

ARTICLE 4

INCLUSIONS

- 4-1 REQUIRED SUBMITTALS: Any Person who desires to include his property within the District's boundaries shall submit the following to the District:
- 4-1-1 Petition. Petitioner shall use the form furnished by the District and must provide all information required thereby. Petitioner must sign the petition exactly as his name appears on the instrument by which he took title to the property. The signatures of all petitioners must be acknowledged in the same manner as provided by Colorado law for acknowledgments on instruments conveying real property.
 - 4-1-2 Survey Drawing. The survey drawing should show the property's exact location, its location in relation to the boundaries of the District, and bear the signature and seal of a professional engineer or land surveyor registered in the State of Colorado. Copies of subdivision plats may fulfill this requirement at the discretion of the District's engineer upon review of such plats.
 - 4-1-3 Vicinity Map. The vicinity map shall show the general location and the boundaries of the property in relation to existing streets or other prominent terrain features.
 - 4-1-4 Evidence of Title and Authorization of Signatories. Evidence of title sufficient to assure that the Petitioner has fee title to the property. If a corporation, partnership, or joint venture owns the property, the Petitioner shall furnish such additional information (i.e., partnership agreement, Joint Venture Affidavit as provided by §38-30-166, C.R.S., etc.) as may be requested by the District in order to determine that the signatories have been authorized by that entity to execute such documents.
 - 4-1-5 Narrative Description. A written statement setting forth the total acreage of the property to be included, the existing zoning, the proposed zoning, the proposed use, the construction schedule, and the service requirements.
 - 4-1-6 Application Fees. As provided by and subject to the terms of 7-7 below.
- 4-2 PROCEDURE: Following submittal and District approval of the submittals required in 4-1 above, inclusion proceedings shall be conducted as follows:

- 4-2-1 Feasibility Study. The District shall perform a feasibility study in order to determine whether and under what conditions the property proposed for inclusion can be served by the District System.
 - 4-2-2 Notice of Public Hearing. At the first regular meeting of the Board following approval of the submittals, the Board shall set the date of the public hearing on the inclusion and order notice thereof to be provided according to law.
 - 4-2-3 Public Hearing. The public hearing and the Board decision made pursuant thereto shall be held in accordance with applicable state law.
 - 4-2-4 Conditions. If the Board Order of Inclusion contains conditions which must be met before it is to become effective, the District will ensure that all such conditions have been met before filing the Board Order of Inclusion with the court and applying for a Court Order of Inclusion.
- 4-3 CONDITIONS OF INCLUSION: The included property and its owners are subject to the following conditions, together with any and all such additional conditions and requirements as may be imposed by the Board:
- 4-3-1 Rules and Regulations. With respect to all matters affecting or in any way touching upon the allocation or provision of service to the property, the property and its owners shall be bound by and subject to these Rules and Regulations and to the Technical Standards and Specifications, as now or hereafter constituted.
 - 4-3-2 Easements and Rights-of-Way. The Property Owner shall, at no cost to the District, grant and convey to the District any and all easements and rights-of-way within the included property required by the District to serve such property. In addition, the Property Owner shall be responsible for and pay all costs and expenses of whatever kind associated with the acquisition and approval of all easements and rights-of-way required by the District to serve such property, whether such easements and rights of way are located within or without the included property.. These expenses may include those associated with condemnation, but this shall not be construed as imposing any obligation whatever upon the District to commence or prosecute any condemnation action.
 - 4-3-3 Design and Construction. The Property Owner shall, at his sole cost and expense, design, construct, and install all Mains and any other facilities required by the District to serve the included property. All such Mains shall be constructed according to these Rules and Regulations and the System Specifications, and such design construction, and installation shall be subject to inspection and approval by the District.

- 4-3-4 Conveyance of Facilities. Upon completion of the Mains and any other facilities and approval thereof by the District, the Property Owner shall convey them to the District according to the terms and conditions set forth in Article 6 of these Rules and Regulations.
- 4-3-5 Service Not Guaranteed. The allocation of Taps for and the provision of service to the included property shall be governed at all times by these Rules and Regulations. The process of including property within the District does not guarantee Service to the included property. The District may be limited in the number of new Taps that may be made to its System because of the allocation policy of Englewood and the provision of service to the included property may further be limited or delayed indefinitely because of the location or capacity limitations of existing facilities. Accordingly, by including its property within the District, the Property Owner shall be deemed to waive any right, claim, or cause of action of any kind which it may assert against the District based upon the inability of the latter to provide service to the included property.
- 4-3-6 Enlargement of Structures. No Property Owner may enlarge or extend any portion of his improvements receiving service (including buildings, parking and landscape areas, etc.) into an area outside the boundaries of the District without including such additional property prior to commencing such enlargement or extension.
- 4-3-7 Inclusion Agreement. Upon District approval of the inclusion, the Property Owner and the District shall enter into an inclusion agreement setting forth substantially the terms and conditions specified in this Section 4-3, together with any other or additional provisions determined by the District relating to the particular circumstances of serving the property.

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