



Board Summary Report

Date: July 2, 2019

To: Arapahoe County Board of County Commissioners

Through: Bryan D. Weimer, Director
Public Works and Development

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

Subject: **Approval of RIGHT OF ENTRY AGREEMENT WITH SEMSWA**

Purpose and Recommendation:

The purpose of this report is to request the Board’s approval of a Right of Entry Agreement (attached) with the Southeast Metropolitan Stormwater Authority (SEMSWA) and to authorize the Chair of Board to sign said agreement.

Staff has reviewed the agreement and recommend approval of the Right of Entry Agreement with SEMSWA.

Background:

As provided in the Intergovernmental Agreement (IGA) that created SEMSWA, SEMSWA was created for the purposes to plan, fund, construct, acquire, and maintain drainage and flood control facilities within its boundaries including portions of the County.

The County owns or holds easement rights to real properties within its boundaries that are used for public drainage systems, including but not limited to drainage and flood control, regional stormwater facilities and conveyances, which are subject to NPDES MS4 Permit compliance. In order to assure proper maintenance and function of the facilities, easements are obtained to provide a right of access to the County and to the County’s agent’s or contractor’s, usually as a condition of the original development approval. However, the easements do not generally reference SEMSWA in granting that access, except as may be subsequently authorized by the BOCC.

SEMSWA assists the County with design, inspection and any necessary maintenance that may be required due to the owner’s failure to maintain these drainage facilities. Moreover, with the recent MS4 related stormwater changes, it is anticipated that SEMSWA will have a greater role in the inspection of existing drainage facilities. However, in order for SEMSWA to conduct the services described in their formation IGA, including inspections, they need a right of access to the facilities. As such, the purpose of this Right of Entry Agreement it to authorize SEMSWA to use the County’s easement rights to access the facilities. This Right of Entry agreement grants them permission to do so.

Links to Align Arapahoe:

Establish Strong Partnerships to improve Service

Discussion:

Considering that SEMSWA was formed to plan, fund, construct, acquire and maintain drainage and flood control facilities and these are necessary functions and ensures compliance with NPDES MS4 permit, this Right of Entry Agreement establishes authorization for SEMSWA to access and utilize the fee simply or easement property.

Fiscal Impact:

There is no fiscal impact related to the matter.

Actions Requested:

1. Approval of the Right of Entry Agreement with the Southeast Metro Stormwater Authority.
2. Authorize the BoCC Chair to sign Right of Entry Agreement on behalf of the Arapahoe County Board of County Commissioners.

Concurrence:

Engineering Services Staff recommends approval of the Right of Entry Agreement with SEMSWA.

Reviewed By:

Public Works and Development
County Attorney's office

Attachments:

Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement
Resolution for said easement