

LA PLATA ARCHULETA WATER DISTRICT

INCLUSION POLICY

WHEREAS, the La Plata Archuleta Water District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, organized and operating under the authority of Article 1, Title 32, C.R.S., also known as the “Special District Act”; and

WHEREAS, pursuant to §32-1-401(1), C.R.S., the fee owner(s) of 100% of any real property capable of being served with facilities of the District may file with the District Board of Directors (“Board”) a petition in writing (“Petition”) requesting that such property be included in the District; and

WHEREAS, the Board shall hear the Petition and any objections to the Petition at a public meeting after publication of notice thereof as required by law; and

WHEREAS, the Board is authorized to grant or deny the Petition in whole or in part, with or without conditions; and

WHEREAS, the Board now wishes to establish certain policies concerning such Petitions for Inclusion of real property within the District.

NOW THEREFORE, the following Policies of the La Plata Archuleta Water District are hereby adopted:

1. Notwithstanding anything herein to the contrary, all Petitions for Inclusion shall be considered and processed in accordance with Part 4, Article 1, Title 32, C.R.S.
2. This policy of the District shall apply to the inclusion of lands that are not within the District as of July 1, 2010. The Board will consider Petitions for Inclusion at its discretion, but not less than once per calendar year. If a need exists to consider a Petition for Inclusion on an individual basis for subdivision approval or a building permit, written request shall be made for expedited consideration and an additional fee of One Hundred Dollars (\$100.00) shall be submitted with the Petition.
3. A fee in the amount of Five Hundred Dollars (\$500.00) shall be paid and a check for said amount shall be remitted with any Petition to be paid by the petitioner to the District. Such fee shall be nonrefundable whatever the Board’s determination may be to grant or deny the Petition.
4. The Petition shall be in the form attached hereto as Exhibit A. Only complete Petitions will be considered by the Board.
5. The Petition shall include and describe all of the fee owner’s real property that is contiguous to the parcel, tract or lot that is capable of being served with facilities

of the District, specifically including any improved residential or commercial property. Any Petition which is determined not to include all such real property shall be denied by the Board.

6. Without limiting the Board's discretion, inclusion requests will not be granted unless made by the owners of record (i.e., on file with the County Assessor) of a surface estate that is capable of being served by the District. Except for inclusion of property previously excluded by the Board of County Commissioners or the District Court, inclusion requests will be denied if made by: (a) owners of subsurface estates only; or (b) owners of personal property only; or (c) petitioners who are not owners of record with the County Assessor. For purposes of inclusion, the surface estate shall control the treatment of all other taxable property within the parcel. If inclusion is granted, it shall include any subsurface estate and personal property appurtenant to the surface estate. The Board shall determine, in its sole discretion and judgment, whether the granting of the Petition for Inclusion is in the best interests of the District's existing residents and property owners.
7. The District's Board may withhold entry of any final order granting the Petition for Inclusion until the petitioner has fully satisfied any conditions imposed by the Board, including payment of all fees and expenses, or has entered into an agreement which details the terms and conditions of inclusion.
8. Any failure by the fee owner(s), their successors or assigns, to comply with the conditions imposed by the Board for inclusion shall be grounds for termination of service, in the sole discretion of the Board.
9. In addition to the fee for the Petition for Inclusion and any fee imposed for expedited processing of a Petition for Inclusion, the capital investment fee (CIF) (also known as the "tap fee") for lands included in the District after July 1, 2010 shall be based upon a cost of service analysis that evaluates the proportionate share of system-wide capital expenditures. The CIF shall be evaluated and established at times and amounts determined by the Board. The CIF shall be collected when connection to the water system is requested and may be subject to a credit for property taxes paid to the District while water service was not available to the property to be served in the discretion of the Board of Directors.

Policy adopted August 12, 2010

EXHIBIT A TO INCLUSION POLICY

PETITION FOR INCLUSION

IN THE MATTER OF LA PLATA ARCHULETA WATER DISTRICT

TO THE BOARD OF DIRECTORS OF THE DISTRICT:

The undersigned Petitioner, being the fee owner of 100% of the real property hereinafter described, hereby prays that such property be included within the La Plata Archuleta Water District, as provided by law, and for cause, states:

1. That such property is capable of being served with facilities of the District.
2. That assent to the inclusion of such property in the District is hereby given by the undersigned, who constitutes the fee owner of 100% of such property.
3. That there shall be no withdrawal from this Petition after publication of notice by the Board without the consent of the Board.
4. This Petition is accompanied by an inclusion fee of \$500.00.
5. That the inclusion of such property into the District shall be subject to any and all terms and conditions established by the Board and accepted by Petitioner, and to all duly promulgated rules, regulations and rates of the District.
6. That the property owned by Petitioner and sought to be included in the District is described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

PETITIONER:

By: _____
Print Name: _____
Print Address: _____

STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ as _____ of _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A TO PETITION FOR INCLUSION

(Legal Description of Property To Be Included)