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RESOLUTION NO. 21 - 498

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION TO ASSIGN CREDITS AND APPROVE DISBURSEMENT OF
HAEGLER RANCH DRAINAGE BASIN (CHMS0200) DRAINAGE FUNDS TO GTL
DEVELOPMENT, INC. FOR CONSTRUCTION OF PUBLIC DRAINAGE
IMPROVEMENTS**

WHEREAS, the Board of County Commissioners of the County of El Paso ("Board") has the authority granted to it under the provisions of §§30-11-101 (1)(e) and 30-11-107 (1)(e), C.R.S., to represent the County and exercise its further powers to address concerns of the County in all cases where no other provisions are made by law; and

WHEREAS, Section 30-28-133 (11), C.R.S., authorizes counties to adopt subdivision regulations providing for the payment of a sum of money or proof of a line of credit or other fees in equitable contribution to the total costs of the drainage facilities in the drainage basin in which the subdivision is located; and

WHEREAS, on September 13, 1999 the Board adopted Resolution 99-383, which Resolution set forth a drainage basin fee schedule based upon impervious acreage and the nature and proportionality of a subdivision's impact on the necessity and extent of drainage improvements in the County; and

WHEREAS, Section 8.5.5 of the El Paso County Land Development Code provides for the assessment of drainage basin and bridge fees and for the repayment to a subdivider, from any surplus basin funds available, of any costs the subdivider incurs because of compliance with the plans for the development of drainage basins in excess of the sum of the drainage basin fees assessed against the subdivider's acreage; and

WHEREAS, GTL Development, Inc. (hereinafter "GTL") has deferred drainage fees in the amount of \$220,957.00 at the time of platting for the subdivision known as Winding Walk Filing No. 1 at Meridian Ranch (recorded at resolution no. 18-357); and

WHEREAS, GTL has requested reimbursement and/or credit for public drainage improvement that was constructed and accepted, specifically the construction of sub-regional detention pond SR-01 identified in the Haegler Ranch Drainage Basin Planning Study; and

WHEREAS, the Board finds that the drainage improvement in the amount of \$531,406.00 have been constructed by GTL in conformance with the standards and specifications adopted by El Paso County and are, therefore, eligible for reimbursement and/or credit according to the procedures outlines in the City/County Drainage Criteria Manual; and

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WHEREAS, during the City of Colorado Springs/El Paso County Drainage Board meeting held on November 4, 2021 the Board unanimously recommended assigning credits to GTL in the amount of \$531,406.00 from the Haegler Ranch Drainage Basin for facilities constructed as outlined in the approved Final Drainage Report and Construction Documents. Of that credit, \$220,957.00 would be designated to cover deferred drainage fees for the plat recording of the subdivision known as Winding Walk Filing No. 1 at Meridian Ranch and leaving a credit balance to GTL of \$310,449.00 within the Haegler Ranch Drainage Basin.

WHEREAS, as of October 31,2021, the balance in the Haegler Ranch drainage trust fund is \$799,182.14.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, having been fully advised in the premises, hereby approves assigning credit to GTL from the Haegler Ranch Drainage Basin in the amount of \$531,406.00. Of that credit, \$220,957 is designated to cover deferred drainage fees for the plat recording of the subdivision known as Winding Walk Filing No. 1 at Meridian Ranch. Leaving a credit balance of \$310,449.00 in the Haegler Ranch Drainage Basin for the benefit of GTL.

BE IT FURTHER RESOLVED that the Board of County Commissioners of El Paso County, Colorado, having been fully advised in the premises, hereby approves disbursement to GTL from the Haegler Ranch drainage trust fund in the amount of \$310,449.00; and


BE IT FURTHER RESOLVED that the El Paso County Treasurer and/or Finance Office are requested to remit a warrant forthwith payable to GTL Development, Inc., care of Raul Guzman at P.O. Box 80036, San Diego, CA 80903, for the disbursement as indicated herein; and

BE IT FURTHER RESOLVED that after disbursement of available funds, GTL Development, Inc. is fully paid in the Haegler Ranch Drainage Basin;

BE IT FURTHER RESOLVED that Stan VanderWerf, duly elected, qualified member and Chair of the Board of County Commissioners, or Cami Bremer, duly elected, qualified member and Vice-Chair of the Board of County Commissioners, be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 21st day of December 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By: 

Stan VanderWerf, Chair

ATTEST:

By: _____

Chuck Broerman
County Clerk and Recorder

