

FRISCO SANITATION DISTRICT
ORDER FOR INCLUSION OF PROPERTY

A petition for the inclusion of real property within the Frisco Sanitation District was filed by 7000 Corporation, James W. Temple as President and Audrey L. Temple as Secretary; James W. Temple, Individually; Richard A. Blumenhein; Hunter V. Pritchard; and A. Hunter Pritchard and Mary Kyle Pritchard on the 10th day of April, 1972, and said petition has been examined by the Board of Directors of the District.

The Board of Directors does now find and determine:

1. The petition sets forth an accurate legal description of the property owned by the petitioners, which is sought to be included within the District.

2. The signers of the petition assent to the inclusion of the property within the District, such signers constitute the fee owners of such property, and the petition is properly acknowledged.

3. The Board set the 12th day of June, 1972, at the hour of 7:30 p.m., as the date for hearing the petition.

4. Notice of the filing of the petition and of the date and time for the hearing thereon and the names and addresses of the petitioners was given by the publication of such notice in the Summit County Journal, a newspaper of general circulation in Summit County, Colorado, by publications inserted on May 19, 1972, May 26, 1972, and June 2, 1972, and proof of such publication has been furnished and is included in the official records of the District.

5. A hearing on the petition was held on the 12th day of June, 1972, the date set for the hearing and all persons desiring to object thereto or speak thereon were permitted to be heard.

6. The land hereinafter described is capable of being integrated within the District, a community of interest exists

between the District and the land sought to be included, and it is desirable and necessary that it be so included and served by the facilities of the District as they now and hereafter may exist.

7. Certain terms and conditions of the inclusion have been agreed upon between the Board of Directors of the District and the petitioners, which are set forth in the petition for annexation or inclusion and which will be binding upon the District and the petitioners and their heirs, successors, administrators and assigns. Such petition will remain on file with the Secretary of the District where it may be inspected and copied by interested parties.

NOW, THEREFORE, upon motion made by Director H. Nordsiek, seconded by Director L. Thompson, and passed by a majority of the Board of Directors, it is RESOLVED that the following described real property located in Summit County, Colorado be included within the Frisco Sanitation District:

A tract of land located in Lots numbered 8, 14, 15, 18, 19, in Section 35, Township 5 South, Range 78 West of the 6th Principal Meridian, Summit County, Colorado, more particularly described in Exhibit 1 attached hereto.

AND FURTHER RESOLVED that a true copy of this Order be filed with the Clerk of the District Court of Summit County, Colorado, as provided by law.

DATED at Frisco, Colorado this 9th day of January, 1972.

James W. Walker
President

ATTEST:

Mary E. Ruth
Secretary

4/10/72
Kearney 4/2/72

PETITION FOR ANNEXATION
FRISCO SANITATION DISTRICT
COUNTY OF SUMMIT

To the Board of Directors of the Frisco Sanitation District:

The Undersigned hereby petition the Board of Directors of the Frisco Sanitation District for annexation to the Frisco Sanitation District of the following described unincorporated territory located in the County of Summit, State of Colorado, to wit:

A tract of land located in Lots numbered 8, 14, 15, 18, 19, in Section 35, Township 5 South, Range 78 West of the 6th Principal Meridian, Summit County, Colorado, more particularly described in Appendix "A" hereof, hereinafter called "The Property"

And in support of the said petition, your petitioners allege that:

1. It is desirable and necessary that the above described territory be annexed to the Frisco Sanitation District;
2. A community of interest exists between the territory proposed to be annexed and the Frisco Sanitation District;
3. The territory proposed to be annexed is integrated or is capable of being integrated with the Frisco Sanitation District;
4. Assent to the inclusion of the Property into the Frisco Sanitation District is given by the signers hereto, who constitute all of the fee owners of the Property;
5. The mailing address of each signer, the legal description of the land owned by each signer, the date of signing of each signature are all shown on this petition;
6. Accompanying this petition is an annexation map containing the following information:

- (a) a written legal description of the boundaries of the area proposed to be annexed;
- (b) a map showing the boundary of the area proposed to be annexed;
- (c) within the annexation boundary map there is shown the location of each ownership tract in unplatted land;
- (d) next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Frisco Sanitation District, the only Sanitation District with contiguous boundaries abutting the area proposed to be annexed;
- (e) the dimension of the contiguous boundaries are shown on this map.

7. Definitions. The following definitions shall apply when the terms defined are used in this Petition:

- (a) Collection System: All collection sewer mains, manholes, and appurtenances thereto located within or adjacent to the property and intended primarily to serve the property.
- (b) Disposal Facilities shall include the following:
 - (1) Transmission Sewer. Any sewer lines from the property to the existing mains or treatment plant or enlargement of existing mains as may be required.
 - (2) Sewage treatment plant and land.
 - (3) Oversize. Collection sewer line size in excess of 8-inch main or the size required to serve the property, required by the district to serve other future customers.

8. That the following annexation conditions shall apply and constitute an agreement between the Petitioners and the District at the time of annexation:

- (a) The said petitioners shall pay all reasonable legal and engineering costs connected with the annexation

procedures and additions of service to the subject property upon annexation of said property to the district.

(b) The said petitioners shall pay to the district or otherwise guarantee the necessary funds to:

- (1) Enlarge the existing collection system at such time as this may be necessary in the judgment of the Sanitation District in order to serve the property.
- (2) Add to or enlarge the existing sewage treatment plant and land to treat and process the increased sewerage input expected to occur from the extension of sewer service to the subject property.
- (3) Install the necessary collection system facilities within the subject property at such time as they may be required to connect construction within the subject property to the disposal facility.

(c) Payments to the district in accordance with Paragraph 8(b)2 herein, relating to the expansion of the sewage treatment plant, shall be in the form of advance tap fees at the going rate prescribed by the District for such fees, provided however that such advance tap fees shall not be required if in the opinion of the District it has sufficient funds to construct said disposal facilities without advance payment. Advance tap fees so paid shall constitute payment in full for the number of taps that the amount paid would purchase at the then current rate, and shall not exceed in quantity the maximum number of taps ultimately required to service the entire subject property under the then existing

zoning. Said payments shall be made or guarantees given in lieu thereof shall be firmly committed at the time taps are ordered and said orders shall be reasonably in advance of delivery of service to allow adequate construction time to the district for such expansion. Taps purchased by said advanced tap fees shall be usable ^{ONLY} upon the land herewith annexed. In the event petitioners so request, the District shall be obligated to repurchase the taps if it has requests for taps from other customers at Original Cost New or Replacement Cost New Less Depreciation, whichever is less.

(d) If the advanced tap fees provided by petitioners in accordance with paragraph 8(c) herein are not adequate to expand the disposal facilities; and if additional funds therefor are not ^{IN THE OPINION OF THE BOARD OF DIRECTORS} available to the District; and if the petitioners desire the District to expand the facilities, petitioners will make all necessary further contributions of funds to the District before it shall be required to proceed with construction. Such further contributions shall be termed "reimbursible" and subject to provisions for reimbursement contained hereinafter.

(e) Payments shall be made or guarantees for the installation or expansion of the collection system shall be firmly committed reasonably in advance of the expansion or installment of the said system in order to provide adequate engineering and construction time for such work.

9. Provisions for Reimbursement.

(a) The district as hereinafter provided shall reimburse the petitioners for all of the costs of any Oversize and Transmission sewer as herein defined which the District may require to be installed or enlarged in whole or in part at the expense of the petitioners. Said reimbursement

shall be limited to one-third of all tap fees collected by the District for connections made to said lines, extensions or enlargement thereof.

(b) Petitioners shall be reimbursed for any further contributions made hereunder for sewer treatment plant and land pursuant to paragraph 8(d) from 2/3 of the tap fees subsequently collected by the District for the sale of taps. Such reimbursement shall be prorated among contributors who have made excess contributions toward sewage treatment plant and land. The maximum return to petitioners shall not be more than the amount of such excess contributions made by them.

(c) All reimbursement provided for in this paragraph shall be limited to ten years from the date of construction or acquisition of the facilities referred to.

10. The petitioners agree to comply with the rules and regulations of the district as they now exist or as they may be modified in the future.

11. The petitioners agree to provide the district with all easements required for the installation and maintenance of the collection system as may be reasonably required in the opinion of the district's board.

12. The petitioners agree not to permit any liens or other obligations to be filed against the District in connection with the development of their property or the obtaining of sewer service to it; and if any such are so filed, they agree to remove the same promptly at their expense.

13. The district agrees subject to the terms and conditions hereof, to provide the subject property with sewer taps for residential and commercial units subject to reasonable lead time during which the district may expand or extend facilities.

14 The conditions hereof shall be binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

15. The attached Appendices "A" and "B" are hereby incorporated by reference herein.

[Handwritten signature]

[Faint, illegible text]

144.74 FEET AND A CHORD BEARING

71-1285

7000 CORPORATION

James W. Temple
James W. Temple, President

ATTEST:

Audrey L. Temple
Audrey L. Temple, Secretary

James W. Temple
James W. Temple, Individually
Richard A. Blumenhein
Richard A. Blumenhein

STATE OF COLORADO)
COUNTY OF Summit) ss.

The foregoing instrument was acknowledged before me this 21st day of December, 1971, by James W. Temple as President and Audrey L. Temple as Secretary of 7000 Corporation. Witness my hand and official seal. My commission expires June 6, 1974.

Edmund Lockhart
Notary Public

STATE OF COLORADO)
COUNTY OF Summit) ss.

The foregoing instrument was acknowledged before me this 21st day of December, 1971, by James W. Temple. Witness my hand and official seal. My commission expires June 6, 1974.

Edmund Lockhart
Notary Public

STATE OF COLORADO)
COUNTY OF Summit) ss.

The foregoing instrument was acknowledged before me this 21st day of December, 1971, by Richard A. Blumenhein. Witness my hand and official seal. My commission expires June 6, 1974.

Edmund Lockhart
Notary Public

Signature of petitioners requesting annexation of property to the Frisco Sanitation District.

Date of Mailing Address of each petitioner.

Each petitioner must indicate whether or not he or she is a landowner of property within area proposed for annexation.

Description of property included within the area proposed for annexation owned by each person signing this petition.

A Hunter Pritchard 12/14/71 4814 Seward St. N.W. Washington D.C. 20016
A. Hunter Pritchard

See attached Exhibit "A"

Mary Kyle Pritchard 12/14-71 4814 Seward St N.W. - Corner
Mary Kyle Pritchard Washington D.C. 20016

Washington
STATE OF
District of Columbia ss.
COUNTY OF

Subscribed and sworn to before me this 14th day of Dec., 1971,
by A. Hunter Pritchard.
Witness my hand and official seal.
My commission expires: April 30, 1974

Berenice F. Welch
Notary Public

Washington
STATE OF
District of Columbia ss.
COUNTY OF

Subscribed and sworn to before me this 14th day of Dec., 1971,
by Mary Kyle Pritchard.
Witness my hand and official seal.
My commission expires: April 30, 1974

Berenice F. Welch
Notary Public