



Arapahoe County

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Board Summary Report

File #: 26-409

Agenda Date: 8/11/2026

Agenda #: 5.c.

To: Board of County Commissioners

Through: John Christofferson, Acting County Attorney, County Attorney's Office

Prepared By:

Matt Hader, Senior Assistant County Attorney

Subject:

Resolution Approving Waiver and Release, Termination Agreement, License Revocation, and Quitclaim Deed Concerning ASP25-010, Regal Electric, LLC

Purpose and Request:

The Board of County Commissioners (the "Board") is requested to adopt a resolution clearing up several documents that are inconsistent and conflict with current approved plans for property located at Dove Valley Business Park Subdivision Filing No. 26, Block 1 Lot 2 (the "Subject Property"). The Board is being asked to approve the following: 1) a Release and Waiver Agreement, concerning potential claims originating from an obsolete 2023 Subdivision Improvement Agreement against DC, LLC ("DC") and Regal Colorado, LLC ("Regal"); 2) a Termination Agreement terminating an obsolete Stormwater Facility Maintenance Agreement with DC and Regal; 3) a Revocation of Storm Drainage License revoking a license granted to DC pursuant to an obsolete Uniform Easement Deed and Revocable Storm Drainage License and assigned to Regal; and 4) a Quitclaim Deed conveying the easement granted as part of the Uniform Easement Deed and Revocable Storm Drainage License back to Regal.

Background and Discussion:

There are existing agreements and easements burdening the Subject Property that were part of an Administrative Site Plan submitted by DC, LLC ("DC"), the initial developer, approved in August 2023 (case no. ASP21-010). DC has since conveyed the Subject Property to Regal and assigned all rights under any existing agreements. Regal's ASP was subsequently approved in April 2026 (case no. ASP25-010). However, the pre-existing agreements and easements approved as part of DC's ASP are inconsistent with Regal's approved plan. In order to cure any issues with title and conflicting agreements, several documents need to be executed to terminate the agreements and extinguish the easement approved as part of the 2023 ASP process.

The Release and Waiver Agreement provides that the Board is releasing Regal and DC from all responsibilities, obligations, and duties as set forth under the 2023 Subdivision Improvement Agreement that DC entered in conjunction with the 2023 ASP. Additionally, the Release and Waiver Agreement waives all claims for breach that originated (or could originate) by DC and inherited by Regal under the 2023 Subdivision Improvement Agreement. The County has no interest in enforcing the terms of the 2023 SIA because the Regal entered into a new Subdivision Improvement Agreement as part of the 2026 ASP that addresses the impacts of its plans which meaningfully differ from those of DC.

The Termination Agreement terminates a Stormwater Facility Maintenance Agreement entered between the County and DC and Regal as DC's assignee, and releases DC and Regal from all responsibilities, obligations, and duties as set forth under the Stormwater Facility Maintenance Agreement. Regal entered into a new Stormwater Facility Maintenance Agreement as part of the 2026 ASP that satisfies all obligations necessary for Regal's development of the property.

The Revocation of Storm Drainage License revokes the license granted to DC and assigned to Regal pursuant to a 2022 Uniform Easement Deed and Revocable Storm Drainage License Agreement. Regal entered into a Storm Drainage License Agreement as part of the 2026 ASP that satisfies the necessary obligations of Regal for storm drainage.

The Quitclaim deed conveys the original easement properties from the County to Regal in order to extinguish the original easement that was conveyed from DC to the County pursuant to a Uniform Easement Deed and Revocable Storm Drainage License Agreement dated September 27, 2022, recorded at Reception No. E2099305 with the Arapahoe County Clerk and Recorder on September 30, 2022. Regal entered into a new Storm Drainage License Agreement as part of their application that conveys the necessary easement property to the County and renders the previous easement unnecessary, and in fact, prohibitive to Regal's development.

Alternatives: There are no appropriate alternatives to what is being recommended for approval given the conflicts that exist between the 2023 ASP and the approved 2026 ASP.

Fiscal Impact: This item will have no fiscal impact.

Alignment with Strategic Plan: N/A.

Concurrence: The County Attorney's Office concurs with this effort to remove unnecessary encumbrances on the subject property.