

JOINT RESOLUTION OF
MORRISON CREEK METROPOLITAN WATER AND SANITATION DISTRICT
AND
MORRISON CREEK WATER ACTIVITY ENTERPRISE

WHEREAS, the Morrison Creek Metropolitan Water and Sanitation District (the "District") is a special district with metropolitan district powers, engaged in the provision of water and sanitation services, pursuant to *Title 32 of Colorado Revised Statutes*, and entirely located within Routt County, Colorado; and

WHEREAS, the District created the Morrison Creek Water Activity Enterprise (the "Enterprise"), which obtained an Order and Decree of Judicial Examination and Determination Pursuant to C.R.S. ' 11-57-213 from the Routt County District Court on October 6, 2003; and

WHEREAS, on June 19, 2003 the District passed a resolution to create the retail water activity enterprise, which resolution is entitled **ARESOLUTION OF THE MORRISON CREEK METROPOLITAN WATER AND SANITATION DISTRICT CREATING A WATER ACTIVITY ENTERPRISE, CREATING A SPECIAL AREA WITHIN THE DISTRICT, SETTING AND IMPOSING SPECIAL CHARGES WITHIN SUCH SPECIAL AREA, PROVIDING FOR THE COLLECTION OF SUCH SPECIAL CHARGES AND AUTHORIZING SUCH ENTERPRISE TO COLLECT CERTAIN TAP-ON FEES@** ("Resolution"); and

WHEREAS, there was a typographical error in paragraph 8 of said Resolution; and

WHEREAS, the District and the Enterprise wish to correct said typographical error as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MORRISON CREEK METROPOLITAN WATER AND SANITATION DISTRICT TO AMEND THE RESOLUTION OF THE DISTRICT PASSED ON JUNE 19, 2003 AS FOLLOWS:

Paragraph 8 of the Resolution shall be amended to read as follows:

- “8. **SETTING AND IMPOSING OF SPECIAL CHARGES WITHIN SPECIAL AREAS.** The Enterprise is authorized and empowered to set and impose within each special "area" hereafter created by the Board of Directors of the District and also created by resolution of the Board of Directors of the Enterprise (including but not limited to any subdivided portion of a special "area" authorized for subdivision by the resolution of the Board of Directors of the District and the Board of Directors of the Enterprise) special one-time charges payable by the owner or owners of each residential lot within the created special "area" or subdivided special "area," in addition to the District's tap-on fees, for the privilege of connecting improvements on such lot to new water distribution and/or sanitary sewer collection trunk lines interconnecting with District facilities which are hereafter constructed and installed

by or under contract with the Enterprise within such special "area." Such special charges shall be determined and set for such special "area" or subdivided special "area" by resolution of the Board of Directors of the Enterprise and shall be approximately the cost of planning, developing, and constructing such new trunk line(s) and the cost of the Enterprise in supervising such construction, including appropriate contingency factors, divided by **either (a)** the number of, **or (b) the acreage of**, all residential platted lots within the special "area" or subdivided special "area" capable of being served by such new trunk line(s). The Enterprise may also provide that such special charges will automatically increase by up to 10% each year on the anniversary of the setting of such charges, for a period of not more than 20 years after the initial setting of such charges."

APPROVED AND ADOPTED this _____ day of November, 2003.

MORRISON CREEK METROPOLITAN WATER AND
SANITATION DISTRICT

By: _____
Director

Director

Director

Director

Director

APPROVED AND ADOPTED this ____ day of November, 2003.

MORRISON CREEK WATER ACTIVITY ENTERPRISE

By: _____
Director

Director

Director

Director

Director