

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

RESOLUTION 12-47

Authorization to Enter into an Agreement for Funding, Design and Construction of Cherry Creek Reclamation-
Cherry Creek State Park to the Ecological Park

WHEREAS, with Resolution Numbers 11-05 and 11-09 the Board authorized the expenditure of \$70,000 and the execution of agreements with the Urban Drainage & Flood Control District (UDFCD), Cherry Creek Basin Water Quality Authority (CCBWQA), and Arapahoe County (County) for the funding of an alternatives analysis and the preliminary design of certain drainage, flood control, and water quality improvements included in the Cherry Creek Stream Reclamation Arapahoe Road to Piney Creek (Project); and

WHEREAS, the cost of the alternatives analysis and preliminary design of the Project has been estimated to be \$225,000; and

WHEREAS, subsequent to the adoption of Resolution Numbers 11-05 and 11-09, the Project's funding partners in conjunction with the City of Aurora (City) identified the need to extend the Project limits upstream through the City's jurisdiction so that the proposed channel reclamation would be continuous between the Cherry Creek State Park and the County's Ecological Park; and

WHEREAS, the City has agreed to participate in the Project as a funding partner if the Project is extended upstream through its jurisdiction to the Ecological Park; and

WHEREAS, the parties to the original funding agreements have agreed to expand the ongoing alternatives analysis and preliminary design to include the stream reach within the City's jurisdiction and to use funds from the City and UDFCD to fund the expanded scope of work, and

WHEREAS, UDFCD has prepared an Agreement for the design and construction of the expanded Project (Cherry Creek State Park to the Ecological Park), and

WHEREAS, the parties to the UDFCD agreement will be SEMSWA, CCBWQA, the County, and the City; and UDFCD will be responsible for management of the expanded Project; and

WHEREAS, the initial funding for the Project will be as follows:

	Percentage <u>Share</u>	Maximum <u>Contribution</u>
DISTRICT	43.09%	\$265,000
CITY	32.52%	200,000
SEMSWA	0.00%	0
CCBWQA	24.39%	<u>150,000</u>

TOTAL	100.00%	\$615,000
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WHEREAS, SEMSWA will be expected to participate in the Project funding beginning in 2013 if it is a party to the UDFCD Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Executive Director is authorized to enter into the UDFCD agreement for the design and construction of the Project with the understanding that SEMSWA's future funding for the Project will be provided after it is budgeted and approved by the Board by separate resolution.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor