

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

RESOLUTION 24-28

Authorization of the Executive Director to rescind Operations & Maintenance Agreements and Public Improvement Agreements and terminate Drainage Easement Agreements on an as-needed basis via Quit Claim Deeds or Other Appropriate Document

WHEREAS, SEMSWA has been organized to manage and maintain regional stormwater facilities within its boundaries; and

WHEREAS, SEMSWA reviews documents associated with development projects to ensure compliance with SEMSWA criteria; and

WHEREAS, Operation and Maintenance Agreements, Public Improvement Agreements, and Drainage Easements Agreements, (Agreements) are required for development projects that are constructing stormwater facilities that serve more than two lots or those that are constructing a water quality facility; and

WHEREAS, SEMSWA records Agreements following the approval of development projects; and

WHEREAS, on occasion a development project may never be constructed after the recording of the Agreements; and

WHEREAS, recorded Agreements may impede sales or the land use process of new developments on affected properties; and

WHEREAS, developers often work on short time frames and can be negatively impacted if Agreements need to be rescinded or terminated, and rescission and termination, of these Agreements currently are acted upon by the SEMSWA Board of Directors; and

WHEREAS, SEMSWA staff are qualified to determine if recorded Agreements are necessary when an approved development project has not been constructed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorized the Executive Director to vacate by quit claim deed or other appropriate document necessary to rescind Operations & Maintenance Agreements and Public Improvement Agreements and terminate Drainage Easement Agreements that SEMSWA is a party to and determines to be unnecessary for SEMSWA's storm sewer system.

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Date: September 18, 2024

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor