

RESOLUTION 2022-11-04

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
ASPEN PARK METROPOLITAN DISTRICT**

ADOPTING THE 2023 FEE SCHEDULE

At the special meeting of the Board of Directors (“**Board**”) of the Aspen Park Metropolitan District (“**District**”), Jefferson County, Colorado, held virtually at 10:00 A.M., on November 15, 2022, it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a quasi-municipal corporation and political subdivision of the State of Colorado under Title 32, Colorado Revised Statutes, (the “**Special District Act**”) and pursuant to an Order of the District Court in and for Jefferson County, Colorado; and

WHEREAS, at a continued regular meeting held on August 30, 2005, the Board adopted those certain Rules and Regulations Governing Aspen Park Metropolitan District, as may be amended from time to time (the “**Rules and Regulations**”); and

WHEREAS, in accordance with Article 14 of such Rules and Regulations and the Special District Act, the Board is empowered to adopt, and may modify from time to time, a schedule of fees for services provided and/or for other purposes necessary for the proper implementation of the Rules and Regulations; and

WHEREAS, the Board previously approved and adopted a “**Schedule of Fees**” for all property served by the District, with the most recent Schedule of Fees being adopted on November 16, 2021; and

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

WHEREAS, the Board has provided notice to property owners stating the Board is considering increasing the fees, rates, penalties or charges for domestic water and sanitary sewer service, and stating the date, time, and place of the meeting at which the action is being considered (the “**Notice**”); and

WHEREAS, the Board considered said increase at a public meeting held at least 30 days after providing Notice; and

WHEREAS, the Board finds that the fees, as set forth in the Schedule of Fees, are reasonably related to the overall cost of providing the water and sanitary sewer facilities and services (the “**Facilities and Services**”), and that imposition thereof is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Adoption of Fee Schedule. The Schedule of Fees shown and described in **Exhibit A** to this Resolution, attached hereto and incorporated by reference, is approved and adopted as the District’s official Schedule of Fees to become effective as of January 1, 2023 (the “**Effective Date**”) and shall accompany the District’s Rules and Regulations until such time as the Board elects to amend, repeal and/or otherwise modify such Schedule of Fees.

2. Fee Imposition. The Board has determined, and does hereby determine, that the fees as set forth on the Schedule of Fees are reasonably related to the overall cost of providing the Facilities and Services, and are imposed on those who are reasonably likely to benefit from or use the Facilities and Services.

3. Calculation of Fees. The Board has determined, and does hereby determine, that the fees as set forth on the Schedule of Fees are calculated to defray the cost of funding the Facilities and Services and reasonably distributes the burden of defraying the costs of the Facilities and Services in a manner based on the benefits received by persons paying the fees and using the Facilities and Services.

4. Repeal of Prior Resolutions. After the Effective Date, any resolution of the Board setting forth the District’s Schedule of Fees which pre-dates this Resolution shall be of no force and effect. This Resolution and Schedule of Fees shall replace, restate and supersede any such resolution and Schedule of Fees after the Effective Date.

5. Use of Fees. The revenues generated by the fees will be accounted for separately from other revenues of the District. The fee revenue will be used solely for the purpose of paying costs of providing the Facilities and Services, and may not be used by the District to pay for general administrative costs of the District. This restriction on the use of the fee revenue shall be absolute and without qualification.

6. Prior Fees. Any fees, rates, tolls, penalties or charges due under the Prior Schedule of Fees, or any other prior schedule of fees, to the extent outstanding and unpaid, shall remain in effect until fully paid and shall not be eliminated hereby.

7. Severability. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

[Remainder of page intentionally left blank]

ADOPTED this 15th day of November, 2022.


ASPEN PARK METROPOLITAN DISTRICT,
a quasi-municipal corporation and political
subdivision of the State of Colorado

DocuSigned by:

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Officer of the District

ATTEST:

DocuSigned by:

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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

Signature page to Resolution Adopting the 2023 Fee Schedule for the District's Rules and Regulations

EXHIBIT A
SCHEDULE OF FEES
EFFECTIVE JANUARY 1, 2023

Exhibit A
Aspen Park Metro District
Fee Schedule
Effective January 1, 2023

Base Water Service Charge	In District	Out of District
Tap Fee (per SFE**)	\$20,000.00	\$30,000.00
Flat Fee per Month	\$320.26/SFE/Mo.	\$480.42/SFE/Mo.
Use Fee per Month (per 1,000 gallons)	\$9.77	\$14.67
<i>(Includes irrigation & Construction Water. For Construction Water - permit is required)</i>		

Charges per SFE		
Category of Use	SFE's/1000 SF	Amount on Bill (In District)
Supermarket	0.40	Square Footage/1000 * .40 * \$320.26
Restaurant w/drive-thru	2.22	Square Footage/1000 * 2.22 * \$320.26
Bank	0.33	Square Footage/1000 * .33 * \$320.26
Fitness Facility	0.35	Square Footage/1000 * .35 * \$320.26
Consumer Services	0.59	Square Footage/1000 * .59 * \$320.26
Restaurant (No Drive-Thru)	0.62	Square Footage/1000 * .62 * \$320.26
Specialty Retail	0.16	Square Footage/1000 * .16 * \$320.26
Office	0.24	Square Footage/1000 * .24 * \$320.26
Vacant	0.33	Square Footage/1000 * .33 * \$320.26
<i>*Out of District: Square Footage/1000*SFE * \$480.42</i>		
<i>Any use that does not fit within an above "Category of Use" will be charged per SFE at the discretion of the Board</i>		

Sewer Charges	In District	Out of District
Use Fee per Month (per 1,000 gallons of water usage)	\$21.18	\$31.78

Miscellaneous Fees		In District	Out District
Water Service Turn Off Fee	per occurrence	\$100.00	\$150.00
Water Service Turn On Fee	per occurrence	\$100.00	\$150.00
Delinquent Payment Fee	per month	\$15.00 + 1% interest	No Change
Return Check Fee	per occurrence	\$20.00	\$20.00
Transfer of Account Fee	per occurrence	\$100.00	\$150.00
Grease Traps Maintenance Fee	per occurrence (when tenant fails to perform maintenance)	\$100.00	\$150.00
Meter Tampering Penalty	per occurrence (plus usage at twice the highest tier)	\$500.00	\$750.00
Meter Set Revisit Fee	per occurrence	\$125.00	\$187.50
Fire Hydrant Meter Deposit	per occurrence	\$2,000.00	\$3,000.00
Fire Hydrant Administration Fee	per month	\$50.00	\$75.00
Failure to Submit Annual Backflow Test Results	per occurrence	\$125.00	\$187.50
Unauthorized Water or Sewer Connection Usage	first occurrence (plus usage at twice the highest tier and charges double thereafter)	\$500.00	\$750.00
Unauthorized Tap Connection	Twice the current tap fee		
Tap Transfer Fee	Difference between previously paid tap fee and current tap fee (\$500 minimum)		
General Counsel Legal Fees			
Demand Letter Fee	per occurrence	\$150.00	\$150.00
Notice of Intent to Lien	per occurrence	\$120.00	\$120.00
Lien Recording Fee	per occurrence	\$150.00	\$150.00
Payment Plan Fee	per occurrence	\$250.00	\$250.00
Default Letter Fee	per occurrence	\$70.00	\$70.00
Monitoring Bankruptcy Fee - Chapter	per occurrence	\$100.00	\$100.00
Monitoring Bankruptcy Fee - Chapter	per occurrence	\$350.00	\$350.00
Monitoring Public Trustee	per occurrence	\$200.00	\$200.00
Attorney Reminder Letter Fee	per occurrence	\$100.00	\$100.00
Certificate of Status Fee	per occurrence	\$100.00	\$100.00
Foreclosure Warning Letter Fee	per occurrence	\$100.00	\$100.00
Lien Release Fee	per occurrence	\$150.00	\$150.00

**For more details regarding General Counsel Fees, please refer to Collection Policy*