

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

RESOLUTION NO. 36, SERIES OF 2007

(Approval to Enter Into IGA with Arapahoe County Regarding Construction and Maintenance of
Arapahoe County Fairgrounds Grading, Erosion and Sediment Control Measures)

WHEREAS, Arapahoe County Open Space Department is making improvements to the Arapahoe County Fair Grounds scheduled to be completed by the opening of the County Fair in July 2007; and

WHEREAS, the proposed improvements require grading of land sufficient to require a Grading, Erosion, and Sediment Control (GESC) plan be submitted to and approved by SEMSWA; and

WHEREAS, Arapahoe County (County) has submitted to SEMSWA for approval, a GESC Plan, Report, and cost estimate designated as the Arapahoe County Fairground Improvements; and

WHEREAS, County has proposed to appropriate and reserve funds in the amount of \$74,979.00, which is necessary to construct the improvements required in the GESC plan as required by SEMSWA; and

WHEREAS, an IGA between County and SEMSWA is proposed wherein County would agree to construct and maintain all GESC improvements as required by SEMSWA, the agreement to construct and maintain GESC improvements would constitute a formal restriction and legal encumbrance on the Property and would be recorded in the records of the Clerk and Recorder of Arapahoe County, Colorado; and

WHEREAS, SEMSWA pursuant to the proposed agreement would accept a County resolution appropriating \$74,949.00 as collateral for payment of the construction cost of the GESC plan improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes the Executive Director to enter into an Intergovernmental Agreement (IGA) with the County for the construction and maintenance of GESC measures on the County Fairgrounds improvement project.
2. The IGA would require the following as a minimum:
 - a. The County would agree to construct and maintain the measures set forth in the GESC Plan for the Fairgrounds improvement project as required by SEMSWA.

- b. The County would agree to appropriate and reserve \$74,979.00 for construction of GESC improvements as required by SEMSWA
- c. The above commitments by County would constitute a formal and legal encumbrance on the Property.

(SEAL)

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Date:_____

ATTEST:

Secretary

Chairperson