

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

RESOLUTION NO. 10-16

(Authorization for Execution of an Agreement with Lincoln Executive Center Owners  
Association)

WHEREAS, the purpose of the Southeast Metro Stormwater Authority (Authority) is to plan, fund, construct, acquire, operate, and maintain drainage and flood control facilities determined by the Board of Directors of the Authority as necessary or desirable to the extent of the Authority's financial ability; and

WHEREAS, the Authority is empowered to develop stormwater systems or facilities or drainage facilities in whole or in part for the benefit of the inhabitants within its boundaries, at the discretion of the Board of Directors, subject to fulfilling any conditions or requirements set forth in the IGA forming the Authority and in any other contract concerning the Authority; and

WHEREAS, the Authority is further empowered to acquire, construct, manage, maintain, fund, plan and operate drainage and flood control systems, facilities, works, or improvements, or any interest therein and to acquire, hold or lease any real or personal property utilized only for the purposes of providing drainage, flood control, or stormwater quality control;

WHEREAS, the Lincoln Executive Center Owners Association (LECOA) owns real property which is to be used solely for the conveyance, storage and/or enhancement of stormwater run-off on a regional basis; and

WHEREAS, LECOA desires to enter into a *Property Conveyance Agreement*, hereinafter "Agreement", with the Authority for the purpose of LECOA conveying title of the property to SEMSWA and participating financially in the cost of making improvements to Cottonwood Creek; and

WHEREAS, LECOA has agreed to the terms and conditions set forth in the Agreement; and

WHEREAS, a Phase I Environmental Assessment of the properties to be conveyed was conducted by Ground Engineering Inc. The conclusion of that Assessment was that "This assessment has revealed no evidence of 'recognized environmental conditions' in connection with the subject Property at this time." However, the Assessment continued "It is GROUND's opinion that this site [US Food Service – 11955 East Peakview Drive, Englewood,

Colorado] presents a recognized environmental condition for the subject Property based on its proximity to the eastern parcel.”

WHEREAS, SEMSWA Staff has reviewed the Phase I Environmental Assessment and is of the opinion that the adjacent site referred to in the Assessment does not represent an environmental risk to the properties to be conveyed.

WHEREAS, the Private Property Committee has recommended that SEMSWA enter into an agreement with LECO on terms similar to those contained in the Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board determines that it is in the best interest of SEMSWA for SEMSWA to enter into the Agreement attached hereto.
2. The Executive Director is authorized to execute the attached agreement in behalf of SEMSWA.

SOUTHEAST METRO STORMWATER AUTHORITY  
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SEMSWA WATER ACTIVITY ENTERPRISE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

Attorney for  
Southeast Metro Stormwater Authority

By \_\_\_\_\_  
Edward J. Krisor