

**RESOLUTION OF THE EXECUTIVE BOARD OF FALCON AREA WATER AND  
WASTEWATER AUTHORITY, COUNTY OF EL PASO, STATE OF COLORADO,  
IMPOSING FEES**

WHEREAS, the Falcon Area Water and Wastewater Authority, County of El Paso, Colorado (the “Authority”), is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the Authority was organized in accordance with Section 29-1-204.2, Colorado Revised Statutes, as amended, and currently operates under the Amended and Restated Intergovernmental Agreement for the Establishment of The Falcon Area Water and Wastewater Authority entered into on December 17, 2021 (the “Amended and Restated Establishment Agreement”); and

WHEREAS, in accordance with the Amended and Restated Establishment Agreement, the Service Area of the Authority shall mean the aggregate of the territory within any and all of the following: (a) the boundaries of a Member, (b) a defined area in which a Member or Members furnishes water service of any type by written agreement, and (c) a defined area of proposed future service in a Member’s Service Plan approved pursuant to C.R.S., Title 32.; and

WHEREAS, in accordance with Section 29-1-204.2, Colorado Revised Statutes and the Amended and Restated Establishment Agreement, the Authority is authorized to acquire and develop water resources, systems, or facilities, and to acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any real or personal property utilized only for the purposes of water treatment, distribution, and wastewater disposal; and

WHEREAS, pursuant to Section 29-1-204(3)(), C.R.S and the Amended and Restated Agreement, the Authority has the power to impose water and wastewater service fees, water availability and water acquisition fees, tap fees and other charges, assessments, fines, penalties and interest for the provision of water distribution, and wastewater collection and treatment; and

WHEREAS, the Authority has determined to impose certain one-time water tap fees, wastewater tap fees, and water acquisition fees on each unit built upon the property served by the Authority at or prior to the issuance of a building permit for such unit, to assist with the financing, planning, and development of water and wastewater improvements (“the Improvements”); and

WHEREAS, the property served by the Authority will be benefitted by the Improvements and the Authority has determined to impose on-going service fees for the water and sanitary sewer services provided to users of such service as set forth herein; and

WHEREAS, the Authority is authorized to utilize revenue from the water tap fees, wastewater tap fee, and water acquisition fees for costs associated with the Improvements and/or to pledge the same for the repayment of principal and interest on bonds and to utilize on-going service charges and fees for any lawful purpose of the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE BOARD OF FALCON AREA WATER AND WASTEWATER AUTHORITY AS FOLLOWS:

1. The Board does hereby determine that it is in the best interests of the Authority and its members to exercise its power to impose certain fees as further set forth in Exhibit A hereto (“Fees”) on any person desiring water service and wastewater service from the Authority.

2. The Water Tap Fee, Wastewater Tap Fee, Water Acquisition Fee, and Water and Sewer Administrative Fee set forth in Exhibit A are due at the time El Paso County issues a building permit, but may be pre-paid at any time. Such fees shall be collected by the Authority from the applicable property owner. No connections shall be made to the Authority water or sanitary sewer systems until applications for service have been made to the Authority and all applicable fees of the Authority have been paid.

3. The Authority reserves the right to amend this Resolution at any time in the future to change the amount of any or all of the Fees.

4. The Fees shall be imposed as stated herein, beginning upon the effective date of this Resolution.

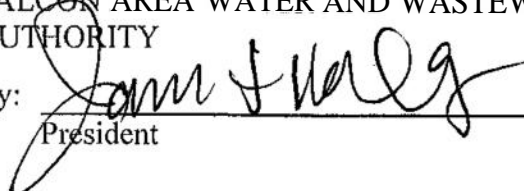
5. This Resolution shall be recorded in the real property records of the Clerk and Recorder of El Paso County, Colorado.

6. Failure to make payment of the Fees due hereunder shall constitute a default in the payment of such Fees. Upon a default, interest shall accrue on such total amount of Fees due at the rate of twelve percent (12%) per annum and the Authority shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law. The defaulting property owner shall pay all costs, including attorneys’ fees, the Authority incurs in connection with the foregoing.


7. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

RESOLUTION APPROVED AND EFFECTIVE this 31<sup>st</sup> day of May, 2022.

FALCON AREA WATER AND WASTEWATER  
AUTHORITY

By:   
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

**EXHIBIT A**

**“FEES”**

<b>Falcon Area Water and Wastewater Authority Rates and Fees</b>			
<b>WATER</b>			
		Monthly	
<b>Basic Water Meter Fee</b>	¾”	\$31.50	
<b>Water Use Fees</b>			
Minimum Water Use Fee		\$16.50	
First 5,000 gallons of water		Included	
5,000 to 10,000 gallons per month		\$4.88	per 1,000 gallons
10,000 to 15,000 per month		\$5.84	per 1,000 gallons
15,000 to 20,000 gallons per month		\$6.75	per 1,000 gallons
20,000 to 30,000 gallons per month		\$18.50	per 1,000 gallons
Over 30,000 gallons per month		\$22.50	per 1,000 gallons
<b>SEWER</b>			
		Monthly	
Basic Sewer Fee (per single family equivalent)		\$41.00	
<b>ONE TIME TAP FEES</b>			
<b>Residential*</b>			
Water Tap Fee		\$10,390 per unit, with a minimum increase of 3% each fiscal year	
Wastewater Tap Fee		\$10,390 per unit, with a minimum increase of 3% each fiscal year	
Water Acquisition Fee		\$6,180 per unit, with a minimum increase of 3% each fiscal year	

Water and Sewer Administrative Fee		\$230.00, payable at the same time as the Water Tap Fee, Wastewater Tap Fee, and Water Acquisition Fee	
<b>Commercial/non-residential (Payable at Building Permit)</b>			
3" Water Tap (inclusive of sewer)		\$375,000	
2" Water Tap (inclusive of sewer)		\$175,000	
1.5" Water Tap (inclusive of sewer)		\$75,000	
< 1.5" Water Tap (inclusive of sewer)		\$45,000	
<b>OTHER FEES</b>			
		Amount	
Billing Service Fee		\$5.75/month	
Meter Reading Fee-AMR		\$4.95/month	
Water Service Turn On Fee		\$100.00	
Water Service Turn Off Fee		\$140.00	
Late Payment Fee		\$15.00	
Return Check Fee		\$50.00	
Account Set Up Fee		\$100.00	
Account Transfer Fee		\$50.00	
After Hours Fee		\$60.00	
Under Drain Fees-Maintenance of sewer main		\$3.00	

\*The tap fees listed are not required for the following properties (previously paid or payable to SRMD1) but ARE subject to all other fees provided herein:

- Homestead at Sterling Ranch Filing No. 1 and 2
- Branding Iron at Sterling Ranch Filing No. 1 and 2
- Homestead North at Sterling Ranch Filing No. 1, 2 and 3
- Sterling Ranch Filing No. 2, 3 and 4
- Parcel 5 (Copper Chase) and Parcel 16 (both as identified in Sterling Ranch Sales Map) and the Mixed Use (14.8 acres)/corner of Briargate and Vollmer as set forth in the Sterling Ranch Amended Sketch Plan

*Meter reads occur on the first of each month. Billing mailed the fifth of each month. Bills are due the 24<sup>th</sup> of each month.*