

RESOLUTION NO. 20210809-02

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
NORTH WELD COUNTY WATER DISTRICT**

**AMENDING A POLICY REGARDING APPROVING OF DEVELOPMENT
DOCUMENTS AND AGREEMENTS**

WHEREAS, on September 8, 2020, North Weld County Water District (the “District”) adopted Resolution No. 20200908-02, *Adopting a Policy Regarding Approving Development Documents and Agreements* (the “Resolution”), which adopted the North Weld County Water District Policy Regarding Approving Development Documents and Agreements (“Policy”); and

WHEREAS, under the Resolution the District expressly reserved the right to amend the Policy in whole or in part, from time to time, in order to further the purpose of carrying on the business, objects and affairs of the District; and

WHEREAS, the Board of Directors of the District (the “Board”) has determined that it is necessary and in the best interest of the District to amend the Policy to clarify the process and order of events for the District’s review approval of development documents and agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

1. Pursuant to the findings set forth above, the Board hereby amends the Policy to add Section 4 as follows:

Section 4. The process for review and approval of development documents and agreements shall generally follow the order of events set forth below.

- a. Applicant submits complete and most recent utility report, final plat, landscape plan, and construction drawings for review and comment.
 - i. Approval of the utility report, final plat, landscape plan, and construction drawings will occur once all comments have been satisfied.
- b. The Water Dedication and Construction Phasing finalized and presented to the District.
 - i. Applicant must define what type of water will be dedicated.
- c. Upon review and approval of the Phasing Plans and dedication, a Water Dedication Agreement will be produced and must be approved by the Board of Directors prior to execution.

- i. If applicable, diligence and/or dry up covenants will be required. A draft Water Service Agreement is an exhibit to the Water Dedication Agreement.
 - d. Applicant dedicates water to the District pursuant to Water Dedication Agreement.
 - e. Final Plat signed.
 - f. Water Service Agreement signed.
 - g. Applicant proceeds with construction.
2. The entire Policy, as amended by this Resolution, is attached hereto and incorporated herein as **Exhibit A**.
3. This Resolution and the amendment to the Policy shall be effective immediately. Except as specifically amended hereby, all the terms and provisions of the Policy shall remain in full force and effect.

[Remainder of Page Intentionally Left Blank. Signature Page to Follow].

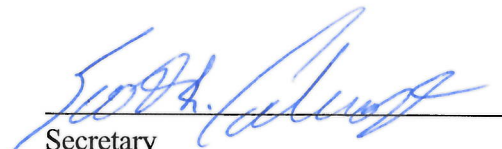
APPROVED AND ADOPTED THIS 9TH DAY OF AUGUST, 2021.

NORTH WELD COUNTY WATER DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado



President

ATTEST:



Secretary

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

Special Counsel to the District

*Signature page to Resolution Amending a Policy Regarding Approving Development Documents
and Agreements*

EXHIBIT A

NORTH WELD COUNTY WATER DISTRICT

POLICY REGARDING APPROVING DEVELOPMENT DOCUMENTS AND AGREEMENTS

1. Development documents and agreements shall be approved by District Management, the Board of Directors, and/or the District Engineer according to the chart set forth below.

Development Class	Required Agreements/Documents	Approved by District Management	Approved by Board of Directors at Public Meeting (May be approved under consent agenda absent specific issues.)
Single Tap			
Residential	Letter of Intent or Tap Purchase Agreement	X	X
Commercial for 50% Variance	Letter of Intent or Tap Purchase Agreement		X X
Commercial	Dedication Agreement Water Service Agreement		X X
Tap Allocation Relocation or Assignment			

<i>Property Sales with pre-existing tap</i>	Assignment Sheet	X	
<i>Assignments from one property or tap to another</i>	Assignment Sheet	X	
Recorded Exemption, 2-4 Lots			
No Infrastructure	Letter of Intent		X
Additional Infrastructure	Letter of Intent		X
	Water Service Agreement		X
Minor and Major Subdivisions			
PUDs Requiring Infrastructure	Construction Drawings and Final Plat	X*	
	Letter of Intent		X
	Raw Water Dedication Agreement		X
	Water Service Agreement		X

*The District's engineer may approve construction drawings and final plats in lieu of the District Manager approving such items.

2. Any agreement approved by District Management must also be included on a Board meeting agenda so that the Board may take formal action in order to make District Management's approval effective. Such Board actions shall be reflected in Board meeting minutes.
3. The procedure for processing all Letters of Intent is as follows:
 - a. District management staff produces Letter of Intent and releases it to the Developer(s) for signature(s).

- b. Once the Developer(s) returns the Letter of Intent, it will be placed on the next Board agenda.
 - c. If approved by Board of Directors, a Board Member will sign the Letter of Intent.
 - d. Within 5 business days of the Board Meeting, District Management staff will record the Letter of Intent with the applicable County.
 - e. Upon receipt of the recorded Letter of Intent, District Management will provide a copy to the Developer for their records and use in the county process.
4. The process for review and approval of development documents and agreements shall generally follow the order of events set forth below.
- a. Applicant submits complete and most recent utility report, final plat, landscape plan, and construction drawings for review and comment.
 - i. Approval of the utility report, final plat, landscape plan, and construction drawings will occur once all comments have been satisfied.
 - b. The Water Dedication and Construction Phasing finalized and presented to the District.
 - i. Applicant must define what type of water will be dedicated.
 - c. Upon review and approval of the Phasing Plans and dedication, a Water Dedication Agreement will be produced and must be approved by the Board of Directors prior to execution.
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