

RESOLUTION NO. 181 - 22

A RESOLUTION APPROVING THE SECOND AMENDMENT  
TO EXTEND FIRST REVISED WATER TRANSMISSION  
SERVICE CONTRACT AMONG AURORA – COLORADO  
SPRINGS JOINT WATER AUTHORITY AND CITY OF  
AURORA, COLORADO AND CITY OF COLORADO  
SPRINGS, COLORADO

WHEREAS, the cities of Aurora and Colorado Springs (“Cities”) have for many years worked cooperatively in developing water resources through the project commonly known as the Homestake Project and have enjoyed economies of scale in bringing water from western Colorado to the water systems of the Cities; and

WHEREAS, by contract executed May 13, 1983, the Cities established a separate governmental entity and subdivision of the State of Colorado known as the Aurora-Colorado Springs Joint Water Authority (“Authority”); and

WHEREAS, one specific purpose of the Authority was to finance, construct, operate, and maintain a pipeline from the outlet of Twin Lakes Dam to the Otero Pumping Station Intake (“Otero Extension Pipeline”) and provide for the transmission of the Cities’ water through the pipeline; and

WHEREAS, on June 1, 1983, the Cities and the Authority entered into a Water Transmission Service Contract that set forth the terms under which the Authority would finance, construct, operate and maintain the Otero Extension Pipeline and provide water transmission service to the Cities through the pipeline; and

WHEREAS, the Water Transmission Service Contract expired on December 31, 2013 and on April 3, 2014, the Cities and the Authority entered into a First Revised Water Transmission Service Contract that sets forth the terms under which the Authority operates and maintains the Otero Extension Pipeline and provide water transmission service to the Cities; and

WHEREAS, the First Revised Water Transmission Service Contract expired on December 31, 2019 and the Authority and the Cities entered into an Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract that extends the term through December 31, 2021, with a single one-year automatic extension of the term; and

WHEREAS, the Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract expires on December 31, 2022 and the Authority and the Cities have negotiated a Second Amendment to Extend First Revised Water Transmission Service Contract that extends its term through December 31, 2027, with up to two five-year extensions at the Cities’ discretion; and

WHEREAS, Colorado Springs Utilities requests that City Council: (1) approve the Second Amendment to Extend First Revised Water Transmission Service Contract; and (2) authorize and direct the Chief Executive Officer of Colorado Springs Utilities to execute the Second Amendment to Extend First Revised Water Transmission Service Contract.

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

Section 1: The City Council finds and determines that approving the Second Amendment to Extend First Revised Water Transmission Service Contract is in the best interest of the City.

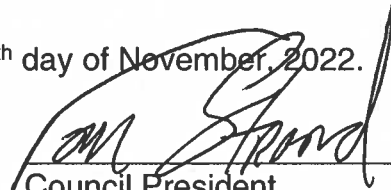
Section 2: The Second Amendment to Extend First Revised Water Transmission Service Contract is hereby approved.

Section 3: The Chief Executive Officer of Colorado Springs Utilities is authorized and directed to execute the Second Amendment to Extend First Revised Water Transmission Service Contract in a form substantially similar to that attached hereto.

Section 4: The Chief Executive Officer of Colorado Springs Utilities is authorized to administer the Second Amendment to Extend First Revised Water Transmission Service Contract.

Section 5. This Resolution shall take effect as of the date and time of its approval.

DATED at Colorado Springs, Colorado, this 8<sup>th</sup> day of November, 2022.

  
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Council President

ATTEST:

  
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Sarah B. Johnson, City Clerk