RESOLUTION NO. _____-15

A RESOLUTION SEEKING INCLUSION OF A PORTION OF THE CITY OF COLORADO SPRINGS, COLORADO, INTO THE LOWER FOUNTAIN METROPOLITAN SEWAGE DISPOSAL DISTRICT AND AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO EXECUTE AND COLORADO SPRINGS UTILITIES TO SUBMIT A PETITION FOR INCLUSION TO THE LOWER FOUNTAIN METROPOLITAN SEWAGE DISPOSAL DISTRICT.

WHEREAS, the City of Colorado Springs, a home rule city and Colorado municipal corporation (the "City"), on behalf of its enterprise, Colorado Springs Utilities, is eligible for inclusion in the Lower Fountain Metropolitan Sewage Disposal District (the "District") upon consent of the City Council of the City ("City Council") and the consent of the Board of Directors of the District, pursuant to s. 32-4-513, C.R.S.; and

WHEREAS, the City Council has determined that it is necessary and in the best interests of the citizens of the City of Colorado Springs and ratepayers of Colorado Springs Utilities to ensure the public health, safety, and general welfare of the City to include a portion of the City within the District for purposes of providing wastewater collection, treatment, and disposal services; and

WHEREAS, the portion of the City for which inclusion will be requested consists of the those portions of the City of Colorado Springs within the Jimmy Camp Creek Wastewater Basin that are identified the petition for inclusion attached hereto as Attachment "A" to this Resolution ("Inclusion Area"); and

WHEREAS, the City Council by this Resolution formally requests, on behalf of its enterprise, Colorado Springs Utilities, that the Board of Directors of the District determine the feasibility of providing wastewater service to the Inclusion Area with District facilities; and

WHEREAS, additional details regarding the proposed inclusion are further set forth in the attached petition for inclusion.

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

Section 1. The City Council hereby authorizes the President of City Council to sign the petition for inclusion attached hereto as Attachment "A", and incorporated herein by reference, on behalf of the City and its enterprise, Colorado Springs Utilities, and further authorizes Colorado Springs Utilities to submit the petition for inclusion to the Lower Fountain Metropolitan Sewage Disposal District Board of Directors.

Section 2. The City Council hereby formally requests, on behalf of its enterprise, Colorado Springs Utilities, that the District Board of Directors include that

portion of the City of Colorado Springs identified in the petition for inclusion within the District's service area and that the City of Colorado Springs be included as a member of the District in accordance with District policy and Colorado law.

Section 3. The City Council consents to inclusion into the District subject to City Council approval of the District's terms and conditions for inclusion by ordinance.

Dated at Colorado Springs, Colorado, this _____ day of September, 2015.

Merv Bennett, Council President

ATTEST:

Sarah Johnson, City Clerk