

RESOLUTION No. ____-16

A RESOLUTION APPROVING AN AGREEMENT PROVIDING WATER AND WASTEWATER SERVICE TO LAND LOCATED OUTSIDE THE CITY LIMITS OF THE CITY OF COLORADO SPRINGS AND AGREEMENT TO ANNEX FOR THE PROPERTY LOCATED AT 5435 TURQUOISE DRIVE IN PARK VISTA ESTATES ADDITION

WHEREAS, Thomas A. Gustin and Joan M. Gustin as Trustees of the Thomas A. Gustin and Joan M. Gustin Living Trust (“Property Owner”), the owner of the property located at 5435 Turquoise Drive, (TSN: 6323104002), which is located in the Park Vista Estates Addition subdivision enclave, (the “Property”) requested water and wastewater service for the Property directly from Colorado Springs Utilities for single-family residential use; and

WHEREAS, in accord with City Code section 7.6.210 City Council, in its legislative discretion, has the authority to authorize water and wastewater services 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 wastewater service outside the corporate limits of the City of Colorado Springs in areas where water and wastewater service is available from Colorado Springs Utilities; and

WHEREAS, the Property is outside the City limits but within an enclave that is totally surrounded by the City of Colorado Springs and Colorado Springs Utilities’ exclusive water and wastewater service territories; and

WHEREAS, Colorado Springs Utilities provided evidence to City Council that there is sufficient water capacity and pressure available to serve the Property and that there is sufficient wastewater treatment capacity available to serve the Property;

WHEREAS, water distribution facilities exist in the area and a main extension is not required to extend service to the Property; and

WHEREAS, wastewater collection facilities do not exist in the area and a main extension is required to extend service to the Property; and

WHEREAS, the Property Owner has executed an Agreement Providing Water and Wastewater Service to Land Located Outside the City Limits of the City of Colorado Springs and Agreement to Annex (“Agreement to Annex”); and

WHEREAS, under the terms of the Agreement to Annex, as a condition of service, the Property Owner has irrevocably consented to, among other things, annex the Property to the City, transfer the groundwater rights associated with the Property to the City, and pay any costs associated with extending the wastewater main to the Property; and

WHEREAS, City Council has previously approved similar Agreements Providing Water and Wastewater Service to Land Located Outside the City Limits of the City of Colorado Springs and Agreement to Annex for other residences in the Park Vista Estates Addition subdivision enclave and Colorado Springs Utilities is providing water and wastewater service for those other residences in accord with those agreements; and

WHEREAS, Colorado Springs Utilities recommends approval of the Agreement to Annex and the provision of water and wastewater service to the Property.

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

Section 1. The City Council finds that the request for water and wastewater service at the Property from Colorado Springs Utilities for single-family residential use is in the best interests of the City and meets all applicable requirements of the law.

Section 2. 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 water and wastewater service outside the corporate limits of the City of Colorado Springs to the Property for single-family residential use in accord with the Agreement to Annex. The water and wastewater service may not be enlarged or the use changed without the prior written approval of the City. Any requests to enlarge service or change use shall be reviewed in accord with the then-current tariffs, rules, regulations, ordinances or other applicable law, and may require the Property Owner to execute a new Agreement to Annex.

Section 3. The City Council hereby approves the Agreement to Annex in the form attached hereto and authorizes the President of City Council to execute the

Agreement to Annex. The Chief Executive Officer of Utilities is authorized to administer the Agreement.

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

Council President

ATTEST:

Sarah B. Johnson, City Clerk