

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

RESOLUTION 18-18

Authorization of the Executive Director to Accept, Execute and Record Easements Regarding the Planning, Constructing, and Maintaining of Drainage and Flood Control Facilities

WHEREAS, the *Intergovernmental Agreement* that formed Southeast Metro Stormwater Authority (SEMSWA) provides in part that: “The purpose of the Authority shall be to plan, fund, construct, acquire, operate, and maintain drainage and flood control facilities”

WHEREAS, the City of Centennial (City) has transferred to SEMSWA its Colorado Department of Public Health and Environment (CDPHE) issued National Pollution Discharge Elimination System (NPDES) for Municipal Separate Storm Sewer System – Phase II Permit and general stormwater related functions; and

WHEREAS, Arapahoe County Water and Wastewater Authority (ACWWA), East Cherry Creek Valley Water and Sanitation District (ECCV) and Inverness Water and Sanitation District (IWS) have also transferred each of their non-standard NPDES Permits and general stormwater related functions; and

WHEREAS, as part of these transfers of each of their NPDES Permits, SEMSWA has assumed responsibility for the planning, funding, constructing, acquiring, operating, and maintaining certain drainage and flood control facilities in the City and in the boundaries of ACWWA, ECCV, and IWS; and

WHEREAS, Arapahoe County (County) has requested, on occasion, that SEMSWA assist the County in the planning, funding, constructing, acquiring, operating, and maintaining certain drainage and flood control facilities in the County; and

WHEREAS, SEMSWA has for many years carried out these responsibilities and functions in the City, ACWWA, ECCV, IWS, and County through its Maintenance and Inspection Program, Capital Improvement Program, Land Development Program, Master Planning Program, and Floodplain Management Program; and

WHEREAS, in order to carry out these responsibilities, it is necessary for SEMSWA to have the legal right to access the real property upon which the planning, funding, constructing, acquiring, operating, and maintaining certain drainage and flood control facilities will occur; and

WHEREAS, this legal right to access real property can take many forms including but not limited to dedication of a drainage easement on a plat, a utility and drainage easement, a storm drainage easement, a storm sewer easement, a drainage detention pond easement, a drainage detention and water quality pond easement, a drainage / floodplain easement, a non-exclusive permanent floodplain and drainage easement, and an easement dedicated by separate document such as an uniform easement deed and revocable storm drainage license agreement (Easement(s)); and

WHEREAS, the sources of these Easements are governmental entities, developers, private persons and an association of owners; and

WHEREAS, by virtue of Resolution No. 08-19 (*Approval of Standard Drainage Easement and Terms and Conditions and Authorization of the Executive Director to Execute the Standard Drainage Easement*), Resolution No. 08-20 (*Approval of Standard Acceptance of Dedication of Drainage Easements and Tracts Dedicated via Plat*), and Resolution No. 13-03 (*Approval of Standard Non-Exclusive Permanent Floodplain and Drainage Easement Agreement and Authorization of the Executive Director to Execute the Agreement*) the Board of Directors of SEMSWA has authorized the Executive Director of SEMSWA to accept, execute and record a small variety of Easements; and

WHEREAS, based upon ten (10) years of experience by SEMSWA Staff and its Board of Directors, Easements do not vary significantly and do not impose any unusual duties or financial burdens on SEMSWA; and

WHEREAS, the purpose of these Easements has been and shall continue to be to permit SEMSWA to fulfill the purposes for which it was formed including but not limited to promoting flood control and water quality and alleviating or reducing flood hazards which pose a threat to the health and safety of the public or have caused or may cause damage to public property; and

WHEREAS, because of the large number of Easements, it is the desire of the Board of Directors to delegate the acceptance, execution and recordation of Easements to the Executive Director as long as those Easements advance the core purposes of SEMSWA, do not place an unusual burden on SEMSWA's resources or finances and do not require SEMSWA to pay for an Easement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes the Executive Director to accept, execute and record Easements, as long as those Easements advance the core purposes of SEMSWA, do not place an unusual burden on SEMSWA's resources or finances and do not require SEMSWA to pay for an Easement.

2. The Executive Director shall bring to the Board of Directors for its consideration and possible approval an Easement that would require a financial payment for its acquisition or that would require an unusual burden on SEMSWA's resources or finances.
3. The Executive Director will report to the Board of Directors, quarterly, the number and purpose of each Easement accepted, executed and recorded during that quarter.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor