

A RESOLUTION OF THE BOARD OF DIRECTORS OF
VALLEY AT WINTER PARK WATER DISTRICT
ADOPTING A ONE-TIME SPECIAL ASSESSMENT FEE WITHIN THE DISTRICT'S SERVICE AREA

RESOLUTION NO. 2024-05-01

WHEREAS, the Valley at Winter Park Water District (“District”) is a Colorado special district formed and functioning by authority of the Special District Act, C.R.S. §§ 32-1-101, *et seq.*; and

WHEREAS, pursuant to the District’s Service Plan, the District is charged with providing water service to the community in Grand County, Colorado (“**County**”); 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, upon review of the District’s projected budget for 2024-2025 for the construction of the treatment system and building, as well as other capital projects necessary to become compliant with current health and safety standards determined by the Colorado Department of Public Health and Environment (CDPHE), the Board finds and determines that there will be a shortfall of income and that, in order to construct the facilities, it is necessary to impose a one-time special assessment fee on all lots within the District’s water service area; and

WHEREAS, the Board has determined it to be in the best interests of the District, and the property owners, and residents of the District, to finance, acquire, construct, install, repair, replace, improve, reconstruct, operate and maintain certain public improvements, and facilities within or otherwise serving and benefitting the property owners, and residents of the District, which public improvements, and facilities generally include potable water treatment improvements, facilities, appurtenances and rights-of-way as noted above (collectively, the “**Facilities**”); 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, programs 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 or will incur certain direct and indirect costs associated with the financing, 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 “**Capital Facility Costs**”) in order that the Facilities may be properly provided and maintained; and

WHEREAS, the estimated total cost of the Facilities necessary to serve the property within the District is approximately \$1,505,961; and

WHEREAS, the establishment of a fair and equitable fee to provide a source of funding to pay for the Capital Facilities Costs, which are generally attributable to each lot, and other property in the District, is necessary to provide for the common good and for the prosperity and general welfare of the District and its inhabitants; and

WHEREAS, the District finds that the special assessment fee (“Fee”) is reasonably related to the overall cost of providing the Facilities and paying the Capital Facilities Costs, and that imposition thereof is necessary and appropriate; and

WHEREAS, the District published notice per C.R.S. § 32-1-1001(2)(a) at least 30 days prior to consideration of this fee at a public hearing and meeting of the District’s Board”) held on May 29, 2024; and

WHEREAS, after public comment and review and discussion of the Fee, the Board finds and determines that it is necessary to impose a one-time special assessment within District’s service area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Valley at Winter Park Water District that:

1. Recitals. The above recitals are hereby incorporated as findings of the Board in support of the enactment of this Resolution.
2. Adoption of One-Time Special Assessment Fee. The Board hereby imposes a one-time Fee of \$26,250.00 (“Fee”) on each lot within the District’s water service area.
3. Severability. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board’s intention that the various provisions hereof are severable.
4. Effective Date. The provisions of this Resolution shall take effect immediately after adoption.
5. Reasonably Related to Costs. The Board does hereby determine that the Fee is reasonably related to the overall cost of providing the Facilities, and is imposed on those who are reasonably likely to benefit from or use the Facilities.
6. Accounting. The revenues generated by the Fee will be accounted for separately from other revenues of the District. The Fee revenue will be used solely for the purpose of paying Capital Facilities Costs 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.
7. Late Fees and Interest. Pursuant to § 29-1-1102(3), C.R.S., any Fee not paid in full within fifteen (15) days after the scheduled due date will be assessed a late fee in the amount of Fifteen Dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due. Interest will also accrue on any outstanding Capital Facilities Fee, exclusive of assessed late fees, penalties, interest and any other costs of collection, specially including, but not limited, to attorney fees, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S. The District may institute such remedies and collection procedures as authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting property owner shall pay all fees and costs, specifically including, but not limited to, attorneys’ fees and costs and costs associated with the collection of delinquent fees, incurred by the District and/or its consultants in connection with the foregoing.

8. Payment. Payment for all fees, rates, tolls, penalties, charges, interest and attorney fees imposed pursuant to this Resolution shall be made by check or equivalent form acceptable to the District, made payable to the “Valley at Winter Park Water District” and sent to the address indicated on the invoice. The District may change the payment address from time to time and such change shall not require an amendment to this Resolution.

9. Lien. The fees imposed pursuant to this Resolution, together with any and all late fees, interest, penalties and costs of collection, shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado for the foreclosure of mechanic’s liens, pursuant to § 32-1-1001(1)(j)(I), C.R.S., or certified to Grand County for collection. Said lien may be foreclosed at such time as the District, in its sole discretion, may determine. The lien shall be perpetual in nature (as defined by the laws of the State of Colorado) on the property and shall run with the land. This Resolution shall be recorded in the offices of the Clerk and Recorder of the County.

ADOPTED AND APPROVED this 29th day of May, 2024.

VALLEY AT WINTER PARK WATER DISTRICT



Board President

Attest:



Secretary/Treasurer

Title	Valley at Winter Park Water District - Special Assessment...
File name	VWPWD_Resolution_...9700-39__clea.pdf
Document ID	b9eaaae7e940cfd701f9c183d3f2e38016944004
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



SENT

06 / 12 / 2024
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06 / 12 / 2024
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SIGNED

06 / 12 / 2024
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VIEWED

06 / 19 / 2024
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The document has been completed.