

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

RESOLUTION NO. 09-14

(Approval of a Three Party Non-Standard Permanent Drainage Easement -
SEMSWA / Magnum Land Ventures, LLC & Tae Soon Lee)

WHEREAS, the Board of Southeast Metro Stormwater Authority (SEMSWA) in Resolution No. 08-19 has approved a Standard Drainage Easement for use in the City of Centennial (City) in regard to stormwater improvements and authorized the Executive Director of SEMSWA to execute those easements in behalf of SEMSWA as long as they adhere to the standard easement with minor non-substantive modifications; and

WHEREAS, the City has adopted the City of Centennial Stormwater Management Manual (Manual) that sets forth the criteria for the design of stormwater improvements; and

WHEREAS, the Manual requires developers to dedicate drainage easements for stormwater improvements (Easement Property) allowing for SEMSWA to enter, re-enter, and occupy the Easement Property; and

WHEREAS, as part of the Implementation Intergovernmental Agreement (IIGA) between SEMSWA and the City, and as part of assuming the City's stormwater functions, as further described in the IIGA, SEMSWA will be required to enter and re-enter the Easement Property; and

WHEREAS, a City of Centennial development known as Rainbow Research Optics, owned by Tae Soon Lee (Applicant), and known as case No. LU-0706-001/D07-1035, will discharge detained flows offsite into the Cherry Creek drainageway through a tract of land (Tract A) within the Cherry Creek floodplain owned by Magnum Land Ventures, LLC (Offsite Owner); and

WHEREAS, the Applicant's engineer has designed a rip rap rundown through Tract A to convey flows from Rainbow Research Optics into the Cherry Creek drainageway; and

WHEREAS, the Standard Drainage Easement adopted by the Board of Directors has been modified to allow for a three party agreement between the Applicant, Offsite Owner, and SEMSWA in which the maintenance responsibilities are assigned to the Applicant; and

WHEREAS, the non-standard drainage easement has been prepared by SEMSWA staff and legal counsel and approved by both the Applicant as well as the Offsite Owner.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board approves the Permanent Drainage Easement attached hereto as Exhibit A and authorizes the Executive Director of SEMSWA to execute the Easement.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

Exhibit A
Approval of a Three Party Permanent Drainage Easement

Resolution No. 09-14