

RESOLUTION NO. 19-18

A RESOLUTION APPROVING A CHANGE OF USE FOR EXISTING WATER SERVICE APPROVED FOR THE PROPERTY AT 1250 W. WOODMEN ROAD PURSUANT TO THE 1994 AGREEMENT PROVIDING FOR WATER SERVICE TO LAND OUTSIDE THE CITY LIMITS OF THE CITY OF COLORADO SPRINGS AND ANNEXATION AGREEMENT (WOODMEN VALLEY)

WHEREAS, Dan Schaefer and Mary Jo Schaefer ("Owners") are the owners of the property located at 1250 W. Woodmen Rd., Colorado Springs, CO 80919 ("Property");

WHEREAS, the Property is located outside the Colorado Springs City limits;

WHEREAS, Colorado Springs Utilities provides water service to the Property for single family residential use pursuant to the terms and conditions of the certain Agreement Providing for Water Service to Land Outside the City Limits of the City of Colorado Springs and Annexation Agreement (Woodmen Valley) recorded on November 1, 1994 under reception number 094149664 of the records of the El Paso County, Colorado Clerk and Recorder ("Agreement");

WHEREAS, Section 2 of the Agreement provides that "It is specifically understood that the water services to be provided by the City are for only single family residential uses";

WHEREAS, Section 3 of the Agreement states that "If the Owner or the Owner's successor in interest desire to put the Property to other than single family residential uses, a request therefor shall be made to the City Council of the City, and such request, if granted at all, shall be upon such terms and conditions as may be imposed by the City Council";

WHEREAS, Section 4 of the Agreement provides that "The Owner, or Owner's successor in interest, may apply to the City for one single-family equivalent water tap for the Property";

WHEREAS, two single-family dwelling units have been constructed on the Property;

WHEREAS, Colorado Springs Utilities provides water service to the Property through a single-family equivalent tap for which all applicable development charges have been paid;

WHEREAS, Owners obtained a conditional approval of a variance of use authorizing the second single-family dwelling on the Property from the El Paso County Board of County Commissioners on February 13, 2018;

WHEREAS, Owners are seeking approval from City Council for a change of use of water service for the Property from single-family residential to multi-family residential per Section 3 of the Agreement;

WHEREAS, Colorado Springs Utilities has reviewed Owners' request and has determined that there is sufficient water capacity and water distribution facilities in the area available to support the requested change of use for water service to the Property; and

WHEREAS, Colorado Springs Utilities recommends that City Council approve the requested change in use of water service for the Property from single-family residential to multi-family residential, subject to the following terms and conditions: Owners shall pay all applicable fees and charges assessed by Colorado Springs Utilities in connection with the change of use of water service; that Owners fully comply with all applicable ordinances, regulations, rules and policies of the City of Colorado Springs and Colorado Springs Utilities; and that all remaining terms and conditions of the Agreement remain in full force and effect.

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

Section 1. The City Council hereby grants Owners' request and authorizes a change in type of water service for the Property pursuant to the Agreement from single-family residential to multi-family residential subject to the following terms and conditions:

- a. Owners shall pay all applicable fees and charges assessed by Colorado Springs Utilities in connection with the change of use of water service;
- b. Owners shall fully comply with all applicable ordinances, regulations, rules and policies of the City of Colorado Springs and Colorado Springs Utilities;
and
- c. All other terms and conditions of the Agreement shall remain in full force and effect.

Section 2. Pursuant to "Residential Service - Outside City Limits" of the Water Rate Schedules of Colorado Springs Utilities' Tariff, City Council hereby approves the

provision of water service outside the corporate limits of the City of Colorado Springs to the Property for multi-family residential use subject to the terms and conditions set forth in Section 1 above. Any proposed change in use or enlargement of the water service for the Property shall require written approval of City Council. Any requests to change the use or enlarge water service to Property shall be reviewed in accord with the then-current tariffs, rules, regulations, ordinances or other applicable law, and may require the owner of the Property to execute a new agreement with the City authorizing the provision of water service thereto.

Section 3. The Chief Executive Officer of Utilities is authorized to enter into any agreement with the Owners necessary to effectuate the intent of this Resolution without seeking additional City Council authorization and shall provide City Council with notification of any such agreement.

DATED at Colorado Springs, Colorado, this 27th day of March, 2018.



Council President

ATTEST:



Sarah B. Johnson, City Clerk

