

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 38, SERIES OF 2011

(Adoption of Policy in Regard to the Inclusion of Agricultural Land within an Urban Renewal Area)

WHEREAS, the Urban Drainage and Flood Control District was established by the Colorado General Assembly in 1969 in order to assist local governments with multijurisdictional drainage and flood control problems, including the authority to levy property taxes; and

WHEREAS, the General Assembly has subsequently authorized the District to levy property taxes for design and construction of projects, for maintenance, and for the South Platte River; and

WHEREAS, the General Assembly in 2010 established new requirements (31-25-107 C.R.S.) to allow an urban renewal area to be created that includes agricultural land that meets certain criteria; and

WHEREAS, one of the criteria to be met is that "Each public body that levies an ad valorem property tax on the agricultural land agrees in writing to the inclusion of the agricultural land within the urban renewal area;"; and

WHEREAS, the District desires to set a policy for requests by governing bodies to the District that it consent to the inclusion of agricultural land located in the District boundaries within an urban renewal area in compliance with the new 2010 requirements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Urban Drainage and Flood Control District adopts the following "Inclusion of Agricultural Land within an Urban Renewal Area Policy."
2. All governing bodies to include agricultural land within an urban renewal area by determining it blighted through the process set forth in 31-25-107 C.R.S. shall submit a written request to the District requesting its agreement to the inclusion of agricultural land in the District within an urban renewal area.
3. Such request shall legally describe the agricultural land to be included, state the anticipated use of the land, describe the benefits anticipated from the use of the land, and agree that the governing body will require that the development meet all of the applicable guidance contained in the District's Urban Storm Drainage Criteria Manuals.
4. In addition to the requirements set forth above, the request will also contain the agreement of the governing body that it will:
 - assure that the project is in conformance with any relevant adopted District/local government major drainage master plans or outfall systems plans,
 - assure that the project meets the minimum standards of the Colorado Water Conservation Board and/or the National Flood Insurance Program,
 - comply with Resolution No. 26, Series of 1983, "Reaffirming District Approval of Facilities Constructed by Others as a Condition of District Maintenance Support" for any drainage and flood control facilities constructed by the development.

Also, the request shall contain an acknowledgement of the governing body that during the time period of the tax increment financing, in regard to the development, not to exceed twenty-five years in any case; the District, at the request of the governing body, may perform routine maintenance on the facilities constructed in conformance with Resolution No. 26, Series of 1983. District maintenance support shall be limited to routine activities such as mowing and debris removal. District shall not provide maintenance services above routine activities.

5. Upon receipt of the request from the governing body, the Executive Director shall promptly notify the Board of Directors of the request.
6. The Executive Director shall thereafter respond to the governing body that such request will be placed on the Agenda of an upcoming Board Meeting for approval contingent upon the governing body certifying to the District that it has met all of the requirements of 31-25-107

C.R.S. including, but not limited to, certifying that all other public bodies that levy ad valorem taxes have approved the governing body's request.

7. Once the governing body has met the District's requirements, the Board of Directors shall approve, by resolution, the governing body's request barring extraordinary circumstances brought to the attention of the Board by a Board Member of the District.
8. The Board of Directors adopts this Policy in full recognition of the possibility that two or more governmental entities within the District boundaries may be competing for the same development.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 39, SERIES OF 2011
(Authorization to Participate in Drainage and Flood Control Improvements
on Little Dry Creek, City of Cherry Hills Village, Arapahoe County)

WHEREAS, the District in a policy statement previously adopted, (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973), expressed an intent to assist public bodies which have heretofore enacted floodplain zoning measures; and

WHEREAS, the City of Cherry Hills Village has enacted floodplain regulations; and

WHEREAS, Arapahoe County, the City of Greenwood Village, the City of Cherry Hills Village, the City of Centennial, South Suburban Parks and Recreation District, and the District cooperated in the preparation of "Little Dry Creek (ARAPCO) Watershed Downstream Portions Major Drainageway Planning Study" dated August, 2004; and

WHEREAS, the City of Cherry Hills Village has requested District participation in the design, acquisition of right-of-way, and construction of improvements along Little Dry Creek (Exhibit A); and

WHEREAS, the City of Cherry Hills Village and the District have estimated the total project costs to be \$40,000; and

WHEREAS, the District's participation being authorized by this resolution is \$20,000; and

WHEREAS, it is anticipated that additional funds may be required for this project in the future; and

WHEREAS, the District has adopted a Special Revenue Fund–Construction Budget (Resolution No. 52 Series of 2010) for calendar year 2011 subsequent to public hearing, which includes funds for design, acquisition of right-of-way, and construction of drainage and flood control improvements along Little Dry Creek; and

WHEREAS, the District has adopted at a public hearing a Five-Year Capital Improvement Program (Resolution No. 68, Series of 2010) in which the improvements along Little Dry Creek were included.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to execute the necessary agreements with the City of Cherry Hills Village for the design, acquisition of right-of-way, and construction of drainage and flood control improvements on Little Dry Creek.
2. The Executive Director is authorized to enter into an agreement(s) with qualified engineers, qualified contractors, and others as necessary for the design, acquisition of right-of-way, and construction of drainage and flood control improvements on Little Dry Creek.
3. The District's maximum contribution to the Little Dry Creek project, without prior approval of the Board, shall be \$20,000 plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by the City of Cherry Hills Village.
4. Such approval for expenditure of District funds is contingent upon the City of Cherry Hills Village agreeing to regulate and control any defined floodplain in the Little Dry Creek project area in accordance with the National Flood Insurance Program Regulation as a minimum; agreeing to maintain the completed facilities in a manner acceptable to the District; granting the District access to the completed improvements at all times; and agreeing not to make any changes to the improvements without the District's approval.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

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RESOLUTION NO. 39, SERIES OF 2011

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EXHIBIT A

