

CONCORD METROPOLITAN DISTRICT
SYSTEM DEVELOPMENT FEE RESOLUTION

A RESOLUTION IMPOSING A SYSTEM DEVELOPMENT FEE FOR THE DEVELOPMENT OF STREETS, STREET SAFETY, DRAINAGE, WATER, SEWER, AND PARK AND RECREATION FACILITIES, SERVICES, AND PROGRAMS AS DESCRIBED IN THE DISTRICT'S SERVICE PLAN IN AND FOR THE CONCORD METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO; THIS RESOLUTION PROVIDES FOR THE AUTHORITY AND APPLICABILITY OF THE RESOLUTION; PROVIDES FOR INTENT AND PURPOSES; PROVIDES DEFINITIONS; PROVIDES FOR THE PAYMENT OF A SYSTEM DEVELOPMENT FEE; PROVIDES FOR COMPUTATION OF THE AMOUNT OF THE FEE; PROVIDES FOR THE LIMITATION OF EXPENDITURE OF FUNDS FROM THE FEE TO CERTAIN CAPITAL, OPERATION, AND MAINTENANCE COSTS; PROVIDES FOR APPEAL OF DECISION; PROVIDES FOR A PENALTY AND ENFORCEMENT PROVISION; PROVIDES FOR SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, the Concord Metropolitan District ("District") has established that land development shall trigger the requirement of public improvements as described in the Service Plan of the District; and

WHEREAS, in order to provide adequate public improvements for development and to encourage development to "pay its own way," the District wishes to require the payment of a fee by developers to improve public improvements servicing the owners of said developments; and

WHEREAS, the District Manager has undertaken a review and study of the District's public facilities and has reviewed potential remedies to address infrastructure needs associated with growth within the District and to address the requirements of Douglas County ("County") for infrastructure to serve the District; and

WHEREAS the District Manager has prepared an analysis concerning these issues, and based upon the Service Plan and the advice of the District's Financial Advisor, Hanifen, Imhoff Inc. has recommended a systems development fee and that all revenues generated be set aside and used for the purposes described in this Resolution; and

WHEREAS, the District's Board of Directors ("Board") finds that the recommendations of the District Manager and Financial Advisor are reasonably based upon the criteria and considerations contained in the analysis; and

WHEREAS, the Board hereby adopts the analysis and determines to adopt a systems development fee in compliance therewith and in the amounts specified herein.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CONCORD METROPOLITAN DISTRICT, DOUGLAS COUNTY, COLORADO:

Section A. The Rules and Regulations of the District are hereby amended by the addition of the following:

Sec. 1 Authority and Applicability.

- (a) The Board has the authority to adopt this Resolution pursuant to Section 32-1-1001(1)(j) and (n), C.R.S. and Section 31-35-402(1)(f), C.R.S.
- (b) This article shall apply to all real property within the District.

Sec. 2 Intents and Purposes

- (a) The purpose of this Resolution is to assure that development bears some of the cost of providing public facilities, services, and programs, primarily serving the development areas of the District.
- (b) The purpose of this Resolution is as set forth in the recitals hereof.

Sec. 3 Definitions

- (a) "Board" means the Board of Directors of the Concord Metropolitan District.
- (b) "County" means Douglas County, Colorado.
- (c) A "Feepayer" is a person who has applied for a certificate of occupancy for a structure on a platted lot within the District pursuant to the application requirements of the County.
- (d) "Finance Director" means the Treasurer of the District and/or any person designated by the Treasurer to administer the various provisions of this article.
- (e) "District Manager" means the District Manager of the District and/or any person that he or she may designate to administer the various provisions of this article.

Sec. 4 Imposition of System Development Fee.

- (a) Any person who, after the effective date of this article, applies for a certificate of occupancy for a structure on a platted lot within the District pursuant to the application requirements of the County shall pay a System Development Fee ("SDF") to the District.
- (b) The Feepayer shall be responsible for paying all SDFs in the amount set forth in Sec. 5 hereof and in the manner set forth in Sec. 6 hereof.

Sec. 5 Computation of the Amount of System Development Fee

- (a) A Systems Development Fee (“SDF”) of \$3,500 per 3/4 inch single-family equivalent combined water and sewer tap (EQR) shall be collected prior to issuance of a certificate of occupancy.
- (b) The District Manager shall develop a schedule of tap sizes and their 3/4 inch equivalents based on sound engineering principles.

Sec. 6 Payment of Fee.

- (a) The Feepayer shall pay the System Development Fee to the Finance Director prior to issuance of a certificate of occupancy by the County for a structure on a lot in the District.
 - (1) Failure to make a Systems Development Fee payment on time, or failure to pay all of the Fee shall be a debt owned to the District and shall accrue interest until collected at the rate of one (1%) percent per month.
 - (2) The Systems Development Fee and interest thereon shall be, until paid in full, a perpetual lien against the subject property as provided in Section 32-1-1001(1)(k), C.R.S. and may be enforced by the District in any manner allowed by law.

Sec. 7 Use of Funds.

- (a) The System Development Fee shall be for the purposes of planning and development of public improvements, systems, programs, and facilities as described in the Service Plan (the “Facilities”) and all related services, Facilities, and programs for the benefit of the District. System Development Fees may be used to finance, pay debt service, plan, acquire, and construct Facilities and in any other manner to acquire, dispose of, and trade or exchange (or arrange for any of the foregoing) Facilities. In addition, System Development Fees may be used for any or all of the following purposes by any available means, including the entry into and performance of intergovernmental agreements relating to the provision of Facilities:
 - (1) To acquire, construct, manage, maintain, or operate public systems, facilities, works or improvements, or to acquire a leasehold or any other interest therein.
 - (2) To acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any legal or equitable interest in real or personal property utilized for public improvements and purposes permitted by the Service Plan.

- (3) To apply for, acquire, sell, lease, dispose of, or exchange Facilities, and licenses, certificates, or permits for Service Plan purposes.
- (4) To enter into, make and perform contracts of every kind with the United States, any state or political subdivision thereof, or any individual, firm, association, partnership, corporation, limited liability company or any other organization of any kind with the capacity to contract for Service Plan purposes.
- (5) To employ agents and employees.
- (6) To incur and pay debts, liabilities, or obligations to the extent and in the manner permitted by law and as provided herein, and to borrow money and, from time to time, to make, accept, endorse, execute, issue and deliver bonds, notes, certificates of participation in lease-purchase agreements, and other obligations for monies borrowed or in payment for property acquired, or for any other purpose, and as provided by law, and to the extent permitted by law, to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other collateral instrument, or by other lien upon, assignment of, or agreement in regard to, all or any part of the properties, rights, assets, contracts, easements, revenues and privileges.
- (7) To buy, lease, construct, appropriate, contract for, invest in, and otherwise acquire, and to own, hold, maintain, equip, operate, manage, improve, develop, and deal in and with, and to sell, lease, exchange, transfer, convey, and otherwise dispose of, and to mortgage, pledge, hypothecate and otherwise encumber real and personal property of every kind, tangible and intangible, utilized for Service Plan purposes.
- (8) To develop public improvement planning and policy within the powers of the District.
- (9) To construct and maintain works and establish and maintain Facilities across or along any public street or highway.
- (10) To provide for the rehabilitation of any surfaces adversely affected by the construction of Facilities through the rehabilitation of plant cover, soil and rock stability, and other measures appropriate to the subsequent beneficial use of such lands.
- (11) To provide any necessary or convenient public facilities, services, and programs within the lawful authority of the District.

- (b) The District may enter into intergovernmental agreements pursuant to the State of Colorado statutes and Constitution concerning the transmission of fees collected and the expenditure, accounting and use of the Systems Development Fee. The District may also enter into any other contract, private or otherwise, for the development, maintenance, or operation of any of its Facilities, services, or programs.
- (c) In the proposed annual budget, the District Manager shall present to the Board for approval a proposed public improvements program, assigning funds, including any accrued interest, from the Systems Development Fee to Facilities, services, programs, bond repayment, and related expenses. The District Manager may, from time to time, present proposed amendments to said programs for approval by the Board.

Sec. 8 Appeal.

Any decision made by the Finance Director in the course of administering this Resolution may be appealed to the District Manager and thereafter to the Board of Directors for final decision.

Section B. Findings.

The Board hereby finds, determines, and declares that this Resolution is promulgated in the best interests of the District. The Board further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.

Section C. Severability.

If any clause, sentence, paragraph, or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section D. Effective Date. This Resolution shall be effective immediately.


RESOLVED THIS 15th DAY OF August, 2000.

CONCORD METROPOLITAN DISTRICT



President

ATTEST



Secretary

- 1) Refer to ACWWA Rules and Regulations for Design Review procedures and applicable fees.
- 2) Refer to ACWWA's Construction Drawing Requirements for instructions on preparing utility plans to submit to ACWWA.

In determining the number of TE's needed for a particular connection, all associated fixture values will be obtained using Table 4.3, page 30 of the AWWA M22 Manual current edition. Figure 4.4 or 4.5, page 32 of AWWA M22 will be used to determine the demand of the combined fixture value.

All buildings must use the higher curve on Figure 4.4 or 4.5 to determine the demand of the combined fixture value. Supply/demand adjustments will be made based on the delivery pressure at the tap location, Table 4.2 page 29 AWWA M22. Meter size will be selected from Table 5.6 or 5.7, page 45 AWWA M22. The recommended design criteria for all meters will be 80 percent of maximum capacity of the meter. Turbine-Type Meters will not be allowed for purposes of determining tap equivalents in Table 5.8 AWWA M22.

The following table will be used to equate the meter size and the demand to the number of tap equivalents (T.E.). Payment for each service to be provided shall be made to ACWWA prior to connection by multiplying the number T.E. times the Authority's current tap fee.

METER SIZE	MAXIMUM CAPACITY (GPM)	DESIGN CAPACITY (GPM)	TAP EQUIVALENT	WATER SUPPLY AC-FT/YR
¾	30	24	1	.5
1	50	40	2	1
1 ½	100	80	4	2
2	160	128	8	4
3	320	250	18	9
4	600	400	38	19
6	1000	800	72	36

In cases where the actual fixture count of a building is not available at the time of initial tap purchase (such as where a tenant will be responsible to finish the interior space at a later date); the presumptive tap size shall be as follows:

- Buildings less than 20,000 square feet - 1 ½" tap.
- Buildings between 20,000 and 40,000 square feet- 2" tap.
- Buildings greater than 40,000 square feet - Board Decision based on Development Review Engineer and Authority Engineer recommendations.

If the owner produces persuasive documentation indicating that the tap for a building where the actual fixture count of a building is not available at the time of initial tap purchase, and should be other than shown in the above table, the Manager may consider an alternatively sized tap consistent with the documentation provided. However, the fixture count shall not exceed the count allowed for the size of the tap, and ACWWA may require an increased tap size and will charge additional tap fees if the actual demand is higher than the estimated demand indicated by the documentation furnished by the owner.