

**Attachment 2 - Application
Lake Hill Extra-Territorial Water Service Application
11/14/23**



Frisco Public Works
102 School Road
Frisco, CO 80443
Phone: 970-668-0836

APPLICATION FOR APPROVAL OF EXTRA-TERRITORIAL WATER TAP(S)

OWNER'S AUTHORIZED AGENT INFORMATION ("Applicant")			
Name of Applicant Summit County Govt c/o Phil Gonshak	Phone #/E-mail 970-453-3403/Philip.Gonshak@summitcountyco.gov		
Address of Applicant 201 E. Lincoln Ave	City Breckenridge	State CO	Zip 80424
PROPERTY OWNER INFORMATION <input type="checkbox"/> SAME AS APPLICANT			
Name of Owner Summit County BOCC	Phone #/Email 970-453-3403/Phillip.Gonshak@summitcountyco.gov		
Address of Owner 201 E. Lincoln Ave	City Breckenridge	State CO	Zip 80424
PROPERTY TO BE SERVED			
Project Address Not determined yet	City	State	Zip
Legal Description of Project <i>(use separate attachment if necessary)</i>			
- Lots 7, 9, and 11 Section 23 & Lot 3, Section 24, Township 5 South, Range 78 West of the Sixth Principal Meridian, Colorado. As shown on the Bureau of Land Management Supplemental Plat Officially filed on August 21, 2015. Containing 44.81 acres.			
Assessor's Parcel No. 6517087	Tract/Subdivision	Lot No.	
NUMBER/SIZE/CAPACITY OF TAP(S) REQUESTED			
No. of EQR's Requested: <u>Enough EQR's to serve 436 units</u> in phase I with infrastructure to serve up to 825 units.		Tap Size/Capacity: <u>Tap size/capacity will relate to unit type.</u>	
SERVICE USE ¹ [Attach detailed description of service use]			
<input type="checkbox"/> Single Family Residential <input checked="" type="checkbox"/> Multi-Family Residential <i>Number of Dwelling Units: 436</i> <input checked="" type="checkbox"/> Mixed-Use See attached narrative and site plan <i>Commercial (sq. ft.): _____ Residential (units): _____</i>		<input type="checkbox"/> Commercial <i>Type of business: _____</i> <input type="checkbox"/> Industrial <i>Type of trade or service: _____</i> <i>(i.e., professional trades; general services; storage; contractor services)</i>	
NON-REFUNDABLE FEE and INITIAL/ADDITIONAL DEPOSITS			
\$1,000 Non-refundable Extra-Territorial Tap Application Fee [see § 171-6.B(ii) of the Town Code].			PG (Initial)
\$1,000 Initial Deposit for Extra-Territorial Tap Reimbursement for Outside Consultants [see § 171-6.B(iii) of the Town Code] ²			PG (Initial)
\$1,000 Additional Deposit for Extra-Territorial Tap Reimbursement for Outside Consultants Applicant agrees that upon exhaustion of the initial deposit, it shall make an additional deposit of \$1,000 and shall continue to make such deposits until the said reimbursement has been made in full [see § 171-6.B(iii) of the Town Code].			PG (Initial)
Property Owner/Owner's Authorized Agent <u>Philip Gonshak</u> (Print Name)			
Signature <u></u>		Date: <u>7/12/23</u>	
My signature and initials above are an acknowledgment by me that I have read and agree to the required Non-refundable Extra-Territorial Tap Application Fee, in addition to the initial and additional deposits for the Extra-Territorial Tap Reimbursement for Outside Consultants.			

¹ Please refer to Chapter 171, Section 171-11.A 3 of the Frisco Town Code in order to determine the type of usage of each requested tap; attach a more detailed description if the application is for service to more than one (1) dwelling unit.
² The purpose of this Extra-Territorial Tap Reimbursement for Outside Consultants initial deposit is to reimburse the Town for its reasonable outside consulting fees incurred in the evaluation of the application and any water right offered to the Town in satisfaction of the Water Right Dedication Requirement. The Town will refund any amount of such deposit remaining after it has been reimbursed in full [see § 171-6.B(iii)].

WATER RIGHTS DEDICATION/CASH IN LIEU

The Owner proposes to dedicate to the following water rights to the Town, and to pay any and all costs incurred by the Town that may be necessary or desirable to cause such rights to be put to use in providing water for the subject property (attach evidence of the owned water right(s)):

- (i) Up to 111 shares of the Class A, Series I, common stock of the Clinton Ditch and Reservoir Company pursuant to an agreement to be negotiated with the Town _____; ~~and~~
- (ii) or Such other water held by Summit County deemed sufficient to serve the proposed development and dedicated pursuant to an agreement to be negotiated with the Town.

or

The Owner seeks a discretionary determination by the Town to allow a cash-in-lieu of water rights dedication, in an amount to be determined in accordance with the applicable provisions of Chapter 171 of the Town Code. _____ (Initial)

ADVISEMENT CONCERNING WATER MAINS INSTALLED AT THE EXPENSE OF DEVELOPER OR USER

Pursuant to § 171-6.I-K of the Town Code, Applicant acknowledges and agrees to the following:

- (1) Any water mains installed by the Town or by a developer or user are always at the expense _____ PG (Initial) of the developer or user;
- (2) If requested by the Town, the developer or user shall deed to the Town the water system and _____ PG (Initial) rights-of-way, and any easement associated therewith, after completion; and

Property Owner/Owner's Authorized Agent Philip Gonshak _____ (Print)

Signature  Date: 7/12/23

My signature and initials above are an acknowledgment by me that I have read § 171-6.I-K and agree to the conditions contained therein.

TOWN COUNCIL'S AUTHORITY CONCERNING APPLICATION FOR APPROVAL OF EXTRA-TERRITORIAL TAP

PG Please initial to acknowledge and confirm the Owner's understanding of Section 171-6.L of the Town Code, which states that the Town Council, at its discretion, shall have the authority to deny Applications for Approval of Extra-Territorial Taps or approve such applications with conditions should it deem such denial or approval with conditions to be in the best interest of Town residents, as set forth in subsections (i)-(iii) of § 171-6.L.

PG Please initial to acknowledge and confirm the Owner's understanding that, in considering your application, the Town Council will consider whether the issuance of the requested Extra-Territorial Tap(s) will result in detrimental secondary impacts to the Town of its residents, and that in determining such detrimental secondary impacts, the Town Council will consider not only the number of water taps then-requested, but also whether the taps will serve a part of a larger community of development that is likely to make subsequent similar requests.

PG Please initial to acknowledge and confirm the Owner's understanding that the Town Council's consideration of detrimental secondary impacts will consider matters including but not limited to whether the planned community will result in a degradation of service levels on Town street and intersections, and whether there will be an increase in demands for Town police protective services, park and recreation programs and services, or other public facilities or services without attendant revenue to pay the costs of avoiding the degradation of service levels or to meet the increase in demand.

Please describe briefly below and attach any information that you think that the Town Council should consider concerning the assessment of adverse secondary impacts that the planned community may cause within the Town of Frisco, as well as any measures or improvements that are proposed to mitigate such impacts.

Please see the attachments for further details on the project.

VERIFICATION BY APPLICANT OF REQUIREMENTS AND CONDITIONS

PG Please initial to verify your acknowledgement and agreement that the outdoor use of water delivered to any Extra-Territorial Tap is **prohibited**, subject only to the limited exceptions set forth in Section 171-6.B(iv) of the Town Code.

PG Please initial to verify your acknowledgement and agreement that regardless of approval of an Extra-Territorial Water Tap, no water tap shall be sold by the Town except in conjunction and simultaneously with the issuance of a building permit for the improvement to be served by the water tap.
Please see the statement regarding building permits in the attached project narrative.

PG Please initial to verify your acknowledgement and agreement that the issuance of any Extra-Territorial Tap is conditioned upon receipt by the Town of written confirmation from the Frisco Sanitation District that the property to be served is connected to and served by the wastewater treatment system operated by the sanitation district, and that the Extra-Territorial Tap Contract will condition the Town's continuing obligation to deliver water to the Extra-Territorial Tap on the Owner maintaining such connection and service.
Please see the statement regarding Frisco Sanitation District service of the property in the project narrative

PG Please initial to verify your agreement that, at the Town's request, any existing well(s) on the property to be served by an Extra-Territorial Tap have been plugged and abandoned and that a copy of the executed DWR Form GWS-09, file-stamped as received by the State Engineer's Office will be delivered to the Town.
Please see the statement regarding water wells in the project narrative.

ADVISEMENT CONCERNING EXTRA-TERRITORIAL TAP CONTRACT; CASH IN LIEU OF WATER RIGHT DEDICATION; and WATER RIGHT DEDICATION REQUIREMENT FOR EXTRA-TERRITORIAL TAPS

Pursuant to Section 171-4.A of the Town Code, an **Extra-Territorial Tap Contract** is required for service to an Extra-Territorial Tap and shall contain, among other provisions, the following to which the Applicant must acknowledge and agree:

(i) If permitted at the Town's discretion, the payment of **Cash in Lieu of Water Right Dedication** must be made in full by Applicant as identified in the Extra-Territorial Tap Contract (see Town Code § 171-6.D(iv)); PG (Initial)

(ii) **Water Right Dedication Requirement for Extra-Territorial Taps**, which shall be identified in the Extra-Territorial Tap Contract, must be conveyed to the Town by Applicant in a form satisfactory to the Town Attorney and the Town's water rights counsel as identified in the Extra-Territorial Tap Contract (see § 171-6.D(v)); and PG (Initial)

(iii) The owner must grant the Town a first right of refusal to acquire any water right historically used on the property to be served by the Extra-Territorial Tap. PG (Initial)

Note, the above section references are provided for convenience only. Please read the entirety of Chapter 171 as it relates to the above items (i), (ii) and (iii) in order to understand the conditions required with regard to same, specifically any additional requirements, conditions, or exceptions with regard to water use related to Extra-Territorial Taps.

Property Owner/Owner's Authorized Agent Philip Gonshak (Print)

Signature  Date: 7/12/23

My signature and initials above are an acknowledgment by me that I have read and agree to the requirements associated with the Extra-Territorial Tap Contract, Cash in Lieu of Water Right Dedication, and Water Right Dedication Requirement for Extra-Territorial Taps.

CERTIFICATION OF APPLICANT

I hereby certify that the information contained in this Application for Extra-Territorial Tap, and any and all attachments is true, correct, and complete to the best of my knowledge, contains no false, misleading or fraudulent statements, and that it is my responsibility and the responsibility of my agents/employees to comply with Town of Frisco Municipal Code ("Code"), specifically, Chapter 171 and the sections of the Code as they relate to water service outside of Town. I also certify that I have read and understand those sections in Chapter 171 of the Code pertaining to same. If I, as the Applicant, am not the Owner of the property to be served, then I hereby certify that I am the duly authorized agent of that Owner, and I have attached written documentation of my authorization.



County Manager

Authorized Signature

Title

Philip Gonshak

7/12/23

Print Name

Date

FOR OFFICE USE ONLY	
Account #:	Total Tap Fee Paid: \$
Water line construction plans received and approved _____ Water Line Inspection Form Complete? (please attach) _____ Water line as-built drawings received _____ Private Well abandonment form received (please attach) _____ Proof of Connection to Frisco Sanitation District system_ (please attach) _____ Cash in Lieu or Water Rights Dedication _____	
Cash in Lieu Paid:\$	Application fee paid: \$
Initial Deposit Paid: \$	Additional Deposit Paid: \$
Deposit refunded: \$	
Processed By: _____	Date: _____
Approved By: _____	Date: _____