

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

RESOLUTION NO. 09-13

(Approval of Right of Entry Agreement with the City of Centennial and Authorization of the Executive Director to Execute said Right of Entry Agreement)

WHEREAS, the City of Centennial (City) and the Southeast Metro Stormwater Authority (SEMSWA) have entered into an Implementing Intergovernmental Agreement (IIGA) allowing for the transfer of the Colorado Department of Public Health and Environment (CDPHE) issued National Pollution Discharge Elimination System (NPDES) for Municipal Separate Storm Sewer System (MS4) – Phase II permit and general stormwater related functions from the City to SEMSWA; and

WHEREAS, as part of transfer of the CDPHE stormwater discharge permit, and as part of SEMSWA's assumption of the City's stormwater functions as further described in the IIGA, SEMSWA has assumed responsibility for ensuring maintenance of certain stormwater improvements and will be required to enter and re-enter the property upon which these improvements have been constructed; and

WHEREAS, City is the owner, either in fee simple or easement, of real property within its boundaries, which is used for stormwater management and/or NPDES MS4 Permit compliance purposes (Property); and

WHEREAS, SEMSWA desires to obtain City's permission to access and utilize the Property for the purpose of operating and maintaining regional stormwater facilities and conveyances, carrying out NPDES MS4 Permit activities and responsibilities and performing all other necessary drainage and flood control related activities; and

WHEREAS, the Parties wish to enter into an agreement whereby the City will allow SEMSWA to access and utilize the Property for the purposes herein expressed and

WHEREAS, a Right of Entry Agreement, which provides for SEMSWA's access and utilization of the Property, has been prepared by SEMSWA staff and legal counsel and reviewed by City legal counsel and is attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board Approves the Right of Entry Agreement attached hereto as Exhibit A.
2. The Board authorizes the Executive Director to execute the Right of Entry Agreement attached hereto as Exhibit A.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor