



## Legislation Details (With Text)

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**Title:** A Resolution Approving an Agreement Providing Water and Wastewater Service to Land Located Outside the City Limits of Colorado Springs and Agreement to Annex for 5335 Turquoise Drive in Park Vista Estates Addition

**Presenter:**  
 Brian Whitehead, Systems Extensions Manager, Water Services Division  
 Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution - 5335 Turquoise Dr, 2. Agreement to Annex - 5335 Turquoise Dr (Signed), 3. Wastewater Capacity to Serve Letter - 5335 Turquoise Dr, 4. Water Capacity to Serve Letter - 5335 Turquoise Dr, 5. PDF map - 5335 Turquoise Drive 8-4-15, 6. Formal Request Letter (E-Mail) - 5335 Turquoise Dr, 7. Signed Resolution 67-16.pdf

Date	Ver.	Action By	Action	Result
6/28/2016	1	City Council	adopted	Pass

A Resolution Approving an Agreement Providing Water and Wastewater Service to Land Located Outside the City Limits of Colorado Springs and Agreement to Annex for 5335 Turquoise Drive in Park Vista Estates Addition

**Presenter:**

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 Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

**Summary:**

Randolph and Marie Bowen (“Property Owners”) submitted a request to Colorado Springs Utilities for water and wastewater service at 5335 Turquoise Drive (the “Property”) in the enclave of Park Vista Estates Addition. City Code gives specific direction on administering requests for water and wastewater service outside the City limits.

**Previous Council Action:**

Water and wastewater service is not provided to customers outside of the City limits unless there is a prior contractual obligation or it is specifically approved by the Colorado Springs City Council pursuant to City Code requirements. In the past two years, City Council approved Agreements to Annex and consequently approved the water and/or wastewater service request for four (4) residences in the Park Vista enclaves.

**Background:**

City Code Section 7.6.210, Service without Annexation, allows the City Council in its legislative discretion to authorize water and wastewater service outside City limits. Property Owners have executed an Agreement to Annex (“Agreement”) whereby they have irrevocably consented to annex the Property to the City and agreed to surrender groundwater rights as a condition of service. The Agreement limits development of the Property to single-family residential use and it requires Property Owners to comply with all codes, ordinances, rules, regulations and policies of the City including, but not limited to, the City's Subdivision Code, Building Code, Fire Code, Drainage Ordinance, Utilities Line Extension Standards and Ordinances, Zoning Code and Landscape Code.

There is sufficient water capacity and pressure available to serve the Property, as attested by the Utilities’ staff in the attached memorandum. Water distribution facilities exist in the area; a main extension is not required to extend service to the Property.

There is sufficient wastewater treatment system capacity to service the Property, as attested by the Utilities’ staff in the attached memorandum; however, wastewater collection facilities do not currently exist within 400 feet of the Property and a main extension will be required in the future to extend service to the Property.

**Financial Implications:**

Utilities’ fees will cover the cost of water service. For service outside of the City limits, the Water and Wastewater Development Charges and water and wastewater rates are 1.5 times higher than the inside City rates. Property Owners have agreed to pay the School, Park, Bridge and Drainage Basin Fees. Through the Agreement, Property Owners agree to participate in their pro rata share of a future improvement district, as necessary, for any required capital improvements. Since City services are not being extended to the Property, the City will not receive any taxes until such time as the Property is annexed.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

Property Owners submitted a request to Colorado Springs Utilities for water and wastewater service at 5335 Turquoise Drive. Colorado Springs Utilities has worked with Mr. and Mrs. Bowen, City Planning and other appropriate City departments on the review of this request and the drafting of the Agreement and proposed resolution.

**Alternatives:**

N/A

**Proposed Motion:**

Move for adoption of the proposed resolution.

N/A