

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

RESOLUTION 24-35

Authorization to Accept a Quit Claim Deed from Rocky Mountain Beach Venture LLC

WHEREAS, the Southeast Metro Stormwater Authority (SEMSWA) has been authorized to discharge stormwater associated with their Municipal Separate Storm Sewer System (MS4) within the City of Centennial in accordance with the Colorado Discharge Permit System (CDPS) Permit Number COR080021 (MS4 Permit), specifically for discharges wholly or partly within the Cherry Creek Reservoir drainage basin; and

WHEREAS, in accordance with the MS4 Permit, SEMSWA is obligated to prohibit illicit discharges into SEMSWA's MS4, which are defined as any discharges to an MS4 that is not composed entirely of stormwater except discharges specifically authorized by a CDPS or NPDES permit and discharges resulting from emergency firefighting activities; and

WHEREAS, SEMSWA has been organized to manage and maintain stormwater facilities within its Service Area; and

WHEREAS, a sub-regional detention and water quality pond (hereinafter "Property") designated as, "Tract A" within the Dry Creek Office Park Plat, Reception Number B5145107, more specifically located at Parcel Number 2075-27-1-23-005, further depicted on Exhibit A, is located within the SEMSWA area; and

WHEREAS, SEMSWA was contacted by the Arapahoe County Sheriff's Office regarding urban camping within the Property and the use of the pond to store hazardous and dangerous materials and as a bathing and bathroom facility; and

WHEREAS, the current use of the Property poses a risk to the safety and health of the public as an illicit discharge into the SEMSWA MS4, the reduced capacity of the pond that could result in flooding, and the risk of flooding to the urban campers; and

WHEREAS, the Dry Creek Office Park Plat specifies that the Property will be "maintained by the subdivider, its successors or assigns, until such time as the tract is conveyed to the business association;" and

WHEREAS, the Property was never conveyed to the business association and is currently owned by Rocky Mountain Beach Venture LLC, a delinquent limited liability company in the state of Colorado and is insolvent and therefore unable to perform its obligations described above; and

WHEREAS, the prior manager of Rocky Mountain Beach Venture LLC has agreed to quit claim the Property to SEMSWA and SEMSWA has agreed to pay the back taxes of \$426.47 to obtain a clear title; and

WHEREAS, fee title to the Property would enable SEMSWA to conduct, assess and maintain the Property so that it may function effectively and efficiently as a sub-regional pond and to prohibit illicit discharges from occurring; and

WHEREAS, the SEMSWA Board has determined that it is in the best interest of the residents and businesses within SEMSWA's Service Area to accept this Quit Claim Deed to the Property since Rocky Mountain Beach Venture LLC is a delinquent limited liability company in the state of Colorado and is insolvent and therefore unable to perform its obligations described above.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board Authorize the acceptance of the Quit Claim Deed from Rocky Mountain Beach Venture LLC for the Property and authorizes the Executive Director to record the Quit Claim Deed.

SOUTHEAST METRO STORMWATER AUTHORITY  
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Date: November 20, 2024

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:  
Attorney for  
Southeast Metro Stormwater Authority

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

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Exhibit A – Map of the Property

