

RESOLUTION NO. 2021-____

**A RESOLUTION APPROVING THE INTERGOVERNMENTAL
AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND
DOMINION WATER AND SANITATION DISTRICT
(PARKER MIDSECTION PIPELINE/CANYONS PUMP STATION
CAPACITY LICENSE AGREEMENT)**

WHEREAS, C.R.S. § 29-1-203 authorizes the Town of Castle Rock, acting by and through the Town of Castle Rock Water Enterprise (the “Town”), and Dominion Water and Sanitation District, acting by and through the Sterling Ranch Water Activity Enterprise (“Dominion”) to cooperate and contract with one another regarding functions, services and facilities that each is authorized to provide; and

WHEREAS, the Town and Dominion each operate a water delivery system to provide water service to their customers; and

WHEREAS, the Town and Dominion are both members of the South Metro WISE Authority, which was formed to manage the delivery of excess water from Denver Water and Aurora Water to the members of the South Metro WISE Authority under the terms of the 2013 WISE Partnership Agreement; and

WHEREAS, the Town and Dominion are parties to a Wheeling Agreement establishing the terms and conditions to which the Town will wheel Dominion’s water through the Town’s infrastructure; and

WHEREAS, the Town and Parker Water and Sanitation District (“PWSD”) are parties to a separate Wheeling Agreement establishing the terms and conditions to which PWSD will wheel the Town’s water through PWSD’s existing infrastructure; and

WHEREAS, per Section 5 of the PWSD Wheeling Agreement, the Town has temporary licensed capacity in a portion of PWSD’s existing infrastructure that expires on December 31, 2023; and

WHEREAS, Section 5.B. of the PWSD Wheeling Agreement indicates that the Town and PWSD intend to construct a new 42-inch water transmission pipeline (the “Parker Midsection Pipeline”) to convey Town water; and

WHEREAS, the Town and PWSD have further acknowledged the need to undertake an expansion of the Canyons Pump Station to accommodate the conveyance of water to the Town water system; and

WHEREAS, the Town and PWSD have entered into a separate agreement to share costs in the design and construction of, and to allocate capacity in, the Parker Midsection Pipeline and the Canyons Pump Station; and

WHEREAS, Dominion requires permanent capacity in the Parker Midsection Pipeline in order to move its water through PWSD's system and into the Town's system for subsequent delivery to Dominion; and

WHEREAS, the Town and Dominion find and determine that it is in the best interests of their respective customers to set forth the terms and conditions by which the Town will grant to Dominion a license in the permanent capacity of the Parker Midsection Pipeline and Canyons Pump Station.

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

Section 1. Approval. The Intergovernmental Agreement between the Town and Dominion (Parker Midsection Pipeline/Canyons Pump Station Capacity License Agreement), in substantially the form attached as ***Exhibit 1***, is hereby approved, provided that the agreement may be revised as deemed necessary in order to carry out the purposes of this Resolution and as the Town Manager shall approve, the execution thereof being deemed conclusive approval of any such changes by the Town. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town and to take all action necessary or appropriate to effectuate the provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 15th day of June, 2021 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

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Mark Marlowe, Director Castle Rock Water