SECTION 10

PROPERTY INCLUSIONS AND EXCLUSIONS

1000 GENERAL The purpose of this section is to identify the procedures which will be followed for property inclusions and exclusions. All property served by the District, except for towns and municipalities, will be included in the District, within 120 days from the date water service has been commenced. The primary purpose of having the property included within the District's boundaries is to enable the District to collect ad valorem taxes in the event a mill levy is established on real property as part of the District's Rate and Fee Schedule. Additionally, as contained in Part 1, Title 32, Colorado Revised Statutes, only residents and/or property owners and/or the spouse, or civil union partner, included in a special district are allowed to vote in that Special District's elections or serve on its Board of Directors. If a property is already included in another water district, the property owner(s) shall follow the exclusion process of said district and provide proof of the exclusion to Little Thompson Water District.

1001 PROPERTY INCLUSIONS As part of the tap application process, if a prospective customer's property is not already included in the District, they will be required to complete a Petition for Property Inclusion (LTWD Form 150). A copy of this form is attached as Appendix 14.

1001.1 This petition must include the name(s) of property owner(s) as listed in the county Assessor's records; parcel number; full address with city, state, and zip; and the legal description of the property for which service has been requested including the county name, and "State of Colorado". All information provided must be complete and accurate. This petition must be signed by the legal owner(s) of the property and notarized. The original document must be returned to the District office once completed.

1001.2 The District will publish a legal notice relative to the petition for inclusion at least 30 days in advance to establish a public hearing date at which time the Board will consider the property inclusion. The public hearing date will normally coincide with a regularly scheduled Board meeting. Interested persons shall appear and show cause in writing why the petition should not be granted. The Board may continue such hearing to a subsequent meeting. There shall be no withdrawal from a petition after notice of publication by the Board without the consent of the Board.

1001.3 The various legal options of the Board relative to action taken on the property inclusions are as contained in Part 4, Title 32, Colorado Revised Statutes.

1001.4 Assuming the Board approves the petition for inclusion, the Board shall make a Resolution to that effect and file the same with the Clerk of the Court.

1001.5 The property inclusion is not effective until the District Judge for Larimer county

orders the inclusion and that order has been recorded by the County Clerk and Recorder of the county in which the change in boundaries took place. The County Clerk and Recorder shall notify the County Assessor of any such action. A certified copy of such notice shall also be filed with the Division of Local Government by the County Clerk and Recorder.

1001.6 The costs associated with property inclusions for individual taps (legal notices, attorney fees and all other costs) will be paid by the District from the tap fees paid by the customer, providing the costs do not exceed $50. Costs in excess of $50 on the individual taps will be billed to and paid by the customer concerned.

1001.7 The costs associated with property inclusions for developments, to include subdivisions and business parks, will be paid by the individual developer requesting water service for such development.

1002 PROPERTY EXCLUSIONS The boundaries of the District may be altered by the exclusion of real property by the fee owner(s) of one hundred percent of any real property located in the District. The owner(s) must file a petition with the District requesting that such real property be excluded.

1002.1 The petition for property exclusion must include the reason for the exclusion request; the name(s) of property owner(s) as listed in the county Assessor's records; parcel number; full address with city, state, and zip; and the legal description of the property for which exclusion has been requested including the county name, and "State of Colorado." All information provided must be complete and accurate. This petition must be signed by the legal owner(s) of the property and notarized. The original document must be returned to the District office once completed.

1002.2 The form to be utilized for property exclusion is the Petition for Property Exclusion (LTWD Form 160). A copy of this form is attached as Appendix 15 to these regulations.

1002.3 The District will publish a legal notice relative to the petition for exclusion at least 30 days in advance to establish a public hearing date, at which time the Board will consider the property exclusion. The public hearing date will normally coincide with a regularly scheduled Board meeting. Interested persons shall appear and show cause why the petition should not be granted. The Board may continue such hearing to a subsequent meeting. There shall be no withdrawal from a petition after notice of publication without the consent of the Board. The failure of any person in the existing District to file a written objection shall be taken as an assent on their part to the exclusion of the area described in the notice.

1002.4 The Board, if it deems is not in the best interest of the District that the property mentioned in the petition, or some portion thereof, be excluded from the District,

shall order that the petition be denied in whole or in part as the case may be.

1002.5 Should the Board grant such petition, a Resolution to that effect shall be made and filed with the Clerk of the Court.

1002.6 The property exclusion is not effective until the District Judge for Larimer county orders the exclusion. The District Judge's order will then be recorded by the County Clerk and Recorder of the county in which the change in boundaries took place. The County Clerk and Recorder shall notify the County Assessor of any such action. A certified copy of such notice shall also be filed with the Division of Local Government by the County Clerk and Recorder.

1002.7 All costs associated with the property exclusions shall be paid, in advance, by the person(s) requesting the property exclusions. The District will, upon receipt of a request for property exclusion prepare an estimate of charges involved with the exclusion so the costs may be paid in advance. A final billing will be made to adjust the initial estimate.

1003 EXCLUSION OF PROPERTY WITHIN A MUNICIPALITY The exclusion of District property, when the property lies within a municipality, is handled in a different procedure than described in Paragraph 1002 above. These procedures are described in detail in Title 32, Colorado Revised Statutes and are omitted herein due to the complexity of the procedures. For information, the petition for exclusion may be initiated by the Board of Directors, the governing body of the municipality involved, or fifty percent of the fee owners of the real property involved.

~ END OF SECTION 10 ~

These Rules and Regulations were revised, accepted, and approved by the Little Thompson Water District Board of Directors on September 5, 1996.

These Rules and Regulations were revised, accepted, and approved by the Little Thompson Water District Board of Directors on April 15, 2021.