

**RESOLUTION OF THE BOARD OF DIRECTORS OF
GREEN MOUNTAIN WATER AND SANITATION DISTRICT**

**A RESOLUTION CONSENTING TO THE ORGANIZATION OF
THE BEND @ LAKEWOOD METROPOLITAN DISTRICT THE PROPOSED
BOUNDARIES OF WHICH OVERLAP WITH THE BOUNDARIES OF
GREEN MOUNTAIN WATER AND SANITATION DISTRICT**

A. WHEREAS, Green Mountain Water and Sanitation District is a special district, operating pursuant to Section 32-1-101, *et. seq.*, C.R.S.;

B. WHEREAS, Section 32-1-107(2), C.R.S., provides that no special district may be organized wholly or partly within an existing special district providing the same service;

C. WHEREAS, Section 32-1-107(3)(b)(IV), C.R.S., provides that an overlapping special district may be authorized to provide the same service as the existing special district if, among other requirements, the board of directors for the special district consents to the overlapping special district providing the same service;

D. WHEREAS, upon organization of the proposed The Bend @ Lakewood Metropolitan District (“**The Bend @ Lakewood MD**”), the boundaries of The Bend @ Lakewood MD and the Green Mountain Water and Sanitation District (“**GMWSD**”) will overlap;

E. WHEREAS, GMWSD was organized to provide water and wastewater services;

F. WHEREAS, GMWSD delivers water to its service users by way of water it receives through contracts with other water providers, including a Master Meter Contract with Denver Water;

G. WHEREAS, GMWSD provides wastewater services to its service users by collection and deliver of wastewater to Metropolitan Denver Sewage Disposal District a/k/a Metro Wastewater Reclamation District (“Metro”) pursuant to the terms of a Special Connectors Sewage Disposal and Treatment Agreement with Metro;

H. WHEREAS, upon organization, the improvements and services to be provided by The Bend @ Lakewood MD will be limited to those provided for in its service plan and will not duplicate or interfere with any improvements or facilities already constructed or planned to be constructed within GMWSD or services to be provided by GMWSD, however, certain purposes of the GMWSD and The Bend @ Lakewood MD are similar;

I. WHEREAS, upon organization, The Bend @ Lakewood MD and GMWSD will enter into an intergovernmental agreement with mutually acceptable terms to address the construction, financing, acquisition, ownership, operation and maintenance, and provision of water improvements (“**Water Improvements**”) and services, and sanitation sewer improvements (“**Sanitation Sewer Improvements**”) and services between The Bend @ Lakewood MD and GMWSD (the “**IGA**”); and

J. WHEREAS, GMWSD desires to evidence its consent to the organization of The Bend @ Lakewood MD, whose boundaries will overlap with the boundaries of GMWSD.

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

1. That, pursuant to Section 32-1-107(3)(b)(IV), C.R.S., GMWSD hereby consents to the organization and overlap of The Bend @ Lakewood MD, subject to the provisions recited herein.

2. Notwithstanding any provision in The Bend @ Lakewood MD's service plan to the contrary, The Bend @ Lakewood MD shall only have the ability and authority to construct and finance, or cause to be constructed and financed, those Water Improvements and services and those Sanitation Sewer Improvements and services contemplated by its service plan, which are to be located within the service area of The Bend @ Lakewood MD.

3. The construction of such Water Improvements and Sanitation Sewer Services within the service area of The Bend @ Lakewood MD shall be governed by GMWSD's Rules and Regulations, any applicable regulations of Denver Water and Metro, and the terms of the IGA between The Bend @ Lakewood MD and GMWSD. In the event of conflict and/or dispute, GMWSD's Rules and Regulations shall serve as the guiding document.

4. Following completion of construction of the Water Improvements and the Sanitation Sewer Services, The Bend @ Lakewood MD shall verify (or cause to be verified) that such improvements are in compliance with GMWSD's Rules and Regulations, as well as any applicable Denver Water regulations and Metro regulations. Following verification, The Bend @ Lakewood MD shall convey, or cause to be conveyed, and GMWSD shall accept the Water Improvements and the Sanitation Sewer Services. Following such conveyance, water services and sanitation sewer services shall be provided by GMWSD and The Bend @ Lakewood MD shall have no ongoing operation and maintenance responsibilities for such Water Improvements or Sanitation Sewer Improvements.

[SIGNATURE PAGE FOLLOWS]

This Resolution Consenting to the Organization and Overlap of The Bend @ Lakewood Metropolitan District is ADOPTED AND APPROVED this ____ day of _____, 2024.

**GREEN MOUNTAIN WATER AND
SANITATION DISTRICT**

President

Attest:

Secretary