

RESOLUTION NO. 2016-077

**A RESOLUTION APPROVING THE TOWN OF CASTLE ROCK AND PARKER
WATER AND SANITATION DISTRICT INTERGOVERNMENTAL
WATER INFRASTRUCTURE COST SHARING, DESIGN, CONSTRUCTION
AND CAPACITY ALLOCATION AGREEMENT**

WHEREAS, Parker Water and Sanitation District (“PWSD”) and the Town of Castle Rock (“Castle Rock”) (individually a “Party” and collectively, the “Parties”) have agreed to the terms and conditions of an Intergovernmental Water Infrastructure Cost Sharing, Design, Construction and Capacity Allocation Agreement (“Agreement”); and

WHEREAS, C.R.S. § 29-1-203 authorizes the Parties to cooperate and contract with one another regarding functions, services and facilities each is authorized to provide; and

WHEREAS, PWSD plans to construct the water delivery infrastructure described in Exhibit A (the “Infrastructure”) as part of its participation in the regional Water Infrastructure and Supply Efficiency (“WISE”) Project; and

WHEREAS, the Infrastructure will be used, in part, to convey WISE Project Water or other water supplies to Castle Rock (“Castle Rock Water”), for PWSD to provide water service to other property within the District’s boundaries, and for other participants in the WISE Project to convey WISE Project water or other water supplies to their customers; and

WHEREAS, the Infrastructure constitutes Local Infrastructure, as that term is defined in the South Metro WISE Authority Formation and Organizational Agreement (“Organizational Agreement”), to which the Parties are members; and

WHEREAS, Castle Rock desires to pay its proportionate share of the costs of the design, construction, and installation of the Infrastructure necessary to convey Castle Rock Water from its receipt by PWSD into PWSD’s water system to its point of delivery to Castle Rock into Castle Rock’s water system as shown on the map included in Exhibit A of the Agreement including existing pipelines and infrastructure; and

WHEREAS, upon completion of the Infrastructure, PWSD will wholly own, operate, and maintain the Infrastructure and Castle Rock will have a perpetual license to use capacity in the Infrastructure for the conveyance of Castle Rock Water; and

WHEREAS, the Parties are entering into a separate agreement setting forth the terms pursuant to which PWSD will deliver (or “wheel”) Castle Rock Water through the Infrastructure and other PWSD facilities, including how the costs for operating, maintaining, repairing, and replacing the Infrastructure will be allocated and assessed.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:

Section 1. Approval. The Intergovernmental Water Infrastructure Cost Sharing, Design, Construction and Capacity Allocation Agreement, in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town of Castle Rock, Colorado, including any non-substantive changes approved by Legal and staff.

Section 2. Encumbrance and Authorization for Payment. In order to meet the Town's initial financial obligation under the IGA, the Town Council authorizes the expenditure and payment from the following 2016 appropriation accounts: account #211-4375-443.77-72 WR WLI in an amount not to exceed \$10.5 million unless authorized in writing by the Town of Castle Rock.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2016, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Mark Marlowe, Utilities Director