

### **Domestic Water Service Connection Fee Allocation Agreement**

This Agreement is entered into and effective this 19th day of January 2021, by and between Wheatlands Park and Recreation Authority, owner of property located at 6100 S Kewaunee Way, Aurora, Colorado 80016 (Owner) whose address is 2154 E. Commons Ave, Suite 2000, Centennial, Colorado 80122, and the City of Aurora, Colorado, a Colorado municipal corporation of the counties of Adams, Arapahoe, and Douglas, acting by and through its Utility Enterprise, whose address is 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado, 80012 (Aurora).

#### **Recitals**

WHEREAS, the Owner is the owner of a certain lot or parcel of land situated in the county of Arapahoe, State of Colorado, to-wit: Subdivision Wheatlands, Filing 6, Lot 1, and Block 5.

WHEREAS, the service connection fee for providing water to the property is defined in Section 138-221, Aurora City Code.

NOW, THEREFORE, in consideration of the covenants and promises which is hereby acknowledged, Aurora and Owner agree as follows:

1. Owner has applied for a water service connection allocation owed to Aurora for the service connection fees to provide water services to the property as defined in Section 138-221 of the Aurora City Code.
2. Owner has submitted their civil construction plan for the property, and the General Manager of Aurora Water or Designee has approved the application for a commercial water service equal to or greater than 2 inches (2") in diameter based on the approved plan.
3. Owner agrees that the annual water allocation for purposes of payment of the service connection fee shall be 2,400 gallons per day (876,000 gallons/year).
4. Owner must provide signed document prior to approval of civil construction plans.
5. Owner, for itself, its heirs, successors and assigns, agrees and acknowledges that it will be charged and billed a capital recovery fee pursuant to City Code Section 138-221 for any water usage that exceeds the annual water allocation as defined in Paragraph 3 above for each year.
6. Undersigned Owner and each new owner, may have the opportunity to submit an application to increase the water allocation for the property as established in City Code Section 138-221. If approved by the General Manager of Aurora Water or Designee, Owner will be required to pay the water service connection fee based on the requested increased water allocation of the parcel. Water service connection Fee = increased usage (in gallon per day) multiplied by the Water service connection fee in effect at time of the request pursuant to City Code 138-221.
7. Owner must provide a copy of this Agreement to any new owner before the transfer of the property ownership and shall provide proof of such to Aurora Water.

8. **Aurora Water will not issue any refunds on any paid amount for the service connection fee.**
9. **This Agreement shall be recorded with the Clerk and Recorder of Arapahoe County, and shall run with the land, and shall be binding upon and inure to the benefit of the heirs, successors, and assignees of the parties hereto.**

**IN WITNESS WHEREOF, the Parties have duly executed this Agreement as of the date first above written.**

CITY OF AURORA, COLORADO,  
ACTING BY AND THROUGH ITS  
UTILITY ENTERPRISE

*Marshall P. Brown*  
Marshall P. Brown, General Manager

2/4/2021  
Date

APPROVED AS TO FORM FOR AURORA:

*Christine McKenney*  
Christine McKenney  
Interim Client Services Manager  
City Attorney Office

2/4/21  
Date

STATE OF COLORADO    )  
                                  ) ss  
COUNTY OF ARAPAHOE )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of February, 2021,  
by Marshall P. Brown, General Manager, acting on behalf of the Utility Enterprise of the City of  
Aurora, Colorado.

Witness my hand and official seal. *Casey Lee Rossman*  
Notary Public

My commission expires: 05/20/2024

(SEAL)



