

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

RESOLUTION NO. 09-09

(Authorization to Utilize the Powers of Eminent Domain in Regard to the Acquisition of Easements on
Piney Creek at Caley Drive in Centennial, Colorado)

WHEREAS, Piney Creek flows over the concrete road crossing at Caley Drive, without a culvert or bridge; and

WHEREAS, twenty-seven houses are north of Piney Creek, with Caley Drive as the primary ingress/egress; and

WHEREAS, the Caley Drive crossing of Piney Creek is in need of a structure and down stream channelization ("Project") to allow normal and storm flows to be conveyed below Caley Drive; and

WHEREAS, installation of a Piney Creek structure at Caley Drive is identified in the planning study entitled "Stream Stabilization And Major Crossing Planning, Piney Creek & Tributaries," dated 1989; and

WHEREAS, the Project design has been underway for approximately two years; and

WHEREAS, Project costs for design, construction and right-of-way acquisitions are estimated to be \$1,625,000; and

WHEREAS, the SEMSWA Board in Resolution No. 08-17 authorized the construction of the Project, negotiation for the right-of-way needed for the Project and a \$875,000 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 permanent easements both east and west of Caley Drive at its juncture with Piney 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 Staff through these efforts have acquired ten of the fourteen needed easements; 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 in the form of easements; and

WHEREAS, the needed easements 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 in order to construct and maintain the Project after good faith negotiations have been completed or attempted by SEMSWA Staff and SEMSWA's right-of-way agent.
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