

**RESOLUTION NO. \_\_\_\_-18**

**A RESOLUTION DIRECTING COLORADO SPRINGS UTILITIES TO ENTER INTO AN AMENDMENT FOR PURCHASE OF RETURN FLOWS**

WHEREAS, Forest Lakes Metropolitan District (FLMD) is the successor-in-interest to Agreement for Purchase of Return Flows (Agreement) dated April 23, 1984, whereby FLMD is entitled to 660 acre-feet of Colorado Springs' fully consumable return flows annually for augmentation of depletions associated with tributary well water withdrawn for water service and lake/reservoir water level maintenance on a 1,600 acre development in northern El Paso County;

WHEREAS, the Agreement required covenants for the development that prohibit the use of septic systems and stated that Colorado Springs would have no responsibility for contamination caused by sewage treatment systems installed by the developer or future owners of the land;

WHEREAS, the Agreement also provided that any amendments to it must be approved by City Council;

WHEREAS, Visum I Investment Partnership, LTD, (Visum) is the owner of an approximately 181 acre tract (Village Tract) that is part of the 1,600 acre development. Colorado Springs Utilities received a request from Visum to amend the Agreement to remove the Village Tract from the obligations of the Agreement since Visum no longer plans to plat, subdivide or develop the tract as anticipated. Rather, Visum plans to maintain the property primarily as undeveloped open space with up to six residences on the Property, and to utilize septic systems and exempt domestic wells available under Case No. 07CW120 as the source of water supply and wastewater disposal for those residences;

WHEREAS, Colorado Springs Utilities' Water Resources staff have negotiated the amendment to the Agreement attached hereto as Exhibit A with Visum and FLMD releasing the Village Tract from the Agreement;

WHEREAS, the amendment to the Agreement provides that Visum: is released from the obligation to utilize a central sewage collection and treatment system for homes built on the Village Tract and may instead use septic systems; may not use more than 12 acre-feet of well water available per the terms of Division 2, Water Court Case No. 07CW20; must promptly mitigate any degradation to the water quality on Monument Creek caused by its use of wells and septic systems on the Village Tract; and must record covenants which ensure that no more than six residences may be constructed on the Village Tract;

WHEREAS, the proposed amendment does not change the amount of water available to FLMD nor any other obligations of FMLD or Colorado Springs Utilities under the Agreement; and

WHEREAS, Colorado Springs Utilities requests that City Council authorize and direct the proper official of Colorado Springs Utilities to execute the proposed amendment to the Agreement.

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

Section 1. The proper official of Colorado Springs Utilities is authorized and directed to execute the amendment to the Agreement in substantially similar form to that attached hereto as Exhibit A.

Section 2. This Resolution shall be in full force and effect immediately upon its adoption.

DATED at Colorado Springs, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

ATTEST:

\_\_\_\_\_  
Richard Skorman  
Council President

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Sarah B. Johnson, City Clerk