



## Legislation Details (With Text)

**File #:** 15-00294      **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 4615 Topaz Drive in Park Vista Estates Addition

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution Final - 4615 Topaz Dr revised 5-6, 2. 4615 Topaz Drive Agreement to Annex Final, 3. Letter of Request - 4615 Topaz Dr, 4. Water Capacity to Serve Letter - 4615 Topaz Dr, 5. Wastewater Capacity to Serve Letter - 4615 Topaz Dr, 6. PDF Map - 4615 Topaz Dr, 7. Signed Resolution No. 60-15

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 4615 Topaz Drive in Park Vista Estates Addition

**From:**

Jerry Forte, CEO, Colorado Springs Utilities

**Summary:**

David and Dawn Benavides ("property owner") in the enclave of Park Vista Estates Addition, submitted a request to Colorado Springs Utilities for water and wastewater service at 4615 Topaz Drive. 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. In the past two years, City Council approved Agreements to Annex and subsequently approved the water and/or wastewater service request for three (3) residences in the Park Vista enclaves.

**Background:**

The 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 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 single-family residential 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.

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; a main extension is not required to extend service to the lot.

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; however, a main extension will be required in accordance with City Code. In lieu of extending the main, the owners will pay a pro-rata share via an advanced recovery agreement fee prior to connecting their property to the City wastewater system. The recovery represents the property owners' portion of construction costs associated with the future installation of a wastewater main in Pearl Drive from Topaz Drive to Diamond Drive.

**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 the School, Park, Bridge 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 Dawn Benavides submitted a request to Colorado Springs Utilities for service at 4615 Topaz Drive. Colorado Springs Utilities has worked with David Benavides, 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