

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE BOARD OF WATER WORKS OF PUEBLO, COLORADO, THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, THE SOUTHEASTERN WATER ACTIVITY ENTERPRISE, THE CITY OF FOUNTAIN, COLORADO, THE CITY OF COLORADO SPRINGS, ON BEHALF OF ITS ENTERPRISE COLORADO SPRINGS UTILITIES, AND PUEBLO WEST METROPOLITAN DISTRICT REGARDING THE ACQUISITION OF REAL PROPERTY IN EASTERN PUEBLO COUNTY FOR THE PURPOSE OF CONSTRUCTING A RESERVOIR

WHEREAS, pursuant to Colorado Revised Statutes § 29-1-203, Colorado governments are authorized to cooperate and contract to provide for any function, service, or facility lawfully authorized to each of the cooperating governments through the use of an intergovernmental agreement; and

WHEREAS, Colorado Springs Utilities ("Utilities"), an enterprise of the City of Colorado Springs ("City") participates in the Arkansas River Management Program with the Board of Water Works of Pueblo ("Pueblo Water"), the City of Aurora, Colorado, acting by and through its Utility Enterprise ("Aurora"), the Southeastern Water Activity Enterprise ("Southeastern"), the City of Fountain, Colorado ("Fountain"), and Pueblo West Metropolitan District ("Pueblo West"); and

WHEREAS, Utilities, Pueblo Water, Aurora, Southeastern, Fountain, and Pueblo West (collectively the "Parties") formed the Restoration of Yield subcommittee ("ROY") to pursue development of joint water storage; and

WHEREAS, the ROY subcommittee has investigated certain real property located in eastern Pueblo County, Colorado owned by Steven L. Fossel ("Fossel Property") and has determined that the Fossel Property is suitable for construction of joint water storage; and

WHEREAS, Pueblo Water acquired an option to purchase the Fossel Property; and

WHEREAS, the Parties desire to enter into an intergovernmental agreement (the "IGA") which would require Pueblo Water to exercise its option to purchase the Fossel Property and assign rights in the purchase contract to the Parties in accordance with their participation percentages; and

WHEREAS, Utilities has the opportunity to participate in the purchase of the Fossel Property under the IGA and acquire an undivided 28.57% interest in the fee of the Fossel Property or such greater percentage as provided in the IGA if one or more Parties chooses not to participate in the IGA by November 1, 2021; and

WHEREAS, the City Council of the City of Colorado Springs ("City Council") has determined that it is in the best interests of the City and Utilities to enter into the IGA with the Parties attached hereto as Exhibit 1 and made a part hereof, which contains the terms and conditions of the acquisition of the Fossel Property by the Parties; and

WHEREAS, City Council acknowledges that the acquisition of the Fossel Property as contemplated in the IGA is outside of and not subject to the terms of the *City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests, Revised 2021*.

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

Section 1. The City Council now adopts this Resolution and approves the attached IGA, Exhibit 1.

Section 2. The City Council hereby authorizes the Chief Executive Officer of Colorado Springs Utilities to execute the IGA attached to this Resolution.

Section 3. The City Council hereby authorizes the acquisition of an undivided interest in the Fossel Property, which is not less than 28.75% of the total fee interest in the Fossel Property, from Steven L. Fossel in accordance with the IGA to be used for the construction of joint water storage and related uses as deemed appropriate by the Parties.

Dated at Colorado Springs, Colorado, this _____ day of _____, 2021.

ATTEST:

Council President

Sarah B. Johnson, City Clerk