

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

RESOLUTION NO. 09-21

(Adoption of System Development Fee Schedule)

WHEREAS, the Southeast Metro Stormwater Authority (SEMSWA) was formed by Intergovernmental Agreement to plan, fund, construct, acquire, operate, and maintain drainage and flood control facilities as well to manage stormwater quality and comply with requirements of the National Pollutant Discharge Elimination System (NPDES) within its boundaries, hereinafter “Purposes”; and

WHEREAS, SEMSWA established the SEMSWA Water Activity Enterprise to carry out these Purposes; and

WHEREAS, the Board of Directors of SEMSWA acting by and through SEMSWA Water Activity Enterprise (Board) has adopted a System Development Fee (SDF) Policy pursuant to Resolution No. 09-20 that establishes a process to be used to establish drainage basin fees within the SEMSWA Service Area for development, redevelopment and other construction activities that adds impervious area and places an impact on these Purposes (Construction Activity); and

WHEREAS, the Board has also authorized the development of a System Development Fee Schedule (Fee Schedule) Policy and associated Fee Schedule to establish drainage basin fees within the Service Area for new development; and

WHEREAS, the Board has hired AMEC Earth and Environmental to assist in determining the Fee Schedule structure necessary to fund improvements necessitated by such Construction Activity; and

WHEREAS, the Fee Schedule fulfills the Board’s desire to provide consistent, fair, and equitable SDFs within the Service Area; and

WHEREAS, the Fee Schedule currently would assess a fee in the Upper Cherry Creek Basin; and

WHEREAS, SEMSWA and Parker Jordan Metropolitan District (PJMD) are currently in negotiations in regard to the fees proposed to be assessed by SEMSWA in service areas which are located both in the SEMSWA and PJMD boundaries and are further described as Cherry Creek Valley Ecological Park and South of Cherry Creek Valley Ecological Park; and

WHEREAS, PJMD is currently under contract to purchase 81 acres of open space south of Cherry Creek Valley Ecological Park which contract requires PJMD to spend up to

\$2,400,000.00 in drainage and flood control improvements along Cherry Creek south of Cherry Creek Valley Ecological Park; and

WHEREAS, if PJMD purchases those 81 acres, there would be no need for drainage and flood control improvements in the area South Cherry Creek Valley Ecological Park to the Douglas County line and thus no need for SEMSWA to assess a fee in that area; and

WHEREAS, PJMD has requested SEMSWA to delay adoption of a fee in Upper Cherry Creek Basin until it is determined whether SEMSWA and PJMD can reach an agreement in regard to these matters.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of SEMSWA acting by and through SEMSWA Water Activity Enterprise hereby:

1. Adopts an SDF Schedule Policy and associated Fee Schedule except that no fee will be adopted, at this time, in the Upper Cherry Creek Basin. However, SEMSWA reserves the right to adopt such a fee, if it is unable to reach an agreement with PJMD in regard to PJMD's expenditure of \$2,400,000.00 for drainage and flood control improvements south of Cherry Creek Valley Ecological Park.
2. Authorizes SEMSWA's Executive Director, and staff pursuant to the Executive Director's direction, to implement the Fee Schedule within SEMSWA's *Service Area boundaries, as limited by the Policy Exemptions/Limitations* section of the SDF Policy, in regard to such Construction Activity. Such implementation shall apply to any Construction Activity that has not been the subject of a completed application submitted to SEMSWA and such SDF shall be collected no earlier than when SEMSWA authorizes the Construction Activity to proceed.

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