

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

RESOLUTION NO. 08-09

(Approval of Standard Addendum to the City of Centennial Subdivision Improvement Agreement and Authorization of the Executive Director to Execute the Standard Addendum to the City of Centennial Subdivision Improvement 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 – Phase II requirements permit from the City to SEMSWA; and

WHEREAS, Program 5, Permanent Stormwater Facilities Including Post-Construction Best Management Practices (BMPs), of the CDPHE stormwater discharge permit requires that post construction BMPs be constructed for all new development, redevelopment, or added impervious area within the City for the purpose of providing water quality treatment; and

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

WHEREAS, the City currently requires developers to enter into a Subdivision Improvement Agreement (SIA) for the purpose of guaranteeing the associated public improvements, including post-construction BMPs and stormwater improvements; and

WHEREAS, as part of transfer of the CDPHE stormwater discharge permit, SEMSWA will assume responsibility for requiring the construction of post-construction BMPs and stormwater facilities as a result of new development, redevelopment, and added impervious area; and

WHEREAS, it will be necessary for SEMSWA to enter into a Subdivision Improvement Agreement with developers that commit to constructing post-construction BMPs and stormwater improvements; and

WHEREAS, a standard Addendum to the City's SIA has been prepared by SEMSWA staff and legal counsel and City legal counsel who have also approved the same; and

WHEREAS, there are estimated to be some fifty plus or minus Addendums to the City's SIA executed with developers annually; and

WHEAREAS, because of the large number of Addendums to the City's SIA to be executed on a continuing basis, the NPDES permit obligation to ensure BMPs are constructed as a result of all new development, redevelopment or added impervious area, and the standard nature of the agreement, it is the desire of the Board to delegate the approval of individual Addendums to the City's SIA to the Executive Director as long as the agreement adheres to the standard agreement, with minor non-substantive modifications.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board Approves the form of the Addendum SIA attached hereto as Exhibit A.
2. The Board authorizes the Executive Director to execute individual Addendums to the City's SIA, as long as the agreement adheres to the standard agreement, with minor non-substantive modifications.
3. The Executive Director will report to the Board, quarterly, the number of Addendums to the City's SIA that have been executed.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor