

TIMBERS ESTATES METROPOLITAN DISTRICT

TEMP

RESOLUTION 02-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TIMBERS ESTATES METROPOLITAN DISTRICT ESTABLISHING AN ANNUAL WATER SERVICE CHARGE.

WHEREAS, the Timbers Estates Metropolitan District (“District”) furnishes various services, programs and facilities to the properties located within the jurisdictional boundaries of the District, including without limitation providing water services through its water activity enterprise; and

WHEREAS, the District is in need of additional funds to pay for the costs associated with operating the augmentation plan and providing water services; and

WHEREAS, the Board of Directors (“Board”) of the District, acting as the water activity enterprise, finds that it is in the best interest of the residents of the District to assess a uniform water service charge, including penalties for non-payment thereof, against all properties within the District, pursuant to the provisions of § 32-1-1001(1)(j), C.R.S., as amended; and

WHEREAS, the Board hereby determines that the water service charge will serve a beneficial public purpose and promote the health, safety, security and general welfare of the inhabitants of, and owners of property within, the District;

NOW, THEREFORE, BE IT RESOLVED by the Board, acting as the water activity enterprise of the District, as follows:

1. Imposition of Water Service Charge. A water service charge for services, programs and facilities furnished by the District through its water activity enterprise in the amount of **eight hundred dollars (\$800.00) payable annually or two hundred dollars (\$200.00) payable quarterly** shall be assessed against each platted lot within the District. If paid within 30 days of receipt of the invoice, a discount of **seventy-five dollars (\$75.00)** will be applied to annual payments, reducing the annual fee to **seven hundred twenty-five dollars (\$725.00);** **Current fee in 2015 and 2016 is \$720 per year payable in semi-annual installments of \$360.**

2. Collection of Water Service Charge. The District shall **bill property owners on the first day of the month at the beginning of each quarter. The water service charge shall be due and payable within thirty (30) days thereafter. All water service charges shall be delinquent thirty (30) days after the due date and shall be subject to a delinquency penalty of 1% per month (12% per annum).**

3. Unpaid Water Service Charge as a First Lien. Unpaid, the water service charge shall constitute a first and perpetual lien on and against the subject property in accordance with § 32-1-1001(1)(j)(I), C.R.S., and such lien may be foreclosed upon as provided by State Law.

ADOPTED this 4th day of December, 2001, to become effective January 1, 2002.

TIMBERS ESTATES METROPOLITAN DISTRICT

By: _____
President

ATTEST:

Secretary

(SEAL)

Dear Timbers Residents:

January 11, 2002

On January 7, 2002, the Timbers Estates Metropolitan District ("TEMD") Board of Directors and two homeowners attended the regularly scheduled meeting. The main issue discussed was the Water Augmentation Plan.

In 1997, TEMD and the South Evergreen Water District terminated the original Water Service Agreement that had been entered into in August of 1991. While this was a victory for The Timbers, it meant that we were now responsible for our own Water Augmentation Plan.

It is the general perception of the homeowners that once you pay to drill a well that your water is free. While that perception is more or less true for the individual homeowner, The TEMD is legally responsible for the operation and maintenance of the Water Augmentation Plan. Water in the West is so scarce that water courts were instituted to define and protect the water rights of landowners. As development has taken place, "water augmentation plans" were required to offset the drain on the water supply by homeowners.

Within the Timbers, we have three storage ponds that we must maintain, but some of you may not be aware of the additional reservoir and one-mile long filler ditch that we own and must maintain located south of North Turkey Creek Road and east of Highway 73 in Evergreen Meadows. (Evergreen Meadows Reservoir #1 aka lots 76 & 77 on Malamute Drive).

While we are all aware of the work done to the ponds within our fence, we are now faced with a heavy financial obligation to restore the reservoir and the filler ditch to make them operational. At Monday night's Board meeting, the Directors reviewed four potential solutions and unanimously agreed on the following:

1. To secure a revised easement to legally allow us to better fill the reservoir;
2. To approve a short-term, financially feasible, water pumping procedure to fill the reservoir and meet our legal augmentation requirements for 2002.

The estimated costs to comply with the augmentation plan are approximately \$20,000 for 2002. Because this water augmentation plan will need to be maintained going forward, the Board unanimously voted to institute a quarterly water charge of \$200, which will be due the first day of January, April, July and October, 2002. For the first quarter of 2002, this payment is due by February 15. However, if you choose to pay in full prior to February 15, the charge will be discounted to \$725 on an annual basis. This enables the TEMD to have quicker access to the funds for the necessary improvements. Payments of the water service charge shall be delinquent thirty (30) days after the due date and be subject to a late payment fee of 1% per month (12% per annum).

Although we are forced to take these steps to meet our legal obligations, we also recognize as a Board that it is for the betterment of our community. Should you have any questions, please feel free to contact any member of the Board.

Andy Holley - President
Bruce LeVasseur - Treasurer
Jeff Mains - Director
Roger Leikas - Director
Dave Hartvigsen - Director