

# 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. A fee in the amount of One Thousand Dollars (\$1,000.00) 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.
3. The Petition shall be in the form attached hereto as Exhibit A. Only complete Petitions will be considered by the Board.
4. 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.

5. 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.
6. 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.
7. 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.
8. If any Petition for Inclusion is submitted after a mill levy is approved and is being imposed and collected for the District, the Board may also require payment of an inclusion fee in lieu of the taxes that would have been paid for the property to be included within the District.

# EXHIBIT A TO INCLUSION POLICY

## PETITION FOR INCLUSION

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IN THE MATTER OF LA PLATA ARCHULETA WATER DISTRICT

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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 \$1,000.00.
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)**