

**Resolution No. 2024-01-02**

**NINTH AMENDED AND RESTATED RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
BACA GRANDE WATER AND SANITATION DISTRICT**

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

---

WHEREAS, the Baca Grande Water and Sanitation 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 Saguache 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 the management, control and supervision of all the business and affairs of the District; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to acquire, construct, operate and maintain certain amenities and facilities benefitting property and inhabitants within the District, which amenities and facilities generally include water and sanitary sewer improvements, facilities, appurtenances and rights-of-way (collectively, the “**Facilities**”); and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, taxpayers, and residents of the District, to provide certain water and sanitary sewer services to property and inhabitants within and without the boundaries of the District (collectively, the “**Services**”); 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 and charges for services or facilities furnished by the District which, until such fees, rates, tolls, penalties and charges are paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, the District incurs certain direct and indirect costs associated with the acquisition, construction, installation, repair, replacement, improvement, reconstruction, operation and maintenance of the Facilities, as necessary, inclusive of the costs of utilities and capital replacement costs (collectively, the “**Facility Costs**”) in order that the Facilities may be properly provided and maintained; and

WHEREAS, the District incurs certain direct and indirect costs associated with the provision of the Services in order that the Services may be properly provided, the property within

WHEREAS, the Board desires to adopt this Resolution to update the Prior Fee Resolution; and to amend and restate the Prior Fee Resolution in its entirety. 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.

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

1. **DEFINITIONS.** Except as otherwise expressly provided or where the context indicates otherwise, the following capitalized terms shall have the respective meanings set forth below:

**“Consolidation”** shall include every action by which separate parcels of real property are combined into one parcel of real property.

**“Subdivision”** shall include every action by which one parcel of real property is divided into more than one parcel of real property.

**“District Boundaries”** means the legal boundaries of the District, as the same are established and amended from time to time pursuant to §§32-1-101, *et seq.*, C.R.S., as well as properties outside of the District’s legal boundaries which receive service from the District, all as more particularly set forth in the map and legal description attached hereto as **Exhibit B** and incorporated herein by this reference.

**“Due Date”** means the date by which the Fees and Charges and Tap Fee are due, which Due Date is reflected on the Schedule of Fees.

**“Fee Schedule”** or **“Schedule of Fees and Charges”** means the schedule of fees set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, until and unless otherwise amended and/or repealed.

**“Lot”** means each parcel of land established by a recorded final subdivision plat, or any other legally created parcel of land regardless of how created, and which is located within the District Boundaries.

**“Property Owner”** shall include all owners of real property, customers, users, residents, leaseholders and other recipients of District services.

**“Residential Unit”** means each residential dwelling unit (including, without limitation, condominiums, townhomes, and any other attached dwelling unit and detached single family dwelling units) located within the District Boundaries.

**“Transfer”** or **“Transferred”** shall include a sale, conveyance or transfer by deed, instrument, writing, lease or any other documents or other means by which real property is

District determines that the transaction is being undertaken for the purpose of improperly avoiding the Fees and Charges:

i. Any Transfer, Consolidation, or Subdivision wherein the United States, or any agency or instrumentality thereof, the State of Colorado, any county, city and county, municipality, district or other political subdivisions of this State, is a party.

ii. Any Transfer, Consolidation, or Subdivision by document, decree or agreement partitioning, terminating or evidencing termination of a joint tenancy, tenancy in common or other co-ownership; however, if additional consideration or value is paid in connection with such partition or termination the applicable fees shall apply.

iii. Any Transfer, Consolidation, or Subdivision of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.

iv. Any Transfer, Consolidation, or Subdivision made and delivered without consideration for the purpose of: confirming, correcting, modifying or supplementing a prior transaction; making minor boundary adjustments without creating any new Lot; removing clouds of title; or granting easements, rights-of-way or licenses.

v. Any Transfer, Consolidation or Subdivision made pursuant to any decree or order of a court of record quieting, determining, or declaring title, except for a decree of foreclosure.

vi. Transfers to secure a debt or other obligation, or releases other than by foreclosure, which is security for a debt or other obligation.

vii. Transfers pursuant to a decree or separation of divorce.

f. The Board has determined, and does hereby determine, that the Fees and Charges 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.

g. The revenues generated by the Fees and Charges will be accounted for separately from other revenues of the District, specifically *ad valorem* property tax revenues, if applicable. The revenue from Fees and Charges will be used solely for the purpose of paying Costs, and, if *ad valorem* property tax revenues are available, may not

7. CERTIFICATION OF ACCOUNT TO COUNTY TREASURER. Pursuant to §32-1-1101(1)(e), C.R.S., the Board may elect to certify any delinquent account and late fees satisfying the criteria established therein to the Saguache County Treasurer for collection with the District's *ad valorem* property taxes. The certification process may be in addition to or in lieu of any procedures set forth in this Resolution in the Board's sole discretion. The fees for the certification process shall be in accordance with Colorado law and Saguache County policy.

8. SHUT OFF OR DISCONTINUATION OF SERVICE. Pursuant to § 32-1-1006(1)(d), C.R.S., the Board may elect to shut off or discontinue water and/or sewer service for delinquencies. The shut off or discontinuation of service may be in addition to or in lieu of any procedures set forth in this Resolution in the Board's sole discretion. The fees associated with the shut off or discontinuation of service as set forth in the Schedule of Fees and Charges.

9. 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.

10. 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.

11. EFFECTIVE DATE. This Resolution shall become effective as of the Effective Date set forth on **Exhibit A**.

ADOPTED this 17<sup>th</sup> day of January, 2024.

BACA GRANDE WATER AND SANITATION  
DISTRICT, a quasi-municipal corporation and  
political subdivision of the State of Colorado

  
\_\_\_\_\_  
Officer of the District

ATTEST:


  
\_\_\_\_\_  
Officer of the District

---

*Ninth Amended and Restated Resolution of the Board of Directors of the Baca Grande Water and Sanitation District Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities*

APPROVED AS TO FORM:

LAW OF THE ROCKIES



General Counsel to the District

---

*Ninth Amended and Restated Resolution of the Board of Directors of the Baca Grande Water and Sanitation District Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities*

**EXHIBIT A**

**BACA GRANDE WATER AND SANITATION DISTRICT**

**Schedule of Fees and Charges, Effective February 1<sup>st</sup>, 2024, unless otherwise indicated**

**WATER TAP FEE/SEWER TAP FEE**

This fee is a one-time contribution per lot required of new Customers (or existing Customers having change of use) to be used for capital investment in regional facilities and District operations. This fee shall be due at the time of application for service. The Water Tap Fee /Sewer Tap Fee is subject to change at the discretion of the Board. The EQR determination and tap fee for both the water and sewer tap are based on the size of the water tap as set forth below.

<b>Water Tap Size</b>	<b>EQR</b>	<b>Water Tap Fee</b>	<b>Sewer Tap Fee</b>	<b>Total Fee for both Water and Sewer Tap</b>
¾"	1	\$ 5,000	\$ 5,000	\$ 10,000
1"	2	\$ 10,000	\$ 10,000	\$ 20,000
1 ½"	5	\$ 25,000	\$ 25,000	\$ 50,000
2"	8	\$ 40,000	\$ 40,000	\$ 80,000
3"	16	\$ 80,000	\$ 80,000	\$ 160,000
4"	36	\$ 180,000	\$ 180,000	\$ 360,000

Larger than 4" As Determined by District

NOTE: In low pressure areas (having a static pressure less than 40 psi) designed by the District Engineer, the Manager may permit the use of a 1" tap at the same fee as a ¾" tap.

**CONNECTION FEE**

This fee is intended to cover the cost of the equipment and installation of the water and sewer tap, curb stop valve and meter pit assembly required to connect new water and sewer service to the District's services. Connection fees include costs to inspect the backfill and final grade of the new service line. If repeat inspection services are required due to unacceptable installation or improper scheduling, then the District will charge additional re-inspection fees as stated herein, per occurrence.

All connection fees for all tap sizes will be the amount of the current costs for labor and materials. At the time of application, the District will provide an estimate of the current costs for labor and materials that must be paid by the Customer before the application will be processed by the District. Should the actual costs of labor and materials be more than the estimate, the Customer shall be responsible for the amount of actual costs over the estimate.

---

*Ninth Amended and Restated Resolution of the Board of Directors of the Baca Grande Water and Sanitation District Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities*

<b>Sewer Base Rate</b>			
<b>Meter Size</b>	<b>Equivalent Residential Units</b>	<b>2023</b>	<b>2024</b>
¾"	1	\$ 40.73	\$ 40.73
1"	2	\$ 81.47	\$ 81.47
1 ½"	5	\$ 203.67	\$ 203.67
2"	8	\$ 325.86	\$ 325.86
3"	16	\$ 651.73	\$ 651.73
4"	36	\$ 1,466.39	\$ 1,466.39

REINSPECTION FEE OR RETURN VISIT FEE \$ 150.00 / hour  
(2 hour minimum)

METER MAINTENANCE SERVICE FEE \$ 40.00 / hour  
(1 hour minimum)

METER COST Current cost to District

WATER TURN ON/TURN OFF \$ 25.00 each on/off  
(Customer Requested)

SEWER SERVICE \$ 40.00 / hour  
(1 hour minimum)

**MISCELLANEOUS FEES:**

FIRE HYDRANT METER FEES

Meter Assembly Rental Deposit \$ 2,000.00  
Monthly Fee \$ 10.00 / 1,000 gallons

FORECLOSURE FEE \$ 2,000.00 / incident  
Plus all costs of engineering and attorneys' fees

HEARING FEE - DISPUTES \$ 250.00

CERTIFICATION OF DELIQUENT ACCOUNT FEE \$ 200.00

ADDITIONAL SERVICE LINE APPLICATION \$ 250.00 (if applicable)

*Ninth Amended and Restated Resolution of the Board of Directors of the Boca Grande Water and Sanitation District Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities*





**EXHIBIT B**

**BACA GRANDE WATER AND SANITATION DISTRICT**

**District Boundaries**

The Baca Grande as shown on map recorded on May 12, 1971 as document number 199438 in the office of the Recorder of the County of Saguache, Colorado, which area includes Chalet lots 1 through 2420 inclusive, Mobile Home Estates lots 1 through 2620 inclusive, and Tracts A and B and Tracts G through R-R inclusive, all as shown on the aforementioned map.

EXCEPTING therefrom that portion thereof lying westerly and southwesterly of the following described line Beginning at Boundary Point 31 as shown on sheet T 2 of 2 of said map. Thence, Southeasterly in a direct line to the most northerly corner of Grant Number 1511 as shown on Sheet GR 22 or 22 of said map, Thence, Southerly along the generally easterly boundary of the Grants Unit One as shown on said Map to the most easterly corner of Grant number 927 as shown on Sheet GR 21 or 22 of said Map. Thence, Southerly in a direct line to boundary point 19 as shown on above mentioned Sheet T 2 of 2.

TOGETHER WITH

A part of THE LUIS MARIA BACA GRANT #4 as described in a patent dated February 20, 1900 from the United States to the heirs of Luis Maria Baca and recorded in Book 86 at Page 20 in the office of the Clerk and Recorder of Saguache County, Colorado, more particularly described as follows:

Commencing at Boundary Point #10 of THE BACA GRANDE CHALETS UNIT ONE as shown on Sheet T2 of 2 of the boundary map of said subdivision; Thence S22°03'07"E along the west boundary of said CHALETS UNIT ONE a distance of 793.19' to the TRUE POINT OF BEGINNING; Thence S22°03'07"E along said west boundary a distance of 926.67'; Thence S77°28'15"W a distance of 334.79'; Thence N66°30'50"W a distance of 242.19'; Thence S86°12'25"W a distance of 300.53'; Thence N80°20'45"W a distance of 174.19'; Thence N24°57'58"E a distance of 331.25'; Thence N3°23'11"E a distance of 449.86'; Thence N81°25'48"E a distance of 511.96' to the TRUE POINT OF BEGINNING, containing 14.124 acres more or less.

TOGETHER WITH

---

*Ninth Amended and Restated Resolution of the Board of Directors of the Baca Grande Water and Sanitation District Concerning the Imposition of Various Fees, Rates, Penalties and Charges for Water and Sanitary Sewer Services and Facilities*

TOGETHER WITH

A part of THE LUIS MARIA BACA GRANT #4 as described in a patent dated February 20, 1900 from the United States to the heirs of Luis Maria Baca and recorded in Book 86 at Page 20 in the office of the Clerk and Recorder of Saguache County, Colorado, more particularly described as follows:

Commencing at Boundary Point #10 of THE BACA GRANDE CHALETS UNIT ONE as shown on Sheet T2 of 2 of the boundary map of said subdivision; Thence S22°03'07"E along the west boundary of said CHALETS UNIT ONE a distance of 793.19' to the TRUE POINT OF BEGINNING: Thence S22°03'07"E along said west boundary a distance of 926.67'; Thence S77°28'15"W a distance of 334.79'; Thence N66°30'50"W a distance of 242.19'; Thence S86°12'25"W a distance of 300.53'; Thence N80°20'45"W a distance of 174.19'; Thence N24°57'58"E a distance of 331.25'; Thence N3°23'11"E a distance of 449.86'; Thence N81°25'48"E a distance of 511.96' to the TRUE POINT OF BEGINNING, containing 14.124 acres more or less.