

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION NO. 32, SERIES OF 2007
(Approval of Standard Stormwater Maintenance Agreement and Authorization of
Executive Director to Execute the Standard Stormwater Maintenance Agreement)

WHEREAS, the City of Centennial and Arapahoe County currently hold permits issued by the Colorado Department of Public Health and Environment (CDPHE) allowing them to discharge municipal stormwater under the National Pollutant Discharge Elimination System (NPDES) for Municipal Separate Storm Sewer System - Phase II requirements; and

WHEREAS, Program 5, Permanent Stormwater Facilities Including Post-Construction Best Management Practices (BMPs), of the CDPHE stormwater discharge permit requires that post-construction BMPs be constructed for all new developments or redevelopments within the City and County for the purpose of providing water quality treatment, and that the City and County ensure continued long term maintenance of the post-construction BMP facilities; and

WHEREAS, the City and County have each adopted Stormwater Management Manuals that set forth criteria for the design of post-construction BMPs; and

WHEREAS, the City and County currently require developers to enter into stormwater maintenance agreements to ensure that post-construction BMPs are permanently maintained; and

WHEREAS, SEMSWA has requested that the CDPHE transfer the NPDES municipal stormwater permits from the City and County to SEMSWA; and

WHEREAS, as a part of the transfer process SEMSWA will assume responsibility for requiring the construction and long term maintenance of post-construction BMP facilities; and

WHEREAS, it will be necessary for SEMSWA to enter into agreements with developers that commit the owners to the long term maintenance of the permanent BMP facilities that are constructed by the developer; and

WHEREAS, a standard Stormwater Facility Maintenance Agreement has been prepared by SEMSWA staff and legal counsel; and

WHEREAS, there are estimated to be some one hundred plus or minus maintenance agreements to be executed with developers annually; and

WHEREAS, because of the large number of maintenance agreements to be executed on a continuing basis, the NPDES permit obligation to ensure long term maintenance, and the standard format nature of the agreement, it is the desire of the Board to delegate the approval of individual Stormwater Facility Maintenance Agreements to the Executive Director as long as the agreement adheres to the standard agreement approved herein

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board approves the form of the Stormwater Facility Maintenance Agreement attached hereto as Exhibit A.
2. The Board authorizes the Executive Director to execute individual Stormwater Facility Maintenance Agreements with developers as long as they adhere to the standard form set forth in Exhibit A.
3. The Executive Director will report to the Board on a quarterly basis the Stormwater Facility Maintenance Agreements executed for the prior three months.

(SEAL)

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Date: _____

ATTEST:

Secretary

Chairperson