



## Legislation Details (With Text)

**File #:** 15-00293      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Mayor's Office  
**File created:** 5/6/2015      **In control:** City Council  
**On agenda:** 5/26/2015      **Final action:** 5/26/2015  
**Title:** A Resolution approving an Agreement to Annex and to Provide Water and Wastewater Service outside the City Limits to 3616 W High Street and 225 Bellvue Avenue

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution - 3616 High Street and 225 Bellvue Avenue final, 2. 3616 High Street Agreement to Annex, 3. Service Request Letter - 3616 W High St and 225 Bellvue Ave, 4. Water Capacity to Serve Letter - 3616 W High St, 5. WW Capacity to Serve Letter - 3616 W High St, 6. Property Map - 3616 W High St and 225 Bellvue Ave, 7. Sketch Map - 3616 W High St and 225 Bellvue Ave, 8. Signed Resolution No. 59-15

Date	Ver.	Action By	Action	Result
5/26/2015	1	City Council	adopted	Pass

### A Resolution approving an Agreement to Annex and to Provide Water and Wastewater Service outside the City Limits to 3616 W High Street and 225 Bellvue Avenue

**From:**

Jerry Forte, CEO, Colorado Springs Utilities

**Summary:**

David and Debra Carpenter, D Carps Investments, LLC ("property owner"), submitted a request to Colorado Springs Utilities for water and wastewater service at 3616 W High Street and 225 Bellvue Avenue. City Code gives specific direction on administering requests for water and wastewater service outside the City limits.

**Previous Council Action:**

Water and wastewater service has not been provided to customers outside of the city limits unless it is a prior contractual obligation or is specifically approved by the Colorado Springs City Council pursuant to City Code requirements.

**Background:**

The City Code Section 7.6.210, Service without Annexation, allows the City Council in its legislative discretion to authorize water service outside city limits. Property owner has executed an Agreement to Annex (agreement) and irrevocably consent to annex the property to the City and agreed to surrender groundwater rights as a condition of service. The agreement limits development to commercial use and property owner agrees 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.

These properties are located south of US Highway 24 and north of Red Rock Canyon Park in an unincorporated area, with portions of this area bordering the City of Manitou Springs and the City of Colorado Springs. The W High Street property is legally eligible for annexation, but City Planning does not recommend annexation at this time, while the Bellvue Avenue property is legally ineligible for annexation because it does not share contiguous boundary with the City of Colorado Springs. The 3616 W High Street property was authorized to receive City wastewater service specifically for residential use in 1980 via resolution 445-80. Water service was granted through previous City Council action prior to the approval of wastewater service. Records do not indicate connection of the property to the City wastewater system. The 225 Bellvue Avenue property was authorized to receive City water and wastewater service specifically for residential use through resolution 85-81. Due to the change of use from residential to commercial, an update to the Agreement to Annex is required.

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

There is sufficient wastewater treatment system capacity to service this property, as attested by the Utilities' staff in the attached memorandum. Wastewater collection facilities currently exist in the area and a main extension is not required to extend service to the lots.

**Financial Implications:**

Utilities' fees will cover the cost of water service. The Water and Wastewater Development Charges and water and wastewater rates are 1.5 times higher than the inside City rates. Property owner also agrees to pay applicable School, Park and Drainage Basin Fees. Through the Agreement to Annex, property owner agrees 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 requestor, the city will not receive any taxes until such time as the property is annexed.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

David and Debra Carpenter, D Carps Investments, LLC, submitted a request to Colorado Springs Utilities for service at 3616 W High Street and 225 Bellvue Avenue. Colorado Springs Utilities has worked with owner representative, Lisa Peterson, Hammers Construction, City Planning and other appropriate City departments on the review of this request and the drafting of the Agreement to Annex and resolution.

**Alternatives:**

N/A

**Proposed Motion:**

Move adoption of the proposed resolution.

N/A