

# DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: September 14, 2011

Board Item: V-C-1

## **Agreement and Resolution to Provide Potable Water Service to Territory Excluded from the Lakehurst Water and Sanitation District**

Action by Consent

Action

Information

The boundaries of the Lakehurst Water and Sanitation District ("District"), a Denver Water distributor, include certain territory that was annexed into the City and County of Denver ("City") in 1973 ("Area of Overlap"). Denver Water has always provided potable water service to the Area of Overlap although it was included in the District's boundaries, because the area did not require water service until approximately the 1980s, after the City's annexation.

By Colorado statute, territory can be excluded from the boundaries of a special district when the special district overlaps with a municipality capable of providing the same service to the particular territory. Denver Water, the District, and the City, which provides sanitary sewer service to the Area of Overlap, have reached the attached agreement to exclude the Area of Overlap from the District's boundaries. Under the statute, before the Area of Overlap can be excluded from the District, Denver Water must agree, by resolution, to provide potable water service to the Area of Overlap on and after the effective date of a court order excluding the Area of Overlap from the District, which is the purpose of the attached resolution.

The District has agreed to pay any costs incurred by Denver Water or the City in connection with the exclusion of territory from the District, not to exceed \$2,500 without the District's prior written consent. However, it is not anticipated that Denver Water will incur any costs in connection with this proceeding.

### Recommendation:

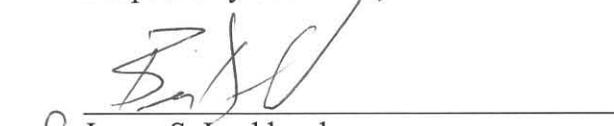
It is recommended that the Board execute the attached agreement and adopt the attached resolution to continue providing potable water service to territory that will be excluded from the Lakehurst Water and Sanitation District boundaries.

### **Approvals:**

Respectfully submitted,



Julie Anderson  
Director of Customer Relations

  
James S. Lochhead  
CEO/Manager

Patti Wells  
General Counsel