

**RESOLUTION OF THE
TOWN OF PIERCE BOARD OF TRUSTEES**

RESOLUTION #2022-16

A RESOLUTION APPROVING WATER USE AGREEMENT

WHEREAS, the Board of Trustees (the “Board”) of the Town of Pierce (the “Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, the Town previously entered into a Subdivision Improvement Agreement dated May 9, 2000, with John H. McCoy and Sherry P. McCoy, as owners of Wilderland Park (“Developer”), concerning the development of what is now Walkabout Acres (the “Development Agreement”); and

WHEREAS, pursuant to the Development Agreement, Developer and Town agreed to the use of an alternative water system for non-potable water (the “Alternative Water System”). For any lots that were connected to the Alternative Water System for non-potable water, said lot was only required to supply 1/2-acre feet of potable water per house as opposed to the usual requirement to supply 1-acre feet of water per lot; and

WHEREAS, certain wells owned by the Town are used to supply water for the Alternative Water System; and

WHEREAS, the Town and HOA desire to enter into a formalized agreement governing the total water the HOA can use for the Alternative Water System; and

WHEREAS, attached hereto as Exhibit A is a Water Use Agreement between the Town and HOA addressing the HOA’s use of water from wells owned by the Town; and

WHEREAS, the Board of Trustees is familiar with the Water Use Agreement and finds it to be in the best interest of the Town, its residents, and the general public to enter into the Water Use Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF PIERCE, COLORADO AS FOLLOW:**

Section 1. Approval

The Water Use Agreement between the Town and Walkabout Acres HOA is hereby approved in substantially the form attached hereto as Exhibit A, with such modifications and additions as the Mayor and Town Clerk, in consultation with Legal Counsel, determines to be necessary and appropriate to protect the interests of the Town or effectuate the purposes set forth herein and not otherwise inconsistent with this resolution.

The foregoing Resolution was adopted at a regularly scheduled meeting of the Board of Trustees of the Town of Pierce, held on December 12, 2022, which meeting was duly and properly called.

PASSED, ADOPTED AND APPROVED this 12th day of December, 2022.

TOWN OF PIERCE

Julie Lukela, Mayor

ATTEST:

Kristina Duran, Town Clerk