

**AMENDED AND RESTATED  
EXTRATERRITORIAL  
WATER AND WASTEWATER  
SERVICE AGREEMENT**

**DATE:** \_\_\_\_\_, 2017.

**PARTIES:** **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 (“Town”).

**BOARD OF COUNTY COMMISSIONERS, COUNTY OF DOUGLAS**, 100 Third Street, Castle Rock, Colorado 80104 (“Douglas County”).

**RECITALS:**

A. Douglas County is the owner of certain property located at 3020 and 3026 N. Industrial Way, Castle Rock, Colorado, in unincorporated Douglas County, Colorado (the “Property”).

B. Chapter 13.12 of the Castle Rock Municipal Code (“13.12 CRMC”) authorizes the extension of water and/or wastewater service to properties outside the municipal boundaries of the Town pursuant to service contract.

C. By Resolution No. 2016-51, the Town Council approved an Extraterritorial Water and Wastewater Services Contract between the Town and Douglas County (“Service Contract”).

D. Pursuant to the terms of the Service Contract, Douglas County was required to connect to the Town’s water and wastewater system not later than December 31, 2016.

E. The parties have determined that it is necessary and appropriate to amend and restate the terms of the Service Contract, to extend the connection requirement to December 31, 2017.

F. Douglas County desires to receive water and wastewater service from the Town in accordance with the terms and conditions set forth in this Amended and Restated Extraterritorial Water and Wastewater Service Contract (“Amended and Restated Service Contract”).

G. Town shall discharge its obligation under this Amended and Restated Service Contract by and through the Castle Rock Water and Wastewater Enterprises.

**COVENANTS:**

**THEREFORE**, in consideration of these mutual promises, the parties agree and covenant as follows:

**Section 1. Water and Wastewater Service Connection.** Town shall permit Douglas County to make connection to the Town's water and wastewater systems. Douglas County shall bear all costs of the physical connection to such Town systems. Douglas County may acquire a 1-inch water tap and an appropriately sized sanitary sewer tap upon payment of the applicable fees (including but not limited to System Development Fee, Water Resource Fee and Meter Set Fee) imposed under 13.12 CRMC.

**Section 2. Water Service Charges.** Monthly services charges shall be imposed and billed at the rates imposed under 13.12 CRMC. Douglas County acknowledges Town has the right to enforce collection and payment of water and wastewater service charges provided to the Property as authorized under 13.12 CRMC. The use of municipal water and wastewater service shall be in compliance with the Castle Rock Municipal Code, Town regulations and standard service conditions imposed on all municipal customers.

**Section 3. No Surcharge.** Douglas County will not be assessed the surcharge on fees and monthly service charges which may be imposed under 13.12.040 of the Castle Rock Municipal Code. However, in the event Douglas County sells or leases the Property resulting in a non-governmental use of the Property, the 25% surcharge shall be imposed.

**Section 4. No Obligation.** This Service Contract creates a right, but not the obligation of Douglas County to obtain municipal services. Neither execution of this Service Contract, nor the procurement of municipal services obligates Douglas County to seek annexation of the Property.

**Section 5. Lapse of Service Contract.** In the event Douglas County does not connect to the Town's water and wastewater system by December 31, 2017, thereafter this Amended and Restated Service Contract shall lapse and be of no further force or effect.

**Section 6. Maximum Contract Expenditure.** This Service Contract is subject to Section 29-1-110, C.R.S., and Douglas County is not under obligation to make any future apportionment or allocation for this Service Contract. Any potential expenditure for this Service Contract outside the current fiscal year is subject to future annual appropriation of funds for any such proposed expenditure.

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Sally Misare, Town Clerk

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Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

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Mark Marlowe, Director of Castle Rock Water

**ATTEST:**

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Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS**

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David A. Weaver, Chair

**ATTEST:**

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Meghan McCann, Clerk to the Board

**APPROVED AS TO CONTENT:**

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Douglas J. Debord, County Manager

**APPROVED AS TO FORM:**

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County Attorney

**APPROVED AS TO FISCAL CONTENT:**

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Andrew Copland, Director of Finance