

**LA PLATA WEST WATER AUTHORITY
RESOLUTION NO. 2018-3
CONCERNING NON-SUBSCRIBERS & EASEMENTS**

WHEREAS, the La Plata West Water Authority ("LPWWA") has commenced construction of Phase I of its domestic water system, which will bring potable water to those Subscribers in Phase I of LPWWA's project;

WHEREAS, multiple pipelines and other facilities will be constructed during Phase I;

WHEREAS, LPWWA Subscribers, as partial consideration for their tap fee, granted LPWWA easements through and across each Subscriber's real property, as well as their contiguous real property, for the construction, installation, operation, use, maintenance, repair and replacement of LPWWA's pipelines and appurtenant structures;

WHEREAS, the final design of Phase I contemplates the use of the County right-of-way in certain locations where LPWWA does not have an easement through private property;

WHEREAS, the construction and installation of water facilities is feasible within the County right-of-way, such will result in a greater expense to LPWWA due to additional costs for traffic control and other matters;

WHEREAS, LPWWA has adopted a policy that it will not purchase easements from property owners, whether said property owner is a Subscriber or a Non-Subscriber;

WHEREAS, LPWWA recognizes that Non-Subscribers have declined to utilize LPWWA's domestic water system at this time; and

WHEREAS, LPWWA desires to provide an incentive to Non-Subscribers that grant LPWWA an easement and to inform Non-Subscribers that if they (or their successors) subsequently request a tap from LPWWA, all additional costs and fees incurred by re-routing the Phase I design to avoid a Non-Subscriber's real property must be repaid to LPWWA before LPWWA will agree to serve said real property.


NOW THEREFORE, BE IT RESOLVED that:

1. LPWWA has no obligation to provide domestic water to Non-Subscribers. The design and capacity of LPWWA's system is based on existing Subscribers. All future requests for water taps are subject to water availability, system capacity, and LPWWA's current governing documents, including, but not limited to, its bylaws, rules and regulations, and policies.
2. Subject to the foregoing, LPWWA hereby covenants and agrees that if a Non-Subscriber voluntarily grants LPWWA an easement through its real property for Phase I of the LPWWA domestic water system, for a period of two (2) years from the date the easement is executed, LPWWA will allow the record owner of the affected property to purchase a domestic water tap at the rate in effect on the date of this Resolution. This rate-lock and agreement to issue a water tap is contingent upon water availability and system capacity. If system upgrades are required to serve

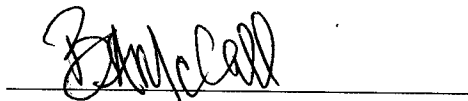
the affected property, the Non-Subscriber (i.e., property owner or successor) will be required to pay all costs associated with the necessary upgrades.

For all Non-Subscribers that do not voluntarily grant LPWWA an easement for its Phase I facilities, LPWWA will file a Notice of Declination in the office of the La Plata County Clerk and Recorder pertaining to the affected real property. Said notice will state that if the owner of the affected property (or its successor) desires to acquire a water tap from LPWWA at any time in the future, said property owner, including all successors, will be required to reimburse LPWWA for all additional costs and fees incurred to avoid the property during Phase I construction, in addition to all other tap fees and costs. These costs will be recorded with LPWWA and along with the declination. See addendum for costs as the same may be hereafter amended or changed.

Executed this 14th day of November, 2018.



President, LPWWA Board of Directors



Secretary, LPWWA

**ADDENDUM TO
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Cost for non-subscribers not giving an easement when requested will be calculated as follows.

Linear ft of new pipeline route (NPR) length to avoid property owner refusing easement + any additional road crossing (RC) if required + any other cost (OC) LPWWA incurs due to reroute = Cost to reroute CRR. $NPR + RC + OC = CRR$. Length of easement will be measured per LPWWA's GIS system and will be done by LPWWA or LPWWA's Engineer.

Other cost could be any of the following but not limited to these items: Engineering, Reroute Surveying, Archeology survey, Environmental Survey or any other costs LPWWA incurs.

The following Chart shows the amount to be charged when a landowner does not give an easement.

Reroute Cost per linear foot	\$3
8" Type 2 Road Crossing	\$31,192
8" Type 3 Road Crossing	\$7,651
8" Type 4 Road Crossing	\$10,243
6" Road Crossing	\$6393
4" Road Crossing	\$3982
3" Road Crossing	\$3802
2" Road Crossing	\$3012
Recording & Other Cost may vary	