

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

RESOLUTION 11-22

(Approval of a Maintenance Agreement with Southglenn Metropolitan District and Authorization of the Executive Director to Execute the Agreement)

WHEREAS, the City of Centennial (City) and the Southeast Metro Stormwater Authority (SEMSWA) have entered into an Implementing Intergovernmental Agreement (IIGA) providing 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, the City has adopted the City of Centennial Stormwater Management Manual (Manual) that sets forth the criteria for the design of stormwater improvements and allowable connections to the public stormsewer system; and

WHEREAS, as part of the IIGA, SEMSWA has assumed responsibility for reviewing and approving stormwater improvements in accordance with the Manual; and

WHEREAS, the Manual requires that an Operation and Maintenance Manual (O&M) be provided in accordance with the construction of stormwater facilities for the purpose of educating and providing guidance for entities responsible for maintenance and management of stormwater facilities, including executing a Maintenance Agreement to ensure the long term maintenance of the stormwater facility; and

WHEREAS, the SEMSWA Board of Directors approved a standard form of a Stormwater Facilities Maintenance Agreement in Resolution No. 32, Series of 2007; and

WHEREAS, the Standard Stormwater Facilities Maintenance Agreement doesn't account for the unique Maintenance Agreement arrangement at the Streets at Southglenn whereby the stormwater improvements are owned by Southglenn Property Holdings, LLC; Macy's West Stores, Inc.; and Wells Fargo Bank, National Association; but are operated and maintained by the Southglenn Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado formed pursuant to C.R.S Title 32.

WHEREAS, in order to address the situation in which the Southglenn Metropolitan District is responsible for the maintenance of the detention and water quality facilities at the Streets at Southglenn, a Southglenn Stormwater Maintenance Agreement has been prepared by SEMSWA staff and legal counsel and is attached hereto as **Exhibit A**; and

WHEREAS, the Southglenn Stormwater Maintenance Agreement meets the requirements of the Manual and SEMSWA staff and legal counsel have approved the **Exhibit A** Agreement and recommend that the same be approved by the Board of SEMSWA.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board Approves the Southglenn Stormwater Maintenance Agreement attached hereto as **Exhibit A**.
2. The Board authorizes the Executive Director to execute the Southglenn Stormwater Maintenance 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

Exhibit A

(Exhibit on File and Available for Review)