

APPENDIX H

MOUNT WERNER WATER AND SANITATION DISTRICT REQUEST FOR WATER AND SEWER SERVICES AND WAIVER AND ACKNOWLEDGMENT

The undersigned (the "Developer") hereby requests central water and sanitary sewer collection services from the MOUNT WERNER WATER AND SANITATION DISTRICT (the "District") to the proposed building improvements (the "Improvements") on the real property described as follows (the "Property"):

ASTRID SITE DEVELOPMENT PLAN The project area is located at 2410 Ski Trail Lane
The project area is in the northeast quarter of the northwest quarter of Section 27,
Township 6 North, Range 84 West of the 6th P.M., City of Steamboat Springs, Routt County,
Colorado.

The Developer acknowledges that additional water and/or sewage collection main lines (the "New Main Lines") will be required to be installed and constructed from existing District main lines to and into the Property, that service lines (the "Interior Service Lines") will be constructed from the Improvements to the New Main Lines or existing District Main Lines, and that:

- a. Such New Main Lines and Interior Service Lines must be constructed by or under the direction of the Developer and at the cost of the Developer pursuant to District regulations and the engineering plans and specifications (the "Plans") to be prepared by a Colorado Professional Engineer and submitted to and approved by the District General Manager prior to initiation of construction.
- b. The Developer must also provide to the District permanent and unencumbered easements 20 feet wide for all such water and sewer main line extensions, in form satisfactory to the District General Manager, either by separate dedication to the District on subdivision plats or by separate conveyance and dedication to the District (refer to Appendix I for standard District easement forms, which may be altered by the District where appropriate or necessary). Such easements must be provided and recorded before water or sewer service is provided to the Developer's property through such main line extensions.
- c. Interior Service Lines from the Improvements to the New Main Lines or existing District Main Lines cannot be physically interconnected to such New Main Lines or existing District Main Lines except by District employees or qualified contractor when authorized, in writing, by the District.
- d. Physical interconnection of Interior Service Lines to the New Main Lines or existing District Main Lines, and provision of District water and sanitary sewer collection services to the Improvements, is not permitted and cannot be allowed by the District until such New Main Lines are inspected by and preliminarily accepted by the District; EXCEPT pursuant to Temporary Construction Service as permitted under paragraph (d) below. Preliminary acceptance by the District is not effective unless made in writing signed by the District General Manager.
- e. Upon written request from the Developer to the District, the District may allow and permit temporary water and sanitary sewer services to the Improvements during the period of construction of the Improvements (herein called "Temporary Construction Service"), provided that a backflow prevention device is installed and the New Main Lines have passed biological testing and pressure testing per the District specifications, and the Interior Service Lines have passed pressure testing per the District specifications, and notwithstanding that the District has not granted preliminary acceptance of the New Main Lines. However, such Temporary Construction Service shall automatically terminate without necessity of any notice whatsoever upon the earliest to occur of (i) issuance of a certificate of occupancy or partial certificate of occupancy upon substantial completion of all or part of the Improvements, (ii) non-construction human occupancy of the Improvements for commercial or residential purposes, (iii) written preliminary acceptance of the New Main Lines by the District, or (iv) violation of District regulations by such service which is not timely cured after notice from the District, or (v) the passage of 6 months from the commencement of such Temporary Service. If such Temporary Construction Service shall so terminate, then the District reserves the right without necessity of any notice to the Developer or

its contractor or the owner or any occupant of the Improvements or Property to physically terminate and sever water and sanitary sewer services of the District to the Improvements until the New Main Lines are completed in compliance with District regulations and the approved Plans and are granted preliminary acceptance by the District General Manager. The District shall have a license to enter upon the Property and the Improvements to accomplish such physical termination.

- f. Inspection of the New Main Lines for preliminary acceptance by the District shall not occur between November 1 and April 30.
- g. All costs associated with water system hydraulic modeling and fire flow calculations, related to the proposed development, to demonstrate that proposed water system changes will meet fire code and water industry standards shall be born by the Developer. Invoicing shall be paid within 30 days.
- h. The District maintains a GIS database with information on system mains and appurtenances constructed from as-built surveys provided by developers as a requirement of Final Acceptance. The District also maintains an as-built archive on service lines as and when provided by developers. The Developer acknowledges that the District may not have records of all mains, appurtenances, and service lines that have been installed in the District and that actual field conditions may differ from District records.
- i. Upon request, the District provides on-site water and sewer main location services. The Developer understands that location devices use geomagnetic sensing technology and acknowledges that water and sewer location marks in the field are approximate and may be skewed by the depth of the pipe and by the presence of other utilities.

The Developer may request that the District approve the application of the Developer for a building permit and to construct the Improvements on the Property, even though the New Main Lines have not been; (i) constructed, or (ii) physically interconnected to District Main Lines, or (iii) physically interconnected to the Improvements by the Interior Service Lines, or (iv) preliminarily accepted by the District General Manager. The District may be willing to approve such application for a building permit, conditioned upon the execution and continued effectiveness of this instrument with respect to water and/or sanitary sewer collection services of the District to the Improvements, and that all Improvements, including Public and Private Mains, are secured and adequately bonded for thru the City of Steamboat Planning process or individually bonded and secured privately with Mount Werner Water. The District may or may not approve this special request and is based on the sole interpretation and approval by the District.

The Developer therefore acknowledges that the approval by the District of the Developer's application for a building permit for the Improvements shall **NOT** constitute or be deemed a waiver or modification of any policy or regulation of the District, and specifically that such approval will **NOT** entitle the Developer or the owner or any occupant of the Property: (i) to require that the District continue the physical interconnection of Interior Service Lines to the New Main Lines or existing District Main Lines beyond termination of Temporary Construction Service in the absence of preliminary acceptance of the New Main Lines by the District General Manager, or (ii) to obtain or require the District to supply municipal water to the improvements on the Property or take sewage effluent from the Property during any period in which the regulations of the District applicable to service to the Improvements are being violated with respect to the Improvements or the occupancy thereof. The Developer further acknowledges that until the New Main Lines on the Property have been interconnected by District personnel to the Interior Service Lines and have been preliminarily accepted by the District General Manager, the District may not only refuse to provide water or sewer service to the Property and the Improvements but may also shut-off or disconnect any such service, except during the period that the District permits Temporary Construction Service.

The Developer hereby instructs the engineers and architects of the Developer to disclose promptly to the District General Manager any construction of the New Main Lines or Interior Service Lines which does not comply with District regulations and the approved Plans, and any aspect of construction of the Improvements which violates District regulations.

NO ENTITLEMENT TO WATER OR SEWAGE COLLECTION SERVICES OF THE DISTRICT IS EXPRESSED OR IMPLIED AS A RESULT OF THE APPROVAL BY THE DISTRICT OF THE APPLICATION OF THE DEVELOPER FOR A BUILDING PERMIT FOR IMPROVEMENTS ON THE PROPERTY, AND ANY CLAIM OF THE DEVELOPER FOR ANY SUCH ENTITLEMENT IS HEREBY WAIVED. THIS INSTRUMENT MUST BE RECORDED IN THE ROUTT COUNTY REAL PROPERTY RECORDS.

EXECUTED AND ACKNOWLEDGED this 14 day of April, 2020

Signature



Telephone

Fax

Address

W. Brodie Sherman
FUSE Family Ventures
713.854.6221
4265 San Felipe, Ste #970
Houston, TX 77027