

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

RESOLUTION NO. 08-23

(Authorization to Utilize the Powers of Eminent Domain in Regard to the Acquisition of Easements and/or Fee Simple Title on Little Dry Creek at Arapahoe Road in Centennial, Colorado)

WHEREAS, the existing culverts along Little Dry Creek at Arapahoe Road (“Project”) are undersized and the structural integrity of the pipes are questionable; and

WHEREAS, replacement of the Little Dry Creek culverts at Arapahoe Road is identified on the planning study entitled “Major Drainageway Planning, Little Dry Creek,” dated February 1974; and

WHEREAS, the Project design has been complete for approximately a year, and the Section 404 Permit required by the Clean Water Act was approved in April 2007 and is valid until April 2009; and

WHEREAS, Project costs for construction and right-of-way acquisitions are estimated to be \$2,116,000; and

WHEREAS, the SEMSWA Board in Resolution No. 46, Series of 2007 authorized the construction of the Project and a \$1,000,000 contribution to the Project with the remaining funds being contributed by the City of Centennial and the Urban Drainage and Flood Control District; and

WHEREAS, the Project requires both temporary construction easements as well as either permanent easements or fee simple ownership of real property both North and South of Arapahoe Road at its juncture with Little Dry Creek; and

WHEREAS, SEMSWA Staff has been negotiating for some time with the various 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, 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 either in the form of easements or fee simple ownership; and

WHEREAS, the needed easements or fee simple ownership 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 and/or fee simple title in order to construct and maintain the Project.

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.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor