ORDINANCE NO. 2005-1
TOWN OF RICO
REZONING THE RGS TRACT AND ROY'S TRACT COMMERCIAL PUD AND PUBLIC FACILITIES

WHEREAS, the Rico Planning Commission took action to recommend rezoning the RGS Tract and Roy's Tract as Commercial PUD and Public Facilities as described in this ordinance, after conducting a public hearing on December 16th, 2004, and,

WHEREAS, the Board of Trustees conducted public hearings on January 19th, 2005, and February 16th, 2005, prior to taking final action on this ordinance;

WHEREAS, after considering all public comments and findings of fact the Board of Trustees finds that amending the Official Zone District Map of the Rico Land Use Code will promote the goals, objectives and policies of the Rico Regional Master Plan and will promote the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. RICO LAND USE CODE AMENDMENTS ADOPTED

The Official Zone District map is hereby amended to designate the portion of the RGS Tract and Roy's Tract and portions of Lots 3 through 20, Block 28, Town of Rico, currently owned by Rico Land and Cattle as Commercial PUD. The portion of the described properties which are hereby zoned Commercial PUD are bounded by River Street/Depot Hill Road to the East, Depot Hill road to the South, the existing road along the historic railroad grade to the west (existing roadway connecting Hancock Street to Depot Hill Road), and the south line of Block 29/Block 12 to the North. The remaining portions of the RGS Tract and Roy's Tract are hereby zoned public facilities.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Town Hall, Rico Post Office and the Town's Website.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 19th day of December, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 16th day of February, 2005.

By: Tom Clark, Mayor **Attest: Linda Yellowman, Town Clerk**
[Town Seal]

Approved as to Form: Eric James Heil, Town Attorney

ORDINANCE NO. 2005-2
TOWN OF RICO

REDUCING THE MINIMUM DISTANCE FROM A SCHOOL FOR NEW LIQUOR LICENSE

WHEREAS, C.R.S. §12-47-313(1)(D)(I) provides that a new liquor license can not be issued within 500 feet of a school; however, C.R.S. §12-47-313(1)(d)(III) provides that a municipality may reduce or eliminate the minimum distance from a school; and,

WHEREAS, the Board of Trustees finds that the Rico Elementary School is located in the middle of Rico's main street commercial district and that reduction of the minimum distance will allow reasonable ability to apply for a liquor license without creating negative impacts to the school,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. MINIMUM DISTANCE FROM SCHOOL REDUCED

The minimum distance from any school in Rico required for the application of a license to sell malt, vinous, or spirituous liquor is hereby reduced from 500 feet to 200' for HOTEL AND RESTAURANT LICENSES as defined in C.R.S. §12-47-401 and 411.

SECTION 2. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published on the Rico website at www.ricocolorado.org.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 19th day of January, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 16th day of February, 2005.

Tom Clark

By: Tom Clark, Mayor

Linda Yellowman

Attest: Linda Yellowman, Town Clerk
[Town Seal]

Eric James Heil

Approved as to Form: Eric James Heil, Esq., Town Attorney

ORDINANCE NO. 2005-3
TOWN OF RICO
AUTHORIZING THE ACCEPTANCE OF A PROPERTY DONATION

WHEREAS, Margaret Matzick has offered to donate several parcels of land along the River Corridor ("Properties'); and,

WHEREAS, C.R.S. §31-15-101(1)(d) authorizes municipalities to acquire real property and the Rico Home Rule Charter §14.1 authorizes the Trustees to acquire property by Ordinance; and,

WHEREAS, the Board of Trustees finds that acquiring the Properties is in compliance with the Rico Regional Master Plan;

WHEREAS, the Board of Trustees finds that acquisition of the Property will promote the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. ACCEPTANCE OF PROPERTY DONATION AUTHORIZED

The Mayor, or his designee, and Town Clerk are hereby authorized to execute this ordinance, restrictive covenant and other documents related to accepting the donation of Rico Tr. E. Bl 35 (2.5 acres), Winfield Tr N or RGS (2.22 acres) and the Winfield Tract N (5.16 acres).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Town Hall, Rico Post Office and the Town's Website.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 2nd day of May, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 27th day of July, 2005.

By: Thomas A. Clark, Mayor

Attest: Linda Yellowman, Town Clerk
[Town Seal]

Approved as to Form: Eric James Heil, Esq.
Town Attorney

ORDINANCE NO. 2005-4
TOWN OF RICO
VACATING A PORTION OF EDER STREET

WHEREAS, §480 of the Rico Land Use Code and Colorado Revised Statutes §43-2-301 *et seq* sets forth procedures and standards for the vacation of road rights-of-way, and,

WHEREAS, Margaret Matzick has offered to donate approximately 9 acres of land for open space in the planned River Park area and has requested the vacation of a portion of Eder Street to consolidate her land ownership;

WHEREAS, the Board of Trustees conducted a public hearing on May 18th, 2005, prior to taking any action and posted a notice of such public hearing at least 10 days prior to such hearing and mailed the notice of the public hearing to all property owners within 200' of the subject road right-of-way to be vacated at least 20 days prior to such hearing; and,

WHEREAS, the Board of Trustees finds that all the requirements of §484 Rico Land Use Code and Colorado Revised Statutes §43-2-303 have been met and that such vacation is in compliance with the Rico Regional Master Plan and further finds that such vacation will benefit the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. PORTION OF EDER STREET VACATED. The portion of Eder Street located east of Picker Street and between Lot 1, Block 35, and Lot 20, Block 37 is hereby vacated. The vacated portion of Eder Street shall be included in the Residential Zone District and the Town's Major Street Map shall be amended to reflect this vacation. Title to the vacated portion of Eder Street shall vest in the owners of Lot 1, Block 35 and Lot 20, Block 37, and shall be designated Lot 20 A, Block 37, which lot shall consist of the vacated portion of Eder Street.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted by title only at the Town Hall, Rico Post Office and the Town's Website.

SECTION 4. RECORDING. This ordinance shall be recorded in the office of the Dolores County Clerk and Recorder in accordance with §43-1-202.7.

INTRODUCED, READ, APPROVED AND REFERRED TO PUBLIC HEARING ON MAY 18TH, 2005, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 2nd day of May, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 27th day of July, 2005.

By: Tom Clark, Mayor

Attest: Linda Yellowman, Town Clerk
[Town Seal]

Approved as to Form: Eric James Heil, Town Attorney

200700135416
10-11-2007 At 08:58 am.
ORDINANCE 6.00
DOC FEES .00
OR Book 367 Page 259 - 259
LARITA RANDOLPH
CLERK & RECORDER

ORDINANCE NO. 2005-4
TOWN OF RICO
VACATING A PORTION OF EDER STREET

WHEREAS, §480 of the Rico Land Use Code and Colorado Revised Statutes §43-2-301 *et seq* sets forth procedures and standards for the vacation of road rights-of-way, and,

WHEREAS, Margaret Matzick has offered to donate approximately 9 acres of land for open space in the planned River Park area and has requested the vacation of a portion of Eder Street to consolidate her land ownership;

WHEREAS, the Board of Trustees conducted a public hearing on May 18th, 2005, prior to taking any action and posted a notice of such public hearing at least 10 days prior to such hearing and mailed the notice of the public hearing to all property owners within 200' of the subject road right-of-way to be vacated at least 20 days prior to such hearing; and,

WHEREAS, the Board of Trustees finds that all the requirements of §484 Rico Land Use Code and Colorado Revised Statutes §43-2-303 have been met and that such vacation is in compliance with the Rico Regional Master Plan and further finds that such vacation will benefit the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. PORTION OF EDER STREET VACATED. The portion of Eder Street located east of Picker Street and between Lot 1, Block 35, and Lot 20, Block 37 is hereby vacated. The vacated portion of Eder Street shall be included in the Residential Zone District and the Town's Major Street Map shall be amended to reflect this vacation. Title to the vacated portion of Eder Street shall vest in the owners of Lot 1, Block 35 and Lot 20, Block 37, and shall be designated Lot 20 A, Block 37, which lot shall consist of the vacated portion of Eder Street.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted by title only at the Town Hall, Rico Post Office and the Town's Website.

SECTION 4. RECORDING. This ordinance shall be recorded in the office of the Dolores County Clerk and Recorder in accordance with §43-1-202.7.

INTRODUCED, READ, APPROVED AND REFERRED TO PUBLIC HEARING ON MAY 18TH, 2005, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 2nd day of May, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 27th day of July, 2005.

By: Tom Clark, Mayor **Attest: Linda Yellowman, Town Clerk**

[Town Seal]

Approved as to Form: Eric James Heil, Town Attorney

200700154973
09-18-2007 At 01:52 pm.
QUIT CLAIM 6.00
DOC FEES .00
OR Book 365 Page 469 - 469
LARITA RANDOLPH
CLERK & RECORDER

QUITCLAIM DEED

THIS DEED, made this 13 day of Sept., 2007 between the Margaret R. Matzick (Peterson), whose legal address is 178 S. 4th Ave., Brighton, Colorado 80601-2032 (**Grantor**), and the Town of Rico, a municipal corporation, whose legal address is Rico Town Hall, PO Box 56, Rico, Colorado 81332 (**Grantee**).

WITNESSETH, that Grantor, for and in consideration of the sum of ten dollars, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and accepted, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell, and quitclaim unto the Grantee, its heirs, successors, and assigns, forever, all the right, title interest, claim and demand which the Grantor has in the real property, together with improvements, if any, situate, lying and being in the Town of Rico, County of Dolores and State of Colorado, described as follows:

That parcel commonly referred to as Rico Tr. E. Bl. 35 (2.5 acres); Winfield Tr. N. or R.G.S. (2.22 acres); and Winfield Tract N. (5.16 acres)

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the state, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee, its heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this deed effective as of the date set forth above.

GRANTOR:

Margaret R Matzick FKA Margaret R Peterson

Margaret Matzick (Peterson)

STATE OF COLORADO)
) ss.
COUNTY OF ~~DOLORES~~ Adams

The foregoing instrument was acknowledged before me this 13 day of Sept. 2007 by Margaret R. Matzick.

WITNESS my hand and Official Seal.
My commission expires Dec. 7, 2010

Dixie L. Trent
Notary Public

DIXIE L. TRENT
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires Dec. 7, 2010

09-18-2007 At 01:52 pm. Instrument Book Page
RESTR COVEN 11.00 200700154974 OR 365 470
DOC FEES .00
OR Book 365 Page 470 - 471
LARITA RANDOLPH
CLERK & RECORDER

RESTRICTIVE COVENANT ON Rico Tr. E. Bl 35, Winfield Tr N of RGS and Winfield Tract N. (the "Properties")

This restrictive covenant ("COVENANT") is entered into between the Town of Rico ("Grantor") and Margaret Matzick ("Grantee"), 178 South 4th Ave., Brighton, CO 80601, on the 13 day of Sept, 2007. Grantor and Grantee are hereinafter referenced collectively as the "Parties", and references to "Party" or "Parties" shall include all heirs, successors and/or assigns.

RECITALS

Whereas, Margaret Matzick has donated the following real property located in the Town of Rico (hereinafter "Properties") for Open Space preservation purposes;

That parcel commonly referred to a Rico Tr. E. Bl. 35 (2.5 acres);
Winfield Tr. N. of R.G.S. (2.22 acres); and Winfield Tract N. (5.16 acres)

Whereas, Matzick desires to retain the right to enforce the preservation of the Properties as Open Space.

Now, therefore, inconsideration of mutual covenants and promises contained herein, the Parties agree as follows:

1. The use of the Properties are hereby restricted to non-development open space uses and public utilities. Permitted uses include passive recreation; construction of trails and a bridge for public passive non-motorized recreation access to or across the Dolores River; interpretive or directional signage; activities or construction for the primary purpose of preserving, restoring or enhancing natural vegetation or wetland areas; activities or construction for the primary purpose of remediation or treatment of mine discharges or other environmental releases; activities or construction for the primary purpose of improving drainage; and activities or construction for the purpose of installing or maintaining public utilities including but not limited to sewer collection lines and a lift station.
2. This Covenant shall burden and run with the Property.
3. This Covenant shall benefit the adjoining property owned by Margaret Matzick, described as Lots 19 and 20, Block 37; the portion of Eder Street vacated by Ordinance No. 2005-4; and, Lots 1 through 12, Block 35; and Lots 5 through 17 and Lots 26 through 36, Block 34;
4. This Covenant shall be recorded at the Dolores County Clerk and Recorder's office.
5. The duration of this Covenant shall be fifty (50) years.
6. The Grantor agrees that it shall promptly restore and re-vegetate any portion of the Properties which are disturbed in the course of exercising permitted uses in Paragraph 1.
7. The laws of the State of Colorado shall apply to this Covenant and the venue for any dispute concerning this Covenant shall be in Dolores County.
8. In the event of any controversy, claim or dispute relating to or arising from the provisions of this Covenant, the prevailing Party shall be entitled to recover legal fees and related expenses (including court costs and costs of any expert witness or consultants) including, without limitation, all post judgment fees and expenses, and costs of collection.

This RESTRICTIVE COVENANT is hereby agreed to and executed by the Parties:

GRANTOR:

Margaret L. Matzick
FKA Margaret L Peterson

STATE OF COLORADO)
) ss.
COUNTY OF ~~DOLORES~~ Adams DI)

Dixie L. Trent, acknowledged the foregoing instrument before me this 13 day of Sept., 2007.

Witness my hand and official seal.

My commission expires: Dec. 7, 2010

DIXIE L. TRENT
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires Dec. 7, 2010

(SEAL)

Dixie L. Trent
Notary Public

Grantee

STATE OF COLORADO)
) ss.
COUNTY OF DOLORES)

JOSEPH CROKE, acknowledged the foregoing instrument before me this 30TH day of July, 2007.

Witness my hand and official seal.

My commission expires: My Commission Expires 10/20/2010

(SEAL)

Linda M. Yellowman
Notary Public

LINDA M. YELLOWMAN
NOTARY PUBLIC
STATE OF COLORADO

ORDINANCE NO. 2005-5
TOWN OF RICO
ESTABLISHING THE SEWER ENTERPRISE

WHEREAS, the Board of Trustees finds that the provision of wastewater service for the Town of Rico will promote the health, safety and general welfare of the Rico community, and,

WHEREAS, the Rico Regional Master Plan, ***Waste Water Treatment*** states as ***Objectives***

1. Discontinue all individual sewage disposal systems that do not comply with the State Individual Sewage Disposal Act.
2. Avoid contamination of the Dolores River or the human environment by inadequately treated waste water.
3. Construct a cost effective, centralized waste water treatment system that meets or exceeds state and federal water quality discharge permit limitation requirements.
4. Adopt a waste water treatment plan that can serve the entire Town of Rico and is capable of expanding service to future annexation developments as envisioned in the Rico Regional Master Plan.
5. Seek state and federal grant funding to reduce the per household cost of a centralized waste water treatment system.

WHEREAS, the Town has received grant and loan financing from USDA Rural Development, EPA and Department of Local Affairs; and,

WHEREAS, the Board of Trustees desires to establish the sewer system as an enterprise, enact fees and connection policies, and enact such regulations required by various financing agencies;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

Section 1. **RICO SEWER ENTERPRISE.** The Rico Sewer Enterprise is hereby established pursuant to the Town of Rico's Home Rule Authority, C.R.S. §31-35-401 *et. seq.* SEWER AND WATER SYSTEMS, other municipal authority under Colorado law and general police powers. The Rico Sewer Enterprise shall be referred as the "Rico Sewer Enterprise" or "RSE".

Section 2. **ENTERPRISE STATUS.** The Rico Sewer Enterprise is established as a "water activity enterprise" as defined in C.R.S. §37-45.1-101 *et. seq.* and is excluded from the provisions of section 20 of article X of the Colorado constitution. The Rico Sewer Enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as a "water activity enterprise" within the meaning of C.R.S. §37-45.1-102, and as an "enterprise" within the meaning of Article X, Section 20, of the Colorado constitution. Specifically, but not by way of limitation, the Rico Sewer Enterprise, shall not receive more than ten percent (10%) or more of its annual revenue in grants from all Colorado state and local governments combined. No revenues of the Rico Sewer Enterprise may be used for any municipal purpose unrelated to sewerage facilities; however, revenues may be used to pay proportionate costs for any town expense directly or indirectly related to the planning, design, construction and operation of

sewerage facilities, including but not limited to: general office expenses, use of town equipment, accounting, insurance, proportionate salaries of town employees, and general utility expenses. Temporary transfers from the Rico Sewer Enterprise to other Town funds within a calendar year are allowed with approval by the Board of Trustees provided such funds are transferred back in full by the end of the calendar year.

Section 3. **GOVERNING BOARD.** The governing board of the Rico Sewer Enterprise shall be the Board of Trustees of the Town of Rico, referred to herein as the "Board".

Section 4. **POWERS.** The Rico Sewer Enterprise shall have all powers cited in C.R.S. §31-35-401 *et. seq.*, including but not limited to acquisition of property and easements for the construction of a sewer by gift, purchase, dedication, lease or exercise of eminent domain; to construct collection lines, lift stations, treatment plants, and all other facilities and improvements related to sewerage facilities; to operate the system for public and private consumers, both in and out of the municipal boundaries of Rico; to accept loans and grants from the United States and State of Colorado for all costs related to the planning, design, construction and operation of sewerage facilities; to prescribe, revise and collect user fees, tap fees, connection policies, availability charges, and penalties and fines for delinquencies; to issue revenue bonds; and, to execute all contracts, instruments and do all things necessary, convenient, or incidental in the conduct of the business and furtherance of the purpose of the Rico Sewer Enterprise.

Section 5. **PROPERTY TAX.** The property tax of 3.939 mills approved in November of 2000 is hereby pledged to the Rico Sewer Enterprise. Any tax increase for sewerage facilities purposes may only be proposed as a property tax increase of the Town of Rico and shall require prior voter approval in the Town of Rico in accordance with Section 20 of Article X of the Colorado Constitution.

Section 6. **DEBT, LOANS AND BONDS.** The Town shall be authorized to incur debt and execute all loan and/or bond documents in accordance with C.R.S. §31-35-401 *et. seq.* SEWER AND WATER SYSTEMS.

Section 7. **CONNECTION POLICIES.** The following connection policies are established:

A. **Required Connection/Initial Construction**. Connection to the system of sewer collection lines shall be required for all improved properties currently connected to the Town's water system within forty five days after both (1) installation of a sewer collection line in a public right-of-way abutting such property, and (2) mailing written notice from the Town of Rico, sent via first class US mail to the last known address according to the records of the Dolores County Assessor. The cost of connection to public collection lines shall be borne by the property owner or developer.

B. **Required Connection/Exceptions**. All new development in the Town of Rico with water use or otherwise requiring waste water treatment shall connect to the sewer collection lines unless the Board approves a temporary individual disposal facility. The cost of connection to public collection lines shall be borne by the property owner

or developer. The process for reviewing an application for a temporary individual disposal facility shall follow the procedures and public hearing requirements of the Variance process in the Rico Land Use Code. Reasons for approving a temporary individual disposal facility include, but are not limited to:

(1) Extension of service line to the public collection line system is more than four hundred feet and would create an unreasonable financial burden on the property owner.

(2) The proposed use could create excessive seasonal flows or could create an effluent that would adversely affect or disproportionate burden the wastewater treatment system.

(3) The property owner agrees in writing (a) to connect to the public collection line system when a collection line is constructed within four hundred feet of such property, (b) to pay all costs and fees as established by the Rico Sewer Enterprise at the time of connection, (c) agrees to participate and approve any special improvement district that may be proposed in the future to extend sewer collection lines and assess individual properties on a fair and roughly proportionate basis, (d) agrees that such agreement shall be a covenant that runs with and burdens the property, (e) agrees to recording the agreement/covenant in the Dolores County Clerk and Recorder's Office, and (f) agrees to pay all costs incurred by the Town in the preparation, consideration and execution of any such agreement.

C. **Denial of Connection - Capacity**. The designated official or public body reviewing a development application and request for sewerage service may deny a request for connection to the RSE collection lines and sewerage facility if the proposed use could create excessive seasonal flows or could create an effluent that would adversely affect or disproportionate burden the wastewater treatment system, or could exceed the treatment capacity of the RSE or otherwise result in violation of discharge permit limitations or degrade water quality standards.

D. **Denial of Connection – Floodplain**. Connections to the collection lines and provision of sewer service by the RSE shall be denied for all new private development in the 100 year flood plain constructed after adoption of the revised flood plain regulations on 16th day of April, 2003. Water users with improved properties that existed prior to April 16th, 2003, may connect to the collection and receive sewer service. Connection to the collection and provision of sewer service by the RSE shall be denied in the 500 year flood plain for (1) facilities which produce, use or store highly volatile, flammable, explosive, toxic, or water reactive materials, (2) schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood and storm events, (3) emergency operation centers or data storage centers which contain records

or services that may become lost or inoperative during flood and storm events, and (4) multi-family facilities designed primarily (over 50 percent) for individuals with disabilities.

E. **New Development**. The construction of new subdivisions, annexations, extensions of roads and utilities to existing platted lots, shall be required to extend collection lines to such new development and all new buildings that require water use or wastewater treatment. Such extensions shall be at the cost of the developer and shall meet the specifications for collection lines as determined by the Board. The cost of connection of new development to public collection lines shall be borne by the property owner or developer. Unique costs attributable to new developments, such as lift stations, shall be borne by the property owner, developer or owner's association as such may be proposed by the applicant and approved by the Board.

F. **Service Line Physical Connection**. The property owners shall be responsible for constructing the entire length of his service line form the building to the point of connection with the public collection line. The property owner shall submit plans for the design, construction and location of such service line which shall be reviewed and approved in the discretion of the Town prior to commencement of construction. Every service line shall have constructed, at the sole expense of the property owner, one or more clean-outs of the same diameter as the service line and such clean-outs shall constructed in accordance with specifications adopted by RSE. The property owner shall notify the Town prior to commencement of construction and such service line installation shall remain open for inspection by the Town at all reasonable times. The property owner shall provide as built drawings of the service line.

Section 8. CONNECTION TAP FEES/ASSESSMENTS. The connection tap fee shall be used for the cost of construction and expansion of the sewage system, including repayment of any debt for such construction or expansion, and shall not be used for operation and maintenance of the sewer system. Connection tap fees may also be used for any system replacement reserve account or required reserve account for debt repayment.

A. Residential Tap Rate for Existing Water Users. The tap rate for existing residential water users shall be one thousand six hundred dollars ($1,600.00) for each single family residential property as defined by the Rico Land Use Code. Such tap fee shall be due within forty five days after both (1) installation of a sewer collection line in a public right-of-way abutting such property, and (2) mailing written notice from the Town of Rico, sent via first class US mail to the last known address according to the records of the Dolores County Assessor. The cost of connection to public collection lines shall be borne by the property owner. Accessory dwelling units that comply with the Rico Land Use Code shall not require an additional or increased sewer tap fee.

B. Tap Rate for Existing Non-Residential Water Users. The Tap Rate for existing non-single family residential water users, including commercial, industrial, and public facilities, shall be one thousand six hundred ($1,600.00) plus an additional four hundred dollars ($400.00) per each five hundred (500) square feet of floor area above two thousand square feet (example: a 3,000 sq.ft. commercial building, mixed use building, or multi-family building would pay $2,400.00).

C. Payment by Assessment. A property owner may elect to pay the sewer tap fee by a monthly assessment, which shall be amortized over a period not to exceed ten years, which shall bear interest at a rate not less than six percent (6%), and which may be paid off in full at any time without penalty, fee or additional interest. The election to pay the tap fee by monthly assessment shall be made in writing at the time connection is required on a form provided by the Town.

D. New Residential Construction, Uses and Development. The tap rate for all new single family residential construction shall be five thousand eight hundred dollars ($5,800.00). Accessory dwelling units that comply with the Rico Land Use Code shall not require an additional or increased sewer tap fee.

E. New Commercial, Industrial and Non-Single Family Residential Construction and Development. The base tap rate for all new commercial, industrial, non-single family residential, mixed use and attached multi-family residential buildings and construction shall be five thousand eight hundred dollars ($5,800.00). The base tap fee shall apply up to the first two thousand square feet of construction. An additional connection tap fee shall be charged in accordance with the following formula:

(Actual building square footage - 2,000 sq.ft.)
divided by 500 sq.ft.
times base connection tap fee
times .25)

EXAMPLE: The base tap fee is **$5,800.00**
Applicant builds a **5,000** sq.ft. commercial building.
5,000 sq.ft. minus 2,000 sq.ft. equals **3,000** sq.ft.
3,000 sq.ft. divided by 500 sq.ft. equals **6**
The base connection tap fee of $5,800 times .25 is **$1,450.00**
6 times $1,000.00 = **$8,700.00** = the amount of the additional connection tap fee
The total connection tap fee is **$14,500.00**. (The $5,800.00 base fee plus the $8,700.00 additional connection fee)

F. Calculations of Square Footage. For the purposes of calculating the connection tap fees for non-single family residential construction and development, the method of calculating square footage in the Rico Land Use Code shall be used.

Section 9. PRE-PAID CONNECTION TAP FEES/AVAILABILITY CHARGE. Any property owner in the Town of Rico may pre-pay a sewer tap. The pre-payment of a sewer tap shall be assigned to a specific property in the Town of Rico and shall subject to liens for collection of delinquencies as set forth in **SECTION 11**. A pre-paid connection tap fee may be paid at an initial base rate of three thousand two hundred dollars ($3,200.00) for all properties abutting the initial sewer collection line system in accordance with the planned service area in the Rico Community Wastewater Project Preliminary Engineering Report, dated June 24th, 2005, or as such service area is finalized when engineered construction plans are prepared and adopted. The payment of a pre-paid sewer tap at the initial base rate of $3,200.00 shall be paid no later than forty five days after both (1) installation of a sewer collection line in a public right-of-way abutting such property, and (2) mailing written notice from the Town of Rico, sent via first class US mail to the last known address according to the records of the Dolores County Assessor. For non-single family residential properties, the amount of a pre-paid sewer connection tap fee shall be credited toward the property for the amount of square footage of construction as such formula is setforth in **SECTION 8.B**. A property owner may elect to pay to pre-pay a sewer connection tap fee by a monthly assessment in accordance with the terms set forth in Paragraph C. of Section 8 above. Property owners shall pay an availability charge of fifteen ($15) dollars per month for each prepaid sewer connection tap. Any transfer of a pre-paid sewer connection tap fee may only be approved by the Board.

Section 10. USER RATES. The sewer user rate for all users shall be thirty dollars ($30.00) per month for the first three thousand gallons of water usage in a months time and four dollars and fifty cents ($4.50) for each one thousand gallons of additional water usage in a months time for all non-single family uses.

Section 11. BILLING, DELINQUENCIES, LIENS.

A. Billing. Billing shall be on a monthly basis and coordinated with the water bills and water usage meter reading as established by ordinances governing the water system.

B. Delinquencies. Bills are delinquent sixty (60) days after the bill is sent by the Town Clerk. A delinquency charge of one percent (1%) per month will be charged on all delinquent accounts. Water service to a sewer tap holder shall be disconnected by the Town with the account is sixty (60) days, or more, delinquent, unless the Board decides otherwise after conducting a hearing. All paid due account balances, interest thereon, and reconnection fee in accordance with water system regulations must be paid in full prior to reconnection of water service.

C. Liens. All sewer assessments and fees, including the minimum monthly charge, shall be a lien against the property to which such sewer tap is assigned from the date such

account become delinquent until paid in full. Such lien shall be in additional to any other statutory or equitable lien to which the Town may be entitled. A lien attaching to said premises may be enforced by the Town of Rico in a action at law or in equity and the Town may foreclose such property and sell the same to satisfy such lien. In the event that legal action must be brought for the enforcement of this Ordinance, the foreclosure of any lien or action, the Town shall be entitled to reasonable attorneys fees and costs of collection and litigation.

Section 12. **SPECIFICATIONS.** The Board may approve any specifications for service lines; connections to collection lines; installation and extension of collection lines; quantity and quality of effluent; lift stations; and any other portion of the sewerage facility by motion after conducting a public hearing thereon with at least ten days posted notice.

Section 13. **SERVICE OUTSIDE TOWN BOUNDARY.** The Board may approve service outside the Town Boundary only by ordinance and after conducting a public hearing thereon. Service outside the Town Boundary shall only be considered when annexation is not possible, financial benefits are presented, or water quality concerns would be addressed. The connection tap fee for the service outside the Town Boundaries shall be one hundred and fifty percent (150%) of the established connection tap fee in the Town Boundaries. Any provision of service outside the boundaries of the Town shall include a written agreement and covenant by the property owner to abide by all terms, conditions and enforcement procedures in this ordinance as well as other conditions approved by the Board.

Section 14. **OWNERSHIP OF SYSTEM.** The Town shall own each and every part of the sewerage facility and collection lines. Property owners shall be responsible for the entire service line from the collection main and shall be solely liable for any damaged caused by the failure to maintain the same.

Section 15. **UNLAWFUL ACTS.** It shall be unlawful for any person to tamper with any portion of the sewerage facilities, including collection mains and any portion of a service line in a public right-of-way without first obtaining permission for excavation from the Town. It shall be unlawful to connect sewer service for more than one premise or building with approval by the Town. It shall be unlawful to trespass on the sewer treatment facility property or tamper with any portion of the sewerage facility, including manholes, collection lines, lift stations, or any other portion of the collection system, treatment system, and discharge facilities. It shall be unlawful to sell, convey, or attempt to sell or convey a sewer connection tap separate from the property to which it is assigned without prior approval by the Board.

Section 16. **PENALTIES.** The violation of any provision of this ordinance, except non-payment of connection fees, availability charges, and user fees, is declared to be a misdemeanor and shall be punished by a fine not to exceed one thousand ($1,000.00) per day for each occurrence, or imprisonment for a term not exceeding ninety days, or by both such fine and imprisonment in the discretion of the Court. Unless otherwise indicated, each day or portion thereof in violation of this Ordinance shall constitute a separate offense.

Section 17. **EFFECTIVE DATE.** This Ordinance shall be effective immediately upon final adoption.

Section 18. **POSTING AND PUBLISHING.** This Ordinance shall be posted by title only at the Town Hall, Rico Post Office and posted in full on the Town's Website.

INTRODUCED, READ, APPROVED ON THE 27TH DAY OF JULY, 2005, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO ON THE 17TH DAY OF AUGUST, 2005.

By: Dave Kunz, Mayor Pro-Tem

Attest: Linda Yellowman, Town Clerk
[Town Seal]

Approved as to Form: Eric James Heil, Town Attorney

TOWN OF RICO, COLORADO
ORDINANCE NO. 2005-6

AN EMERGENCY ORDINANCE REFERRING THE RICO SEWER PROJECT TO A VOTE

WHEREAS the Town of Rico Home Rule Charter ARTICLE VII authorizes registered electors to propose an ordinance to the Town Board of Trustees and provides a process which allows citizens to petition for election on certain municipal matters; and,

WHEREAS, the Town Board finds that the prompt referral of a ballot question concerning the Rico Community Sewer System will not cause undue delays to the start of the Rico Community Sewer Project if approved by the voters; and,

WHEREAS, the Town Board finds that federal funding for the Rico Community Sewer Project may be withdrawn if the project is not started by spring of 2006, that such funding is necessary for the construction of a community waste water treatment facility and provision of sanitation infrastructure, and that any delay of an election date to approve the Rico Community Sewer Project may directly affect the health, safety and general welfare of the Rico community, and therefore, finds that the referral of a ballot question requires passage of an emergency ordinance;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Section 1. **Referral of Ballot Question**. The following ballot question is hereby referred to a special election of the Town of Rico on September 27th, 2005.

> **TOWN OF RICO BALLOT – Community Sewer Project**
>
> **Shall the Town of Rico construct a town wide sewer project, generally as proposed in the Rico Community Wastewater Project Preliminary Engineering Report, dated June 24th, 2005, and as authorized by ORDINANCE NO. 2005-5 ESTABLISHING THE SEWER ENTERPRISE?**
>
> Yes ☐ No ☐

Section 2. **Emergency Ordinance**. This ordinance is adopted as an emergency ordinance.

Section 3. **Effective Date**. This ordinance shall be effective immediately.

Section 4. **Posting**. This ordinance shall be posted at the Town Hall, Post Office and published on the Rico Website.

READ, MOVED AND APPROVED ON FIRST AND FINAL READING ON THE 17th DAY OF AUGUST, 2005.

TOWN OF RICO, COLORADO

BY:_____
Dave Kunz, Mayor Pro-Tem

ATTEST:_____
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:

_____
Eric James Heil, Town Attorney

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ORDINANCE NO. 2005-7
TOWN OF RICO

AMENDING THE OFFICIAL ZONE DISTRICT MAP: SEWER SITE

WHEREAS, the Rico Regional Master Plan states, "The development of a centralized collection system with alternative treatment facilities that are cost effective and environmentally sensitive must be actively pursued.";

WHEREAS, the Town commissioned two waste water treatment studies, Wastewater Evaluation and Analysis, prepared by Goff Engineering, dated December, 1995, and the *201 Wastewater Facilities Plan*, prepared by Rotherberg, Tamburini, and Winsor, dated December 1999, which both recommended a centralized waste water collection and treatment system;

WHEREAS, the Town has applied for federal funding which prohibits the site location of a waste water treatment facility in flood plain areas and the Town has conducted studies analyzing various potential waste water treatment site locations in and near the Town of Rico ;

WHEREAS, the Board of Trustees held a public hearing on the 17th day of August, 2005, and the 21st day of September, after posting notice at the Rico Town Hall and Rico Post Office;

WHEREAS, the Rico Planning Commission conducted a public hearing on July 26th, 2005, and, after considering all public comments received, took action to recommend designation of the Pasadena Reduction tract and adjacent property for inclusion in the Public Zone District; and,

WHEREAS, after considering all public comments the Board of Trustees finds that amending the Official Zone District Map of the Rico Land Use Code will promote the goals, and policies of the Rico Regional Master Plan and will promote the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. RICO LAND USE CODE AMENDMENTS ADOPTED

The Official Zone District map is hereby amended to change the zoning designation of the Little Ada West tract from Residential Planned Unit Development to Public Facilities for the purpose of a waste water treatment facility and such other uses that are in accordance with the Rico Regional Master Plan.

SECTION 2. PLANNING COMMISSION REVIEW

Prior to any above ground structure larger than 200 square feet being constructed, the Rico Planning Commission shall have the opportunity to review and provide comments on such structure.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 4. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published on the Town's website.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 17th day of August, 2005.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 21st day of September, 2005.

By: Tom Clark, Mayor

Attest: Linda Yellowman, Town Clerk
[Town Seal]

Approved as to Form: Eric James Heil, Esq.
Town Attorney

TOWN OF RICO
ORDINANCE NO. 2005-8
Adopting a Blight Study and
Referring the Formation of a
Downtown Development Authority
to a Special Election

Was never passed

TOWN OF RICO
ORDINANCE NO. 2005-9

ADOPTING THE YEAR 2006 TOWN BUDGET; APPROPRIATING SUMS OF MONEY; AND, SETTING AND CERTIFYING TOWN MILL LEVIES

WHEREAS, the Board of Trustees designated Mike England, as Town Manager, to prepare and submit a proposed budget to the Governing Body; and

WHEREAS, a public hearing was conducted on the 16th day of November and 7th day of December in accordance with the law;

WHEREAS, the Rico Town Board finds that the adoption of the budget is essential to the provision of basic and necessary services and finds that this emergency ordinance is necessary for the immediate preservation of the health, safety, and general welfare of the Rico community; and,

WHEREAS, the Town of Rico has adopted the budget in accordance with the Local Government Budget Law on the 7th Day of December, 2005; and,

WHEREAS, the Town of Rico has made provisions therein for revenues in an amount equal to or greater than the total proposed described below; and,

WHEREAS, the 2005 valuation for the Town of Rico as certified by the County Assessor is $5,717,823.00; and,

NOW, THEREFORE, be it resolved by the Board of Trustees, the following:

Section 1. BUDGETED REVENUES AND EXPENDITURES

The following sums are hereby appropriated for the revenue of each fund, for the purposes stated. The budgeted revenues and expenditures for each fund are as follows:

General Fund Revenues:

Reserve Balance:	$160,459.35
Non Property Tax revenues:	$ 94,300.00
Property Tax Revenues:	$ 69,000.00
Grant/Other Revenues:	$ 72,000.00
Total General Fund:	**$ 395,759.35**

General Fund Expenditures: $235573.11

Street Fund Revenues:

Reserve Balance:	$ 74,933.25
Non Property Tax Revenues:	$ 36,032.14
Property Tax Revenues:	$ 10,350.00

Grant/Other Revenues:	$ 0.00
Total Street Fund:	**$ 121,315.39**
Street fund Expenditures:	**$ 38,606.44**

Parks, Trails and Open Space Fund Revenues:

Reserve Balance:	$ 21,538.02
Non Property Tax Revenues:	$ 9,550.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 0.00
Total Park, Trails and Open Space Revenues:	**$ 31088.02**
Parks, Trails and Open Space Expenditures:	**$ 4,600.00**

Water Fund Revenues:

Reserve Balance:	$ 195,378.48
Non Property Tax Revenues:	$ 126,350.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 10,000.00
Total Water Fund Revenues:	**$ 331,728.48**
Water Fund Expenditures:	**$ 137,970.71**

Sewer Fund Revenues:

Reserve Balance:	$ 75,058.10
Non Property Tax Revenues:	$ 2,300.00
Property Tax Revenues:	$ 22,500.00
Grant/Other Revenues:	$ 924,300.00
Total Sewer Fund:	**$ 1,024,158.10**
Sewer Fund Expenditures:	**$ 94,6179.74**

Conservation Trust Revenues:

Reserve Balance:	$ 5,457.55
Non Property Tax Revenues:	$ 7,500.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 0.00

Total Conservation Trust: $ 12,957.55

Conservation Trust Expenses: $ 5,000.00

Section 2. ADOPTION OF BUDGET
The Budget as submitted amended, and hereinabove summarized by fund hereby is approved and adopted as the budget of the Town of Rico for the year 2006. The Budget shall be signed by the Mayor and Mayor Protem and made part of the public records of the Town.

Section 3. CERTIFICATION OF MILL LEVIES
That for the purpose of meeting all general operating expenses of the Town of Rico during the 2006 budget year there is hereby levied a tax of 13.020 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2005.

That for the purpose of meeting all street fund expenses of the Town of Rico during the 2006 budget year there is hereby levied a tax of 1.785 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2005.

That for the purpose of meeting all sewer fund expenses of the Town of Rico during the 2005 budget year there is hereby levied a tax of 3.939 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2005.

Section 4. EFFECTIVE DATE
This Ordinance shall take effect immediately upon final adoption.

ORDINANCE INTRODUCED, READ APPROVED AND ADOPTED ON THE 16TH DAY OF NOVEMBER 2005.

ORDINANCE READ, APPROVED AND ADOPTED ON FINAL READING THIS 7TH DAY OF DECEMBER 2005.

By: Rebecca Etchison **Attest:**
Rebecca Etchison, Mayor **Linda Yellowman, Town Clerk**

Approved as to Form:_____
Eric James Heil, Town Attorney