

DURANGO WEST METROPOLITAN DISTRICT NO. 1
RESOLUTION No. 04-2011 (ADOPTED 10-5-11)

(Modified-Updated Adopted 3/19/19 due to increased raw water and sewage treatment costs)

**A RESOLUTION PERTAINING TO DELINQUENT FEES, CHARGES AND PENALTIES
DUE TO THE DURANGO WEST METROPOLITAN DISTRICT NO. 1**

WHEREAS, the Board of Directors of the Durango West Metropolitan District No. 1 has the authority to adopt resolutions necessary for the governing and management of the District, for the execution of the powers vested in the District and for carrying into effect the provisions of Article 1 of Title 32, and Article 45.1 ("Water Activity Enterprise", aka "Enterprise Zone"), of Title 37, Colorado Revised Statutes, as amended, to promote the health, safety, prosperity, security and general welfare of the inhabitants of the Durango West Metropolitan District No. 1, hereinafter "District"; and,

WHEREAS, Plant Investment Fees, aka Tap Fees, have been historically set from time to time by the District's Directors at Board Meetings, which fees were recorded in the Directors' Board Minutes; and,

WHEREAS, the District's Board of Directors, hereinafter "Directors", have determined that the historical and existing policies regarding the collection of all delinquent fees, charges and penalties due to the District are inadequate to meet the present and future needs of the District; and

WHEREAS, the Directors agree that such a revision is necessary, fair and equitable, and is in the best interest of the residents and property owners of the District;

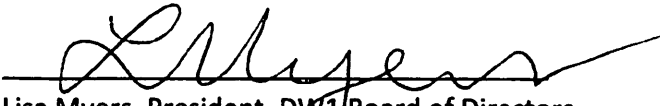
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DURANGO WEST METROPOLITAN DISTRICT NO. 1 that the following regulation shall become effective upon the adoption of this Resolution:

- I. The Property Owner(s) shall pay the District's current plant investment fee, aka tap fee, in effect at the time before water and sewer services are provided (or continued, if services are currently being provided) to a property if the owner of the property is in arrears in the payment of the District's fees, and, a) District fees have not been brought to a current status at least once in the three (3) months prior to written notice, and, b) the District fees have not been paid in the full amount due within thirty (30) days after written notice. To re-obtain service, the owner shall pay the District's current plant investment fee, aka tap fee, at the time service is requested, less any past paid plant investment fees attributable to the property. The current tap fees of the District as of the date this Resolution is adopted are \$28,000.00 for water, and \$10,000.00 for sewer.


- II. In determining the credit for any plant investment fees referenced above, the minimum credit will be \$1,500.00, unless it is established to the satisfaction of the District that a greater amount was paid for the plant investment fees for the property.
- III. This Resolution is limited to all delinquent fees, charges and penalties as set forth above. The setting of current plant investment fees will be made in the same manner as has historically occurred.
- IV. This Resolution shall remain in effect and may be amended or modified by the Directors from time to time as they may determine.

Adopted this 5th day of October, 2011, by the Board of Directors of Durango West Metropolitan District No. 1

(Modified to reflect current tap fees on March 19, 2019).



Lisa Myers, President, DW1 Board of Directors



Melissa Schneider, Secretary, DW1 Board of Directors

Scott Miller, President, DW1 Board of Directors

Robert Maple, Secretary, DW1 Board of Directors

Official Seal

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WHEREAS, Plant Investment Fees, aka Tap Fees, have been historically set from time to time by the District's Directors at Board Meetings, which fees were recorded in the Directors' Board Minutes; and,

WHEREAS, the District's Board of Directors, hereinafter "Directors", have determined that the historical and existing policies regarding the collection of all delinquent fees, charges and penalties due to the District are inadequate to meet the present and future needs of the District; and

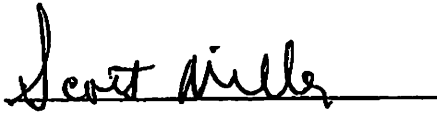
WHEREAS, the Directors agree that such a revision is necessary, fair and equitable, and is in the best interest of the residents and property owners of the District;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DURANGO WEST METROPOLITAN DISTRICT NO. 1 that the following regulation shall become effective upon the adoption of this Resolution:

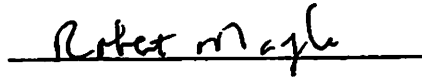
- I. The Property Owner(s) shall pay the District's current plant investment fee, aka tap fee, in effect at the time before water and sewer services are provided (or continued, if services are currently being provided) to a property if the owner of the property is in arrears in the payment of the District's fees, and, a) District fees have not been brought to a current status at least once in the three (3) months prior to written notice, and, b) the District fees have not been paid in the full amount due within thirty (30) days after written notice. To re-obtain service, the owner shall pay the District's current plant investment fee, aka tap fee, at the time service is requested, less any past paid plant investment fees attributable to the property. The current tap fees of the District as of the date this Resolution is adopted are \$6,000.00 for water, and \$4,000.00 for sewer.

- II. In determining the credit for any plant investment fees referenced above, the minimum credit will be \$1,500.00, unless it is established to the satisfaction of the District that a greater amount was paid for the plant investment fees for the property.
- III. This Resolution is limited to all delinquent fees, charges and penalties as set forth above. The setting of current plant investment fees will be made in the same manner as has historically occurred.
- IV. This Resolution shall remain in effect and may be amended or modified by the Directors from time to time as they may determine.

Adopted this 5th day of October, 2011, by the Board of Directors of Durango West Metropolitan District No. 1



Scott Miller, President, DW1 Board of Directors



Robert Maple, Secretary, DW1 Board of Directors



CERTIFICATE OF MAILING OF NOTICE OF RESOLUTION

The undersigned, as Secretary to the Board of Directors of Durango West Metropolitan District No. 1, hereby certifies that on the 19th day of September, 2011, I mailed copies of the attached Notice of the Resolution to the following property owners, as set forth on Exhibit "A" attached hereto and made a part hereof.

James Anderson
Signature

STATE OF COLORADO)
) ss.
County of La Plata)

The foregoing instrument was acknowledged before me this 5th day of October, 2011 by FRANK ANESI.

WITNESS my hand and official seal.

My commission expires: 10/18/12

FRANK J. ANESI
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 10/18/2012

Frank Anesi
Notary Public