

RESOLUTION NO. ____-16

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF COLORADO SPRINGS UTILITIES TO EXECUTE AGREEMENTS PROVIDING WATER SERVICE AND/OR WASTEWATER SERVICE FOR SINGLE-FAMILY RESIDENTIAL USES TO LAND LOCATED OUTSIDE THE CITY LIMITS OF THE CITY OF COLORADO SPRINGS AND AGREEMENT TO ANNEX FOR PROPERTIES LOCATED IN THE PARK VISTA ESTATES AND PARK VISTA ESTATES ADDITION SUBDIVISIONS

WHEREAS, owners of property within the Park Vista Estates and Park Vista Estates Addition subdivision enclaves (the “Subdivisions”) regularly request water service and/or wastewater service for their properties directly from Colorado Springs Utilities for single-family residential use; and

WHEREAS, the Subdivisions are located outside the City limits, but within enclaves that are totally surrounded by the City of Colorado Springs and Colorado Springs Utilities’ exclusive water and wastewater service territories and that are within Colorado Springs Utilities’ exclusive electric service territory; and

WHEREAS, in accord with City Code section 7.6.210, City Council, in its legislative discretion, has the authority to authorize water service and/or wastewater service outside the City without annexation; and

WHEREAS, “Residential Service – Outside City Limits” of the Water Rate Schedules and Wastewater Rate Schedules of Colorado Springs Utilities’ Tariff, requires prior City Council approval for Colorado Springs Utilities to provide end-use water service and/or wastewater service outside the corporate limits of the City of Colorado Springs in areas where water service and/or wastewater service is available from Colorado Springs Utilities; and

WHEREAS, a template agreement to annex providing for water service and/or wastewater service, to land located in the Subdivisions, which are outside the City limits of the City of Colorado Springs (“Template Agreement to Annex”) has been prepared and is attached hereto as Exhibit A; and

WHEREAS, under the terms of the Template Agreement to Annex, as a condition of receiving water service and/or wastewater service, the subject property owners irrevocably consent to, among other things, annex their property to the City, transfer the groundwater rights associated with their property to the City, and pay any costs associated with extending any required water and/or wastewater mains to their property; and

WHEREAS, City Council has previously approved similar agreements providing water service and/or wastewater service to land located outside the City limits of the City of Colorado Springs and agreements to annex for other residences in the Subdivisions and Colorado Springs Utilities is providing water service and/or wastewater service for those other residences in accord with those agreements; and

WHEREAS, Colorado Springs Utilities recommends that City Council approve the Template Agreement to Annex and the provision of water service and/or wastewater service for single-family residential uses within the Subdivisions upon satisfaction of the terms and conditions set forth below; and

WHEREAS, Colorado Springs Utilities further recommends that City Council authorize the Executive Director of Colorado Springs Utilities to execute the appropriate form of the Template Agreement to Annex with property owners within the Subdivisions when such property owners request service and the conditions set forth below are satisfied without the need for additional City Council action.

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

Section 1. The City Council finds that the execution of the appropriate form of the Template Agreement to Annex providing for single-family residential water service and/or wastewater service in the Subdivisions is in the best interests of the City and meets all applicable requirements of the law.

Section 2. The City Council hereby approves the Template Agreement to Annex attached hereto and authorizes the Executive Director of Colorado Springs Utilities to execute the appropriate form of the Template Agreement to Annex for properties in the Subdivisions that request water service and/or wastewater service for single-family residential use upon receiving sufficient evidence that the following conditions have been satisfied:

- a. The owner(s) of the subject property within the Subdivisions have submitted a request to Colorado Springs Utilities for water service and/or wastewater service for single-family residential uses;

- 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 and/or that there is sufficient wastewater treatment capacity available to serve the subject property; and
- d. The owner(s) of the subject property has executed the appropriate form of the Template Agreement to Annex ("Executed Agreement to Annex").

Section 3. Pursuant to "Residential Service - Outside City Limits" of the Water Rate Schedules and Wastewater Rate Schedules of Colorado Springs Utilities' Tariff, City Council hereby approves the provision of water service and/or wastewater service outside the corporate limits of the City of Colorado Springs to properties within the Subdivisions for single-family residential use upon the Utilities Executive Director's execution of an Executed Agreement to Annex entered into pursuant to this Resolution. Any proposed change in use or enlargement of the water service and/or wastewater service authorized by an Executed Agreement to Annex requires written approval of City Council. Any requests to enlarge service or change the use allowed under an Executed Agreement to Annex shall be reviewed in accord with the then-current tariffs, rules, regulations, ordinances or other applicable law, and may require the owner of the subject property to execute a new agreement with the City authorizing the provision of water service and/or wastewater service.

Section 4. The Executive Director of Colorado Springs Utilities is authorized to administer any Executed Agreement to Annex entered into pursuant to this resolution and shall provide City Council with annual notification of all Agreements to Annex entered into pursuant to this Resolution.

Section 5. The City Attorney's Office is authorized to make necessary revisions to the Template Agreement to Annex without seeking additional City Council authorization, but shall provide City Council with notice of any substantive revisions to the Template Agreement to Annex.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2016.

, Council President

ATTEST:

, City Clerk