



## Legislation Text

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**File #:** 24-369, **Version:** 1

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**To:** Board of County Commissioners

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

**Prepared By:**

Ceila Rethamel, Engineer III, Public Works and Development Department

**Subject:**

Department of the Army Easement for Drainage Located on Cherry Creek Lake Project

**Purpose and Request:**

The Public Works and Development (PWD) staff requests that the Board of County Commissioners adopt a resolution to approve and accept an easement for the continued operation, maintenance, and repair of an existing drainageway located on Cherry Creek Lake Project with the U.S. Army Corps of Engineers (USACE). Staff also requests that the Board authorize the Chair to sign the easement in agreement to its terms, and further authorize the Clerk to the Board to sign the Certificate of Authority document attesting to the Chair's execution. PWD recommends that the BOCC approve and accept this easement for the continued use of the easement for the drainageway.

**Background and Discussion:** Easement No. DACW45-2-99-6027 was acquired from the USACE in the late 1990's concurrent with development of The Hills at Cherry Creek East Subdivision. The easement expired on March 31, 2024, and requires an extension. In order to extend the easement, the U.S. Army requires the County to enter into a new easement subject to such federal terms and conditions as are stated in this easement, including terms for compliance with executive orders for federal contractors in the event work is required for maintenance of facilities within the easement. The storm sewer from the Cherry Creek East Subdivision storm sewer outfalls onto the USACE property.

The PWD staff has determined that the easement is still necessary for the functioning of the subdivision drainage system and hence the easement will require an extension. Easement No. DACW45-2-24-6032 would provide continued use for another 25 years. The USACE supports that the improvement remain in place and have prepared the new easement agreement (attached).

**Alternatives:** PWD staff sees no viable option to extending this easement with the USACE.

**Fiscal Impact:** There is no payment required to extend the easement.

**Alignment with Strategic Plan:**

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

**Concurrence:** PWD staff has reviewed this easement with the County Attorney's office.

**Resolution:** Attached is a copy of the draft resolution.