

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

RESOLUTION NO. 08-19

(Approval of Standard Drainage Easement and Terms and Conditions and Authorization of the Executive Director to Execute the Standard Drainage Easement)

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 permit and general stormwater related functions from the City to SEMSWA; 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 Manual requires developers to dedicate drainage easements for stormwater improvements (Easement Property) permitting SEMSWA to enter, re-enter, and occupy the Easement Property; and

WHEREAS, the Terms and Conditions and a Grant of a Revocable Storm Drainage License, as referenced in Easement Deed and Revocable Storm Drainage License Agreement to SEMSWA, will be recorded with the Clerk and Records Office of Arapahoe County; and

WHEREAS, as part of transfer of the CDPHE stormwater discharge permit, SEMSWA will assume responsibility for ensuring maintenance of certain stormwater improvements and will be required to enter and re-enter the Easement Property; and

WHEREAS, a standard form of Drainage Easement and Terms and Conditions have been prepared by SEMSWA staff and legal counsel and reviewed by City legal counsel; and

WHEREAS, there are estimated to be some one hundred plus Drainage Easements dedicated by separate document in association with Land Use cases in the City annually; and

WHEREAS, because of the large number of Drainage Easements, it is the desire of the Board to delegate the approval of Drainage Easements to the Executive Director as long as those easements adhere to the standard Drainage Easement, with minor non-substantive modifications.

NOW, THEREFORE, BE IT RESOLVED THAT:

Within the City of Centennial:

1. The Board Approves the form of the Drainage Easement attached hereto as Exhibit A.
2. The Board Approves the form of the Terms and Conditions attached hereto as Exhibit B.
3. The Board authorizes the Executive Director to execute individual Drainage Easements, as long as those Easements adhere to the standard easement as set forth in Exhibit A, with minor non-substantive modifications.
4. The Board authorizes the recording of the Terms and Conditions in the Clerk and Records Office of Arapahoe County as referenced in the standard Drainage Easement.
5. The Executive Director will report to the Board quarterly the number of Drainage Easements executed during that quarter.

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

Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor