



## Legislation Details (With Text)

**File #:** 18-0312      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Mayor's Office  
**File created:** 6/25/2018      **In control:** City Council  
**On agenda:** 7/24/2018      **Final action:** 7/24/2018  
**Title:** A Resolution Directing the Acting Chief Executive Officer of Colorado Springs Utilities to Execute an Agreement for Augmentation Service

**Presenter:**  
 Brian Whitehead, Manager System Extensions  
 Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A 195 Marland Rd.pdf, 2. Augmenation Marland Rd. Resolution Final 7-17-18.pdf, 3. Augmentation Agreement 7-17-18.pdf, 4. Signed Resolution 83-18

Date	Ver.	Action By	Action	Result
7/24/2018	1	City Council	adopted	Pass

A Resolution Directing the Acting Chief Executive Officer of Colorado Springs Utilities to Execute an Agreement for Augmentation Service

**Presenter:**

Brian Whitehead, Manager System Extensions  
 Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

**Summary:**

Colorado Springs Utilities (“Utilities”) requests that City Council approve a resolution that authorizes Utilities to enter into an agreement (“Agreement”) that gives Red Fox, LLC (“Customer”) the right to interim use of groundwater from a proposed well on property located at 195 Marland Road S., Colorado Springs, Colorado, 80906 (“Property”) pursuant to Utilities’ augmentation tariff. City Council approval of a resolution authorizing Utilities to enter into the Agreement is required because allowing the use of groundwater underlying the Property is inconsistent with Resolution No. 233-86.

**Previous Council Action:**

Between 1999 and 2017, City Council authorized Utilities to enter into several similar agreements with property owners

**Background:**

Customer is the owner of a 2.42 acre parcel that was annexed into the City in 1980 and is located within Utilities’ water service area. The Property is surrounded by vacant land owned by COG Land & Development Company (COG) and does not abut any street, alley or right of way in which there is

a Utilities' water distribution main, and Utilities' closest potable water distribution facilities lie approximately 900 feet from the Property. Customer currently has an easement across the COG property for ingress/egress and electric utility lines only. The easement does not include the right to install potable water facilities to serve the Property and the Customer states that the COG is not willing to grant an easement to extend water facilities across the COG property. As a result, Customer requested authorization to drill a well on the Property that will be used to provide water supply to a single family residence to be located on the Property and for irrigation of the Property.

It is the general policy of Utilities not to allow groundwater use for domestic uses, but to require connection to Utilities' potable water distribution system, as stated in City Code § 12-4-401. City of Colorado Springs' Resolution No. 233-86 also prohibits Utilities from permitting the use of groundwater for anything other than supplemental supply for emergency and limited irrigation purposes.

Despite this general policy, Utilities believes that due to: (a) the distance from the Property to any existing potable water source, (b) the fact that the Property does not abut any street, alley or right of way in which there is a Utilities' water distribution main, and (c) the COG's refusal to grant the necessary easement, adherence to this general policy would not contribute to the orderly development of Utilities' potable water distribution system. As such, Utilities recommends that City Council approve the resolution authorizing it to enter into the Agreement to address these issues.

The Agreement requires the owner of the Property to fund the extension of the water mains necessary to serve the Property in the future and connect the Property to the mains when requested to do so by Utilities. Upon connection, Customer will no longer be able to use the well for anything other than limited irrigation. Customer will be charged for all withdrawals from the well pursuant to Utilities' Augmentation Tariff. After connection to Utilities' water system, Customer will be permitted to continue use of the well for limited irrigation subject to the Augmentation Tariff.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

Approve or not approve the attached resolution authorizing Colorado Springs Utilities to enter into the Agreement.

**Proposed Motion:**

Move approval of the proposed resolution authorizing Colorado Springs Utilities to enter in to the Agreement.

N/A