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MILDRED ALSDORF GARFIELD COUNTY CLERK AND RECORDER 11.00

**DECLARATION OF PAYMENT OF WATER TAP FEES
WESTBANK MESA HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, Westbank Mesa Homeowners Association, Inc. (WMHA) is a Colorado corporation formed for the purpose of protecting and maintaining Westbank Ranch PUD, Filing No. 4 as that subdivision appears on plat recorded in the office of the Clerk and Recorder of Garfield County, Colorado as Reception No. 463059 (Subdivision); and

WHEREAS, one of the purposes of WMHA is to operate the domestic and irrigation water supply distribution systems within the Subdivision; and

WHEREAS, as operator of the domestic water system, WMHA is required to establish, levy and collect from the owners of the lots within the Subdivision the costs of providing and operating the water distribution system; and

WHEREAS, a common source of revenue for a water distribution system is tap fees to be levied against each lot as service is commenced to a lot; and

WHEREAS, all of the lots within the Subdivision are fully serviced and the purchase price of each lot includes one (1) water tap fee; and

WHEREAS, it is the purpose of this Declaration to memorialize and establish the fact that water tap fees have been included in the purchase price of each lot within the Subdivision and that WMHA may not collect any additional tap fees from any lot owner within the Subdivision at any date subsequent to date hereof;

NOW, THEREFORE, WMHA hereby declares as follows:

1. The purchase price of each lot in the Subdivision includes one (1) water tap fee.
2. No additional water tap fees shall be charged to any lot owner within the Subdivision subsequent to date hereof regardless of when improvements are constructed on a lot and water use is commenced.
3. All revenue for the operation of the water distribution system shall be from sources other than water tap fees.
4. This Declaration is give for the benefit of all present and future owners of the lots within the Subdivision.

