

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

RESOLUTION 18-23
Authorization to Enter into an Agreement with Arapahoe County
To Fund the Construction of a Public Storm Drainage Facility
Located at Quincy Avenue and Malta Street

WHEREAS, Arapahoe County ("County") entered into a Subdivision Improvement Agreement ("SIA") with Meritage Homes on August 11, 2017, and later amended on December 22, 2017 in connection with the Saddle Rock Highlands No. 7 development; and

WHEREAS, Meritage Homes agreed to construct a crossspan at the intersection of Quincy Avenue and Malta Street to address storm drainage impacts from the development and to address an existing drainage system deficiency, the total cost of which was estimated at \$126,691.10; and

WHEREAS, in order to allocate the costs of the drainage crossspan, in the SIA, Meritage Homes and County agreed to split the costs of the drainage improvement as entities that will benefit from the improvement; and

WHEREAS, both the County and SEMSWA share responsibility for addressing the existing drainage deficiency and the need for the crossspan, and thus have agreed to split equally 50% of the \$126,691.10 total estimated cost, or \$63,345.55, with Meritage Homes being responsible for the remaining balance of the cost; and

WHEREAS, SEMSWA's share of the crossspan cost is therefore \$31,672.78; and

WHEREAS, the drainage crossspan has been completed and found by County inspection to be in substantial compliance with County standards and approved construction plans; and

WHEREAS, SEMSWA has inspected the crossspan, as well, and found that the crossspan was constructed properly; and

WHEREAS, SEMSWA has adopted a budget for calendar year 2018 subsequent to public hearing, which includes funds for SEMSWA's share of the crossspan cost.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Executive Director is authorized to enter into an agreement with County to provide funding in the amount of \$31,672.78 for SEMSWA's share of the crossspan cost.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor



QUINCY AVENUE AND MALTA STREET DRAINAGE CROSSPAN

REIMBURSEMENT AGREEMENT

This AGREEMENT, dated and effective this _____ day, _____, 2018, is between ARAPAHOE COUNTY, COLORADO, ("COUNTY") and the SOUTHEAST METRO STORMWATER AUTHORITY, ("SEMSWA"), collectively ("Parties"), for reimbursement for costs advanced towards the construction of a public storm drainage facility.

RECITALS

WHEREAS, on August 11, 2017, COUNTY and MERITAGE HOMES, entered into a Subdivision Improvement Agreement ("SIA") in connection with the final subdivision plat for Saddle Rock Highlands Filing No. 7 development, which SIA was later amended on December 22nd 2017; and

WHEREAS, pursuant to Paragraph 15 of the SIA, MERITAGE HOMES agreed to construct a crosspan at the intersection of Quincy Avenue and Malta Street to address storm drainage impacts from the development and to address an existing drainage system deficiency, the total cost of which was estimated at \$126,691.10; and

WHEREAS, in order to allocate the costs of the drainage crosspan between those responsible for the existing deficiency and the impacts created by the MERITAGE HOMES' development, in the SIA, MERITAGE HOMES and COUNTY agreed, with the conditional approval of SEMSWA, to split the costs of the drainage improvement between MERITAGE HOMES, COUNTY, and SEMSWA, as those entities with responsibility for the need for the improvement, as provided in the SIA; and

WHEREAS, because of both jurisdictions' responsibility for the existing deficiency in the drainage facility, COUNTY agreed to the allocation in consideration of SEMSWA's agreement to participate in the cost sharing and to split equally, between COUNTY and SEMSWA, 50% of the \$126,691.10 total estimated cost of the drainage crosspan, and with MERITAGE HOMES being responsible for the remaining balance of the cost; and

WHEREAS, pursuant to the SIA, COUNTY agreed to reimburse MERITAGE HOMES for both the COUNTY's share and SEMSWA's share, totaling \$63,345.55, at the time the improvement was determined to be built in substantial compliance to the County standards and the approved construction plans; and

WHEREAS, the drainage crosspan has been built, and subject to COUNTY inspection to determine if the crosspan was built in substantial compliance to the COUNTY standards and the approved construction plans; and

WHEREAS, SEMSWA has inspected the crosspan, as well, and found that the crosspan was constructed properly; and

WHEREAS, pursuant to the SIA, the COUNTY is now obligated to pay MERITAGE HOMES \$63,345.55 for both COUNTY's and SEMSWA's share of the drainage improvement; and

WHEREAS, upon such payment by COUNTY to MERITAGE HOMES, SEMSWA, pursuant to this Reimbursement Agreement, will owe COUNTY the amount of \$31,672.78 for its share of the crossspan cost; and

WHEREAS, COUNTY and SEMSWA desire to memorialize SEMSWA's agreement to reimburse COUNTY for its share of the crossspan.

NOW, THEREFORE, in consideration of the premises, the above recitals and referenced agreements, and the mutual covenants herein contained, it is agreed as follows:

1. COUNTY has determined that the crossspan construction meets all of the conditions of the SIA as amended.
2. SEMSWA has inspected the crossspan, as well, and found that the crossspan was constructed properly.
3. COUNTY will make payment to MERITAGE HOMES and provide SEMSWA evidence of such payment.
4. Upon receipt of evidence of COUNTY's payment to MERITAGE HOMES, SEMSWA shall reimburse County \$31,672.78 for its share of the crossspan costs.

The Parties hereto affirm and warrant their authority to enter into this Reimbursement Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Reimbursement Agreement effective as of the date first written above.

ARAPAHOE COUNTY

By: _____
David M. Schmit, PWD Director
Authorization pursuant to Resolution No. 180098

SOUTHEAST METRO STORMWATER AUTHORITY

By: _____
John A. McCarty, Executive Director