

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

RESOLUTION NO. 10-10

(Approval of a Non-Standard Stormwater Facility Maintenance Agreement –  
Huntington-Smoky Hill Park N Ride)

WHEREAS, the Board of the Southeast Metro Stormwater Authority (SEMSWA) in Resolution No. 32, Series of 2007, has approved a Standard Stormwater Facility Maintenance Agreement and authorized the Executive Director of SEMSWA to execute such Agreements on behalf of SEMSWA as long as it adheres to the Standard Stormwater Facility Maintenance Agreement with minor, non-substantive modifications; and

WHEREAS, the Regional Transportation District (RTD), Covenant Community Church of Aurora (CCCA) and AVB Picadilly, LLC (AVB) own certain real property in fee simple in the City of Centennial and within the SEMSWA service area as more particularly described in the Agreement; and

WHEREAS, as a result of a Phase III Drainage Report and Plan known as Huntington Smoky Hill Park and Ride Case No. D07-1038 and also known as Case No. D08-1060 which been approved by the City of Centennial (City), SEMSWA requires the execution of a Stormwater Facility Maintenance Agreement; and

WHEREAS, the City has adopted the City of Centennial Stormwater Management Manual that sets forth the requirements for the design and long term inspection and maintenance of post-construction BMPs and stormwater improvements ; and

WHEREAS, SEMSWA currently requires developers to enter into a Stormwater Facility Maintenance Agreement for the purpose of guaranteeing the long term inspection and maintenance of post-construction BMPs and stormwater improvements ; and

WHEREAS, it is necessary for SEMSWA to enter into a Stormwater Facility Maintenance Agreement with developers that commit to constructing and maintaining post-construction BMPs and stormwater improvements; and

WHEREAS, it was necessary to deviate from the Standard Stormwater Facility Maintenance Agreement due to the fact that the BMPs and stormwater improvements were constructed by AVB on the real property owned by RTD and are to be maintained by CCCA; and

WHEREAS, a non-standard Stormwater Facility Maintenance Agreement, which is attached, has been prepared by SEMSWA staff and legal counsel.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board approves the Stormwater Facility Maintenance Agreement attached hereto and authorizes the Executive Director of SEMSWA to execute the attached Agreement.

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

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

APPROVED AS TO FORM:

Attorney for  
Southeast Metro Stormwater Authority

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