

Resolution No. 2021-11-05

**FIRST AMENDMENT
TO THE
RESOLUTION
OF THE
BOARD OF DIRECTORS
FOR
CONIFER METROPOLITAN DISTRICT**

**CONCERNING THE IMPOSITION OF VARIOUS FEES, RATES, PENALTIES AND
CHARGES FOR WATER AND SANITARY SEWER SERVICES AND FACILITIES**

(Adoption of New Fee Schedule - 2022)

WHEREAS, the Conifer Metropolitan District (the “**District**”) was formed pursuant to §§ 32-1-101, *et seq.*, C.R.S., as amended (the “**Special District Act**”), by order of the District Court for Jefferson County, Colorado, and after approval of the District’s eligible electors at an election; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “**Board**”) shall have management, control and supervision of all business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(1)(j)(I), C.R.S., the District is authorized to fix and impose fees, rates, tolls, penalties, or charges for services or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS pursuant to § 32-1-1006(1)(g), C.R.S., the District is empowered to fix and, from time to time, increase or decrease tap fees; and

WHEREAS, on January 5, 2016, the District Court and for Jefferson County, Colorado, entered an order for case 2015CV32176 (the “**Receiver Order**”) appointing Edward B. Cordes as the operating receive for the District; and

WHEREAS, on August 22, 2019 the District Court and for Jefferson County, Colorado, granted the Motion for Substitution of Receiver and Custodian for the District (the “**Amended Receive Order**”) appointing Michael L. Staheli as the Receiver (the “**Receiver**”) for the District and removing and releasing Edward B. Cordes from his duties; and

WHEREAS, pursuant to the Receiver Order, the Receiver is responsible for the management, operation and protection of the District and its assets during the pendency of the receivership action; and

WHEREAS, the Receiver Order grants to the Receiver, *inter alia*, the right to exercise all of the powers of the District, through or in place of its Board, to the extent necessary to manage the affairs of the receivership estate, including, but not limited to, the authority to fix, increase or

decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the District and the authority to collect unpaid fees, rates, tolls, penalties and charges; and

WHEREAS, the Receiver Order remains in effect as of the date hereof; and

WHEREAS, references herein to the Board shall be deemed to be actions taken or sanctioned by the Receiver; and

WHEREAS, pursuant to §32-1-1001(2), C.R.S., the Board, as a governing body furnishing domestic water or sanitary sewer services directly to residents and property owners within or outside of the District, may fix or increase fees, rates, tolls, penalties or charges for domestic water or sanitary sewer services only after consideration of the action at a public meeting held at least 30 days after providing notice stating that the action is being considered and stating the date, time and place of the meeting at which the action is being considered; and

WHEREAS, pursuant to § 32-1-1001(2)(a)(IV), C.R.S., on September 10, 2021, the Board provided the required 30 days' notice by posting the notice on the official website of the Colorado Special District Association, the statewide association of special districts forms pursuant to § 29-1-401, C.R.S., which association posted the notice of a publicly accessible section of its website; and

WHEREAS, on July 25, 2017, the Board adopted Resolution Number 2018-07-05 Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities which was recorded with the Jefferson County Clerk and Recorder on August 1, 2018 at Reception Number 201806994 and was amended and restated by Resolution No. 2018-11-06 recorded with the Jefferson County Clerk and Recorder on December 4, 2018 at Reception Number 2018108998 and was subsequently amended and restated by Resolution 2019-11-06 which was recorded with the Jefferson County Clerk and Recorder on November 20, 2019 at Reception Number 2019111794 and was subsequently amended and restated by Resolution 2020-11-04 which was recorded with Jefferson County Clerk and Recorder on November 18, 2020 at Reception Number 2020153019 (collectively, the "**Prior Fee Resolution**"); and

WHEREAS, the Board has determined that modification to the Schedule of Fees in the Prior Fee Resolution is necessary and in the best interests of the District, present and future property owners within the District and the properties served by the District.

NOW, THEREFORE, be it resolved by the Board as follows

1. REPLACEMENT OF SCHEDULE OF FEES AND CHARGES: The Schedule of Fees and Charges set forth in Exhibit A of the Prior Fee Resolution is replaced in its entirety by the Schedule of Fees and Charges set forth in Exhibit A to this Resolution, which is attached hereto and incorporated herein by this reference.

2. PRIOR PROVISIONS EFFECTIVE. Except as specifically amended hereby, all of the terms and provisions of the Prior Fee Resolution shall remain in full force and effect.

3. PRIOR FEES. Any fees, rates, tolls, penalties or charges due under the Prior Fee Resolution, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

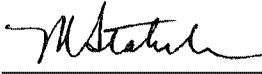
4. THE PROPERTY. This Resolution shall apply to all property within the District's boundaries, including, but not limited to, the property set forth in Exhibit B, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this Resolution.

5. EFFECTIVE DATE. This Resolution shall become effective as of January 1, 2022.

[Remainder of page intentionally left blank, signature page follows.]

ADOPTED this 16th day of November, 2021.

CONIFER METROPOLITAN DISTRICT

By: 
Receiver on behalf of the District

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

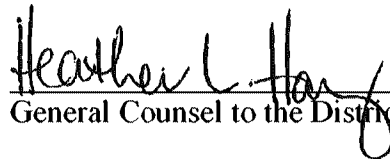

General Counsel to the District

EXHIBIT A

**CONIFER METROPOLITAN DISTRICT
Schedule of Fees and Charges
Effective January 1, 2022**

SCHEDULE OF FEES AND CHARGES

Adopted, Approved, and Effective as of
January 1, 2022

ONE-TIME SYSTEM DEVELOPMENT FEES

NON-RESIDENTIAL WATER AND SEWER SYSTEM DEVELOPMENT FEE

This fee is a one-time contribution per non-residential users required of new Customers (or existing Customers having a change of use) to be used for capital investment in District water and sewer facilities.

Fees for the following tap sizes are as follows:

¾" Size	\$38,500
1" Size	\$77,100
1½" Size	\$154,200
2" Size	\$308,450
Larger than 2"	As Determined by District

RESIDENTIAL SEWER SYSTEM DEVELOPMENT FEE

This fee is a one-time contribution per residential unit required of new Customers (or existing Customers having a change of use) to be used for capital investment in District sewer facilities.

Fees for the following residential unit sizes are as follows:

Units less than 800 gross square feet in size	\$10,800 per unit
Units greater than 800 gross square feet in size	\$21,600 per unit

DUE DATE FOR ONE-TIME SYSTEM DEVELOPMENT FEES: Within 5 business days of the issuance of a building permit by the County for each lot and/or unit, as applicable.

LATE CHARGE FOR ONE-TIME SYSTEM DEVELOPMENT FEES: 5% of the delinquent Fee or Charge

Imposed on the 6th business day after the issuance of a building permit by the County for the applicable lot and/or unit.

MONTHLY FEES AND CHARGES

WATER USAGE CHARGE	\$15.22 per 1,000 gals. per month
WASTEWATER USAGE CHARGE	\$45.64 per 1,000 gals. per month

ADMINISTRATIVE

AND OPERATIONS FEE: Greater of \$286.83/month or \$3.84 per 1,000 gals. of water and sewer, combined, as applicable, per month. Due by each Residential Unit, Commercial Unit and, if not developed, each Commercial Lot within the boundaries of the District.

CAPITAL RESERVE FEE – IN-DISTRICT CUSTOMERS

Wastewater Capital Reserve Fee - General	\$9.47 per 1,000 gals.
Wastewater Capital Reserve Fee – In-District	\$2.06 per 1,000 gals
Water Facility Capital Reserve Fee	\$7.51 per 1,000 gals.

CAPITAL RESERVE FEE – OUT OF DISTRICT CUSTOMERS

Wastewater Capital Reserve Fee	\$9.47 per 1,000 gals.
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OUTSOURCED WATER FEE

At cost to District plus 15% for administrative costs

Outsourced water being brought in to serve customers where water use not otherwise permitted by District’s current augmentation plan

MISCELLANEOUS FEES

INSPECTION FEES (per occurrence)

Tap Inspection	\$ 175.00
Service Line / Meter Pit Inspection	\$ 175.00
Meter Installation (plus costs)	\$ 175.00
Other Inspection	\$ 175.00

REINSPECTION FEE OR RETURN VISIT FEE	\$ 175.00
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METER REPAIR AND/ OR REPLACEMENT COST	Current cost of materials to District plus labor
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WATER TURN ON/TURN OFF	\$ 95.00 each on/off (Customer Requested)
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DISCONNECTION OF TAP FEE	Actual cost plus 20%
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RE-CONNECTION OF TAP FEE	Then-Current System Development Fee
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BACKFLOW PREVENTION DEVICE NON-COMPLIANCE FEE	\$110/month
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This fee is applied each month during which a property is not compliant with the District's backflow prevention policy and requirements for installation and/or inspection and/or maintenance of a backflow prevention device.

CONSTRUCTION

WATER FEE \$15.22 per 1,000 gallons. The District shall make construction water available to builders, from the date a building permit is pulled until a meter is installed at a flat monthly rate. The construction water fee for out-of-district use shall be \$25.00 per 1,000 gallons.

FIRE HYDRANT METER FEES

Monthly Fee \$15.22 per 1,000 gals. per month

FORMAL INCLUSION HEARING FEE

\$ 1,050 / application fee

Plus all costs of publication of notices and engineering, management and attorneys' fees incurred by District in processing the inclusion.

INCLUSION FEE

Initial Deposit

\$ 11,000

Non-refundable

Incremental Refundable Deposits of

\$ 5,500

For actual time and expenses incurred over the \$10,000 initial deposit, including but not limited to, costs of publication of notices and receiver, engineering, management, and attorneys' fees.

EXCLUSION FEE

All costs associated with processing the exclusion including, but not limited to, costs of publication of notices and receiver, engineering, management, and attorneys' fees

MAIN EXTENSION FEE

Actual cost plus 20%

For main line extensions constructed by the District

PLAN REVIEW FEES

Actual Time and expenses incurred by District

\$ 1,750 / minimum fee

PENALTIES

INSTALLATION OF ANY NON-METERED DEVICE

\$ 2,100 / occurrence

Installation of any device (i.e., "jumper") to allow for circumvention of the District's monitoring or delivery systems shall constitute unauthorized tampering and the use of the District water system shall be subject to a penalty fee. Such fines shall, until paid, constitute a lien upon the subject property, pursuant to Section 32-1-1001, C.R.S.

OCCUPATION OF BUILDING PRIOR TO METER SET	\$ 1,100
REPAIR OF BROKEN OR DAMAGED WATER METERS, METER PITS AND CURB STOP BOXES	100%
Plus any management and attorneys' fees incurred to collect associated costs	
UNAUTHORIZED TAMPERING WITH DISTRICT SYSTEMS OR METERS	\$2,100
Cost per incident. Plus actual cost of damage, expense, and loss.	
UNAUTHORIZED CONNECTION FEE	2 x the current SDF
Plus actual cost of damage, expense, and loss, legal fees, and any other costs incurred in the filing of criminal charges.	

DUE DATE: With the exception of One-time System Development Fees set forth above, all Fees and Charges are due to the District by the 30th day of the month following the month in which the invoice is dated.

LATE CHARGE: The greater of \$17.50 or 5% of the delinquent Fees and Charges, imposed on the sixth day of the month following the date on which a delinquent Fee and Charge is due.

ADDRESS FOR SUBMITTAL OF PAYMENTS OF FEES AND CHARGES:

All Fees and Charges shall be made payable to the "Conifer Metropolitan District" and shall be remitted to:

Conifer Metropolitan District
c/o Cordes & Company
5299 DTC Boulevard, Suite 600
Greenwood Village, Colorado 80111

EXHIBIT B

CONIFER METROPOLITAN DISTRICT

District Boundaries

METES AND BOUNDS:

A TRACT OF LAND LOCATED IN THE EAST ONE-HALF OF SECTION 14, TOWNSHIP 6 SOUTH, RANGE 71 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST ONE-SIXTEENTH CORNER OF SAID SECTION 14; THENCE NORTH $00^{\circ}56'38''$ EAST, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1072.34 FEET; THENCE NORTH $00^{\circ}56'38''$ EAST, ALONG SAID EAST LINE, A DISTANCE OF 1245.30 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE SOUTH $89^{\circ}12'42''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 76.56 FEET, MORE OR LESS, TO A POINT ON THE CENTERLINE OF A 40-FOOT WIDE DRIVENWAY EASEMENT; THENCE NORTHERLY, ALONG SAID CENTERLINE, THE FOLLOWING FIVE (5) COURSES:

1. NORTH $29^{\circ}31'08''$ WEST, A DISTANCE OF 88.78 FEET, TO A POINT OF CURVATURE;
2. 128.25 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 319.13 FEET AND A CENTRAL ANGLE OF $23^{\circ}01'30''$, AND A CHORD OF 127.34 FEET BEARING NORTH $40^{\circ}54'57''$ WEST;
3. NORTH $52^{\circ}30'42''$ WEST, A DISTANCE OF 101.65 FEET, TO A POINT OF CURVATURE;
4. 148.52 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 432.10 FEET AND A CENTRAL ANGLE OF $19^{\circ}40'00''$;
5. NORTH $32^{\circ}50'45''$ WEST A DISTANCE OF 150.46 FEET;
THENCE SOUTH $48^{\circ}12'59''$ WEST, A DISTANCE OF 88.38 FEET; THENCE SOUTH $19^{\circ}25'55''$ WEST, A DISTANCE OF 106.62; THENCE SOUTH $52^{\circ}26'18''$ WEST, A DISTANCE OF 247.64 FEET; THENCE SOUTH $83^{\circ}01'08''$ WEST, A DISTANCE OF 209.62 FEET; THENCE SOUTH $43^{\circ}56'11''$ WEST, A DISTANCE OF 42.29 FEET; THENCE SOUTH $54^{\circ}32'15''$ WEST A DISTANCE OF 31.46 FEET; THENCE SOUTH $12^{\circ}13'31''$ WEST, A DISTANCE OF 35.07 FEET, TO A POINT OF CURVATURE; THENCE 202.64 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1272.50 FEET AND A CENTRAL ANGLE OF $04^{\circ}07'27''$, AND A CHORD OF 202.43 FEET BEARING SOUTH $38^{\circ}44'08''$ WEST, TO A POINT OF CURVATURE; THENCE 9.33 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1272.50 FEET AND A CENTRAL ANGLE OF $00^{\circ}25'13''$, AND A CHORD OF 9.33 FEET BEARING SOUTH $33^{\circ}56'42''$ WEST; THENCE SOUTH $19^{\circ}51'49''$ WEST, A DISTANCE OF 41.65 FEET; THENCE SOUTH $27^{\circ}38'42''$ WEST, A DISTANCE OF 90.66 FEET; THENCE SOUTH $25^{\circ}56'54''$ WEST, A DISTANCE OF 104.88 FEET; THENCE SOUTH $00^{\circ}00'00''$ EAST, A DISTANCE OF 291.06 FEET; THENCE SOUTH $23^{\circ}07'31''$ WEST, A DISTANCE OF 282.64 FEET, TO A POINT OF CURVATURE; THENCE 201.76 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1272.50 FEET AND A CENTRAL ANGLE OF $04^{\circ}05'04''$, AND A CHORD OF 201.55 FEET BEARING SOUTH $07^{\circ}08'21''$ EAST; THENCE SOUTH $33^{\circ}43'51''$ EAST, A DISTANCE OF 78.40 FEET; THENCE SOUTH $07^{\circ}04'30''$ WEST, A DISTANCE OF 37.21 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE NORTH $84^{\circ}23'47''$ EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1201.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; SAID DESCRIBED TRACT CONTAINING 39.13 ACRES, MORE OR LESS.