

**Resolution No. 2011-02-01**

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF  
BACA GRANDE WATER AND SANITATION DISTRICT**

**CONCERNING THE IMPOSITION OF A  
PROPERTY TRANSFER FEE AND A PROPERTY CONSOLIDATION FEE**

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WHEREAS, pursuant to an Order of the District Court in and for Saguache County, Colorado, the Baca Grande Water and Sanitation District (the "District") was duly and validly organized and exists as a metropolitan district in accordance with Colorado law; and

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., the District is authorized to fix and impose fees, rates, tolls, charges and penalties for services or facilities provided by the District which, until paid, shall constitute a perpetual lien on and against the property served, the revenues from which fees, rates, tolls and charges may be pledged to the payment of any indebtedness of the District; and

WHEREAS, the District incurs administration and operational costs when property transfers from one owner to another or consolidates with an adjacent lot; and

WHEREAS, the District desires to impose a Transfer Fee and a Consolidation Fee to pay for the administrative and operational costs incurred by the District; and

WHEREAS, the District finds that the Transfer Fee and the Consolidation Fee set forth herein is reasonably related to the services provided by the District and that imposition thereof is necessary to provide the services serving the property subject to such Transfer and Consolidation Fee.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

1. Transfer Fee. A Transfer Fee in the amount of Two Hundred Fifty Dollars (\$250.00) per lot, per property owner transfer is hereby established for each lot within the District's boundaries. The Transfer and Consolidation Fee shall be due at the time of closing on the property.

2. Consolidation Fee. A Consolidation Fee in the amount of Two Hundred Fifty Dollars (\$250.00) per lot is hereby established for each lot within the District's boundaries that consolidates with another lot. In the event that more than one lot is consolidated at the same time, the Consolidation Fee shall be due for each lot consolidating. The Consolidation Fee shall be due at the time of the consolidation.

3. Late Fees and Penalty Interest. Any Transfer Fee or Consolidation Fee that is not paid in full within Fifteen (15) days after the scheduled due date shall be assessed a late fee of Fifteen Dollars (\$15.00) pursuant to § 29-1-1102(3), C.R.S. Interest will also accrue on any outstanding Transfer Fee or Consolidation Fee, exclusive of assessed late fees and interest, at the rate of 18% per annum, pursuant to § 29-1-1102(7), C.R.S.

4. Payment. Payment for each Transfer Fee and each Consolidation Fee shall be made payable to "Baca Grande Water and Sanitation District" and sent to the following address, on or before the due date: Baca Grande Water and Sanitation District, Post Office Box 520, Crestone, Colorado 81131.

5. Fees Constitute Lien. The Transfer Fee imposed hereunder shall, until paid, constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the manner as provided by the laws of the State of Colorado for the foreclosure of mechanic's liens, pursuant to § 32-1-1001(1)(j), C.R.S.

6. Severability. If any clause or provision of this Resolution is adjudged invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such adjudgement shall not affect the validity of this Resolution as a whole, but shall be severed herefrom, leaving the remaining provisions intact and enforceable.

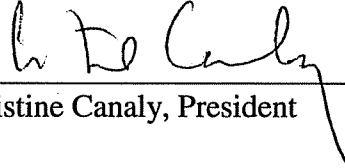
7. The Property. This Resolution shall apply to all property within the District's boundaries, as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, and any additional property included into the District after the date of this Resolution.

8. Effective Date. This Resolution shall become effective as of January 1, 2011.

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APPROVED and ADOPTED this 18<sup>th</sup> day of February 2011.

BACA GRANDE WATER AND SANITATION  
DISTRICT



Christine Canaly, President

ATTEST:



Martin Macaulay, Secretary/Treasurer

**EXHIBIT A**

The Baca Grande as shown on map recorded on May 12, 1971 as document number 199438 in the office of the Recorder of the County of Saguache, Colorado, which area includes Chalet lots 1 through 2420 inclusive, Mobile Home Estates lots 1 through 2620 inclusive, and Tracts A and B and Tracts G through R-R inclusive, all as shown on the aforementioned map.

EXCEPTING therefrom that portion thereof lying westerly and southwesterly of the following described line Beginning at Boundary Point 31 as shown on sheet T 2 of 2 of said map. Thence, Southeasterly in a direct line to the most northerly corner of Grant Number 1511 as shown on Sheet GR 22 or 22 of said map, Thence, Southerly along the generally easterly boundary of the Grants Unit One as shown on said Map to the most easterly corner of Grant number 927 as shown on Sheet GR 21 or 22 of said Map.

Thence, Southerly in a direct line to boundary point 19 as shown on above mentioned Sheet T 2 of 2.

**TOGETHER WITH**

A part of THE LUIS MARIA BACA GRANT #4 as described in a patent dated February 20, 1900 from the United States to the heirs of Luis Maria Baca and recorded in Book 86 at Page 20 in the office of the Clerk and Recorder of Saguache County, Colorado, more particularly described as follows:

Commencing at Boundary Point #10 of THE BACA GRANDE CHALETS UNIT ONE as shown on Sheet T2 of 2 of the boundary map of said subdivision; Thence S22°03'07"E along the west boundary of said CHALETS UNIT ONE a distance of 793.19' to the TRUE POINT OF BEGINNING; Thence S22°03'07"E along said west boundary a distance of 926.67'; Thence S77°28'15"W a distance of 334.79'; Thence N66°30'50"W a distance of 242.19'; Thence S86°12'25"W a distance of 300.53'; Thence N80°20'45"W a distance of 174.19'; Thence N24°57'58"E a distance of 331.25'; Thence N3°23'11"E a distance of 449.86'; Thence N81°25'48"E a distance of 511.96' to the TRUE POINT OF BEGINNING, containing 14.124 acres more or less.

**TOGETHER WITH**

A parcel of land, being a part of the LUIS MARIA BACA GRANT NO. 4 as described on patent, dated February 20, 1900, from the United States to the heirs of Luis Maria Baca, recorded in Book 86 at Page 20 of the records of the Clerk and Recorder, County of Saguache, State of Colorado, more particularly described as follows:

Commencing at Boundary Point 10 of THE BACA GRANDE CHALETS UNIT ONE as shown on sheet T2 of 2; thence S13°30'08"W a distance of 837.74 feet to the TRUE POINT OF BEGINNING on the west boundary of the District; then along said west boundary for the following four (4) courses: thence S3°30'17"W a distance of 301.20 feet; thence S26°35'45"W a distance of 291.65 feet; thence S4°22'02"W a distance of 188.05 feet; thence N80°20'45"W a distance of 91.92 feet; thence N57°09'40"W a distance of 191.49 feet; thence S78°40'20"W a distance of 325.43 feet; thence S86°20'50"W a distance of 177.97 feet; thence S50°25'50"W a distance of 241.29 feet; thence N13°30'00"W a distance of 709.78 feet; thence S89°59'15"E a distance of 144.88 feet; thence N81°25'48"E a distance of 1130.95 feet to the TRUE POINT OF BEGINNING, containing 692,455 square feet or 15.897 acres, more or less.

All bearings are based on a bearing of S22°03'07"E between boundary points 10 and 33 of said CHALETS UNIT ONE.

Total Perimeter = 3794.62 feet  
Contiguous Perimeter = 872.83 feet

#### TOGETHER WITH

Baca Grande Chalets, unit number two, as recorded with the County Clerk and Recorder of Saguache County, Colorado, as a final plat, as document number 200839, on February 14, 1972.

#### TOGETHERWITH

A part of THE LUIS MARIA BACA GRANT #4 as described in a patent dated February 20, 1900 from the United States to the heirs of Luis Maria Baca and recorded in Book 86 at Page 20 in the office of the Clerk and Recorder of Saguache County, Colorado, more particularly described as follows:

Commencing at Boundary Point #10 of THE BACA GRANDE CHALETS UNIT ONE as shown on sheet T2 of 2 of the boundary map of said subdivision; Thence S16°11'31"W a distance of 1612.06' to the TRUE POINT OF BEGINNING; Thence S80°20'45"E a distance of 249.97'; Thence S12°51'15"E a distance of 244.31'; Thence S77°08'45"W a distance of 230.93'; Thence N12°51'15"W a distance of 340.00' to the TRUE POINT OF BEGINNING, containing 1.549 acres more or less.

All bearings are based on the bearings shown on the recorded plat of THE BACA GRANDE CHALETS UNIT ONE SUBDIVISION.

## TOGETHER WITH

A part of THE LUIS MARIA BACA GRANT #4 as described in a patent dated February 20, 1900 from the United States to the heirs of Luis Maria Baca and recorded in Book 86 at Page 20 in the office of the Clerk and Recorder of Saguache County, Colorado, more particularly described as follows:

Commencing at Boundary Point #10 of THE BACA GRANDE CHALETS UNIT ONE as shown on Sheet T2 of 2 of the boundary map of said subdivision; Thence  $S22^{\circ}03'07''E$  along the west boundary of said CHALETS UNIT ONE a distance of 793.19' to the TRUE POINT OF BEGINNING; Thence  $S22^{\circ}03'07''E$  along said west boundary a distance of 926.67'; Thence  $S77^{\circ}28'15''W$  a distance of 334.79'; Thence  $N66^{\circ}30'50''W$  a distance of 242.19'; Thence  $S86^{\circ}12'25''W$  a distance of 300.53'; Thence  $N80^{\circ}20'45''W$  a distance of 174.19'; Thence  $N24^{\circ}57'58''E$  a distance of 331.25'; Thence  $N3^{\circ}23'11''E$  a distance of 449.86'; Thence  $N81^{\circ}25'48''E$  a distance of 511.96' to the TRUE POINT OF BEGINNING, containing 14.124 acres more or less.