





## Board Summary Report

**Date:** February 22, 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:** Elevations Volleyball Club  
Lot 1, Block 1, Dove Valley Business Park Subdivision Filing No. 14  
Case No. ASP18-009

**Subject:** Approval and acceptance of the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easements within Lot 1, Block 1, Dove Valley Business Park Subdivision Filing No. 14

**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 FD Holdings, be accepted by the Board.

**Background:**

The drainage easement is located within Lot 1, Block 1, Dove Valley Business Park Subdivision Filing No. 14, and is related to the development known as Elevations Volleyball Club (hereinafter referred to as "Plan"). The lot is located at the southwest corner of the intersection of E. Broncos Parkway and S. Vaughn Court.

There is one major drainageway in the area, Lone Tree Creek. This development seeks to discharge approved quantities and flows of clean stormwater into the County's storm drainage collector facilities, an existing regional detention and water quality pond, L2, on Lone Tree Creek. The Owner of Lot 1, Block 1, Dove Valley Business Park Subdivision Filing No. 14 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 Lot 1, Block 1, Dove Valley Business Park Subdivision Filing No. 14.
2. Authorize Bryan Weimer, Director, Department of Public Works and Development to execute the specific easement on behalf of the Board.



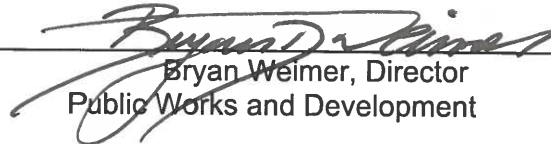
Sue Liu, PE, Engineer III  
Engineering Services Division



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 Lot 1, Block 1, Dove Valley Business Park Subdivision Filing No. 14, dated March 1, 2019, granted by FD Holdings conveying the following real property interest to the County:

### **LEGAL DESCRIPTION:**

#### DRAINAGE EASEMENT

A PORTION OF LAND LOCATED IN LOT 1, BLOCK 1, DOVE VALLEY BUSINESS PARK SUBDIVISION FILING NO. 14 AS RECORDED AT RECEPTION NO. B0128873 IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO;

BEARINGS BASED ON THE NORTH LINE OF THE NE 1/4 OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARING S 89°44'48" W AS BOUNDED BY THE MONUMENTS SHOWN HEREON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 36;  
THENCE S 09°35'48" E, A DISTANCE OF 748.70 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE N 79°03'59" E, A DISTANCE OF 102.09 FEET; THENCE S 02°02'16" E, A DISTANCE OF 60.81 FEET; THENCE S 87°58'10" W, A DISTANCE OF 100.86 FEET;  
THENCE N 02°02'16" W, A DISTANCE OF 45.01 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 5,336 SQUARE FEET OR 0.12 ACRES, MORE OR LESS.

The Easements shall be used in connection with Arapahoe County Case No. ASP18-009 Lot 1, Block 1, Dove Valley Business Park Subdivision Filing No. 14, 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.



## ACCEPTANCE OF DRAINAGE EASEMENT

### 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 FD Holdings, whose legal address is 12987 E Adam Aircraft Circle, 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 Lot 1, Block 1, Filing No. 14 Dove Valley Business Park Subdivision (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:

### Water quality grass buffer

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 County's storm drainage collector facility, an existing regional detention and water quality pond, L2, on Lone Tree Creek (eventually outfall is Lone Tree 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. ASP18-009, and known as Elevation Volleyball Club

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.



EXHIBIT A  
DRAINAGE EASEMENT  
SHEET 1 OF 2

A PORTION OF LAND LOCATED IN LOT 1, BLOCK 1, DOVE VALLEY BUSINESS PARK SUBDIVISION FILING NO. 14 AS RECORDED AT RECEPTION NO. B0128873 IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO;

BEARINGS BASED ON THE NORTH LINE OF THE NE 1/4 OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARING S 89°44'48" W AS BOUNDED BY THE MONUMENTS SHOWN HEREON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 36;  
THENCE S 09°35'48" E, A DISTANCE OF 748.70 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE N 79°03'59" E, A DISTANCE OF 102.09 FEET;  
THENCE S 02°02'16" E, A DISTANCE OF 60.81 FEET;  
THENCE S 87°58'10" W, A DISTANCE OF 100.86 FEET;  
THENCE N 02°02'16" W, A DISTANCE OF 45.01 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 5,336 SQUARE FEET OR 0.12 ACRES, MORE OR LESS.

*Robert J. Rubino*

ROBERT J. RUBINO, PROFESSIONAL LAND SURVEYOR  
COLORADO PLS NO. 14142  
RUBINO SURVEYING  
3312 AIRPORT ROAD  
BOULDER, COLORADO 80301



EXHIBIT A  
DRAINAGE EASEMENT  
SHEET 2 OF 2

POINT OF COMMENCEMENT  
N1/4 COR  
SECTION 36  
RECOVERED  
3" BRASS CAP  
SET IN STONE

NE CORNER SEC 36  
RECOVERED 3.5" ALUMINUM CAP

EAST ARAPAHOE ROAD

S89°44'48"W 2640.28' (BASIS OF BEARING  
ARAP. CTY. NETWORK)  
N. LINE NE 1/4 SECTION 36

EAST BRONCOS PARKWAY  
(120' PUBLIC R.O.W.) (BK.4475-PG.40)

S 73°09'55" W  
2523.34'

N 79°03'59" E  
341.91'

TRUE POINT OF BEGINNING

10' EX.  
UTILITY  
EASEMENT  
R.N. B1014464

S 09°35'48" E  
748.70'

N 79°03'59" E, 102.09'

EX. 15'  
UTILITY  
EASEMENT  
R.N. B0128873

DRAINAGE EASEMENT  
5336 SQ.FT.

N 02°02'16" W  
45.01'

S 02°02'16" E, 60.81'

EX PUBLIC USE  
R.N. B9084894

S 87°58'10" W, 100.86'

S 02°01'52" E  
465.41'

15' EX.  
STORM SEWER  
EASEMENT  
R.N. B1014464

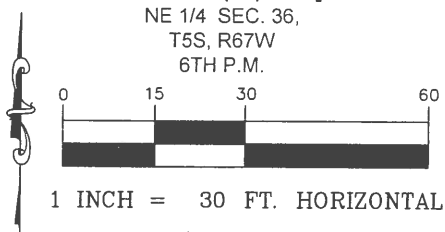
10' EX.  
UTILITY  
EASEMENT  
R.N. B1014464

LOT 1, BLOCK 1  
DOVE VALLEY  
BUSINESS PARK  
SUBDIVISION FILING NO. 14  
BK 186, PG. 57-58  
R.N. B0128873

LOT 1, BLOCK 1  
DOVE VALLEY  
BUSINESS PARK  
FILING NO. 15  
R.N. B1014464

10' EX.  
UTILITY EASEMENT  
R.N. B0128873

NE 1/4 SEC. 36,  
T5S, R67W  
6TH P.M.



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION

**PHELPS**  
ENGINEERING  
7200 E HAMPOEN AVE. SUITE 300, DENVER, CO 80241  
(303) 298-1644 www.PhelpsEngineering.net

SCALE: 1" = 30'

JOB NO. 17184

DATE: FEBRUARY 2019

17184\CAD\SHEETS

DRAWN BY: JOA

SHEET: 2 OF 2