

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

RESOLUTION NO. 09-52

(Authorization to Enter Into an Intergovernmental Agreement With Parker Jordan Metropolitan District Regarding Storm Drainage Improvements On Upper Cherry Creek)

WHEREAS, Parker Jordan Metropolitan District (PJMD) has purchased 81 acres of open space property lying generally between Broncos Parkway and County Line Road and along Cherry Creek (Open Space Property); and

WHEREAS, stream stabilization improvements, which are part of the remaining storm drainage improvements with PJMD along Upper Cherry Creek will need to be completed within the Open Space Property; and

WHEREAS, PJMD is willing to spend up to \$2,400,000 for engineering, design, permitting through all applicable federal, state and local government agencies and construction costs to complete the stream stabilization improvements within the Open Space Property; and

WHEREAS, PJMD has requested that SEMSWA, in exchange for PJMD spending up to \$2,400,000 for stream stabilization improvements within the Open Space Property, to be responsible for the completion of the storm drainage improvements within the Cherry Creek Valley Ecological Park and to refrain from assessing any System Development Fees (SDFs) within the boundaries of PJMD; and

WHEREAS, those storm drainage improvements within the Cherry Creek Valley Ecological Park are currently being designed pursuant to the authorization contained in Resolution 09-10; and

WHEREAS, SEMSWA in Resolution No. 09-21, in anticipation of PJMD purchasing the Open Space Property and SEMSWA and PJMD entering into an Intergovernmental Agreement in regard to the stream stabilization improvements within the Open Space Property, refrained from adopting SDFs within the boundaries of PJMD; and

WHEREAS, if SEMSWA were to assess SDFs within the boundaries of PJMD, assuming full development, those fees would be less than the \$2,400,000 PJMD is willing to spend on stream stabilization improvements within the Open Space Property; and

WHEREAS, the proposed *Intergovernmental Agreement Regarding Storm Drainage Improvements On Upper Cherry Creek* is attached hereto; and

WHEREAS, the PJMD Board of Directors has not, as of the date of the adoption of this Resolution, approved the *Intergovernmental Agreement Regarding Storm Drainage Improvements On Upper Cherry Creek*.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board approves the *Intergovernmental Agreement Regarding Storm Drainage Improvements On Upper Cherry Creek* attached hereto and authorizes the Executive Director of SEMSWA to execute the same upon the approval of the same by the PJMD Board of Directors and execution by PJMD.

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

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

Attorney for  
Southeast Metro Stormwater Authority

By: \_\_\_\_\_

Edward J. Krisor