

RESOLUTION NO. \_\_\_\_-23

A RESOLUTION APPROVING AN AGREEMENT TO ANNEX AND TO PROVIDE WATER AND WASTEWATER SERVICE OUTSIDE THE CITY LIMITS TO 5315 SILVER DRIVE IN UNINCORPORATED EL PASO COUNTY

WHEREAS, the property owners in unincorporated El Paso County at 5315 Silver Drive, (TSN: 6323103011) (the "Property") requested water and wastewater service directly from Colorado Springs Utilities for single-family residential use; and

WHEREAS, City Council has previously approved Agreements to Annex and water and wastewater service to other residences in this area, which is partially surrounded by the corporate limits of the City of Colorado Springs, Colorado in unincorporated El Paso County and Colorado Springs Utilities is providing water and wastewater service for other residences in the area; and

WHEREAS, there is sufficient water capacity and pressure available to serve the Property; and

WHEREAS, there is sufficient wastewater treatment capacity available to serve the Property; and

WHEREAS, water distribution facilities exist in the area and a main extension is not required to extend service to the Property; and

WHEREAS, wastewater distribution facilities do not exist in the area and a main extension is required to extend service to the Property; and

WHEREAS, the property owners have executed an Agreement to Annex and irrevocably consent to annex the Property to the City and have agreed to surrender groundwater rights as a condition of service; and

WHEREAS, the Property is outside the City limits but within an enclave that is surrounded by the City of Colorado Springs and Colorado Springs Utilities' water and wastewater service area; and

WHEREAS, Utilities Board has recommended extending the water service boundary to include the Property base on a finding that the proposed use will have a de minimis impact on the overall City's available water supply; and

WHEREAS, "Residential Service – Outside City Limits" of the Water Rate Schedules and Wastewater Rate Schedules of Colorado Springs Utilities' Tariff, requires prior City Council approval for Colorado Springs Utilities to provide end-use water service and wastewater service outside the corporate limits of the City of Colorado Springs in areas where water and wastewater service is available from Utilities.

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

Section 1. The City Council finds, based on a substantiated and written record, that extension of the water service boundary to include the Property will have a de minimis impact on the overall city's available water supply.

Section 2. The City Council finds the request for water and wastewater service at the Property from Colorado Springs Utilities for single-family residential use is in the best interests of the City and meets all applicable requirements of the law.

Section 3. Pursuant to "Residential Service - Outside City Limits" of the Water Rate Schedules and Wastewater Rate Schedules of Colorado Springs Utilities' Tariff, City Council hereby approves water and wastewater service outside the corporate limits of the City of Colorado Springs to the Property for single-family residential use. The water and wastewater service may not be enlarged or the use changed without the prior written approval of the City. Any requests to enlarge service or change use shall be reviewed in accord with the then-current tariffs, rules, regulations, ordinances or other applicable law, and may require the property owners execute a new Agreement to Annex.

Section 4. The President of Council is hereby authorized to execute this Resolution and the Agreement to Annex in the form attached hereto on behalf of the City of Colorado Springs and the City Clerk is authorized to attest the President of Council's signature. The Chief Executive Officer of Utilities is authorized to administer the Agreement.

Dated at Colorado Springs, Colorado this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Randy Helms, President of Council

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk