



Board Summary Report

Date: May 23, 2019

To: Arapahoe County Board of County Commissioners

Through: Bryan Weimer, Director
Public Works and Development

Through: Chuck Haskins, PE, Division Manager 
Public Works and Development – Engineering Services Division

From: Sue Liu, PE, Engineer III
Engineering Services Division

Case name: Valley Country Club Tennis Court Expansion
Lot1 (or Block 1), Subdivision Exemption for a Part of Valley Country Club
Case No. ASP19-001

Subject: Approval and acceptance of the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement within Lot1 (or Block 1), Subdivision Exemption for a Part of Valley Country Club

Purpose and Recommendation:

The purpose of this report is to request the Board accept the conveyance of one (1) drainage easement for recordation by separate document and to allow Bryan Weimer, Director, Department of Public Works and Development to execute the specific easement on behalf of the Board.

Staff has reviewed the drainage easement and has determined that they meet the County's requirements. Staff recommends that the drainage easement, granted by Valley Country Club, be accepted by the Board.

Background:

The drainage easement is located within Lot1 (or Block 1), Subdivision Exemption for a Part of Valley Country Club, and is related to the development known as Valley Country Club Tennis Court Expansion (hereinafter referred to as "Plan"). The proposed project is located at 14601 Country Club Dr.

There is one major drainageway in the area, Cherry Creek. This development seeks to discharge approved quantities and flows of clean stormwater into Cherry Creek. The Owner of Lot1 (or Block 1), Subdivision Exemption for a Part of Valley Country Club requests that the attached drainage easement be conveyed to the County prior to the Plan being approved by the Engineering Services Division.

Links to Align Arapahoe

To enhance the quality of life for citizens of Arapahoe County to address their basic needs.

Alternatives

N/A

Fiscal Impact

There is no fiscal impact related to this request.

Concurrence

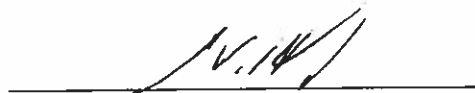
The Uniform Easement Deed and Revocable Storm Drainage License Agreement was reviewed by the County Attorney's Office and the attached legal descriptions were reviewed by Mapping.

Actions Requested:

1. Approval and acceptance of the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easements within Lot1 (or Block 1), Subdivision Exemption for a Part of Valley Country Club.
2. Authorize Bryan Weimer, Director, Department of Public Works and Development to execute the specific easement on behalf of the Board.



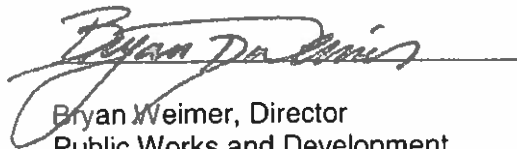
Sue Liu, PE, Engineer III
Engineering Services Division



Chuck Haskins, PE, Division Manager
Engineering Services Division



Robert Hill, Senior Assistant County Attorney
Attorney's Office



Bryan Weimer, Director
Public Works and Development

Attachments: Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement



ACCEPTANCE OF DRAINAGE EASEMENT

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to accept, upon recommendation of the County's Case Engineer and Director of the Public Works and Development Department, the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement within Lot1 (or Block 1), Subdivision Exemption for a Part of Valley Country Club, dated April 24, 2019, granted by Valley Country Club conveying the following real property interest to the County:

LEGAL DESCRIPTION:

DRAINAGE EASEMENT

A PORTION OF LAND IN BLOCK 1 (LOT 1), SUBDIVISION EXEMPTION FOR A PART OF VALLEY COUNTRY CLUB RECORDED AT BOOK 7043, PAGE 725 AND AT RECEPTION NO. D9011637 IN THE ARAPAHOE COUNTY CLERK AND RECORDERS OFFICE, SITUATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN. MONUMENTED ON THE WEST END BY A FOUND 3.25" ALUMINUM CAP STAMPED "C1/4 S19 2002 PLS 22088" AND ON THE EAST END BY A 3.25" ALUMINUM CAP STAMPED "1/4 S19/S20 2002 PLS 22088", AND IS CONSIDERED TO BEAR N89°54'29"E A DISTANCE OF 2633.01 FEET.

COMMENCING AT A SOUTHWESTERLY CORNER OF SAID BLOCK 1 (LOT 1) ALSO BEING THE SOUTHEAST CORNER OF 20TH HOLE TOWNHOMES FIRST ADMINISTRATIVE REPLAT AT RECEPTION NO. 95075041, THENCE N89°54'29"E ALONG THE SOUTH LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 25.81 FEET TO THE **POINT OF BEGINNING**;

THENCE N00°00'00"E, A DISTANCE OF 87.18 FEET;

THENCE N90°00'00"W, A DISTANCE OF 26.32 FEET TO A WESTERLY LINE OF SAID BLOCK 1 (LOT 1);

THENCE ALONG WESTERLY LINE AND THE NORTHERLY EXTENSION THEREOF N00°20'00"W, A DISTANCE OF 77.04 FEET;

THENCE N76°04'12"W, A DISTANCE OF 17.89 FEET;

THENCE N14°41'41"W, A DISTANCE OF 108.66 FEET;

THENCE N72°52'51"W, A DISTANCE OF 23.60 FEET TO A POINT ON THE EAST LINE OF A RETENTION POND EASEMENT RECORDED IN BOOK 7126, PAGE 170 OF THE SAID ARAPAHOE COUNTY RECORDS;



ACCEPTANCE OF DRAINAGE EASEMENT

THENCE ALONG SAID EAST LINE N17°07'09"E, A DISTANCE OF 20.00 FEET;
THENCE S72°52'51"E, A DISTANCE OF 34.73 FEET;
THENCE S14°41'41"E, A DISTANCE OF 107.92 FEET;
THENCE S76°04'12"E, A DISTANCE OF 21.57 FEET;
THENCE S00°20'00"E, A DISTANCE OF 67.71 FEET;
THENCE N90°00'00"E, A DISTANCE OF 42.74 FEET;
THENCE S00°00'00"E, A DISTANCE OF 25.00 FEET;
THENCE N90°00'00"W, A DISTANCE OF 16.28 FEET;
THENCE S00°00'00"E, A DISTANCE OF 87.15 FEET;
THENCE S89°54'29"W, A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 7,651.37 SQUARE FEET OR 0.176 ACRES, MORE OR LESS.

The Easements shall be used in connection with Arapahoe County Case No. ASP19-001, and known as Valley Country Club Tennis Court Expansion, and are accepted for the easement purposes expressed in the instrument.

Unless expressly stated in the instrument, Arapahoe County does not accept any interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

Authorization is hereby given to the Director of the Department of Public Works and Development to execute the subject easements on behalf of the Board of County Commissioners.

VOTE

The vote was:

Commissioner Baker,; Commissioner Conti,; Commissioner Holen,; Commissioner Jackson, ;
Commissioner Sharpe,.

The Chair declared the motion carried and so ordered.

UNIFORM EASEMENT DEED AND REVOCABLE STORM DRAINAGE LICENSE AGREEMENT

This Easement Deed and Revocable Storm Drainage License Agreement is made this ____ day of _____, 2019, between Valley Country Club, whose legal address is 14601 Country Club Drive, for itself and for its successors, tenants, licensees, heirs (if applicable) and assigns, (the "Owner"), and THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO, a body corporate and politic, whose legal address is 5334 South Prince Street, Littleton, Colorado 80166, (the "County").

Owner is the owner in fee simple of the property described in Exhibit A (the "Easement Property"), and of the property upon which the Easement Property is located, described in Lot1 (or Block 1), Subdivision Exemption for a Part of Valley Country Club (the "Development"). Owner desires a license to use certain components of County's storm drainage facilities to discharge approved volumes of clean stormwater from the Development. County has agreed to license Owner's use upon the terms of this Agreement, which include the grant by Owner of a permanent drainage and storm drainage easement to County. For and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner hereby grants and conveys to County, its successors and assigns, a permanent easement to enter, re-enter, occupy and use the Easement Property, and warrants the title to the same, for the purpose of constructing, connecting, disconnecting, rerouting, enlarging, removing, repairing, operating, monitoring and testing, and maintaining above ground, surface and underground:

Storm Drain System

which may include all necessary above ground, surface and underground facilities and appurtenances related thereto, including but not limited to: mains, manholes, conduits, valves, pavement, vaults, ventilators, retaining walls, drop structures, inlets, outfalls, erosion control structures, culverts, pipes, electric or other control systems, cable, wires and connections, including telephone wiring; in, upon, under, through and across the Easement Property, upon the terms and conditions stated in the instrument recorded at **Reception No. A7066570**, incorporated herein by this reference.

County hereby grants a revocable license to Owner and to the successors, heirs and permitted assigns of Owner, to discharge approved quantities and flows of clean stormwater into Cherry Creek, Arapahoe County, Colorado, (the "Outfall") upon the terms and conditions stated in the instrument recorded at Reception No. A7066570, incorporated herein by this reference.

This instrument relates to that certain Administrative Site Plan, Case No. ASP19-001, and known as Valley Country Club Tennis Court Expansion

The Special Conditions, if any, attached to this instrument are a part of this instrument and if in conflict with any other term shall supersede and control over any other term.

Except to the extent described in any Special Conditions, the parties intend that the terms of this instrument be interpreted in accordance with the requirements of the Plan, if any. In the event of irreconcilable conflict between or among the terms of this instrument or the terms of the Plan, the terms of this instrument shall control.

Termination, revocation or nonrenewal of the License shall not affect County's rights granted under this Easement. Each and every one of the benefits and burdens of this Easement shall inure to and be binding upon the respective legal representatives, successors and assigns of the Owner and County.

This License Agreement may be assigned, in whole or in part, by the County. Upon such assignment the County shall be released from all obligations and liabilities that run with this License Agreement.

Owner: The Valley Country Club

by: M. C. Tiernan

Name: Mark Tiernan

Title: General Manager

County of Arapahoe)

State of Colorado) s.s.

This instrument was acknowledged before me this 16th day of May, 2019 by Mark Tiernan as GM, Inc., an authorized representative of the Owner.

My commission expires: 5/9/21

Signature: [Handwritten Signature]

Name of notary: Crystal S. Gray

Address of notary: 3997 Christy Ridge Rd.
Sedalia CO 80135

CRYSTAL S GRAY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994022558
MY COMMISSION EXPIRES MAY 09, 2021

ACCEPTANCE AND APPROVAL:

For the Board of County Commissioners Arapahoe County

Bryan Weimer, Director, Public Works and Development
Authorization pursuant to Resolution No. _____

EXHIBIT A

PARCEL DESCRIPTION

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EXHIBIT B IS ATTACHED HERETO AND IS ONLY INTENDED TO DEPICT EXHIBIT A -
LEGAL DESCRIPTION. IN THE EVENT THAT EXHIBIT A CONTAINS AN AMBIGUITY,
EXHIBIT B MAY BE USED TO RESOLVE SAID AMBIGUITY.



PREPARED FOR AND ON BEHALF OF GALLOWAY
BY BRET W. DALTON, PLS# 38366

RETENTION POND
EASEMENT
(BK 7126, PG 170)
(REC. NO. 93121356)

BLOCK 1 (LOT 1)
SUBDIVISION EXEMPTION FOR A
PART OF VALLEY COUNTRY CLUB
(BK 7043, PG 725)
(REC. NO. D9011637)

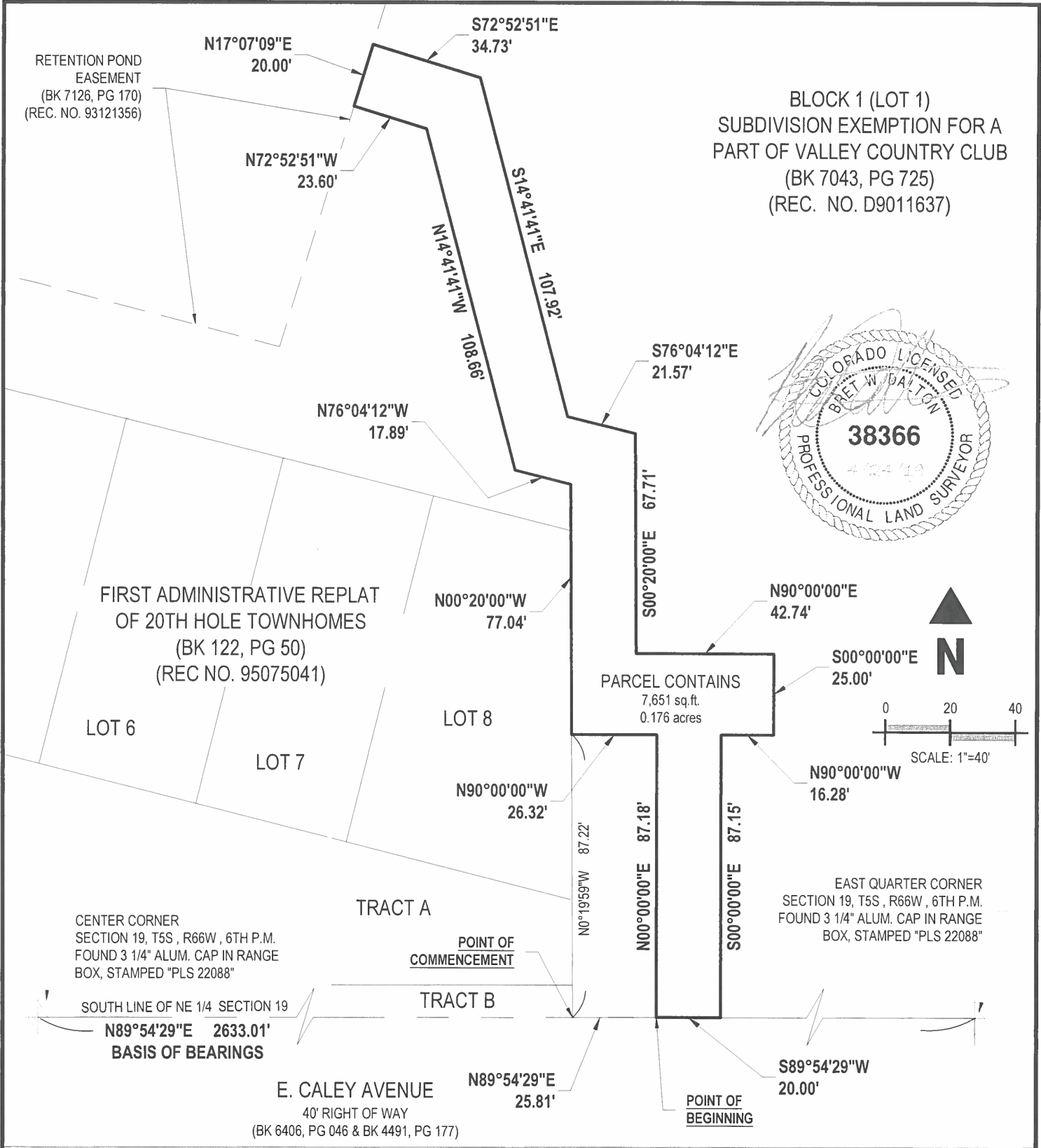


EXHIBIT B
DRAINAGE EASEMENT
PORTION OF BLOCK 1 (LOT 1) SUBDIVISION
EXEMPTION FOR A PART OF VALLEY COUNTRY
CLUB (BK 7043, PG 725) (REC. NO. D9011637)

#	Date	Issue / Description	Init.

Galloway
Planning, Architecture, Engineering.
6162 S. Willow Drive, Suite 320
Greenwood Village, CO 80111
303.770.8884 O
www.gallowayUS.com

Project No: VCC000003.10
Drawn By: BWD
Checked By: BWD
Date: 2019-04-24

COUNTY OF ARAPAHOE
STATE OF COLORADO

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