

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 33, SERIES OF 2011

(Amendment to Statement of Policy Regarding Removal and Relocation of Public Utilities)

WHEREAS, often during the design and construction of a drainage project it is necessary to require the removal and relocation of public utilities; and

WHEREAS, local governments that cooperate with the District in regard to the design and construction of these drainage projects often have varying legal arrangement with public utilities, resolutions and policies in regard to the removal and relocation of public utilities facilities located within their boundaries; and

WHEREAS, the applicable Colorado statute addressing this issues in regard to the District is 32-11-104 (10(d) C.R.S. which reads as follows: "(d) In the event the construction of any project authorized in this article, or any part thereof, makes necessary the removal and relocation of any public utility, whether on private or public right-of-way, or otherwise, the District shall reimburse the owner of such public utility facility for the expense of such removal and relocation, including the cost of any necessary land or rights in land."; and

WHEREAS, the policy of the District since April of 1977 (Resolution No. 23, Series of 1977) has been that when the District cooperates with local governments to design, construct, and finance a drainage project that requires a facility to be removed and relocated, the District would reimburse the owner of the facility up to fifty (50) percent of the cost of the removal and relocation of public utilities necessitated by the drainage project; and

WHEREAS, due to the varying legal arrangements that the District's cooperating local governments have with public utilities located within their jurisdictions, resolutions, ordinances, and policies, the policy of the District has not been implemented in a consistent manner; and

WHEREAS, although the District has traditionally cooperated with local governments in the design, construction, and financing of a drainage project, the District could, as it has on many occasions, transfer funds to a local government and allow the local government to manage the drainage project including its design, construction, and funding; and

WHEREAS, various public utilities have expressed a desire that the District clarify its policy in regard to the District's payment for the cost of removal and relocation of a facility in regard to drainage projects its cooperates in with local governments; and

WHEREAS, various public utilities have requested that the District notify them as soon as conveniently possible about any drainage project that might require the removal and location of a facility.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board hereby amends the policy that is contained in Resolution No. 23, Series of 1977 by replacing the policy in its entirety by the following:

1. The District shall, as soon as conveniently possible, notify all public utilities that may be required to remove and relocate a facility as a result of a drainage project that is currently in design.
2. All public utilities that are required to remove and relocate one of their facilities as a result of a drainage project which involves the District in cooperation with at least one local government shall pay the entire cost of such removal and relocation of that facility unless one of the following applies:
 - a. The facility is located in, on, or over real property that is not in the public right of way, but in which the public utility has a legal right to locate its facility, such as an easement or public right-of-way in privately owned real property.
 - b. The local government has a legal arrangement with the public utility that requires the local government to pay some or all of the cost of the public utility removing and relocating its facility.

- c. The local government has its own resolution, ordinance, or policy that requires it to pay some or all of the cost of the public utility removing and relocating its facility.

In these three exceptions, the District will pay out of its share of the project costs 50% of the costs required to be reimbursed to the public utility by the local government, by reason of a legal agreement with the public utility or by reason of a resolution, ordinance, or policy, that was incurred by the public utility to remove and relocate its facility multiplied by the percent of the total project costs the District is paying.

- d. In the case of a drainage project that requires the removal and relocation of a facility that the District is designing, constructing, and financing without a cooperating local government contributing any funds to the drainage project, and there is no legal arrangement with the public utility and the local government wherein the project is located, or a resolution or policy requiring the public utility to pay some or all of the removal and relocation costs of the facility, the District shall pay 100% of the costs incurred by the public utility to remove and relocate its facility. However, if the legal agreement between the public utility and the local government, a resolution, ordinance, or policy requires the public utility to pay some or all of those costs, the District shall pay the difference between what the public utility is required to pay and the cost of the removal and relocation of the Facility.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

ATTEST:

Date: _____

Secretary

Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 34, SERIES OF 2011

(Authorization to Participate in Drainage and Flood Control Improvements
On Ridge Road Tributary, Downstream of Ward Road in Jefferson 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 Wheat Ridge and the City of Arvada have enacted floodplain regulations; and

WHEREAS, the City of Wheat Ridge, the City of Arvada and the District cooperated in the preparation of "Outfall Systems Planning – Columbine Basin" dated December, 1994; and

WHEREAS, the City of Wheat Ridge and the City of Arvada have requested District participation in the design, acquisition of right-of-way, and construction of improvements along Ridge Road Tributary, downstream of Ward Road (Exhibit A); and

WHEREAS, the City of Wheat Ridge, the City of Arvada, and the District have estimated the total project costs to be \$200,000; and

WHEREAS, the District's participation being authorized by this resolution is \$100,000; 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 Ridge Road Tributary, downstream of Ward Road; 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 Ridge Road Tributary, downstream of Ward Road were included.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to execute the necessary agreements with the City of Wheat Ridge and the City of Arvada for the design, acquisition of right-of-way, and construction of drainage and flood control improvements on Ridge Road Tributary, downstream of Ward Road.
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 Ridge Road Tributary, downstream of Ward Road.
3. The District's maximum contribution to the Ridge Road Tributary, downstream of Ward Road project, without prior approval of the Board, shall be \$100,000 plus interest earned on monies deposited in the project fund, which contribution shall be at least matched by the City of Wheat Ridge and the City of Arvada.

4. Such approval for expenditure of District funds is contingent upon the City of Wheat Ridge and the City of Arvada agreeing to regulate and control any defined floodplain in the Ridge Road Tributary, downstream of Ward Road 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

ATTEST:

Date: _____

Secretary

Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 34, SERIES OF 2011

(Authorization to Participate in Drainage and Flood Control Improvements
On Ridge Road Tributary, Downstream of Ward Road in Jefferson County)

EXHIBIT A



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 35, SERIES OF 2011

(Acceptance of Lafayette-Louisville Boundary Outfall Systems Planning Study,
Boulder County)

WHEREAS, the Board cooperated with the City of Lafayette and the City of Louisville in the preparation of an outfall systems planning study for the Lafayette-Louisville boundary area (Resolution No. 21, Series of 2008); and

WHEREAS, the Executive Director executed an agreement for engineering services with the consulting firm of McLaughlin Water Engineers to conduct studies and prepare an outfall systems planning report for the Lafayette-Louisville boundary area; and

WHEREAS, the District reviewed the alternatives presented by McLaughlin Water Engineers and concurred with the need to complete the study based on an alternative selected in cooperation with the City of Lafayette and the City of Louisville; and

WHEREAS, McLaughlin Water Engineers has completed the study and submitted to the District the "Lafayette-Louisville Boundary Outfall System Plan Conceptual Design Report" dated May 2011.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Urban Drainage and Flood Control District hereby accepts the report titled "Lafayette-Louisville Boundary Outfall System Plan Conceptual Design Report" dated May 2011, and recommends that all the drainageway and flood control facilities and practices recommended by the report be used as a guide in future drainage and flood control planning, in land development, and in design of all drainageway facilities within the jurisdiction covered by said plan.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

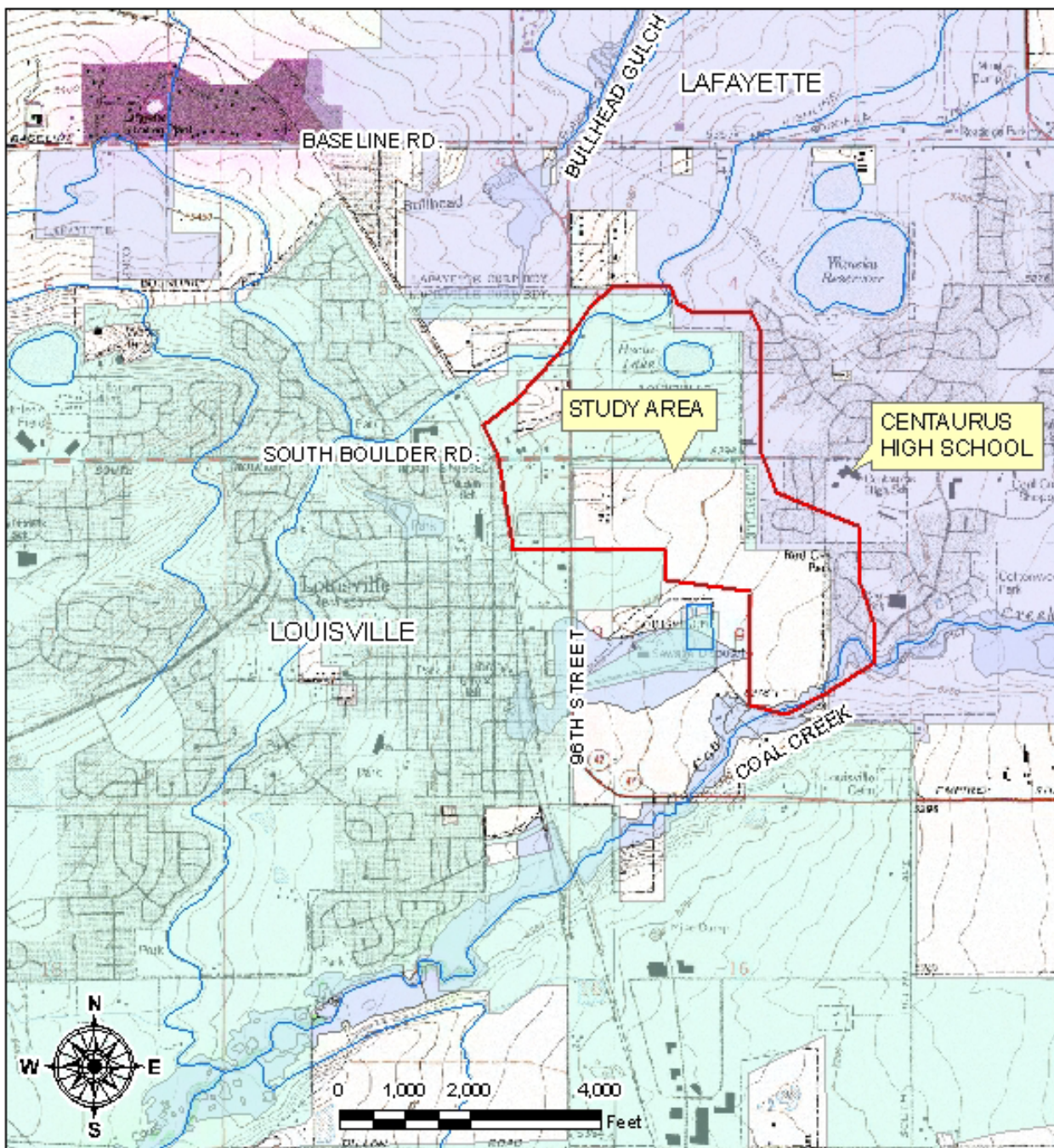
Chairperson

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 35, SERIES OF 2011

(Acceptance of Lafayette-Louisville Boundary Outfall Systems Planning Study,
Boulder County)

EXHIBIT A



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 36, SERIES OF 2011
(Authorization for a Planning Study of Happy Canyon Creek)

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, Arapahoe County, Douglas County, the City of Lone Tree and the Town of Parker have enacted floodplain regulations; and

WHEREAS, Arapahoe County has assigned and transferred to Southeast Metro Stormwater Authority (SEMSWA) their rights and obligations for the Happy Canyon Creek planning study project; and

WHEREAS, the Board has previously established a Work Program for 2011 (Resolution No. 69, Series of 2010) which includes master planning; and

WHEREAS, SEMSWA, Douglas County, the City of Lone Tree and the Town of Parker have expressed a desire to participate in a study leading to a major drainageway plan and flood hazard area delineation (FHAD) for Happy Canyon Creek and to fund the local share of project costs; and

WHEREAS, the Board wishes to cooperate with SEMSWA, Douglas County, the City of Lone Tree and the Town of Parker in the identification of solutions to stormwater drainage and flood control management problems for Happy Canyon Creek (Exhibit A); and

WHEREAS, the cost of engineering and mapping services for master planning is estimated to be \$300,000 and is expected to be divided among participating entities as follows:

	<u>Planning Study</u>	<u>FHAD</u>
District	\$125,000	\$50,000
SEMSWA	\$ 44,500	-
Douglas Co.	\$ 44,500	-
Lone Tree	\$ 31,000	-
<u>Parker</u>	<u>\$ 5,000</u>	<u>-</u>
TOTAL	\$250,000	\$50,000

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Director is authorized to execute an agreement with SEMSWA, Douglas County, the City of Lone Tree and the Town of Parker to fund the required engineering and mapping services for the Happy Canyon Creek planning study.
2. The Executive Director is authorized to procure any needed mapping and to execute a contract with a qualified engineer(s) for required engineering services.
3. The expenditures for the consulting and mapping services are estimated at \$300,000 and the District's share of total costs shall not exceed \$175,000 plus interest earned on monies deposited in the project fund which contribution for the planning portion of this project shall be matched by SEMSWA, Douglas County, the City of Lone Tree and the Town of Parker.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson

RESOLUTION NO. 36, SERIES OF 2011
(Authorization for a Planning Study of Happy Canyon Creek)

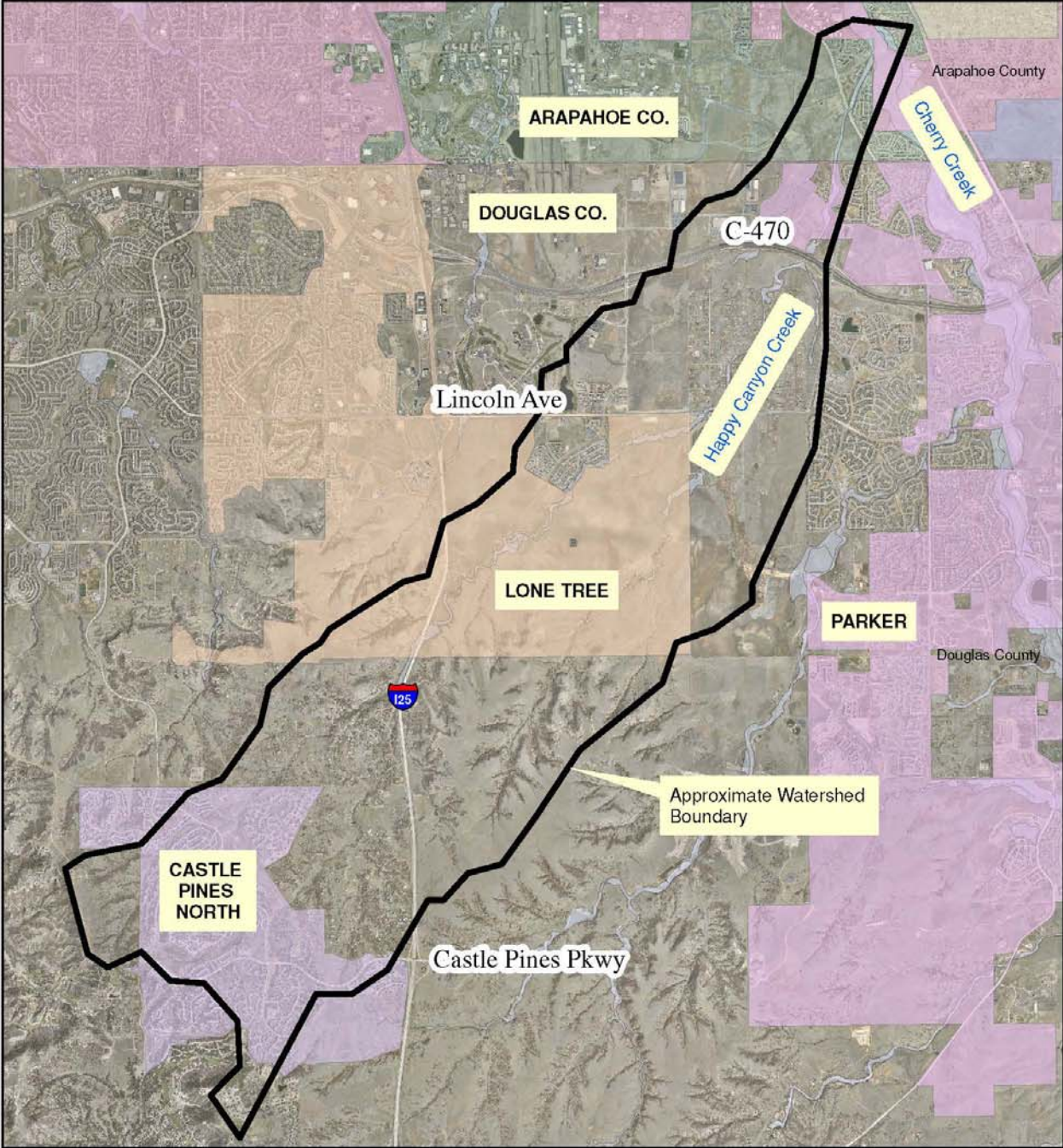


EXHIBIT A
HAPPY CANYON CREEK
Major Drainageway Plan and FHAD
Approximate Study Limits
May 2011



THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 37, SERIES OF 2011
(Additional Authorization to Update the
Urban Storm Drainage Criteria Manual Volumes 1 and 2)

WHEREAS, the District since 1969 has maintained and distributed a two volume, thirteen chapter, Urban Storm Drainage Criteria Manual (Volumes 1 and 2), originally published in March of 1969 by the Denver Regional Council of Governments; and

WHEREAS, the three volume Urban Storm Drainage Criteria Manual is recognized regionally and internationally as a premiere technical guidance document for drainage design and flood management engineering; and

WHEREAS, the District in 2001 collaborated with local governments, hired a consulting engineer, and made major revisions to and republished Volumes 1 and 2 in response to advances in technology and philosophical changes in drainage design and floodplain management; and

WHEREAS, in the ten years since the last major revision to Volumes 1 and 2, technological and philosophical changes have continually occurred relating to drainage design, floodplain management, and stormwater management; and

WHEREAS, the Board previously authorized (Resolution No. 17, Series of 2010) \$150,000 to collaborate with local governments, hire a consulting engineer, and begin the necessary major revisions, while anticipating that the total cost of this effort would be estimated to be \$300,000 and would be funded over two years; and

WHEREAS, the Board recognizes that Volumes 1 and 2 are referenced worldwide as guidance for drainage, floodplain management, and stormwater management, and believes it is prudent to continue with the manual's update.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Resolution No. 17, Series of 2010, Paragraph 2, is amended as follows:
"The expenditure for the Volumes 1 and 2 update shall not exceed ~~\$150,000~~ **\$300,000** without further authorization from the Board."
2. All other conditions and authorizations remain as stated in Resolution No. 17, Series of 2010.

(SEAL)

THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: _____

ATTEST:

Secretary

Chairperson