



# Arapahoe County

5334 South Prince Street  
Littleton, CO 80120  
303-795-4630  
Relay Colorado 711

## Board Summary Report

---

**File #:** 24-549

**Agenda Date:** 11/12/2024

**Agenda #:**

---

**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works and Development

**Prepared By:**  
Joseph Boateng, PE, Engineer II, Engineering Services Division

**Presenter:** Joseph Boateng, PE, Engineer II, Engineering Services Division

**Subject:**  
Agreement between Arapahoe County, the City of Aurora and East Cherry Creek Valley and Sanitation District to release and vacate the Drainage Easement

### **Purpose and Request:**

The purpose of this report is to request the Board to approve an Agreement between Arapahoe County, the City of Aurora and East Cherry Creek Valley Water and Sanitation District ("ECCV") to vacate and release a Drainage Easement, recorded at reception number A8025953, and previously dedicated to Arapahoe County. There is no facility within this Drainage Easement and the County has no need for the easement. The ECCV Project Manager has requested the fee to be waived. The Public Works and Development staff recommends approval of the Agreement to release this Drainage Easement to the ECCV and approval of the fees to be waived.

The specific actions requested of the Board are:

1. Approval of the Agreement to release and vacate the Drainage Easement; and
2. Authorize the Director of the Department of Public Works and Development to execute the Agreement on behalf of the Board and the County.
3. Approval of the fees to be waived.

**Background and Discussion:** There is an easement with Reception No. A8025953(the "Prior Easement") which was conveyed by ECCV as the Grantor, to Arapahoe County, as Grantee, and recorded on February 26, 1998.

As part of the East Cherry Creek Office Expansion project the parties identified that the drainage improvements comprising the "Improvements" under the Prior Easement were not located within the easement area granted therein and that those improvements should have been dedicated to the City of Aurora at such time as the City accepted the Smoky Hill Road upon annexation.

As part of that office expansion project the County and City of Aurora Colorado directed the ECCV to develop a plan to extend the storm line from Smoky Hill Road through the Grantor's property. The Construction Plans have been approved by the County via Case No. LE18-007.

The City, ECCV and the County have come up with an Agreement by which the Drainage Easement, recorded at Reception No. A8025953, is vacated and released back to ECCV, and the City and ECCV establish another replacement easement for the drainage purposes. This agenda item will release the drainage easement by approval of the Agreement. An invoice charging the vacation fee of \$750 which was submitted to ECCV to pay before the vacation process began which they disagreed with. ECCV requested the County waive fees because this process has been going on for several years and ECCV's opinion is that the easement could have simply been assigned but for the fact that the improvements were not in the location of the dedicated easement. ECCV believes they will have to do more coordination for this reason and wishes to now complete the process quickly. Staff supports this request to waive the vacation fees because the issue has been lingering since 2020. None of the parties (ECCV and City of Aurora) were ready to accept the proposed easement or to do inspections and maintenance. The City of Aurora has agreed to accept the proposed easement with the associated maintenance requirements of the drainage facilities which will allow the prior easement that was dedicated to Arapahoe County to be vacated.

**Fiscal Impact:** The fiscal impact from the requested fee waiver will be a reduction in potential revenue of \$750.

**Alternatives:** The county needs to vacate the existing easement before the new easement can be dedicated to the City of Aurora. There are no alternatives since there are no drainage facilities in the existing easement and the County has no need of the easement. Staff has no objection to releasing the easement in this manner.

**Alignment with Strategic Plan:**

- ☐ Be fiscally sustainable
- ☐ Provide essential and mandated service
- ☒ Be community focused

**Staff Recommendation:** The County Staff Engineer recommends approval of the Drainage Easement.

**Concurrence:** The Drainage Easement Agreement was reviewed by the Engineering Services Division Manager and County Attorney's Office.