

RESOLUTION NO. 15-02
Series 2015

**A RESOLUTION ESTABLISHING A POLICY FOR UNUSED HISTORIC
WATER AND SEWER TAPS PURCHASED FROM THE FLORISSANT WATER
AND SANITATION DISTRICT**

WHEREAS, the Florissant Water and Sanitation District ("Florissant District"), provides water and wastewater services to customers located in Teller County, Colorado; and

WHEREAS, the operations of the Florissant District are administered by an elected Board of Directors; and

WHEREAS, it has come to the attention of the Board of Directors that several property owners within the legal boundaries of the Florissant District have asserted that they or their predecessors-in-interest purchased water and/or sewer taps in the 1990's that have never been activated; and

WHEREAS, Article 3, Section 3-1-1 of the current Rules and Regulations of the Florissant District states that: "Separate and independent service lines shall be designed, installed and constructed by the property owner at his sole cost and expense for every improvement requiring water service or wastewater service;" and

WHEREAS, Article 5, Section 5-1 of the current Rules and Regulations of the Florissant District states that: "No person shall cause or permit any service connection to any District facility without first obtaining a District Application Permit;" and

WHEREAS, Article 7, Sections 7-2-1(A) and 7-2-1(B) of the current Rules and Regulations of the Florissant District state that: "There is hereby imposed a system water tap fee which shall be due and payable in full at the time application for a permit is made. There is hereby imposed a system sewer tap charge which shall be due and payable in full at the time application for a permit is made;" and

WHEREAS, Article 5, Section 5-3 of the current Rules and Regulations of the Florissant District states that: "Each permit applies only to the premises identified thereon and is not deemed in any sense to be personal property. No tap fees may be transferred from one premise to another, but a tap fee and permit application shall be deemed to follow any transfer or sale of the fee ownership of the approved premises;" and

WHEREAS, Article 5, Section 5-4-1 of the current Rules and Regulations of the Florissant District states that "A District Permit Application shall expire and become of no further force or effect 180 days after the date thereof;" and

WHEREAS, Article 7, Section 7-2-1(C) of the current Rules and Regulations of the Florissant District states that "The District will not refund a system tap fee or any portion thereof upon cancellation or expiration of a permit or for any other reason once they are paid;" and

WHEREAS, it appears that the owners of some of the properties for which water and/or sewer taps were purchased, but never been activated, paid a monthly fee to the Florissant District in order to maintain the continued viability of the water and sewer taps; and

WHEREAS, the Board of Directors of the Florissant District has concluded that rather than simply cancel the historic water and sewer taps that have never been activated, as authorized by the current Rules and Regulations, the continued validity of the water and sewer taps will be recognized pursuant to the conditions outlined in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FLORISSANT WATER AND SANITATION DISTRICT:

1. Any property owner who is claiming the continuing validity of a water and/or sewer tap paid to the Florissant District prior to 2015, which has never been activated by the physical connection to an existing structure, shall have until May 20, 2015 to provide the Florissant District with proof in the form of a tap fee certificate, a bill of sale, a cancelled check or other legal documentation that payment for such tap or taps was made. Historic monthly billing records will not be deemed as legal proof of ownership of a valid unused water and/or sewer tap issued by the Florissant District. However, the property owner must also demonstrate that monthly payments were made by the property owner and any predecessor-in-interest of the property owner from the date of procurement of the water and/or sewer taps until September of 2014, when the Board of Directors of the Florissant Water District instituted a new rate structure and suspended the monthly fee for unused taps.

2. In order to maintain the continuing viability of unused water and/or sewer taps for which a property owner satisfies the conditions outlined in Paragraph No. 1, the property owner must contact FWSD no later than May 20, 2015. In addition, a monthly fee of \$30.00 for each paired water and sewer tap shall be paid to the Florissant District, commencing with the June 15, 2015 billing cycle, until such time as the property owner physically connects to a Florissant District main, water and/or wastewater service is provided to a structure for which the water and/or sewer taps are assigned, and charges for Florissant District services commence. The monthly fee shall be subject to adjustment at the discretion of the Board of Directors from time to time. If the owner of the property for which the unused water and/or sewer taps are assigned fails to timely pay the charges described herein, the taps shall automatically be cancelled and have no further validity.

3. The holder of unused water and/or sewer taps that satisfy the conditions of this Resolution shall be subject to all other Rules and Regulations of the Florissant District that currently exist or may be enacted in the future.

4. The Board of Directors of the Florissant District determines and declares that this Resolution is necessary for the immediate preservation of public welfare, health and safety.

Director Bob Faux moved that the preceding Resolution be adopted.

Director Chris Penland seconded the adoption of the foregoing Resolution.

The role having been called, the vote was as follows:

Director - Catherine A. Valdez

Director - Barbara Faux

Director - Christopher Penland

Director - Robert L. Faux


yes
yes
yes
yes

ADOPTED this 14 day of April, 2015.

FLORISSANT WATER AND
SANITATION DISTRICT

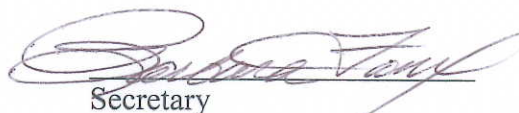
ATTEST:


Secretary

By 
President

The undersigned, Barbara Faux, Secretary of the Florissant Water and Sanitation District, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the Board of Directors of the Florissant Water and Sanitation District, adopted at a duly convened meeting on the date mentioned above, and that said resolution has not been altered, amended or repealed.

April 14, 2015
Date


Secretary