

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

RESOLUTION NO. 09-24

(Authorization to Utilize the Powers of Eminent Domain in Regard to the Acquisition of  
Easements for the Outfall C Project in Centennial, Colorado)

WHEREAS, a storm sewer collection system does not exist between Arapahoe Road and Piney Creek from Euclid Drive to Himalaya Street; and

WHEREAS, a storm sewer collection system has been designed by Arapahoe County to convey the 100-year storm event runoff from Arapahoe Road to Piney Creek ("Project"); and

WHEREAS, the Project design has been underway for approximately two years; and

WHEREAS, the Project construction is planned to be funded with an agreement between Arapahoe County and SEMSWA, with each entities' contribution to the Project being approximately fifty percent each; and

WHEREAS, the SEMSWA Capital Improvement Program 2009 budget includes funding for the Project; and

WHEREAS, the Project requires both temporary construction easements as well as permanent easements between Arapahoe Road and Euclid Drive; and

WHEREAS, Arapahoe County staff have been negotiating for some time with the real property owners for the needed real property as well as holding an open house for those residents in the neighborhood to explain the need for the Project as well as the specifics of the Project; and

WHEREAS, the outfall of the Project at Piney Creek is located at the proposed Caley Drive Bridge which is anticipated to be bid for construction this year, and combining the Project with the bridge would result in cost savings; and

WHEREAS, SEMSWA, pursuant to 29-1-204.2 (3)(f) C.R.S., possess the power of eminent domain; and

WHEREAS, it may be necessary for SEMSWA to use its powers of eminent domain to condemn real property for its use as right-of-way for this Project in the form of easements; and

WHEREAS, the needed easements are necessary for the construction and maintenance of the Project which is for the public use. Specifically, the Project's purpose is the protection of people and property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of SEMSWA authorizes the filing of eminent domain actions for the acquisition of the necessary easements in order to construct and maintain the Project after good faith negotiations have been completed or attempted by Arapahoe County or SEMSWA staff and/or a right-of-way agent.
2. Just compensation, as required by law, shall be offered and paid to all real property owners whose real property is taken by virtue of an eminent domain action filed by SEMSWA in regard to the Project.

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

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

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

Attorney for  
Southeast Metro Stormwater Authority

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