

RESOLUTION NO. 18-_____

**A RESOLUTION DIRECTING THE CHIEF EXECUTIVE OFFICER OF
COLORADO SPRINGS UTILITIES TO EXECUTE AN AGREEMENT FOR
AUGMENTATION SERVICE**

WHEREAS, the City Code § 12.4.401 generally provides that customers with properties located within the City are required to connect their properties to the Colorado Springs Utilities' water supply system; and

WHEREAS, City Code § 12.4.403 generally provides that it is unlawful for any person who owns any house or other building occupied for business or residential purposes situated within the City to fail to connect the house or building to the Colorado Springs Utilities' water supply system in accord with the requirements of the City Code; and

WHEREAS, City Code § 12.4.402 provides that Colorado Springs Utilities may negotiate agreements that provide for the development of groundwater resources within the City to be supplied to users for purposes specified in the agreements upon approval by the Chief Executive Officer, Utilities Board or City Council as appropriate; and

WHEREAS, City Resolution No. 233-86 sets forth the City's groundwater development policy and provides that unless otherwise determined by City Council, groundwater located within the City may only be utilized for supplemental water supply for emergency and limited irrigation purposes; and

WHEREAS, Red Fox Properties, LLC ("Customer") is the owner of a 2.42-acre parcel of land located at 195 Marland Rd. S., Colorado Springs, CO 80906 ("Property"); and

WHEREAS, Customer is planning on constructing a primary residence on the Property in the near future; and

WHEREAS, in order to receive water service for the property from Colorado Springs Utilities, Customer would have to obtain easements across the property of a third party for the water line that would extend from Utilities' water mains to the Property; and

WHEREAS, Customer has attempted to obtain the necessary easements for the water service line for several years and has been unsuccessful;

WHEREAS, Customer is interested in drilling a groundwater well on the Property to provide water service to the Property (the "New Well"); and

WHEREAS, Colorado Springs Utilities is willing to allow Customer to drill and utilize the New Well for domestic uses on the Property, pursuant to Colorado Springs Utilities' Augmentation Service Tariff; and

WHEREAS, Colorado Springs Utilities requests that City Council authorize and direct the Acting Chief Executive Officer of Colorado Springs Utilities to execute an agreement for augmentation service with Customer that provides for the use of the New Well as set forth above.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

SECTION 1: The City Council finds and determines that an augmentation service agreement between Colorado Springs Utilities and Customer is in the best interest of the City of Colorado Springs.

SECTION 2. The Acting Chief Executive Officer of Colorado Springs Utilities is authorized and directed to enter into an augmentation service agreement with the Customer in a form substantially similar to that attached hereto.

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado, this ____ day of July, 2018.

ATTEST:

Richard Skorman, Council President

Sarah B. Johnson, City Clerk