



# Town of Castle Rock

## Agenda Memorandum

**Agenda Date: 5/3/2016**

---

**Item #: 16 File #: RES 2016-051**

---

**To:** Honorable Mayor and Members of Town Council

**From:** Mark Marlowe, P.E., Utilities Director

**Resolution Approving an Extraterritorial Water and Wastewater Service Agreement with the Board of County Commissioners, County of Douglas for property located at 3020 and 3026 N. Industrial Way**

---

### Executive Summary

The purpose of this memorandum is to request Council approval of a resolution (see **Attachment A**) approving an Extraterritorial Water and Wastewater Services Agreement with the Board of County Commissioners, County of Douglas. In February of 2016, Douglas County requested Castle Rock Water provide water and sewer service to the Tin Tech facility, located at 3020 and 3026 N. Industrial Way (see **Attachment B**). This property is located outside the Castle Rock town limits. Castle Rock Municipal Code (13.12) authorized the extension of water and/or wastewater service to properties outside the municipal boundaries through an extraterritorial service contract approved by Town Council. Code allows Council to add up to a 25% surcharge to the standard rates and fees for any extraterritorial service contract. Given this is a contract with Douglas County and that the location is within our existing service area, staff recommends a surcharge **NOT** be included in this contract. The location has been part of Castle Rock Water's master planning and contemplated future service area for many years.

### History of Past Town Council, Boards & Commissions, or Other Discussions

On April 27, 2016, the Utilities Commission recommended Town Council approve the agreement as presented.

### Budget Impact

Douglas County will be paying approximately \$36,737 in system development and renewable water fees, which will provide revenue for system improvements in accordance with the impact of this service on the systems. In addition, Douglas County will be paying an estimated \$5,000 per year for service, which provides net revenues through more fully utilizing excess capacities in our existing water and wastewater facilities.

### Staff Recommendation

---

Item #: 16 File #: RES 2016-051

---

Staff recommends approval of the Extraterritorial Water and Wastewater Service Contract with Douglas County, for the property located at 3020 and 3026 N. Industrial Way

**Proposed Motion**

*"I move to approve the Resolution as introduced by title. "*

**Attachments**

Attachment A:	Resolution
Exhibit 1:	Service Contract
Attachment B:	Location map



RESOLUTION NO. 2016-51

**A RESOLUTION APPROVING THE EXTRATERRITORIAL WATER AND  
WASTEWATER SERVICE AGREEMENT BETWEEN THE TOWN OF CASTLE  
ROCK AND THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF DOUGLAS  
FOR THE PROPERTY LOCATED AT 3020 AND 3026 N. INDUSTRIAL WAY**

**WHEREAS**, 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").

**WHEREAS**, 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.

**WHEREAS**, Douglas County desires to receive water and wastewater service from the Town in accordance with the terms and conditions set forth in this Extraterritorial Water and Wastewater Service Contract ("Service Contract").

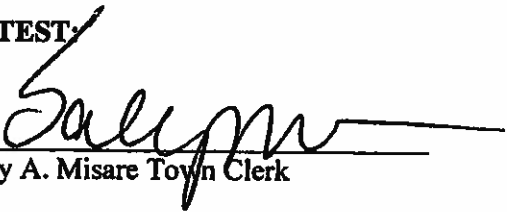
**WHEREAS**, Town shall discharge its obligation under this Service Contract by and through the Castle Rock Water and Wastewater Enterprise.

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

Section 1. **Approval.** The Extraterritorial Water and Wastewater Service 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

**PASSED, APPROVED AND ADOPTED** this 3rd day of May, 2016, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of 7 for and 0 against.

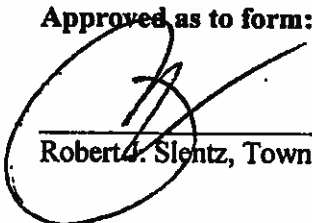
**ATTEST:**

  
Sally A. Misare Town Clerk

**TOWN OF CASTLE ROCK**

  
Paul Donahue, Mayor

**Approved as to form:**

  
Roberto Slentz, Town Attorney

**Approved as to content:**

  
Mark Marlowe, Utilities Director

**EXTRATERRITORIAL  
WATER AND WASTEWATER  
SERVICE CONTRACT**

**DATE:** March 3rd, 2016.

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

D. Town shall discharge its obligation under this Service Contract by and through the Castle Rock Water and Wastewater Enterprise.

**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 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.

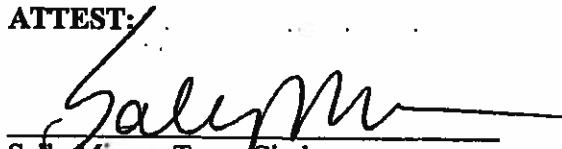
**Section 3. No Surcharge.** Douglas County will not be assessed the surcharge on fees and monthly service charges which may be imposed under 13.12.040 of the Castle Rock Municipal Code. However, in the event Douglas County sells or leases the Property resulting in a non-governmental use of the Property, 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, 2016, thereafter this 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.

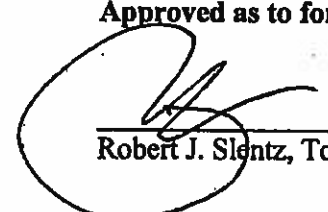
ATTEST:

  
Sally Misare, Town Clerk

TOWN OF CASTLE ROCK

  
Paul Donahue, Mayor

Approved as to form:

  
Robert J. Slentz, Town Attorney

Approved as to content:

  
Mark Marlowe, Director of Utilities

ATTEST:

  
Deputy Clerk Meghan



BOARD OF COUNTY  
COMMISSIONERS, COUNTY  
OF DOUGLAS

  
Chair

Approved as to form:

  
Douglas County Attorney

**RESOLUTION NO. 2016-51**

**A RESOLUTION APPROVING THE EXTRATERRITORIAL WATER AND  
WASTEWATER SERVICE AGREEMENT BETWEEN THE TOWN OF CASTLE  
ROCK AND THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF DOUGLAS  
FOR THE PROPERTY LOCATED AT 3020 AND 3026 N. INDUSTRIAL WAY**

**WHEREAS**, 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").

**WHEREAS**, 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.

**WHEREAS**, Douglas County desires to receive water and wastewater service from the Town in accordance with the terms and conditions set forth in this Extraterritorial Water and Wastewater Service Contract ("Service Contract").

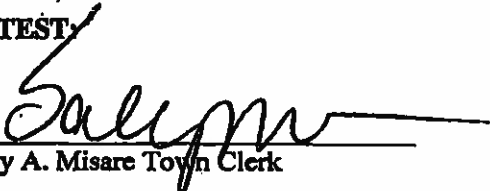
**WHEREAS**, Town shall discharge its obligation under this Service Contract by and through the Castle Rock Water and Wastewater Enterprise.

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

**Section 1. Approval.** The Extraterritorial Water and Wastewater Service 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

**PASSED, APPROVED AND ADOPTED** this 3rd day of May, 2016, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of 7 for and 0 against.

**ATTEST**

  
Sally A. Misare Town Clerk

**TOWN OF CASTLE ROCK**

  
Paul Donahue, Mayor

**Approved as to form:**

  
Robert A. Slentz, Town Attorney

**Approved as to content:**

  
Mark Marlowe, Utilities Director





# Town of Castle Rock

100 North Wilcox Street  
Castle Rock, CO 80104

## Agenda Memorandum

**Agenda Date: 5/3/2016**

---

**Item #: 16 File #: RES 2016-051**

---

**To:** Honorable Mayor and Members of Town Council

**From:** Mark Marlowe, P.E., Utilities Director

**Resolution Approving an Extraterritorial Water and Wastewater Service Agreement with the Board of County Commissioners, County of Douglas for property located at 3020 and 3026 N. Industrial Way**

---

### Executive Summary

The purpose of this memorandum is to request Council approval of a resolution (see **Attachment A**) approving an Extraterritorial Water and Wastewater Services Agreement with the Board of County Commissioners, County of Douglas. In February of 2016, Douglas County requested Castle Rock Water provide water and sewer service to the Tin Tech facility, located at 3020 and 3026 N. Industrial Way (see **Attachment B**). This property is located outside the Castle Rock town limits. Castle Rock Municipal Code (13.12) authorized the extension of water and/or wastewater service to properties outside the municipal boundaries through an extraterritorial service contract approved by Town Council. Code allows Council to add up to a 25% surcharge to the standard rates and fees for any extraterritorial service contract. Given this is a contract with Douglas County and that the location is within our existing service area, staff recommends a surcharge **NOT** be included in this contract. The location has been part of Castle Rock Water's master planning and contemplated future service area for many years.

### History of Past Town Council, Boards & Commissions, or Other Discussions

On April 27, 2016, the Utilities Commission recommended Town Council approve the agreement as presented.

### Budget Impact

Douglas County will be paying approximately \$36,737 in system development and renewable water fees, which will provide revenue for system improvements in accordance with the impact of this service on the systems. In addition, Douglas County will be paying an estimated \$5,000 per year for service, which provides net revenues through more fully utilizing excess capacities in our existing water and wastewater facilities.

### Staff Recommendation



---

**Item #: 16 File #: RES 2016-051**

---

**Staff recommends approval of the Extraterritorial Water and Wastewater Service Contract with Douglas County, for the property located at 3020 and 3026 N. Industrial Way**

**Proposed Motion**

*"I move to approve the Resolution as introduced by title. "*

**Attachments**

Attachment A: Resolution  
Exhibit 1: Service Contract  
Attachment B: Location map

