



## Legislation Text

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**File #:** 22-619, **Version:** 1

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**To:** Board of County Commissioners

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

**Prepared By:**

Emily Gonzalez, Engineer II, Engineering Services Division

**Subject:**

Canyon Creek Storage Amended and Restated Drainage Agreement (ASP21-007)

**Purpose and Request:**

The Board of County Commissioners is requested to approve the Amended and Restated Uniform Easement Deed and Revocable Storm Drainage License Agreement for the Dove Valley Filing V #22 (aka Canyon Creek Storage) Development.

**Background and Discussion:** During the construction the Canyon Creek Storage Development (ASP21-007) an approximately 12 foot tall retaining wall was inadvertently constructed within three (3) feet of an existing storm drainage manhole within an existing County Drainage Easement (REC# D70115425). This does not meet the criteria for allowable landscaping and surface treatment in storm sewer easements outlined in the County's Stormwater Management Manual, Section 9.4.3. The agreement is being amended in order to allow the retaining wall to remain where constructed, provided that the property owner agrees to assume responsibility for any damages caused to the retaining wall for the routine use of the drainage easement (including for maintenance of the manhole and associated storm sewer) or structural failure of the manhole.

**Alternatives:** The Board could choose not to agree to the amended agreement and: (1) allow the wall to remain under the existing agreement, or (2) require the site to be redesigned and the wall re-constructed outside of the storm sewer easement.

**Fiscal Impact:** This agreement would hold the County harmless from and against any claims for damages, injuries, or death to any persons, or any claims, injuries, or damages to property which are caused by or in any way attributed to the retaining wall inhibiting, prohibiting or interfering with access to the manhole or easement

area.

**Alignment with Strategic Plan:**

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

**Concurrence:** This request was reviewed by the Public Works and Development and County Attorney's office and both departments support the request to approve the amended agreement.

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