

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

RESOLUTION NO. 09-26

(Approval of a Three Party Non-Standard Subdivision Improvement Agreement -
SEMSWA / ACWWA & Trust Company of America)

WHEREAS, the Board of Southeast Metro Stormwater Authority (SEMSWA) in Resolution No. 08-09 has approved a Standard Addendum to the City of Centennial (City) Subdivision Improvement Agreement (SIA) and authorized the Executive Director of SEMSWA to execute the SIA Addendums on behalf of SEMSWA as long as they adhere to the Standard Addendum with minor non-substantive modifications; and

WHEREAS, the Arapahoe County Water and Wastewater Authority (ACWWA) holds the National Pollution Discharge Elimination System (NPDES) for Municipal Separate Storm Sewer System (MS4) – Phase II permit for its service area; and

WHEREAS, Trust Company of America (Developer) owns certain real property in fee simple in the City and within the service areas of both ACWWA and SEMSWA as more particularly described in Exhibit A, attached to the Agreement (Property); and

WHEREAS, Developer desires to develop the Property and has submitted to the City for approval and execution a Final Development Plan designated the Trust Company of America Parking Lot Expansion Project Final Development Plan, Case No. LU-0803-005/D08-1017 (hereinafter referred to as the “FDP”), a copy of which is on file in the Land Use Services Office of the City; and

WHEREAS, Developer agrees that the development of the Property as specified in the FDP will require increased stormwater management services from SEMSWA and will require the installation of certain public stormwater improvements primarily of benefit to the proposed development; and

WHEREAS, Program 5, Permanent Stormwater Facilities Including Post-Construction Best Management Practices (BMPs), of the MS4 stormwater discharge permit requires that post construction BMPs be constructed for all new development, redevelopment, or added impervious area within the City for the purpose of providing water quality treatment; 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 City currently requires developers to enter into an SIA for the purpose of guaranteeing the associated public improvements, including post-construction BMPs and stormwater improvements; and

WHEREAS, it is necessary for SEMSWA to enter into an SIA with developers that commit to constructing post-construction BMPs and stormwater improvements; and

WHEREAS, the Standard Addendum to the City's SIA adopted by the Board of Directors has been modified to allow for a three party agreement between the Developer, ACWWA and SEMSWA, which sets forth the Applicant's requirements with regard to the design, construction and maintenance of post-construction BMPs and stormwater improvements; and

WHEREAS, it was necessary to deviate from the Standard Addendum due to the fact that the Developer is being required to construct temporary stormwater improvements on its property until Pond L-2 is constructed at which time the Developer will be permitted to utilize capacity in the regional system and to reclaim its land used for the temporary stormwater improvements;

WHEREAS, a non-standard SIA has been prepared by SEMSWA staff and legal counsel and approved by ACWWA.

NOW, THEREFORE, BE IT RESOLVED THAT:

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

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