

**RESOLUTION OF THE BOARD OF DIRECTORS
OF INDEPENDENCE WATER & SANITATION DISTRICT,
ACTING BY AND THROUGH ITS
INDEPENDENCE WATER ACTIVITY ENTERPRISE,
IMPOSING POTABLE AND NON-POTABLE WATER FEES AND RATES AND
SEWER FEES AND RATES UPON PROPERTIES WITHIN INDEPENDENCE
METROPOLITAN DISTRICT NOS. 1-4**

WHEREAS, Independence Water & Sanitation District (the “Water District”), and Independence Metropolitan District Nos. 1-4 (the “Infrastructure Districts”) are each quasi-municipal corporations and political subdivisions of the State of Colorado, duly organized and existing as metropolitan districts pursuant to §§ 32-1-101, *et. seq.*, C.R.S.; and

WHEREAS, the Water District provides essential public infrastructure and improvements to residents, property owners, tax payers and service users within and outside of the boundaries of the Infrastructure Districts (the “Service Area”), including without limitation water, sewer and storm drainage facilities, improvements and services to single family residences and non-residential service users (collectively, “Improvements”); and

WHEREAS, by resolution adopted and approved by the Board of Directors of the Water District on November 15, 2018, the Water District created its Independence Water Activity Enterprise (the “Enterprise”), for the purpose of pursuing or continuing water activities, which includes without limitation the construction and operation of water lines and facilities within and outside of the Service Area, and the diversion, storage, carriage, delivery, distribution, collection, treatment, use, reuse, augmentation, exchange and discharge of water to or for the benefit of the properties and users within the Service Area; and

WHEREAS, the Water District, acting by and through the Enterprise is authorized, pursuant to sections 32-1-1001(1)(j) and (k), C.R.S., to impose and, from time to time to increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by such districts; and

WHEREAS, the Enterprise has determined to impose certain fees for potable and non-potable water (“Water Fees”) and sanitary sewer fees (“Sewer Fees”) on each developable lot, and for each

non-residential use of water (including without limitation, use of water for construction purposes) within the Service Area;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF INDEPENDENCE WATER & SANITATION DISTRICT, ACTING BY AND THROUGH ITS INDEPENDENCE WATER ACTIVITY ENTERPRISE, AS FOLLOWS:

Section 1. ***Schedule of Fees.*** The fee schedule, attached hereto and incorporated herein as **Exhibit A**, is effective as of February 1, 2022 and the Water District and Enterprise hereby impose the Water and Sewer Fees pursuant to Exhibit A.

Section 2. ***Noncompliance.*** The Water District and the Enterprise may impose penalties for non-compliance herewith, as may be permitted by law. Without limiting the foregoing, a late charge of Five Dollars (\$5.00) will be assessed for any payment not made when due, and additional interest will accrue on any past-due amounts, including late charges, at the rate of one percent (1%) per month, or a greater amount as permitted by Colorado law, from the due date.

Section 3. ***Modification/Future Events.*** The policy and Water and Sewer Fees being adopted herein have been established based on projected budgetary requirements of the Water District and Enterprise using various assumptions regarding, among other things, operations and maintenance expenses, and the cost of public improvements and services provided by the Water District and the Enterprise. Actual costs may differ from projections and the Water District and Enterprise may modify the Water and Sewer Fees imposed hereunder based upon actual circumstances.

Section 4. ***Notification/Collection.*** The Water and Sewer Fees are applicable to the property within and outside of the boundaries of the Infrastructure Districts that require a building permit and are connected to the services provided by the Enterprise. The appropriate officer, agents and/or employees of the Water District or the Enterprise, are hereby authorized to establish a system for collection of amounts due under this Resolution. Notwithstanding the foregoing, in the event that neither the Enterprise nor the Water District collects the Water or Sewer Fees, the Infrastructure Districts may collect the Water or Sewer Fees from the property owners, taxpayers and system users within the boundaries of each of their respective districts. Any and all Water and Sewer Fees collected

by any Infrastructure District shall be remitted to the Enterprise as soon as practical, but in any event no later than thirty (30) days after such collection by an Infrastructure District.

Section 5. ***Status as Lien/Foreclosure.*** Pursuant to § 32-1-1001(1)(j), C.R.S., the Water and Sewer Fees shall, until paid, be deemed a perpetual lien against the property subjected to the Water and Sewer Fees hereunder, from and after the date of adoption of this Resolution, which lien may, in the event of non-payment of the Water and Sewer Fees as required in this Resolution, be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens. Upon payment of the Water and Sewer Fees and all other amounts relating thereto due hereunder and a request by the party making the payment, the property or properties subject to such lien as a result of such unpaid Water and Sewer Fees shall be released from the lien thereof by the recording of a form of release of lien by the Enterprise or the District, as appropriate.

Section 6. ***Certification to County Treasurer.*** In accordance with § 32-1-1101(1)(e), C.R.S., the Enterprise or the District may elect, by resolution, at a public meeting held after receipt of notice by the affected parties, including the property owners, to have certain delinquent fees, rates, tolls, penalties, charges, or assessments made or levied solely for water, sewer, or water and sewer services, certified to the treasurer of the county to be collected and paid over to the Enterprise pursuant to § 39-10-107, C.R.S.

SIGNATURE PAGE FOLLOWS

APPROVED AND ADOPTED THIS 1st DAY OF MARCH, 2022.

INDEPENDENCE WATER & SANITATION DISTRICT,
ACTING BY AND THROUGH ITS INDEPENDENCE
WATER ACTIVITY ENTERPRISE

DocuSigned by:

Tim Craft

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Timothy Craft, President

Attest:

DocuSigned by:

Jeff Keeley

ED4A17C9B6334DC...

Jeffrey Keeley, Secretary/Treasurer

EXHIBIT A

**INDEPENDENCE WATER & SANITATION DISTRICT, ACTING BY AND
THROUGH ITS INDEPENDENCE WATER ACTIVITY ENTERPRISE**

**WATER & SEWER FEE SCHEDULE
EFFECTIVE AS OF FEBRUARY 1, 2022**

Resolution Adopted: March 1, 2022

I. Non-Potable Water Fees:**A. Non-Potable Water Fees for Construction Purposes are as follows:**

Meter Deposit (Refundable):	\$1,500.00
Monthly Base Fee:	\$ 150.00
Meter Installation Fee:	\$ 50.00
Meter Disconnect or Re-locate Fee:	\$ 25.00
Water Usage Fee:	\$ 9.00/1,000 gallons

B. Non-Potable Water Fees for Out-of-District Construction Purposes are as follows:

Damage Deposit (Refundable):	\$5,000.00
Meter Deposit (Refundable):	\$1,500.00
Monthly Service Charge:	\$ 150.00
Meter Installation Fee:	\$ 50.00
Meter Disconnect or Re-locate Fee:	\$ 25.00
Water Usage Fee:	\$ 12.00/1,000 gallons

NOTE: Contractor may provide their own meter and certified backflow preventer

C. Residential Irrigation Water Rates. Water meters are required on all irrigation water taps, and must be installed by the user, at user's expense, as designated by the Water District or Enterprise. Water Fees for non-potable residential irrigation water are as follows:

	Rate Structure				Tier Maximum
Base Rates	\$35.00	Base Gallons	6,000	Gallons	\$35.00
1st Tier Rate	\$1.50	up to	12,000	Gallons	\$53.00
2nd Tier Rate	\$3.00	up to	18,000	Gallons	\$71.00
3rd Tier Rate	\$5.00	up to	24,000	Gallons	\$101.00
4th Tier Rate	\$8.00	up to	30,000	Gallons	\$149.00
5th Tier Rate	\$12.00	up to	60,000	Gallons	N/A

(Tiered rates are per 1,000 gallons used)

D. Open Space & Park Irrigation Water Rates. Water meters are required on all irrigation water taps, and must be installed by the user, at user's expense, as designated by the Water District or Enterprise. Water Fees for non-potable irrigation water are as follows:

	Rate Structure			Tier Maximum	
Base Rates	\$30.00	Base Gallons	0	Gallons	\$30.00
1st Tier Rate	\$3.50	up to	8,000,000	Gallons	\$28,030.00

(Tiered rates are per 1,000 gallons used)

II. Residential Potable Water Fees: Water meters are required on all water taps, and must be installed by the user, at user's expense, as designated by the Water District or Enterprise.

A. One-time fee for construction water use prior to meter set = \$100.00

B. Potable Water Rates for Household Consumption, post meter set are as follows:

	Rate Structure				Tier Maximum
Base Rates	\$65.00	Base Gallons	3,000	Gallons	\$65.00
1st Tier Rate	\$2.50	up to	6,000	Gallons	\$80.00
2nd Tier Rate	\$3.75	up to	12,000	Gallons	\$102.50
3rd Tier Rate	\$6.00	up to	18,000	Gallons	\$138.50
4th Tier Rate	\$8.00	up to	24,000	Gallons	\$186.50
5th Tier Rate	\$12.00	everything over 24,000		Gallons	N/A

(Tiered rates are per 1,000 gallons used)

III. Drainage Fees. The District hereby imposes the Drainage Fees listed below on all single family detached homes within the District to defray the cost of providing storm drainage infrastructure. No Fees shall be due for any streets, parks, or other similar public improvements.

Storm Drainage Account Set-Up Fee

\$25.00 per account established

Storm Drainage Facility Fee (per Single Family Home) **\$ 6,274.64**

Storm Drainage Maintenance Fee (payable annually on or before February 1, per Single Family Home)

\$ 50.00

IV. Sewer Fees: the monthly fee for Sanitary Sewer services provided by the Enterprise and Water District shall be \$60.00, subject to the Annual Adjustment.

V. Tap Fees: As defined in Amendment No. 1 of the Amended & Restated Tap Fee Resolution adopted by the District's Board of Directors on March 15, 2019 the following Tap Fees are in effect:

50', 60' Or 70' Wide Lot – one (1) Single-Family Equivalent (SFE)	80' Wide Lot	½ Acre Lot	1 Acre Lot
\$34,273.00	\$40,505.00	\$46,734.00	\$52,965.00

VI. Water Meter Set Fee: The following fees are to be paid by the home builder when submitting requests to set the residential potable and irrigation water meters:

One (1) ¾" Potable Water Meter, One (1) ¾" Irrigation Water Meter and two (2) Cellular Endpoints - \$600.00
 One Irrigation Meter Pit Lid - \$ 25.00
Total Water Meter Set Fee = \$625.00

VII. Time of Assessment: The Enterprise or the Water District shall bill all users for the Water Fees. All water use fees will be billed on a monthly basis. All Water Fees shall be due and payable to the District upon receipt of the invoice.

VIII. Place of Payment: All Fees shall be due and payable to the Enterprise at the offices of either Special District Solutions, Inc, 2370 Antelope Ridge Trail, Parker, CO 80138 or American Conservation and Billing Solutions, Inc., P.O. Box 51356, Colorado Springs, CO 80949.

IX. Discontinuance of Service. Should any user refuse or neglect to pay any bill for Water Fees on or before twenty (20) days following the date of such billing, the user shall be considered delinquent and service to the user may be discontinued.