

January 2019

**PETITION FOR INCLUSION OF LANDS IN
NORTHERN COLORADO WATER CONSERVANCY DISTRICT**

TO THE BOARD OF DIRECTORS OF NORTHERN COLORADO
WATER CONSERVANCY DISTRICT

1. All the owner(s) of lands situated in the County of _____, State of Colorado, hereby petition(s) and pray(s) that the lands hereinafter described be included in said Northern Colorado Water Conservancy District ("Northern Water").
2. The description of the lands owned by the Petitioner(s) is as follows:

| <u>PETITIONER</u> | <u>DESCRIPTION</u> | <u>SEC.TWP.RGE.</u> | <u>ACRES</u> |
|-------------------|--------------------|---------------------|--------------|
|-------------------|--------------------|---------------------|--------------|

| | |
|----------------------|-------|
| TOTAL ACRES INCLUDED | _____ |
|----------------------|-------|

| | |
|---|----------|
| CURRENT ASSESSED VALUATION OF LANDS AND IMPROVEMENTS TO BE INCLUDED | \$ _____ |
|---|----------|

| | |
|--|----------|
| AMOUNT OF NORTHERN WATER INCLUSION FACILITIES FEE ENCLOSED | \$ _____ |
|--|----------|

| | |
|--|-----------|
| AMOUNT OF NORTHERN WATER PROCESSING FEE ENCLOSED | \$ 400.00 |
|--|-----------|

The Processing Fee is calculated as follows:

If petitioning for inclusion in either the Northern Colorado Water Conservancy District (Northern Water) or the Municipal Subdistrict, Northern Colorado Water Conservancy District (Subdistrict), the processing fee will be \$400.00. If petitioning for inclusion in both Northern Water and the Subdistrict, the processing fee will be \$700.00, including, \$400.00 for Northern Water inclusion and \$300.00 for Subdistrict inclusion.

| | |
|-------|----------|
| TOTAL | \$ _____ |
|-------|----------|

STATE OF COLORADO)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____

Witness my hand and Seal. My commission expires: _____

Notary Public

STATE OF COLORADO)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____

Witness my hand and Seal. My commission expires: _____

Notary Public

STATE OF COLORADO)
) ss
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____

Witness my hand and Seal. My commission expires: _____

Notary Public

**APPENDIX A
ANNUAL MILL LEVY AND SPECIAL ASSESSMENT**

Purpose

The purpose of this covenant is to subject Petitioner's property, described in the petition for inclusion and resulting court order for inclusion, to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Northern Colorado Water Conservancy District ("Northern Water") at the time of inclusion of Petitioner's lands.

Waiver

Petitioner hereby waives any right which may exist to require an election pursuant to article X, § 20 of the Colorado Constitution before Northern Water can impose the mill levies and special assessments specified below. Petitioner also waives any right which may exist to a refund pursuant to article X, § 20 of the Colorado Constitution.

Mill Levies and Special Assessments

Upon inclusion into Northern Water, and as an express condition thereof, Petitioner covenants to pay the following mill levies and special assessments:

1. Any Class A mill levy or special assessment levied annually by Northern Water and imposed on other similarly situated property within Northern Water.
2. If Petitioner's property is now or is in the future located within a municipality which has an existing or future Class B Allotment of water by Northern Water, and if said municipality defaults on payment of its obligations under any existing or future Class B allotment contract(s) with Northern Water, Petitioner agrees to pay any special assessment levied by the Board of Directors of Northern Water for the purpose of collecting amounts due under the allotment contract(s).
3. Any amount due under any existing or future Class D allotment contract which is, or may be in the future, attached to the Petitioner's property.

Covenant to Run with the Land

This covenant will run with and burden the property described in the petition for inclusion and court order for inclusion and binds all future owners of the property.

ALL OWNERS OF THE ABOVE DESCRIBED PROPERTY MUST SIGN THIS APPENDIX A.

| <u>DATE</u> | <u>SIGNATURES</u> | <u>ADDRESS</u> |
|-------------|-------------------|----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

APPENDIX B

NORTHERN COLORADO WATER CONSERVANCY DISTRICT
RESOLUTION
D-1079-02-03
COLORADO-BIG THOMPSON FACILITIES INCLUSION FEE

WHEREAS, the inclusion of lands into the Northern Colorado Water Conservancy District (Northern Water) makes those lands eligible to receive water from the Colorado-Big Thompson (C-BT) Project facilities; and

WHEREAS, those lands included within Northern Water commencing in 1938 have contributed to the cost of construction repayment, operation, maintenance, replacement, and administration of the C-BT Project since the time of their inclusion through the generation of ad valorem taxes; and

WHEREAS, fairness and equity require that lands newly included within Northern Water be placed on the same basis as those lands originally included within Northern Water so that all lands included within Northern Water will have contributed approximately equally to the support of the C-BT Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. A fee shall be charged in connection with the inclusion of lands into Northern Water for the purpose of placing such lands on an equal basis with lands previously included within Northern Water. This fee shall be calculated as follows:

The sum of the historical (1937 to current year) ad valorem tax revenues received by Northern Water from Larimer, Weld, and Boulder Counties and that portion of the City and County of Broomfield that was formerly part of Boulder and Weld Counties, divided by the current assessed valuation of Northern Water lying within those same counties times the current assessed valuation of the property and improvements to be included.

Example:

Revenues From 4 Counties To Date x Current Assessed Valuation of Property
Current Assessed Valuation of and Improvements to Be Included
Northern Water Within 4 Counties

For Calendar Year 2018:

\$314,587,793 x Current Assessed Valuation of Property and Improvements
\$21,571,401,973

or 0.0146 x Current Assessed Valuation of Property and Improvements

The ratio determined above will be re-computed annually by Northern Water based on the most recent calendar-year assessed valuation and will be made available upon request. It will be the responsibility of the petitioner to furnish the current assessed valuation of the property and improvements to be included at the time the petition for inclusion is submitted to Northern Water.

- 2. As an alternative, the Northern Water C-BT facilities inclusion fee may be calculated as the total amount of ad valorem taxes on the property and improvements to be included which would have been collected by Northern Water under its annual historic mill levy had the lands been included in Northern Water from 1937 to the date of the petition for inclusion. The petition to Northern Water for inclusion, if this alternative is selected by petitioner, shall be accompanied, or supplemented, by a certified list of annual assessed valuations on the property and improvements to be included from 1937 to the date of the petition for inclusion.
- 3. In its discretion in individual cases involving a large number of individual parcels of property to be included, the Board may permit the method described in Section 2 above to be applied to a representative sample of the parcels of property to be included to determine a factor that would then be applied to the current assessed valuation of all of the property and improvements to be included.
- 4. Satisfactory arrangements for payment of fees must be made with Northern Water before the inclusion will be approved by the Board of Directors.
- 5. The previous Board Resolution D-986-02-97 is hereby repealed.