

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

RESOLUTION 11-23

(Approval of Southglenn Drainage Easements and Authorization of the Executive Director to Execute the Agreements)

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 developers to dedicate drainage easements for stormwater improvements (Easement Property) permitting SEMSWA to enter, re-enter, and occupy the Easement Property; and

WHEREAS, the SEMSWA Board of Directors approved a standard form of a Easement Agreement in Resolution No. 19, Series of 2008; and

WHEREAS, the Streets at Southglenn development was approved by the City of Centennial in 2006, at which time easements were dedicated via the plat; and

WHEREAS, the constructed location of the drainage improvements varied from the locations shown on the Plat, and were vacated by the City of Centennial and now need to be dedicated to SEMSWA in accordance with the IIGA; and

WHEREAS, the standard Easement Agreement was modified to reflect the unique development and to account for the multiple property owners at the Streets at Southglenn, specifically whereby the stormwater improvements are owned by Southglenn Property Holdings, LLC; Macy's West Stores, Inc., Wells Fargo Bank, National Association, Trice Jewelers, Inc., and Southglenn Metropolitan District.

WHEREAS, in order to address the situation in which there are multiple parties who own stormwater improvements, Easement Agreements have been prepared by SEMSWA staff and legal counsel and are attached hereto as **Exhibit A, Exhibit B, Exhibit C, Exhibit D, and Exhibit E**; and

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WHEREAS, the Easement Agreements meet the requirements of the Manual and SEMSWA staff and legal counsel have approved the **Exhibit A, Exhibit B, Exhibit C, Exhibit D, and Exhibit E** Agreements and recommend that the same be approved by the Board of SEMSWA

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board Approves the Macy's Department Store, Inc. Easement Agreement attached hereto as **Exhibit A.**
2. The Board Approves the Wells Fargo Bank, National Association Easement Agreement attached hereto as **Exhibit B.**
3. The Board Approves the K2 Karbon, LLC (Trice Jewelers) Easement Agreement attached hereto as **Exhibit C.**
4. The Board Approves the Southglenn Metropolitan District Easement Agreement attached hereto as **Exhibit D.**
5. The Board Approves the Southglenn Property Holdings, LLC Easement Agreement attached hereto as **Exhibit E.**
6. The Board authorizes the Executive Director to execute the Easement Agreements attached hereto as **Exhibit A, Exhibit B, Exhibit C, Exhibit D, and Exhibit E.**

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
SOUTHEAST METRO STORMWATER AUTHORITY

By _____
Edward J. Krisor

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Exhibits A, B, C, D, and E

(Exhibits on File and Available for Review)