

**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.

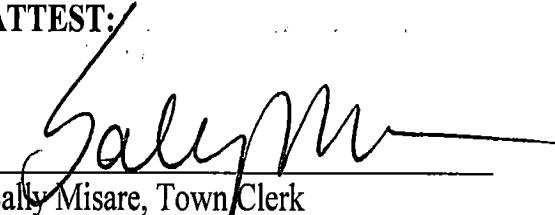
Section 3. No Surcharge. Douglas County will not be assessed the surcharge on fees and monthly service charges which may be imposed under 13.12.040 of the Castle Rock Municipal Code. However, in the event Douglas County sells or leases the Property resulting in a non-governmental use of the Property,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

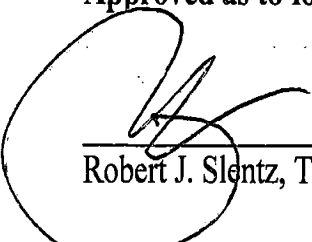
ATTEST:


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



Approved as to form:


Douglas County Attorney

BOARD OF COUNTY
COMMISSIONERS, COUNTY
OF DOUGLAS


Chair

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:**

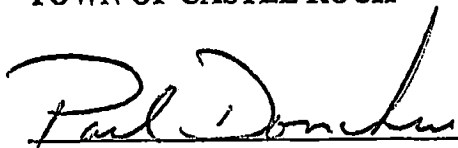
Section 1. Approval. The Extraterritorial Water and Wastewater Service Agreement, in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town of Castle Rock, Colorado

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.

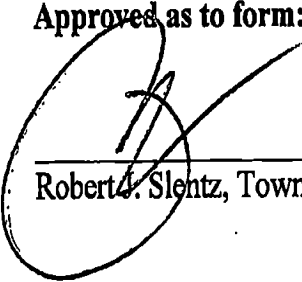
ATTEST:


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