

### Water Service Connection Fee Allocation Agreement

This Agreement, is entered into and effective this 26th day of February, 2021, by and between Inspiration Metropolitan District, owner of property located at 23394 E Glidden Dr, Aurora, Colorado 80016, referred to as "Owner", whose address is 8400 S Winnipeg Ct., Aurora, CO 80016, and the City of Aurora, Colorado, a Colorado municipal corporation of the counties of Adams, Arapahoe, and Douglas, acting by and through its Utility Enterprise, whose address is 15151 East Alameda Parkway, Aurora, Colorado, 80012, referred to as "Aurora". The Owner and Aurora shall be referred to herein as "Party", and collectively as "Parties".

#### Recitals

WHEREAS, the Owner is the owner of a certain lot or parcel of land situated in the County of Douglas, State of Colorado, to-wit:

Subdivision Rockinghorse, Filing Number 9, Lot 1, and Block 1.

See Exhibit 1 wherein the description is more fully set forth. Exhibit 1 is attached hereto and incorporated herein by reference.

WHEREAS, the service connection fee for providing water to the property is defined in Section 138-221, Aurora City Code.

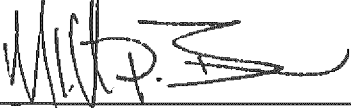
NOW, THEREFORE, in consideration of the covenants and promises which is hereby acknowledged, Aurora and Owner agree as follows:

1. Owner has applied for a Z-Zone service connection and subsequent water allocation for purposes of calculation and payment owed to Aurora for the service connection fees to provide water services to the property as defined in Section 138-221 of the Aurora City Code.
2. Owner has submitted their landscape plan for the property and the Director of Aurora Water or Designee has approved the application for a Z-Zone service connection.
3. Owner agrees that the annual water allocation for purposes of payment of the service connection fee shall be 0 gallons per year.
4. Owner, for itself, its heirs, successors and assigns, agrees, and acknowledges that it will be charged and billed a capital recovery fee pursuant to City Code Section 138-221 for any water usage that exceeds the annual water allocation as defined in Paragraph 3 above for each year.
5. Every year on January 1, Aurora Water will reset the annual water allocation of 562,790 gallons per year for the first three (3) years. Upon successful

establishment, the allocation will be reset to 0 gallons per year on the following January 1.

6. Undersigned Owner and each new owner, may have a one time opportunity to submit an application to increase the water allocation for the property. If approved by the Director of Aurora or Designee, Owner will be required to pay the outdoor service fee based on the landscape type which is installed. The outdoor service fee will be based on current fees at time of payment.
7. Owner must provide a copy of this Agreement to any new owner before the transfer of the property ownership and shall provide proof of such to Aurora Water.
8. Aurora Water will not issue any refunds on any paid amount for the service connection fee.
9. This Agreement shall be recorded with the Clerk and Recorder of Douglas County, and shall run with the land, and shall be binding upon and inure to the benefit of the heirs, successors, and assignees of the parties hereto.

CITY OF AURORA, COLORADO,  
ACTING BY AND THROUGH ITS  
UTILITY ENTERPRISE



\_\_\_\_\_  
Marshall P. Brown, General Manger

3/9/2021

\_\_\_\_\_  
Date

APPROVED AS TO FORM FOR AURORA:

*Christine McKenney*

\_\_\_\_\_  
Christine McKenney  
Client Group Manager  
City Attorney Office

3/9/21

\_\_\_\_\_  
Date

STATE OF COLORADO    )  
  ) ss  
COUNTY OF ARAPAHOE    )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 2021, by Marshall P. Brown, General Manager, acting on behalf of the Utility Enterprise of the City of Aurora, Colorado.

Witness my hand and official seal. *Casey Lee Rossman*  
Notary Public

My commission expires: 05/20/2024

(SEAL)

