

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

RESOLUTION 18-25

Authorization to Enter into a Memorandum of Understanding with Jordan Road Properties, LLC  
For Funding and Construction of Improvements to Green Acres Tributary

WHEREAS, the Urban Drainage and Flood Control District Master Plan entitled “Happy Canyon Creek Major Drainageway Plan, March 2014” recommended a regional water quality pond regarding Green Acres Tributary that will provide treatment capacity for future development along the Tributary including the real property owned by Jordan Road Properties, LLC (hereinafter “JRP”); and

WHEREAS, in addition, the Green Acres Tributary stream channel is in need of stabilization including bank protection down to its confluence with Happy Canyon Creek; and

WHEREAS, the real property owned by JRP will benefit from the regional water quality pond and the stream channel stabilization (the “Project”) by removing possibly up to four (4) acres of land from the floodplain; and

WHEREAS, these four (4) acres of land when removed from the floodplain will become developable by the owner; and

WHEREAS, such removal requires approval by FEMA by way of a Letter of Map Revision (“LOMR”); and

WHEREAS, JRP has recognized the benefit to its real property and is willing to enter into a Memorandum of Understanding (“MOU”) wherein it will agree to pay up to one-half of the Project cost for the portion of the Project located on JRP property but not to exceed \$425,000.00; and

WHEREAS, the current estimate for the total cost of the portion of the Project located on JRP property is \$850,000.00; and

WHEREAS, the MOU will provide for JRP to reimburse SEMSWA up to \$425,000.00 once the LOMR is issued by the FEMA subject to an adjustment downward if at least four (4) acres of real property owned by JRP are not removed from the floodplain; and

WHEREAS, the MOU will require, in order to be reimbursed by JRP, that the LOMR be issued on or before May 1, 2023 which is sufficient time to obtain the approval of the FEMA; and

WHEREAS, the agreement by JRP to reimburse SEMSWA up to \$425,000.00 is of great benefit to SEMSWA since SEMSWA will be able to construct the portion of the Project located on JRP property for approximately one-half (1/2) of what it would have cost but for JRP’s agreement; and

WHEREAS, the MOU will require the conveyance to SEMSWA of a Non-Exclusive Permanent Floodplain And Drainage Easement Agreement, a permanent non-exclusive Access Easement and a Temporary Construction Easement; and

WHEREAS, SEMSWA has adopted a budget for calendar year 2018 subsequent to public hearing, which includes funds for Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to enter into a Memorandum of Understanding with Jordan Road Properties, LLC which MOU contains terms and conditions as described above.

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Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:  
Attorney for  
Southeast Metro Stormwater Authority

By \_\_\_\_\_  
Edward J. Krisor

