

EFFECTIVE DATE: 08-26-2024

RESOLUTION NO. R2024- 106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF AN EXTRA-
TERRITORIAL WATER SERVICE AGREEMENT

WHEREAS, Sharon Lee Dowhan and Property 292, LLC, a Colorado limited liability company (jointly, and referred to together as the "Landowners") are in the process of entitling and developing a certain property that is proximate to the City of Aurora's municipal boundary but within the planning area boundary (the "Eastgate Development") and have approached the City of Aurora, acting by and through its Utility Enterprise ("Aurora Water") to request extra-territorial water and sanitary sewer service through an Agreement for Extraterritorial Water and Sanitary Services; and

WHEREAS, the Eastgate Development intends to serve a maximum of one-thousand (1,000) residential units, and a maximum general commercial density of 385,000 square feet, together with related amenities, public and private improvements located outside the City of Aurora, in Arapahoe County, Colorado; and

WHEREAS, in connection with the Eastgate Development, Landowners anticipate creating districts, as that term is used in relevant Colorado Revised Statutes, to cause the financing, design and construction of necessary water and sewer systems and the Landowners have the legal authority to take necessary actions to create such districts; and

WHEREAS, Aurora Water has determined that water and sewer service can be provided to the Eastgate Development from existing potable waterlines and sewer lines, respectively, and that hydraulic testing indicates that surrounding Aurora residents will not see negative impacts in relevant services; and

WHEREAS, Landowners have agreed to dedicate the groundwater rights below the Eastgate Development to Aurora Water, adhere to all Aurora Water conservation requirements, including but not limited to the City's "Turf Ordinance" (Aurora City Code section 138-191, as amended) and any and all drought restrictions, pay 150% of rates and fees applicable to the Project and dedicated all necessary property interests to the City of Aurora; and

WHEREAS, the provision of services to the Eastgate Development constitute an economical, dependable, and beneficial means to provide such services that also serve a public purpose and promote the health, safety, and general welfare of the residents of the City of Aurora and future Eastgate Development residents, respectively; and

WHEREAS, the City has the legal authority to contract to furnish water, sanitary sewer, and irrigation services outside the City limits at 150% of the rates and fees charged to residents of Aurora (Aurora City Code sections 138-223(d) and 138-327(b)); and

WHEREAS, the City is authorized to cooperate and contract with any political subdivision of the State of Colorado, to provide any function, service, or facility lawfully authorized to each of the contracting or cooperating units of government (Article XIV of the Colorado Constitution and C.R.S. 29-1-203); and

WHEREAS, Aurora Water is authorized to acquire, construct, operate, maintain, improve and extend water, wastewater, and storm drainage facilities within or without the corporate boundaries of Aurora, and to make contracts, acquire lands, and do all things that are necessary or convenient therefore (Aurora City Code section 138-28); and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The Agreement for Extraterritorial Water and Sanitary Services between Aurora Water and Sharon Lee Dowhan and Property 292, LLC, a Colorado limited liability company is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

Section 4. This Resolution shall take effect immediately without reconsideration.

Section 5. That the Mayor of Aurora, City Clerk, and City Attorney are authorized to take such action and to execute such documents as necessary to implement the intent of this Resolution.

RESOLVED AND PASSED this 26th day of August, 2024.

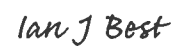



MIKE COFFMAN, Mayor

ATTEST:


KADEE RODRIGUEZ, City Clerk
Deputy

APPROVED AS TO FORM:


IAN BEST, Assistant City Attorney