



**PRIVATE DETENTION BASIN /
STORMWATER QUALITY BEST MANAGEMENT PRACTICE
MAINTENANCE AGREEMENT AND EASEMENT**

This PRIVATE DETENTION BASIN / STORMWATER QUALITY BEST MANAGEMENT PRACTICE MAINTENANCE AGREEMENT AND EASEMENT (Agreement) is made by and between EL PASO COUNTY by and through THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO (“Board” or “County”) and LG HI FALCON, LLC (“Developer”). The above may occasionally be referred to herein singularly as “Party” or collectively as “Parties.”

Recitals

A. WHEREAS, Developer is the owner of certain real estate (the Property or Subdivision) in El Paso County, Colorado, which Property is legally described in Exhibit A attached hereto and incorporated herein by this reference; and

B. WHEREAS, Developer desires to plat and develop on the Property a subdivision to be known as FALCON MARKETPLACE; and

C. WHEREAS, the development of this Property will substantially increase the volume of water runoff and will decrease the quality of the stormwater runoff from the Property, and, therefore, it is in the best interest of public health, safety and welfare for the County to condition approval of this subdivision on Developer’s promise to construct adequate drainage, water runoff control facilities, and stormwater quality structural Best Management Practices (“BMPs”) for the subdivision; and

D. WHEREAS, Chapter 8, Section 8.4.5 of the El Paso County Land Development Code, as periodically amended, promulgated pursuant to Section 30-28-133(1), Colorado Revised Statutes (C.R.S.), requires the County to condition approval of all subdivisions on a developer’s promise to so construct adequate drainage, water runoff control facilities, and BMPs in subdivisions; and

E. WHEREAS, the Drainage Criteria Manual, Volume 2, as amended by Appendix I of the El Paso County Engineering Criteria Manual (ECM), as each may be periodically amended, promulgated pursuant to the County’s Colorado Discharge Permit System General Permit (MS4 Permit) as required by Phase II of the National Pollutant Discharge Elimination System (NPDES), which MS4 Permit requires that the County take measures to protect the quality of stormwater from sediment and other contaminants, requires subdividers, developers, landowners, and owners of facilities located in the County’s rights-of-way or easements to provide adequate permanent stormwater quality BMPs with new development or significant redevelopment; and

F. WHEREAS, Section 2.9 of the El Paso County Drainage Criteria Manual provides for a developer’s promise to maintain a subdivision’s drainage facilities in the event the County does not assume such responsibility; and

G. WHEREAS, developers in El Paso County have historically chosen water runoff detention basins as a means to provide adequate drainage and water runoff control in subdivisions, which basins, while effective, are less expensive for developers to construct than other methods of providing drainage and water runoff control; and

H. WHEREAS, Developer desires to construct for the subdivision two detention basin/stormwater quality BMPs (“detention basin/BMPs”) as the means for providing adequate drainage and stormwater runoff control and to meet requirements of the County’s MS4 Permit, and to provide for operating, cleaning, maintaining and repairing such detention basin/BMPs; and

I. WHEREAS, Developer desires to construct one detention basin/BMP on property that will be platted as Lot 11 and one detention basin/BMP on property that will be platted as Lots 7-10, as indicated on the final plat of the subdivision, and as set forth on Exhibits B and C attached hereto; and

J. WHEREAS, Developer shall be charged with the duties of constructing, operating, maintaining and repairing the detention basin/BMPs on the portions of the Property described in Exhibits B and C; and

K. WHEREAS, it is the County’s experience that subdivision developers historically have not properly cleaned and otherwise not properly maintained and repaired these detention basins/BMPs, and that these detention basins/BMPs, when not so properly cleaned, maintained, and repaired, threaten the public health, safety and welfare; and

L. WHEREAS, the County, in order to protect the public health, safety and welfare, has historically expended valuable and limited public resources to so properly clean, maintain, and repair these detention basins/BMPs when developers have failed in their responsibilities, and therefore, the County desires the means to recover its costs incurred in the event the burden falls on the County to so clean, maintain and repair the detention basin/BMPs serving this Subdivision due to the Developer’s failure to meet its obligations to do the same; and

M. WHEREAS, the County conditions approval of this Subdivision on the Developer’s promise to so construct the detention basin/BMPs, and further conditions approval on the Developer’s promise to reimburse the County in the event the burden falls upon the County to so clean, maintain and/or repair the detention basin/BMPs serving this Subdivision; and

N. WHEREAS, the County could condition subdivision approval on the Developer’s promise to construct a different and more expensive drainage, water runoff control system and BMPs than those proposed herein, which more expensive system would not create the possibility of the burden of cleaning, maintenance and repair expenses falling on the County; however, the County is willing to forego such right upon the performance of Developer’s promises contained herein; and

O. WHEREAS, the County, in order to secure performance of the promises contained herein, conditions approval of this Subdivision upon the Developer’s grant herein of a perpetual Easement over a portion of the Property for the purpose of allowing the County to periodically access, inspect, and, when so necessary, to clean, maintain and/or repair the detention basin/BMPs; and

Agreement

NOW, THEREFORE, in consideration of the mutual Promises contained herein, the sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals: The Parties incorporate the Recitals above into this Agreement.

2. Covenants Running with the Land: Developer agrees that this entire Agreement and the performance thereof shall become a covenant running with the land, which land is legally described in Exhibit A attached hereto, and that this entire Agreement and the performance thereof shall be binding upon itself and its successors and assigns.

3. Construction: Developer shall construct on those portions of the Property described in Exhibits B and C, attached hereto and incorporated herein by this reference, two detention basin/BMPs. Developer shall not commence construction of the detention basin/BMPs until the El Paso County Planning and Community Development Department (PCD) has approved in writing the plans and specifications for the detention basin/BMPs and this Agreement has been signed by all Parties and returned to the PCD. Developer shall complete construction of the detention basin/BMPs in substantial compliance with the County-approved plans and specifications for the detention basin/BMPs. Failure to meet these requirements shall be a material breach of this Agreement and shall entitle the County to pursue any remedies available to it at law or in equity to enforce the same. Construction of the detention basin/BMPs shall be substantially completed within one (1) year (defined as 365 days), which one year period will commence to run on the date the approved plat of this Subdivision is recorded in the records of the El Paso County Clerk and Recorder. Rough grading of the detention basin/BMPs must be completed and inspected by the El Paso County Planning and Community Development Department prior to commencing road construction.

In the event construction is not substantially completed within the one (1) year period, then the County may exercise its discretion to complete the project and shall have the right to seek reimbursement from the Developer and its successors and assigns for its actual costs and expenses incurred in the process of completing construction. The term actual costs and expenses shall be liberally construed in favor of the County and shall include, but shall not be limited to, labor costs, tool and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same.

4. Maintenance: The Developer agrees for itself and its successors and assigns that they will regularly and routinely inspect, clean and maintain the detention basin/BMPs and otherwise keep the same in good repair, all at their own cost and expense. The obligations of the owners of Lots 7-10 under this paragraph shall be joint and several as to the detention basin/BMP constructed across their lots. No trees or shrubs that will impair the structural integrity of the detention basin/BMPs shall be planted or allowed to grow on the detention basin/BMPs.

5. Creation of Easement: Developer hereby grants the County non-exclusive perpetual easements upon and across those portions of the Property described in Exhibits B and C. The purpose of the easements is to allow the County to access, inspect, clean, repair and maintain the detention basin/BMPs; however, the creation of the easement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the detention basin/BMPs. Developer further hereby establishes an easement for the benefit of the owners of Lots 7-10 across Lots 7-10 for mutual access to and maintenance and repair of the detention basin/BMP constructed across such lots.

6. County's Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the detention basin/BMPs are not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer and its successors and assigns that the detention basin/BMPs need to be cleaned, maintained and/or otherwise repaired. The notice shall provide a reasonable time to correct the problems. Should the responsible parties fail to correct the specified problems, the County may enter upon the Property to so correct the specified problems. Notice shall be effective to the above by the County's deposit of the same into the regular United States mail, postage pre-paid. Notwithstanding the foregoing, this Agreement does not expressly or implicitly impose on the County a duty to so inspect, clean, repair or maintain the detention basin/BMPs.

7. Reimbursement of County's Costs: The Developer agrees and covenants, for itself and its successors and assigns, that it will reimburse the County for its costs and expenses incurred in the process of completing construction of, cleaning, maintaining, and/or repairing the detention basin/BMPs pursuant to the provisions of this Agreement. The obligations of the owners of Lots 7-10 under this paragraph shall be joint and several as to the detention basin/BMP constructed across their lots.

The term "actual costs and expenses" shall be liberally construed in favor of the County, and shall include, but shall not be limited to, labor costs, tools and equipment costs, supply costs, and engineering and design costs, regardless of whether the County uses its own personnel, tools, equipment and supplies, etc. to correct the matter. In the event the County initiates any litigation or engages the services of legal counsel in order to enforce the provisions arising herein, the County shall be entitled to its damages and costs, including reasonable attorney's fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same.

8. Contingencies of Subdivision Approval: Developer's execution of this Agreement is a condition of subdivision approval.

The County shall have the right, in the sole exercise of its discretion, to approve or disapprove any documentation submitted to it under the conditions of this Paragraph, including but not limited to, any separate agreement or amendment, if applicable, identifying any specific maintenance responsibilities not addressed herein. The County's rejection of any documentation submitted hereunder shall mean that the appropriate condition of this Agreement has not been fulfilled.

9. Agreement Monitored by El Paso County Planning and Community Development Department and/or El Paso County Department of Public Works: Any and all actions and decisions to be made hereunder by the County shall be made by the Director of the El Paso County Planning and Community Development Department and/or the Director of the El Paso County Department of Public Works. Accordingly, any and all documents, submissions, plan approvals, inspections, etc. shall be submitted to and shall be made by the Director of the Planning and Community Development Department and/or the Director of the El Paso County Department of Public Works.

10. Indemnification and Hold Harmless: Developer agrees, for itself and its successors and assigns, that they will indemnify, defend, and hold the County harmless from any and all loss, costs, damage, injury, liability, claim, lien, demand, action and causes of action whatsoever, whether at law or in equity, arising from or related to their respective intentional or negligent acts, errors or omissions or that of their agents, officers, servants, employees, invitees and licensees in the construction, operation,

inspection, cleaning (including analyzing and disposing of any solid or hazardous wastes as defined by State and/or Federal environmental laws and regulations), maintenance, and repair of the detention basin/BMPs, and such obligation arising under this Paragraph shall be joint and several. Nothing in this Paragraph shall be deemed to waive or otherwise limit the defense available to the County pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.* C.R.S., or as otherwise provided by law.

11. Severability: In the event any Court of competent jurisdiction declares any part of this Agreement to be unenforceable, such declaration shall not affect the enforceability of the remaining parts of this Agreement.

12. Third Parties: This Agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceeding against either the County, the Developer, or its successors and assigns, because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.

13. Solid Waste or Hazardous Materials: Should any refuse from the detention basin/BMPs be suspected or identified as solid waste or petroleum products, hazardous substances or hazardous materials (collectively referred to herein as “hazardous materials”), the Developer shall take all necessary and proper steps to characterize the solid waste or hazardous materials and properly dispose of it in accordance with applicable State and/or Federal environmental laws and regulations, including, but not limited to, the following: Solid Wastes Disposal Sites and Facilities Acts, §§ 30-20-100.5 – 30-20-119, C.R.S., Colorado Regulations Pertaining to Solid Waste Disposal Sites and Facilities, 6 C.C.R. 1007-2, *et seq.*, Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992k, and Federal Solid Waste Regulations 40 CFR Ch. I. The County shall not be responsible or liable for identifying, characterizing, cleaning up, or disposing of such solid waste or hazardous materials. Notwithstanding the previous sentence, should any refuse cleaned up and disposed of by the County be determined to be solid waste or hazardous materials, the Developer, but not the County, shall be responsible and liable as the owner, generator, and/or transporter of said solid waste or hazardous materials.

14. Applicable Law and Venue: The laws, rules, and regulations of the State of Colorado and El Paso County shall be applicable in the enforcement, interpretation, and execution of this Agreement, except that Federal law may be applicable regarding solid waste or hazardous materials. Venue shall be in the El Paso County District Court.

IN WITNESS WHEREOF, the Parties affix their signatures below.

Executed this 21st day of November, 2019, by:

LG HI FALCON, LLC,
a Texas limited liability company

By: LG Capital, LLC,
a Texas limited liability company,
its manager

By: [Signature]
Josh Canafax, authorized signatory

The foregoing instrument was acknowledged before me this 21st day of November, 2019, by Josh Canafax, as authorized signatory of LG Capital, LLC, as manager of LG HI FALCON, LLC, a Colorado limited liability company.

Witness my hand and official seal.

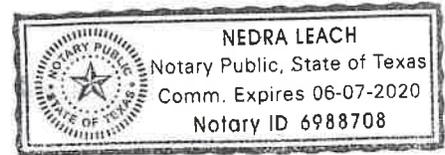
My commission expires: 6/17/2020

[Signature]
Notary Public

Executed this 21st day of November, 2012, by:

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: [Signature]
Craig Dossey, Executive Director
Planning and Community Development Department
Authorized signatory pursuant to LDC

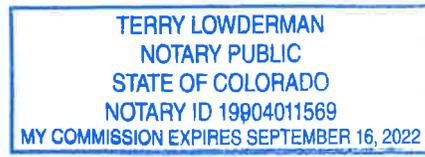


The foregoing instrument was acknowledged before me this 23 day of December, 2019, by Craig Dossey Executive Director of El Paso County Planning and Community Development Department.

Witness my hand and official seal.

My commission expires: 9-16-2022

[Signature]
Notary Public



Approved as to Content and Form:

[Signature]
Assistant County Attorney

EXHIBIT A

LEGAL DESCRIPTION - FALCON MARKETPLACE

A TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPLE MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, SAID TRACT FURTHER DESCRIBED AS FOLLOWS:

"COMMENCING" AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1 AND CONSIDERING THE SOUTH LINE OF SAID SOUTHEAST QUARTER IS ASSUMED TO BEAR SOUTH 89°49'00" WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE ALONG SAID SOUTH LINE, SOUTH 89°49'00" WEST, 1324.08 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE ALONG SAID WEST LINE, NORTH 00°26'04" WEST, 187.09 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WOODMEN ROAD, AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 204062427 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, STATE OF COLORADO, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FIVE (6) COURSES:

- (1) NORTH 89°19'51" EAST, 65.69 FEET;
- (2) SOUTH 00°40'09" EAST, 90.69 FEET TO A NON-TANGENT CURVE CONCAVE TO THE SOUTH, FROM WHICH THE RADIAL LINE BEARS SOUTH 02°11'54" EAST;
- (3) EASTERLY 408.73 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, HAVING A CENTRAL ANGLE OF 02°00'54", A RADIUS OF 11622.00 FEET AND CHORD WHICH BEARS NORTH 88°48'33" EAST, 408.71 FEET;
- (4) NORTH 89°49'00" EAST, 594.21 FEET;
- (5) NORTH 44°39'52" EAST, 70.52 FEET;
- (6) NORTH 89°49'00" EAST, 45.00 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 207116129 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, STATE OF COLORADO;

THENCE ALONG SAID TRACT OF LAND THE FOLLOWING TWO (2) COURSES;

- (1) NORTH 00°29'16" WEST, 30.00 FEET;
- (2) NORTH 89°49'00" EAST, 30.01 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF MERIDIAN ROAD;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, NORTH 00°29'40" WEST, 1137.83 FEET TO THE SOUTH LINE OF FALCON RANCHETTES SUBDIVISION AS DESCRIBED ON THE PLAT THEREOF AS RECORDED UNDER RECEPTION NO. 029878200 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, STATE OF COLORADO ;

THENCE ALONG SAID SOUTH LINE OF FALCON RANCHETTES, SOUTH 89°44'22" WEST, 1292.68 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1;

THENCE ALONG SAID WEST LINE SOUTH 00°26'04" EAST, 1133.99 FEET TO THE "TRUE POINT OF BEGINNING".

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 35.704 ACRES OR 1,555,266 SQUARE FEET, MORE OR LESS.

EXHIBIT B

Lot 11, Falcon Marketplace



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Since 1949

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710 11th Street, Suite L-45, Greeley, CO 80631 • 970-351-0645

October 31, 2019

DBC Project: 20988-00

LEGAL DESCRIPTION

Lot 11, Proposed Falcon Marketplace Subdivision, El Paso County File SF-19-001

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 216085936 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 1, T13S, R65W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SE1/4 OF THE SE1/4 OF SECTION 1 AND CONSIDERING THE NORTH LINE OF SAID SE1/4 OF THE SE1/4 TO BEAR N89°44'22"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE S01°25'33E, 866.86 FEET TO THE POINT OF BEGINNING;

THENCE N89°33'56"E, 170.21;

THENCE S31°12'53"E, 42.57 FEET TO A NON-TANGENT POINT OF CURVE CONCAVE TO THE SOUTHEAST, FROM WHICH THE RADIAL LINE BEARS S30°35'52"E;

THENCE 26.53 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF COMPOUND CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 13°49'03", AND BEING SUBTENDED BY A CHORD THAT BEARS S52°29'36"W, 26.46 FEET;

THENCE 60.15 FEET ALONG THE ARC OF SAID COMPOUND CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 96.00 FEET, A CENTRAL ANGLE OF 35°53'50", AND BEING SUBTENDED BY A CHORD THAT BEARS S27°38'10"W, 59.17 FEET;

THENCE 54.98 FEET ALONG THE ARC OF SAID REVERSE CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 74.00 FEET, A CENTRAL ANGLE OF 42°33'56", AND BEING SUBTENDED BY A CHORD THAT BEARS S30°58'13"W, 53.72 FEET;

THENCE S52°15'11"W, 56.81 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE 51.56 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 49°14'05", AND BEING SUBTENDED BY A CHORD THAT BEARS S27°38'08"W, 49.99 FEET;

THENCE 38.72 FEET ALONG THE ARC OF SAID REVERSE CURVE, SAID ARC HAVING A RADIUS OF 149.00, A CENTRAL ANGLE OF 14°53'15", AND BEING SUBTENDED BY A CHORD THAT BEARS S10°27'43"W, 38.61 FEET;

(DESCRIPTION CONTINUED)

THENCE S89°19'51"W, 39.04 FEET;

THENCE N00°26'04"W, 267.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 30,828 SQUARE FEET (0.708 ACRES), MORE OR LESS.

JOHN C. DAY PLS 29413
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905



EXHIBIT C

Lot 7, Lot 8, Lot 9 and Lot 10, Falcon Marketplace



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October 30, 2019

DBC Project: 20988-00

LEGAL DESCRIPTION

Lot 7, Proposed Falcon Marketplace Subdivision, El Paso County File SF-19-001

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 216085936 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 1, T13S, R65W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SE1/4 OF THE SE1/4 OF SECTION 1 AND CONSIDERING THE NORTH LINE OF SAID SE1/4 OF THE SE1/4 TO BEAR N89°44'22"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE S47°12'15"E, 1347.88 FEET TO THE POINT OF BEGINNING;

THENCE S24°51'42"E, 30.48 FEET;
 THENCE N90°00'00"E, 280.99 FEET;
 THENCE S00°29'40"E, 188.59 FEET;
 THENCE S89°49'00"W, 30.01 FEET;
 THENCE S00°29'16"E, 30.00 FEET;
 THENCE S89°49'00"W, 45.00 FEET;
 THENCE S44°39'52"W, 42.29 FEET;
 THENCE S89°49'00"W, 209.37FEET;
 THENCE N00°02'12"E, 230.17 FEET;

THENCE N24°51'42"W, 40.77 FEET TO A NON-TANGENT POINT OF CURVE CONCAVE TO THE NORTHWEST, FROM WHICH THE RADIAL LINE BEARS N24°51'42"W; THENCE 20.10 FEET ALONG THE ARC OF SAID CURVE TO THE POINT OF BEGINNING, SAID ARC HAVING A RADIUS OF 115.000, A CENTRAL ANGLE OF 10°00'56", AND BEING SUBTENDED BY A CHORD THAT BEARS N60°07'50"E, 20.08 FEET;

CONTAINING 71,580 SQUARE FEET (1.643 ACRES), MORE OR LESS.

JOHN C. DAY PLS 29413
 FOR AND ON BEHALF OF
 DREXEL, BARRELL & CO.
 3 SOUTH 7TH STREET
 COLORADO SPRINGS, COLORADO 80905





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October 30, 2019

DBC Project: 20988-00

LEGAL DESCRIPTION

Lot 8, Proposed Falcon Marketplace Subdivision, El Paso County File SF-19-001

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 216085936 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 1, T13S, R65W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SE1/4 OF THE SE1/4 OF SECTION 1 AND CONSIDERING THE NORTH LINE OF SAID SE1/4 OF THE SE1/4 TO BEAR N89°44'22"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE S38°54'55"E, 1203.47 FEET TO THE POINT OF BEGINNING;

THENCE N90°00'00"E, 167.31 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE 49.90 FEET ALONG THE ARC OF SAID CURVE, SAID ARC HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 24°51'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N77°34'09"E, 49.51 FEET;

THENCE S24°51'42"E, 40.77 FEET;
THENCE S00°02'12"W, 230.17 FEET;
THENCE S89°49'00"W, 232.65 FEET;
THENCE N00°00'00"E, 257.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 59,818 SQUARE FEET (1.373 ACRES), MORE OR LESS.

JOHN C. DAY PLS 29413
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905





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October 30, 2019

DBC Project: 20988-00

LEGAL DESCRIPTION

Lot 9, Proposed Falcon Marketplace Subdivision, El Paso County File SF-19-001

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 216085936 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 1, T13S, R65W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SE1/4 OF THE SE1/4 OF SECTION 1 AND CONSIDERING THE NORTH LINE OF SAID SE1/4 OF THE SE1/4 TO BEAR N89°44'22"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE S27°48'48"E, 1058.70 FEET TO THE POINT OF BEGINNING;

THENCE N90°00'00"E, 262.00 FEET;

THENCE S00°00'00"E, 257.25 FEET;

THENCE S89°49'00"W, 172.07 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE 89.93 FEET ALONG THE ARC OF SAID CURVE, SAID ARC HAVING A RADIUS OF 11642.00 FEET, A CENTRAL ANGLE OF 00°26'33", AND BEING SUBTENDED BY A CHORD THAT BEARS S89°35'43"W, 89.93 FEET; THENCE N00°00'00"W, 258.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 67,520 SQUARE FEET (1.550 ACRES), MORE OR LESS.

JOHN C. DAY PLS 29413
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905





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October 30, 2019

DBC Project: 20988-00

LEGAL DESCRIPTION

Lot 10, Proposed Falcon Marketplace Subdivision, El Paso County File SF-19-001

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 216085936 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 1, T13S, R65W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SE1/4 OF THE SE1/4 OF SECTION 1 AND CONSIDERING THE NORTH LINE OF SAID SE1/4 OF THE SE1/4 TO BEAR N89°44'22"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE S16°22'05"E, 975.95 FEET TO THE POINT OF BEGINNING;

THENCE N90°00'00"E, 218.96 FEET;
 THENCE S00°00'00"E, 258.44 FEET TO A NON-TANGENT POINT OF CURVE CONCAVE TO THE SOUTH, FROM WHICH THE RADIAL LINE BEARS S00°37'33"E;

THENCE 262.24 FEET ALONG THE ARC OF SAID CURVE, SAID ARC HAVING A RADIUS OF 11642.00 FEET, A CENTRAL ANGLE OF 01°17'26", AND BEING SUBTENDED BY A CHORD THAT BEARS S88°43'44"W, 262.24 FEET; THENCE N23°37'18"W, 26.91 FEET;
 THENCE N00°00'00"W, 185.60 TO A POINT OF CURVE TO THE RIGHT;

THENCE 84.82 FEET ALONG THE ARC OF SAID CURVE TO POINT TANGENT AND THE POINT OF BEGINNING, SAID ARC HAVING A RADIUS OF 54.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND BEING SUBTENDED BY A CHORD THAT BEARS N45°00'00"E, 76.37 FEET.

CONTAINING 70,479 SQUARE FEET (1.618 ACRES), MORE OR LESS.

JOHN C. DAY PLS 29413
 FOR AND ON BEHALF OF
 DREXEL, BARRELL & CO.
 3 SOUTH 7TH STREET
 COLORADO SPRINGS, COLORADO 80905



**WRITTEN CONSENT OF THE MANAGER
OF LG CAPITAL, LLC (the "Company")**

The undersigned, being the manager of LG CAPITAL, LLC, a Texas limited liability company (the "Company"), hereby adopts the following resolutions by signing this Written Consent.

RESOLVED, that the persons listed on the attached Annex are designated as authorized persons and/or named as officers, directly on behalf of the Company, to take any and all actions, and to execute any and all documents and agreements necessary or advisable in order for the Company to conduct its business in the ordinary course of its operations, such documents to be in such form as such authorized person may approve on the Company's behalf, such approval to be conclusively evidenced by the due execution thereof, and such authorized persons being granted the power and authority to act in the premises as fully and to all intents and purposes as the Company might or could do if a person having the authority to bind the Company was personally present. The persons listed shall only have the authority to take such actions as may be limited by the description adjacent their name on the attached Annex. The authority granted to such listed person shall automatically terminate on the date such person is no longer employed by the Company or an affiliate thereof.

RESOLVED, that any and all actions taken by the persons listed on the attached Annex, for and on behalf of the Company, on or prior to the date of this Written Consent be, and the same hereby are, in all respects ratified, confirmed, approved and adopted as acts of the Company.

The undersigned, by signing this Written Consent, waives notice of the time, place and purpose of any special meeting to conduct the business described herein and consents to the transaction of such business and the same shall have the same force and effect as a vote by the undersigned at a properly called and convened special meeting of the Company.

APPROVED as of this 20th day of August, 2018.

Leon Capital Partners, LLC, Manager



Rob Pivnick, General Counsel

ANNEX

<u>Individual</u>	<u>Title/Officer</u>	<u>Limitations to Authority</u>
Fernando de Leon	Chief Executive Officer	No limitations; full authority.
Rob Pivnick	General Counsel	No limitations; full authority.
Josh Canafax	Director of Investments	Authority for all investment and financing (including capital, loan, guaranty and entity documentation) related decisions.
Jake Walker	Chief Operating Officer, Managing Director	Authority for all operational aspects, including by way of example, banking, payroll, policies, planning, logistics and procurement, operational policy and implementation, strategy, third party relations, management of support services (e.g., HR, IT, etc.); and Authority for the Company's acquisition, development, asset management and disposition related to real estate deals sourced by such individual only; authority for all aspects related to the Company's self-storage related operations.
Will Tolliver	Managing Director	Authority for the Company's acquisition, development, investment, financing (including capital, loan, guaranty and entity documentation), asset management and disposition of retail properties only.
Jesus Araiza	Managing Director	Authority for the Company's acquisition, development, investment, financing (including capital, loan, guaranty and entity documentation), asset management and disposition of retail properties only.
David Cocanougher	Managing Director	Authority for the Company's acquisition, development, investment, financing (including capital, loan, guaranty and entity documentation), asset management and disposition of MF properties only.
Adam Lentz	Managing Director	Authority for the Company's acquisition, development, investment, financing (including capital, loan, guaranty and entity documentation), asset management and disposition of self-storage properties only.
Aaron Ketchand	Managing Director	Authority for the Company's acquisition, development, investment, financing (including capital, loan, guaranty and entity documentation), asset management and disposition of single family development projects only.
Blake Schroeder	Director of Multifamily Development	Authority for the Company's investment, financing (including capital, loan, guaranty and entity documentation), asset management and disposition of MF properties only.
Matt Wiggins	Senior Director of Finance & Accounting	Authority for all finance and accounting aspects, including by way of example, reporting, tax returns, banking, cash management and reconciliation, financial statements & reporting, financial management and forecasting, budgeting, audits; authority to execute loan documents for all properties and organizational documents for all entities.
Scott Parr	Director of Finance & Accounting	Authority for select finance and accounting aspects, limited to tax returns, banking, cash management and reconciliation, budgeting.
Chance Taylor	Vice President of Asset Management	Authority for asset management of multifamily assets only.
Ryan Griffin	Director of Leasing	Authority for leasing related aspects only.
James Stone	Director, Single Tenant Division	Authority for the Company's acquisition and investment of retail properties only.
Monica Marino	Executive Assistant	Authority for procurement of third party services for the Company.

All individuals detailed above have the authority and duties that are normally associated with the title, if any, adjacent to their name and may conduct business operations of the Company as aforesaid in the name of such title or as "Authorized Signatory."

**Stormwater Best Management Practices
Inspection and Maintenance Plan (IM Plan)**

for:

Falcon Marketplace
Pond #2 and Pond #3

Located at:

11680 E. Woodmen Road

**Prepared for and Party Responsible
for Maintenance and Inspection:**

LG HI Falcon, LLC.
3953 Maple Ave., #290
Dallas, TX 75219
Contact: Steve Meier

Prepared by:

Drexel, Barrell & Co.
3 South 7th Street
Colorado Springs, CO 80905
(719) 260-0887



Reference:

This plan is adapted from various maintenance manuals developed in the Colorado Front Range

Appendix A

General Location and Description of Stormwater Best Management Practices

A. General Site Description

Falcon Marketplace is located at the northwest corner of E. Woodmen Road and Meridian Road - the SE 1/4 of the SE 1/4 of Section 1, Township 13 S, Range 65 W of the 6th P.M. in El Paso County, Colorado. Falcon Marketplace is a proposed commercial development, consisting of a main anchor, junior anchor and 9 other outlying lots, for a total of 11 lots. Pond #3 is located at the southwest corner of the property.



B. General Stormwater Management Description

All stormwater on site is conveyed via curb and gutter, inlets and conventional storm sewer into a water quality basin (Pond #3) that provides water quality treatment and detention. Flow from the water quality basin (Pond #3) is conveyed via storm sewer piping into an open channel along E. Woodmen Road, ultimately crossing under E. Woodmen Road in a set of triple 48" culverts.

C. Stormwater Facilities Site Plan

Inspection or maintenance personnel may utilize the documents in Appendix F for locating the stormwater facilities within this development.

D. On-Site Stormwater Management Facilities

Volume Reduction Facilities

Construction and stabilization of a grass-lined channel along E. Woodmen Road will take place, aiding in water quality through infiltration and vegetation pollutant uptake. A proposed grade structure will also reduce channel velocities and assist in preventing bed and bank erosion.

Storage Facilities (Detention)

Detention for the site is provided in a sub-regional extended detention basin (SR4) located along the northern boundary of the site. Water quality is provided for in two smaller basins along the southern boundary (Pond 2) and southwestern corner (Pond 3).

Water Quality Facilities

Detention for the site is provided in a sub-regional extended detention basin (SR4) located along the northern boundary of the site. Water quality is provided for in two smaller basins along the southern boundary (Pond 2) and southwestern corner (Pond 3).

Source Control Best Management Practices

Source control BMPs will be determined by the proposed use of the individual lots at the time of development. Future individual lot owners will be required to address all required BMPs at time of lot development.

**Stormwater Best Management Practices
Inspection and Maintenance Plan (IM Plan) Procedures/Forms**

for:

Extended Detention Basins (EDBs)

Reference:

This plan is adapted from various maintenance manuals developed in the Colorado Front Range

**Stormwater Best Management Practices
Inspection and Maintenance Plan Procedures/Forms for
Extended Detention Basins (EDBs)**

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- II. Inspection & Maintenance- Annual Reporting**
- III. Preventative Measures to Reduce Maintenance Costs**
- IV. Access and Easements**
- V. Safety**
- VI. Field Inspection Equipment**
- VII. Inspecting Stormwater Best Management Practices**
 - A. Inspection Procedures
 - B. Inspection Report
 - C. Verification of Inspection and Form Submittal
- VIII. Maintaining Stormwater Best Management Practices**
 - A. Maintenance Categories
 - B. Maintenance Personnel
 - C. Maintenance Forms

Maintenance Agreement (included in IM Plan submittal to City)

Appendices

- Appendix A** - Description of Stormwater Best Management Practices (included in IM Plan submittal to City)
- Appendix B** - Standard Operation Procedures (SOP)
- Appendix C** - Inspection Form
- Appendix D** - Maintenance Form
- Appendix E** - Annual Inspection and Maintenance Submittal Form
- Appendix F** - Erosion and Stormwater Quality Control Plan/As-Builts (included in IM Plan submittal to City)
- Appendix G** - BMP Maintenance Cost Estimates (included in IM Plan submittal to City)
- Appendix H** - PE Certification (included in IM Plan submittal to City)

**Stormwater Best Management Practices
Inspection and Maintenance Plan Procedures/Forms for
Extended Detention Basins (EDBs)**

I. Compliance with Stormwater Best Management Practices Maintenance Requirements

All property owners are responsible for ensuring that stormwater best management practices (BMPs) or facilities installed on their property are properly maintained and that they function as designed. In some cases, this maintenance responsibility may be assigned to others through special agreements. The maintenance responsibility for a stormwater facility may be designated on the subdivision plat, the site development plan, and/or within a maintenance agreement for the property. Property owners should be aware of their responsibilities regarding stormwater facility maintenance and need to be familiar with the contents of this Inspection and Maintenance Plan (IM Plan). Maintenance agreement(s) associated with this property are provided.

II. Inspection & Maintenance – Annual Reporting

Requirements for the inspection and maintenance of stormwater facilities, as well as reporting requirements are included in this Stormwater Best Management Practices Inspection and Maintenance Plan.

Verification that the stormwater BMPs have been properly inspected and maintained and submittal of the required Inspection and Maintenance Forms shall be provided to the City on an annual basis. The annual reporting form shall be provided to the City prior to May 31st of each year.

Copies of the Inspection and Maintenance forms for each of the stormwater BMPs are located in Appendix C and D. A standard annual reporting form is provided in Appendix E. Each form shall be reviewed and submitted by the property owner or property manager to the [REDACTED] Stormwater Team.

III. Preventative Measures to Reduce Maintenance Costs

The most effective way to maintain your water quality facility is to prevent the pollutants from entering the facility. Common pollutants include sediment, trash & debris, chemicals, pet wastes, runoff from stored materials, illicit discharges into the storm drainage system and many others. A thoughtful maintenance program will include measures to address these potential contaminants and will save money and time in the long run. Key points to consider in your maintenance program include:

- Educate property owners/residents to be aware of how their actions affect water quality and how they can help reduce maintenance costs.
- Keep properties, streets and gutters, and parking lots free of trash, debris, and lawn clippings.
- Ensure the proper use, storage, and disposal of hazardous wastes and chemicals. Promptly clean up any spilled materials and dispose of properly.

- Plan lawn care to minimize and properly use chemicals and pesticides.
- Sweep paved surfaces and put the sweepings back on the lawn.
- Be aware of automobiles leaking fluids. Use absorbents such as cat litter to soak up drippings – dispose of properly.
- Encourage pet owners to clean up pet wastes.
- Re-vegetate disturbed and bare areas to maintain vegetative stabilization.
- Clean any private storm drainage system components, including inlets, storm sewers, and outfalls.
- Do not store materials outdoors (including landscaping materials) unless properly protected from runoff.

IV. Access and Right to Enter

All stormwater management facilities located on the site should have both a designated access location and the City has the right to enter for the purpose of inspecting and for maintaining BMPs where the owner has failed to do so.

V. Safety

Keep safety considerations at the forefront of inspection procedures at all times. Likely hazards should be anticipated and avoided. Never enter a confined space (outlet structure, manhole, etc) without proper training, number of personal, and equipment.

Potentially dangerous (e.g., fuel, chemicals, hazardous materials) substances found in the areas must be referred to emergency services at 911 (non-emergency number is 444-7000). If a toxic or flammable substance is discovered, leave the immediate area and contact the local emergency services at 911.

Vertical drops may be encountered in areas located within and around the facility. Avoid walking on top of retaining walls or other structures that have a significant vertical drop. If a vertical drop is greater than 48” in height, make the appropriate note/comment on the maintenance inspection form.

If any hazard is found within the facility area that poses an immediate threat to public safety, contact emergency services at 911 immediately.

VI. Field Inspection Equipment

It is imperative that the appropriate equipment is taken to the field with the inspector(s). This is to ensure the safety of the inspector and allow the inspections to be performed as efficiently as possible. Below is a list of the equipment that may be necessary to perform the inspections of all Stormwater BMPs:

- Protective clothing and boots.
- Safety equipment (vest, hard hat, confined space entry equipment [if certified to perform confined space entry]).
- Communication equipment.
- IM Plan for the site.
- Clipboard.
- Stormwater BMP Inspection Forms (See Appendix C).
- Manhole Lid Remover
- Shovel.

Some of the items identified above need not be carried by the inspector (manhole lid remover, shovel, and confined space entry equipment), but should be available in the vehicle driven to the site. Specialized

equipment may require specific training related to that equipment and should only be used by trained individuals.

VII. Inspecting Stormwater BMPs

The quality of stormwater entering the waters of the state relies heavily on the proper operation and maintenance of permanent BMPs. Stormwater BMPs must be periodically inspected to ensure that they function as designed. The inspection will determine the appropriate maintenance that is required for the facility.

A. Inspection Procedures

All Stormwater BMPs are required to be inspected a minimum of once per year. Inspections should follow the inspection guidance found in the SOP for the specific type of facility. (Appendix B of this manual).

B. Inspection Report

The person(s) conducting the inspection activities shall complete the appropriate inspection report for the specific facility. Inspection reports are located in Appendix C. A copy of each inspection form shall be kept by the owner a minimum of 5 years.

The following information explains how to fill out the Inspection Forms:

General Information

This section identifies the facility location, person conducting the inspection, the date and time the facility was inspected, and approximate days since the last rainfall. Property classification is identified as single-family residential, multi-family residential, commercial, or other.

The reason for the inspection is also identified on the form depending on the nature of the inspection. All facilities must be inspected on an annual basis at a minimum. In addition, all facilities should be inspected after a significant precipitation event to ensure the facility is draining appropriately and to identify any damage that occurred as a result of the increased runoff.

Inspection Scoring

For each inspection item, a score must be given to identify the urgency of required maintenance. The scoring is as follows:

- 0 = No deficiencies identified.
- 1 = Monitor – Although maintenance may not be required at this time, a potential problem exists that will most likely need to be addressed in the future. This can include items like minor erosion, concrete cracks/spalling, or minor sediment accumulation. This item should be revisited at the next inspection.
- 2 = Routine Maintenance Required – Some inspection items can be addressed through the routine maintenance program. This can include items like vegetation management or debris/trash removal.
- 3 = Immediate Repair Necessary – This item needs immediate attention because failure is imminent or has already occurred. This could include items such as structural failure of a feature (outlet works, forebay, etc), significant erosion, or significant sediment accumulation. This score

should be given to an item that can significantly affect the function of the facility.

N/A This is checked by an item that may not exist in a facility. Not all facilities have all of the features identified on the form (forebay, micro-pool, etc.).

Inspection Summary/Additional Comments

Additional explanations to inspection items, and observations about the facility not covered by the form, are recorded in this section.

Overall Facility Rating

An overall rating must be given for each facility inspected. The overall facility rating should correspond with the highest score (0, 1, 2, 3) given to any feature on the inspection form.

C. Verification of Inspection and Form Submittal

The Stormwater BMP Inspection Form provides a record of inspection of the facility. Inspection Forms for each facility type are provided in Appendix C. Verification of the inspection of the stormwater facilities and the facility inspection form(s) shall be provided to the [REDACTED] Stormwater Team on an annual basis. The verification and the inspection form(s) shall be reviewed and submitted by the property owner or property manager on behalf of the property owner.

Refer to Section II of this Manual regarding the annual reporting of inspections.

VIII. Maintaining Stormwater BMPs

Stormwater BMPs must be properly maintained to ensure that they operate correctly and provide the water quality treatment for which they were designed. Routine maintenance performed on a frequently scheduled basis, can help avoid more costly rehabilitative maintenance that results when facilities are not adequately maintained.

A. Maintenance Categories

Stormwater BMP maintenance programs are separated into three broad categories of work. The categories are separated based upon the magnitude and type of the maintenance activities performed. A description of each category follows:

Routine Work

The majority of this work consists of scheduled mowings and trash and debris pickups for stormwater management facilities during the growing season. This includes items such as the removal of debris/material that may be clogging the outlet structure well screens and trash racks. It also includes activities such as weed control, mosquito treatment, and algae treatment. These activities normally will be performed numerous times during the year. These items can be completed without any prior correspondence with the [REDACTED] Stormwater Team; however, inspection and maintenance forms shall be completed with the information also being reported on the annual report forms that are submitted to the City.

Restoration Work

This work consists of a variety of isolated or small-scale maintenance and work needed to address operational problems. Most of this work can be completed by a small crew, with minor tools, and small equipment. These items do not require prior correspondence with City of [REDACTED] Stormwater Team, but do require that completed maintenance forms be submitted to [REDACTED] Stormwater Team with the annual report forms.

Rehabilitation Work

This work consists of large-scale maintenance and major improvements needed to address failures within the stormwater BMP. This work requires consultation with [REDACTED] Stormwater Team and may require an engineering design with construction plans to be prepared for review and approval by the City. This work may also require more specialized maintenance equipment, surveying, construction permits or assistance through private contractors and consultants. These items require prior correspondence with [REDACTED] Stormwater Team and require that completed maintenance forms be submitted [REDACTED]

B. Maintenance Personnel

Maintenance personnel should be qualified to properly maintain stormwater BMPs, especially for restoration or rehabilitation work. Inadequately trained personnel can cause additional problems resulting in additional maintenance costs. [REDACTED]

C. Maintenance Forms

The Stormwater BMP Maintenance Form provides a record of maintenance activities and includes general cost information to assist property owners in budgeting for future maintenance. Maintenance Forms for each facility type are provided in Appendix D. Maintenance Forms shall be completed by the property owner, management company, or contractor completing the required maintenance items. The form shall then be reviewed by the property owner or an authorized agent of the property owner [REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

Refer to Section II of this Manual regarding the annual reporting of inspections and maintenance activities performed



Appendix B

Standard Operation Procedures for Inspection and Maintenance Extended Detention Basins (EDBs)

May 2008

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EDB-1 BACKGROUND

Extended Detention Basins (EDBs) are one of the most common types of Stormwater BMPs utilized within the Front Range of Colorado. An EDB is a sedimentation basin designed to “extend” the runoff detention time, but to drain completely dry sometime after stormwater runoff ends. The EDB’s drain time for the water quality portion of the facility is typically 40 hours. The basins are considered to be “dry” because the majority of the basin is designed not to have a significant permanent pool of water remaining between runoff events.

EDBs are an adaptation of a detention basin used for flood control, with the primary difference is the addition of forebays, micropools and a slow release outlet design. Forebays are shallow concrete “pans” located at the inflow point to the basin and are provided to facilitate sediment removal within a contained area prior to releasing into the pond. These forebays collect and briefly hold stormwater runoff resulting in a process called sedimentation, dropping sediment out of the stormwater. The stormwater is then routed from the forebay into the concrete trickle channel and upper basin, the large grassy portion of the basin. The EDB uses a much smaller outlet that extends the emptying time of the more frequently occurring runoff events to facilitate pollutant removal. An EDB should have a small micropool just upstream of the outlet. This micropool is designed to hold a small amount of water to keep sediment and floatables from blocking the outlet orifices.

EDB-2 INSPECTING EXTENDED DETENTION BASINS (EDBs)

EDB-2.1 Access and Easements

Inspection or maintenance personnel may utilize the figures located in Appendix E containing the location(s) of the access points and potential maintenance easements of the EDB(s) within this development.

EDB-2.2 Stormwater Best Management Practice (BMP) Locations

Inspection or maintenance personnel may utilize the figures located in Appendix E containing the location(s) of the EDB(s) within this development.

EDB-2.3 Extended Detention Basin (EDB) Features

EDBs have a number of features that are designed to serve a particular function. Many times the proper function of one feature depends on another. For example, if a forebay is not properly maintained, it could negatively affect the performance of a feature downstream (trickle channel, micropool, etc.). Therefore, it is critical that each feature of the EDB is properly inspected and maintained to ensure that the overall facility functions as it was intended. Below is a list and description of the most common features within an EDB and the corresponding maintenance inspection items that can be anticipated:

**Table EDB-1
Typical Inspection & Maintenance Requirements Matrix**

EDB Features	Sediment Removal	Mowing/ Weed control	Trash & Debris Removal	Erosion	Overgrown Vegetation Removal	Standing Water (mosquito/ algae control)	Structure Repair
Inflow Points (outfalls)	X		X	X	X		X
Forebay	X		X			X	X
Low-flow channel	X		X	X	X		X
Bottom Stage	X	X	X	X	X	X	
Micropool	X		X		X	X	X
Outlet Works	X		X			X	X
Emergency Spillway			X	X	X		X
Upper Stage		X	X	X	X		
Embankment		X	X	X	X		

EDB-2.3.1 Inflow Points

Inflow Points or Outfalls into EDBs are the point source of the stormwater discharge into the facility. An inflow point is commonly a storm sewer pipe with a flared end section that discharges into the EDB. In some instances, an inflow point could be a drainage channel or ditch that flows into the facility.

An energy dissipater (riprap or hard armor protection) is typically immediately downstream of the discharge point into the EDB to protect from erosion. In some cases, the storm sewer outfall can have a toe-wall or cut-off wall immediately below the structure to prevent undercutting of the outfall from erosion.

The typical maintenance items that are found with inflow points are as follows:

- a. Riprap Displaced* – Many times, because the repeated impact/force of water, the riprap can shift and settle. If any portion of the riprap apron appears to have settled, soil is present between the riprap, or the riprap has shifted, maintenance may be required to ensure future erosion is prevented.
- b. Erosion Present/Outfall Undercut* – In some situations, the energy dissipater may not have been sized, constructed, or maintained appropriately and erosion has occurred. Any erosion within the vicinity of the inflow point will require maintenance to prevent damage to the structure(s) and sediment transport within the facility.
- c. Sediment Accumulation* – Because of the turbulence in the water created by the energy dissipater, sediment often deposits immediately downstream of the inflow point. To prevent a loss in hydraulic performance of the upstream infrastructure, sediment that accumulates in this area must be removed in a timely manner.

d. Structural Damage – Structural damage can occur at anytime during the life of the facility. Typically, for an inflow, the structural damage occurs to the pipe flared end section (concrete or steel). Structural damage can lead to additional operating problems with the facility, including loss of hydraulic performance.

e. Woody Growth/Weeds Present – Undesirable vegetation can grow in and around the inflow area to an EDB that can significantly affect the performance of the drainage facilities discharging into the facility. This type of vegetation includes trees (typically cottonwoods) and dense areas of shrubs (willows). If woody vegetation is not routinely mowed/removed, the growth can cause debris/sediment to accumulate, resulting in blockage of the discharge. Also, tree roots can cause damage to the structural components of the inflow. Routine maintenance is essential for trees (removing a small tree/sapling is much cheaper and “quieter” than a mature tree). In addition, noxious weeds growing in the facility can result in the loss of desirable native vegetation and impact adjacent open spaces/land.

EDB-2.3.2 Forebay

A forebay is a solid surface (pad), typically constructed of concrete, immediately downstream of the inflow point. The forebay is designed to capture larger particles and trash to prevent them from entering the main portion of the EDB. The solid surface is designed to facilitate mechanical sediment removal (skid steer). The forebay typically includes a small diameter discharge pipe or v-notch weir on the downstream end and designed to drain the forebay in a specified period of time to promote sedimentation. The forebays vary in size and depth depending on the design and site constraints.

The typical maintenance items that are found with forebays are as follows:

a. Sediment/Debris Accumulation – Because this feature of the EDB is designed to provide the initial sedimentation, debris and sediment frequently accumulate in this area. If the sediment and debris is not removed from the forebay on a regular basis, it can significantly affect the function of other features within the EDB. Routine sediment removal from the forebay can **significantly** reduce the need for dredging of the main portion of the EDB using specialized equipment (long reach excavators). Routine removal of sediment from the forebay can **substantially** decrease the long-term sediment removal costs of an EDB.

b. Concrete Cracking/Failing – The forebay is primarily constructed of concrete, which cracks, spalls, and settles. Damage to the forebay can result in decreased performance and impact maintenance efforts.

c. Drain Pipe/Weir Clogged – Many times the drainpipe or weir can be clogged with debris, and prevent the forebay from draining properly. If standing water is present in the forebay (and there is not a base flow), the forebay is most likely not draining properly. This can result in a decrease in performance and create potential nuisances with stagnant water (mosquitoes).

d. Weir/Drain Pipe Damaged – Routine maintenance activities, vandalism, or age may cause the weir or drain pipe in the forebay to become damaged. Weirs are typically constructed of concrete, which cracks and spalls. The drainpipe is typically smaller in diameter and constructed with plastic, which can fracture.

EDB-2.3.3 Trickle Channel (Low-Flow)

The trickle channel conveys stormwater from the forebay to the micro-pool of the EDB. The trickle channel is typically made of concrete. However, grass lined (riprap sides protected) is also common and can provide for an additional means of water quality within the EDB. The trickle channel is typically 6-9 inches in depth and can vary in width.

The typical maintenance items that are found with trickle channels are as follows:

a. Sediment/Debris Accumulation – Trickle channels are typically designed with a relatively flat slope that can promote sedimentation and the collection of debris. Also, if a trickle channel is grass lined it can accumulate sediment and debris at a much quicker rate. Routine removal of accumulated sediment and debris is essential in preventing flows from circumventing the trickle channel and affecting the dry storage portion of the pond.

b. Concrete/Riprap Damage – Concrete can crack, spall, and settle and must be repaired to ensure proper function of the trickle channel. Riprap can also shift over time and must be replaced/repared as necessary.

c. Woody Growth/Weeds Present – Because of the constant moisture in the area surrounding the trickle channel, woody growth (cottonwoods/willows) can become a problem. Trees and dense shrub type vegetation can affect the capacity of the trickle channel and can allow flows to circumvent the feature.

d. Erosion Outside of Channel – In larger precipitation events, the trickle channel capacity will likely be exceeded. This can result in erosion immediately adjacent to the trickle channel and must be repaired to prevent further damage to the structural components of the EDB.

EDB-2.3.4 Bottom Stage

The bottom stage is at least 1.0 to 2.0 feet deeper than the upper stage and is located in front of the outlet works structure. The bottom stage is designed to store the smaller runoff events, assists in keeping the majority of the basin bottom dry resulting in easier maintenance operations, and enhances the facilities pollutant removal capabilities. This area of the EDB may develop wetland vegetation.

The typical maintenance items that are found with the bottom stage are as follows:

a. Sediment/Debris Accumulation – The micro-pool can frequently accumulate sediment and debris. This material must be removed to maintain pond volume and proper function of the outlet structure.

b. Woody Growth/Weeds Present - Because of the constant moisture in the soil surrounding the micro-pool, woody growth (cottonwoods/willows) can create operational problems for the EDB. If woody vegetation is not routinely mowed/removed, the growth can cause debris/sediment to accumulate outside of the micro-pool, which can cause problems with other EDB features. Also, tree roots can cause damage to the structural components of the outlet works. Routine management is essential for trees (removing a small tree/sapling is much cheaper and "quieter" than a mature tree).

c. Bank Erosion – The micro-pool is usually a couple feet deeper than the other areas of the ponds. Erosion can be caused by water dropping into the micro-pool if adequate protection/armor is not present. Erosion in this area must be mitigated to prevent sediment transport and other EDB feature damage.

d. Mosquitoes/Algae Treatment – Nuisance created by stagnant water can result from improper maintenance/treatment of the micro-pool. Mosquito larvae can be laid by adult mosquitoes within the permanent pool. Also, aquatic vegetation that grows in shallow pools of water can decompose causing foul odors. Chemical/mechanical treatment of the micro-pool may be necessary to reduce these impacts to adjacent homeowners.

e. Petroleum/Chemical Sheen – Many indicators of illicit discharges into the storm sewer systems will be present in the micro-pool area of the EDB. These indicators can include sheens, odors, discolored soil, and dead vegetation. If it is suspected that an illicit discharge has occurred, contact the supervisor immediately. Proper removal/mitigation of contaminated soils and water in the EDB is necessary to minimize any environmental impacts downstream.

EDB-2.3.5 Micro-pool

The micro-pool is a concrete or grouted boulder walled structure directly in front of the outlet works. At a minimum, the micropool is 2.5 feet deep and is designed to hold water. The micro-pool is critical in the proper function of the EDB; it allows suspended sediment to be deposited at the bottom of the micro-pool and prevents these sediments from being deposited in front of the outlet works causing clogging of the outlet structure, which results in marshy areas within the top and bottom stages.

The typical maintenance items that are found with micro-pools are as follows:

a. Sediment/Debris Accumulation – The micro-pool can frequently accumulate sediment and debris. This material must be removed to maintain pond volume and proper function of the outlet structure.

b. Woody Growth/Weeds Present - Because of the constant moisture in the soil surrounding the micro-pool, woody growth (cottonwoods/willows) can create operational problems for the EDB. If woody vegetation is not routinely mowed/removed, the growth can cause debris/sediment to accumulate outside of the micro-pool, which can cause problems with other EDB features. Also, tree roots can cause damage to the structural components of

the outlet works. Routine management is essential for trees (removing a small tree/sapling is much cheaper and “quieter” than a mature tree).

c. Mosquitoes/Algae Treatment – Nuisance created by stagnant water can result from improper maintenance/treatment of the micro-pool. Mosquito larvae can be laid by adult mosquitoes within the permanent pool. Also, aquatic vegetation that grows in shallow pools of water can decompose causing foul odors. Chemical/mechanical treatment of the micro-pool may be necessary to reduce these impacts to adjacent homeowners.

d. Petroleum/Chemical Sheen – Many indicators of illicit discharges into the storm sewer systems will be present in the micro-pool area of the EDB. These indicators can include sheens, odors, discolored soil, and dead vegetation. If it is suspected that an illicit discharge has occurred, contact the supervisor immediately. Proper removal/mitigation of contaminated soils and water in the EDB is necessary to minimize any environmental impacts downstream.

EDB-2.3.6 Outlet Works

The outlet works is the feature that drains the EDB in specified quantities and periods of time. The outlet works is typically constructed of reinforced concrete into the embankment of the EDB. The concrete structure typically has steel orifice plates anchored/embedded into it to control stormwater release rates. The larger openings (flood control) on the outlet structure typically have trash racks over them to prevent clogging. The water quality orifice plate (smaller diameter holes) will typically have a well screen covering it to prevent smaller materials from clogging it. The outlet structure is the single most important feature in the EDB operation. Proper inspection and maintenance of the outlet works is essential in ensuring the long-term operation of the EDB.

The typical maintenance items that are found with the outlet works are as follows:

a. Trash Rack/Well Screen Clogged – Floatable material that enters the EDB will most likely make its way to the outlet structure. This material is trapped against the trash racks and well screens on the outlet structure (which is why they are there). This material must be removed on a routine basis to ensure the outlet structure drains in the specified design period.

b. Structural Damage - The outlet structure is primarily constructed of concrete, which can crack, spall, and settle. The steel trash racks and well screens are also susceptible to damage.

c. Orifice Plate Missing/Not Secure – Many times residents, property owners, or maintenance personnel will remove or loosen orifice plates if they believe the pond is not draining properly. Any modification to the orifice plate(s) will significantly affect the designed discharge rates for water quality and/or flood control. Modification of the orifice plates is not allowed without approval from the City.

d. Manhole Access – Access to the outlet structure is necessary to properly inspect and maintain the facility. If access is difficult or not available to inspect the structure, chances are it will be difficult to maintain as well.

e. Woody Growth/Weeds Present - Because of the constant moisture in the soil surrounding the outlet works, woody growth (cottonwoods/willows) can create operational problems for the EDB. If woody vegetation is not routinely mowed/removed, the growth can cause debris/sediment to accumulate around the outlet works, which can cause problems with other EDB features. Also, tree roots can cause damage to the structural components of the outlet works. Routine management is essential for trees (removing a small tree/sapling is much cheaper and “quieter” than a mature tree).

EDB-2.3.7 Emergency Spillway

An emergency spillway is typical of all EDBs and designed to serve as the overflow in the event the volume of the pond is exceeded. The emergency spillway is typically armored with riprap (or other hard armor) and is sometimes buried with soil. The emergency spillway is typically a weir (notch) in the pond embankment. Proper function of the emergency spillway is essential to ensure flooding does not affect adjacent properties.

The typical maintenance items that are found with emergency spillways are as follows:

a. Riprap Displaced – As mentioned before, the emergency spillway is typically armored with riprap to provide erosion protection. Over the life of an EDB, the riprap may shift or dislodge due to flow.

b. Erosion Present – Although the spillway is typically armored, stormwater flowing through the spillway can cause erosion damage. Erosion must be repaired to ensure the integrity of the basin embankment, and proper function of the spillway.

c. Woody Growth/Weeds Present – Management of woody vegetation is essential in the proper long-term function of the spillway. Larger trees or dense shrubs can capture larger debris entering the EDB and reduce the capacity of the spillway.

d. Obstruction Debris – The spillway must be cleared of any obstruction (man made or natural) to ensure the proper design capacity.

EDB-2.3.8 Upper Stage (Dry Storage)

The upper stage of the EDB provides the majority of the water quality flood detention volume. This area of the EDB is higher than the micro-pool and typically stays dry, except during storm events. The upper stage is the largest feature/area of the basin. Sometimes, the upper stage can be utilized for park space and other uses in larger EDBs. With proper maintenance of the micro-pool and forebay(s), the upper stage should not experience much sedimentation; however, bottom elevations should be monitored to ensure adequate volume.

The typical maintenance items that are found with upper stages are as follows:

- a. Vegetation Sparse* – The upper basin is the most visible part of the EDB, and therefore aesthetics is important. Adequate and properly maintained vegetation can greatly increase the overall appearance and acceptance of the EDB by the public. In addition, vegetation can reduce the potential for erosion and subsequent sediment transport to the other areas of the pond.
- b. Woody Growth/Undesirable Vegetation* – Although some trees and woody vegetation may be acceptable in the upper basin, some thinning of cottonwoods and willows may be necessary. Remember, the basin will have to be dredged to ensure volume, and large trees and shrubs will be difficult to protect during that operation.
- c. Standing Water/Boggy Areas* – Standing water or boggy areas in the upper stage is typically a sign that some other feature in the pond is not functioning properly. Routine maintenance (mowing, trash removal, etc) can be extremely difficult for the upper stage if the ground is saturated. If this inspection item is checked, make sure you have identified the root cause of the problem.
- d. Sediment Accumulation* – Although other features within the EDB are designed to capture sediment, the upper storage area will collect sediment over time. Excessive amounts of sedimentation will result in a loss of storage volume. It may be more difficult to determine if this area has accumulated sediment without conducting a field survey.

Below is a list of indicators:

1. Ground adjacent to the trickle channel appears to be several inches higher than concrete/riprap
2. Standing water or boggy areas in upper stage
3. Uneven grades or mounds
4. Micro-pool or Forebay has excessive amounts of sediment

e. Erosion (banks and bottom) – The bottom grades of the dry storage are typically flat enough that erosion should not occur. However, inadequate vegetative cover may result in erosion of the upper stage. Erosion that occurs in the upper stage can result in increased dredging/maintenance of the micro-pool.

f. Trash/Debris – Trash and debris can accumulate in the upper area after large events, or from illegal dumping. Over time, this material can accumulate and clog the EDB outlet works.

g. Maintenance Access – Most EDBs typically have a gravel/concrete maintenance access path to either the upper stage or forebay. This access path should be inspected to ensure the surface is still drivable. Some of the smaller EDBs may not have maintenance access paths; however, the inspector should verify that access is available from adjacent properties.

EDB-2.3.9 Miscellaneous

There are a variety of inspection/maintenance issues that may not be attributed to a single feature within the EDB. This category on the inspection form is for maintenance items that are commonly found in the EDB, but may not be attributed to an individual feature.

a. Access – Access needs to be maintained.

b. Graffiti/Vandalism – Damage to the EDB infrastructure can be caused by vandals. If criminal mischief is evident, the inspector should forward this information to the local enforcement agency.

c. Public Hazards – Public hazards include items such as vertical drops of greater than 4-feet, containers of unknown/suspicious substances, exposed metal/jagged concrete on structures. **If any hazard is found within the facility area that poses an immediate threat to public safety, contact the local emergency services at 911 immediately!**

d. Burrowing Animals/Pests – Prairie dogs and other burrowing rodents may cause damage to the EDB features and negatively affect the vegetation within the EDB.

e. Other – Any miscellaneous inspection/maintenance items not contained on the form should be entered here.

EDB-2.4 **Inspection Forms**

EDB Inspection forms are located in Appendix C. Inspection forms shall be completed by the person(s) conducting the inspection activities. [REDACTED]

[REDACTED]
[REDACTED]
These inspection forms shall be kept a minimum of 5 years and made available to the [REDACTED] Stormwater Team upon request.

EDB-3 MAINTAINING EXTENDED DETENTION BASINS (EDBs)

EDB-3.1 **Maintenance Personnel**

Maintenance personnel must be qualified to properly maintain EDBs. Inadequately trained personnel can cause additional problems resulting in additional maintenance costs.

EDB-3.2 Equipment

It is imperative that the appropriate equipment and tools are taken to the field with the operations crew. The types of equipment/tools will vary depending on the task at hand. Below is a list of tools, equipment, and material(s) that may be necessary to perform maintenance on an EDB:

- 1.) Loppers/Tree Trimming Tools
- 2.) Mowing Tractors
- 3.) Trimmers (extra string)
- 4.) Shovels
- 5.) Rakes
- 6.) All Surface Vehicle (ASVs)
- 7.) Skid Steer
- 8.) Back Hoe
- 9.) Track Hoe/Long Reach Excavator
- 10.) Dump Truck
- 11.) Jet-Vac Machine
- 12.) Engineers Level (laser)
- 13.) Riprap (Minimum - Type M)
- 14.) Filter Fabric
- 15.) Erosion Control Blanket(s)
- 16.) Seed Mix (Native Mix)
- 17.) Illicit Discharge Cleanup Kits
- 18.) Trash Bags
- 19.) Tools (wrenches, screw drivers, hammers, etc)
- 20.) Chain Saw
- 21.) Confined Space Entry Equipment
- 22.) Approved Inspection and Maintenance Plan

Some of the items identified above may not be needed for every maintenance operation. However, this equipment should be available to the maintenance operations crews should the need arise.

EDB-3.3 Safety

Vertical drops may be encountered in areas located within and around the facility. Avoid walking on top of retaining walls or other structures that have a significant vertical drop. If a vertical drop is identified within the EDB that is greater than 48" in height, make the appropriate note/comment on the maintenance inspection form.

EDB-3.4 Maintenance Forms

The EDB Maintenance Form provides a record of each maintenance operation performed by maintenance contractors. The EDB Maintenance Form shall be filled out

in the field after the completion of the maintenance operation. Each form shall be reviewed and submitted by the property owner or property manager to the [REDACTED] Stormwater Team per the requirements of the Inspection and Maintenance Plan. The EDB Maintenance form is located in Appendix D.

EDB-3.5 Maintenance Categories and Activities

A typical EDB Maintenance Program will consist of three broad categories of work: Routine, Restoration (minor), and Rehabilitation (major). Within each category of work, a variety of maintenance activities can be performed on an EDB. A maintenance activity can be specific to each feature within the EDB, or general to the overall facility. This section of the SOP explains each of the categories and briefly describes the typical maintenance activities for an EDB.

A variety of maintenance activities are typical of EDBs. The maintenance activities range in magnitude from routine trash pickup to the reconstruction of drainage infrastructure. Below is a description of each maintenance activity, the objectives, and frequency of actions:

EDB-3.6 Routine Maintenance Activities

The majority of this work consists of regularly scheduled mowing and trash and debris pickups for stormwater management facilities during the growing season. This includes items such as the removal of debris/material that may be clogging the outlet structure well screens and trash racks. It also includes activities such as weed control, mosquito treatment, and algae treatment. These activities normally will be performed numerous times during the year. These items can be completed without any prior correspondence with the [REDACTED] Stormwater Team; however, completed inspection and maintenance forms shall be submitted [REDACTED]

The Maintenance Activities are summarized below, and further described in the following sections.

**TABLE – EDB-2
Summary of Routine Maintenance Activities**

Maintenance Activity	Minimum Frequency	Look for:	Maintenance Action
Mowing	Twice annually	Excessive grass height/aesthetics	Mow grass to a height of 4" to 6"
Trash/Debris Removal	Twice annually	Trash & debris in EDB	Remove and dispose of trash and debris
Outlet Works Cleaning	As needed - after significant rain events – twice annually min.	Clogged outlet structure; ponding water	Remove and dispose of debris/trash/sediment to allow outlet to function properly
Weed control	Minimum twice annually	Noxious weeds; Unwanted vegetation	Treat w/ herbicide or hand pull; Consult the local weed specialist
Mosquito Treatment	As needed	Standing water/mosquito habitat	Treat w/ EPA approved chemicals
Algae Treatment	As needed	Standing water/ Algal growth/green color	Treat w/ EPA approved chemicals

EDB-3.6.1 Mowing

Occasional mowing is necessary to limit unwanted vegetation and to improve the overall appearance of the EDB. Native vegetation should be mowed to a height of 4-to-6 inches tall. Grass clippings should be collected and disposed of properly.

Frequency – Routine - Minimum of twice annually or depending on aesthetics.

EDB-3.6.2 Trash/Debris Removal

Trash and debris must be removed from the entire EDB area to minimize outlet clogging and to improve aesthetics. This activity must be performed prior to mowing operations.

Frequency – Routine – Prior to mowing operations and minimum of twice annually.

EDB-3.6.3 Outlet Works Cleaning

Debris and other materials can clog the outlet work's well screen, orifice plate(s) and trash rack. This activity must be performed anytime other maintenance activities are conducted to ensure proper operation.

Frequency - Routine – After significant rainfall event or concurrently with other maintenance activities.

EDB-3.6.4 Weed Control

Noxious weeds and other unwanted vegetation must be treated as needed throughout the EDB. This activity can be performed either through

mechanical means (mowing/pulling) or with herbicide. Consultation with the local Weed Inspector is highly recommended prior to the use of herbicide.

Frequency – Routine – As needed based on inspections.

EDB-3.6.5 Mosquito/Algae Treatment

Treatment of permanent pools is necessary to control mosquitoes and undesirable aquatic vegetation that can create nuisances. Only EPA approved chemicals/materials can be used in areas that are warranted.

Frequency – As needed.

EDB- 3.7 Restoration Maintenance Activities

This work consists of a variety of isolated or small-scale maintenance or operational problems. Most of this work can be completed by a small crew, tools, and small equipment. These items do not require prior correspondence with [REDACTED] Stormwater Team and require completed inspection and maintenance forms to be submitted [REDACTED]

**Table – EDB-3
Summary of Restoration Maintenance Activities**

Maintenance Activity	Minimum Frequency	Look for:	Maintenance Action
Sediment Removal	As needed; typically every 1 –2 years	Sediment build-up; decrease in pond volume	Remove and dispose of sediment
Erosion Repair	As needed, based upon inspection	Rills/gullies forming on side slopes, trickle channel, other areas	Repair eroded areas Revegetate; address source of erosion
Vegetation Removal/Tree Thinning	As needed, based upon inspection	Large trees/wood vegetation in lower chamber of pond	Remove vegetation; restore grade and surface
Drain Cleaning/Jet Vac	As needed, based upon inspection	Sediment build-up /non draining system	Clean drains; Jet Vac if needed

EDB-3.7.1 Sediment Removal

Sediment removal is necessary to maintain the original design volume of the EDB and to ensure proper function of the infrastructure. Regular sediment removal (minor) from the forebay, inflow(s), and trickle channel can significantly reduce the frequency of major sediment removal activities (dredging) in the upper and lower stages. The minor sediment removal activities can typically be addressed with shovels and smaller equipment. Major sediment removal activities will require larger and more specialized equipment. The major sediment activities will also require surveying with an engineer’s level, and consultation with the City’s Engineering staff to ensure design volumes/grades are achieved.

Stormwater sediments removed from EDBs do not meet the criteria of "hazardous waste". However, these sediments are contaminated with a wide array of organic and inorganic pollutants and handling must be done with care. Sediments from permanent pools must be carefully removed to minimize turbidity, further sedimentation, or other adverse water quality impacts. Sediments should be transported by motor vehicle only after they are dewatered. All sediments must be taken to a landfill for proper disposal. Prompt and thorough cleanup is important should a spill occur during transportation.

Frequency – Nonroutine – As necessary based upon inspections. Sediment removal in the forebay and trickle channel may be necessary as frequently as every 1-2 years.

EDB-3.7.2 Erosion Repair

The repair of eroded areas is necessary to ensure the proper function of the EDB, minimize sediment transport, and to reduce potential impacts to other features. Erosion can vary in magnitude from minor repairs to trickle channels, energy dissipaters, and rilling to major gullies in the embankments and spillways. The repair of eroded areas may require the use of excavators, earthmoving equipment, riprap, concrete, erosion control blankets, and turf reinforcement mats. Major erosion repair to the pond embankments, spillways, and adjacent to structures will require consultation with the City's Engineering staff.

Frequency – Nonroutine – As necessary based upon inspections.

EDB-3.7.3 Vegetation Removal/Tree Thinning

Dense stands of woody vegetation (willows, shrubs, etc) or trees can create maintenance problems for the infrastructure within an EDB. Tree roots can damage structures and invade pipes/channels thereby blocking flows. Also, trees growing in the upper and lower stages of the EDB will most likely have to be removed when sediment/dredging operations occur. A small tree is easier to remove than a large tree, therefore, regular removal/thinning is imperative. All trees and woody vegetation that is growing in the bottom of the EDB or near structures (inflows, trickle channels, outlet works, emergency spillways, etc) should be removed. Any trees or woody vegetation in the EDB should be limited to the upper portions of the pond banks.

Frequency – Nonroutine – As necessary based upon inspections.

EDB-3.7.4 Clearing Drains/Jet-Vac

An EDB contains many structures, openings, and pipes that can be frequently clogged with debris. These blockages can result in a decrease of hydraulic capacity and create standing water in areas outside of the micro-pool. Many times the blockage to this infrastructure can be difficult to access and/or clean. Specialized equipment (jet-vac machines) may be necessary to clear debris from these difficult areas.

Frequency – Nonroutine – As necessary based upon inspections.

EDB-3.8 Rehabilitation Maintenance Activities

This work consists of larger maintenance/operational problems and failures within the stormwater management facilities. All of this work requires consultation with City's Engineering staff to ensure the proper maintenance is performed. This work requires that the engineering staff review the original design and construction drawings to assess the situation and assign the necessary maintenance. This work may also require more specialized maintenance equipment, design/details, surveying, or assistance through private contractors and consultants. Any proper permits required for this activity must be obtained.

**Table – EDB-4
Summary of Rehabilitation Maintenance Activities**

Maintenance Activity	Minimum Frequency	Look for:	Maintenance Action
Major Sediment Removal	As needed – based upon scheduled inspections	Large quantities of sediment; reduced pond capacity	Remove and dispose of sediment. Repair vegetation as needed
Major Erosion Repair	As needed – based upon scheduled inspections	Severe erosion including gullies, excessive soil displacement, areas of settlement, holes	Repair erosion – find cause of problem and address to avoid future erosion
Structural Repair	As needed – based upon scheduled inspections	Deterioration and/or damage to structural components – broken concrete, damaged pipes, outlet works	Structural repair to restore the structure to its original design

EDB-3.8.1 Major Sediment Removal

Major sediment removal consists of removal of large quantities of sediment or removal of sediment from vegetated areas. Care shall be given when removing large quantities of sediment and sediment deposited in vegetated areas. Large quantities of sediment need to be carefully removed, transported and disposed of. Vegetated areas need special care to ensure design volumes and grades are preserved.

Frequency – Nonroutine – Repair as needed based upon inspections.

EDB-3.8.2 Major Erosion Repair

Major erosion repair consist of filling and revegetating areas of severe erosion. Determining the cause of the erosion as well as correcting the condition that caused the erosion should also be part of the erosion repair. Care should be given to ensure design grades and volumes are preserved.

Frequency – Nonroutine – Repair as needed based upon inspections.

EDB-3.8.3 Structural Repair

An EDB includes a variety of structures that can deteriorate or be damaged during the course of routine maintenance. These structures are constructed of steel and concrete that can degrade or be damaged and may need to be repaired or re-constructed from time to time. These structures include items like outlet works, trickle channels, forebays, inflows and other features. In-house operations staff can perform some of the minor structural repairs. Major repairs to structures may require input from a structural engineer and specialized contractors. Consultation with the City's Engineering staff should take place prior to all structural repairs.

Frequency – Nonroutine – Repair as needed based upon inspections.

**EXTENDED DETENTION BASIN (EDB)
MAINTENANCE FORM**

Subdivision/Business Name: _____ Completion Date: _____

Subdivision/Business Address: _____ Contact Name: _____

Maintenance Category: Routine Restoration Rehabilitation
(Circle All That Apply)

MAINTENANCE ACTIVITIES PERFORMED

ROUTINE WORK

- ___ MOWING
- ___ TRASH/DEBRIS REMOVAL
- ___ OUTLET WORKS CLEANING (TRASH RACK/WELL SCREEN)
- ___ WEED CONTROL (HERBICIDE APPLICATION)
- ___ MOSQUITO TREATMENT
- ___ ALGAE TREATMENT

RESTORATION WORK

- ___ SEDIMENT REMOVAL
 - ___ FOREBAY
 - ___ TRICKLE CHANNEL
 - ___ INFLOW
- ___ EROSION REPAIR
 - ___ INFLOW POINT
 - ___ TRICKLE CHANNEL
- ___ VEGETATION REMOVAL/TREE THINNING
 - ___ INFLOW(S)
 - ___ TRICKLE CHANNEL
 - ___ UPPER STAGE
 - ___ BOTTOM STAGE
- ___ REVEGETATION
- ___ JET-VAC/CLEARING DRAINS
 - ___ FOREBAY
 - ___ OUTLET WORKS
 - ___ INFLOWS

REHABILITATION WORK

- ___ SEDIMENT REMOVAL (DREDGING)
 - ___ BOTTOM STAGE
 - ___ UPPER STAGE
- ___ EROSION REPAIR
 - ___ OUTLET WORKS
 - ___ UPPER STAGE
 - ___ BOTTOM STAGE
 - ___ SPILLWAY
- ___ STRUCTURAL REPAIR
 - ___ INFLOW
 - ___ OUTLET WORKS
 - ___ FOREBAY
 - ___ TRICKLE CHANNEL

OTHER _____

ESTIMATED TOTAL MANHOURS: _____

COSTS INCURRED (include description of costs): _____

EQUIPMENT/MATERIAL USED (include hours of equipment usage and quantity of material used):

COMMENTS/ADDITIONAL INFO:

Appendix F

As-Built Plans (When Complete)

Appendix G

BMP Maintenance Cost Estimates (2007)

Routine maintenance costs can usually be predicted for an annual budget and may range from four percent of original capital construction costs per year for an EDB to nine percent of original capital costs per year for an infiltration BMP.

A general rule of thumb is that annual maintenance costs may run from \$100 per acre for minor maintenance, such as mowing, to \$500 per acre for more intensive maintenance including weed control, debris removal, etc.

Non-routine maintenance costs, however, can be substantial over the long run, especially when considering the possibility of eventual BMP replacement. To lessen the immediate financial impact of non-routine costs, it is advised that a BMP maintenance fund, with annual contributions, be established.

As an example, for EDBs, which need to have sediment removed once every two to ten years, ten to 50 percent of anticipated dredging costs should be collected annually. In addition, the average EDBs has a life expectancy of 20 to 50 years. A separate fund that collects two to five percent a year should be established for replacement. Anticipated interest may be used to offset the effects of inflation.

Type of BMP	Sediment Removal Frequency	Facility Life Span*
Retention Pond	5 to 15 years	20 to 50 years
EDB	2 to 10 years	20 to 50 years
Sand Filter	Every 6 months or as required	20 to 50 years
PLD	5 to 10 years	10 to 25 years
Grass Swale/Grass Buffer	As needed	10 to 25 years
Porous Paving	3 to 4 times per year	25 years

*Assumes the facility is maintained on a regular basis.

Estimating and Planning for Non-routine Costs for BMPs

Costs for non-routine maintenance of BMPs are highly specific and will vary depending upon:

- the type, size, and depth of the facility;
- the volume of the sediment trapped in the BMP;
- the accessibility of the BMP; and
- whether or not on-site disposal of the sediment is possible.

Retention Pond and EDB Sediment Removal

The technique used to remove sediment from a retention pond or EDB is very site-specific. The information below provides an estimate of costs associated with the dredging process.

💧 Mobilization and Demobilization of Machinery

Associated Costs: \$1,000 to \$10,000

Large retention ponds or regional facilities will often require a waterborne operation during which an excavator or a crane must be mounted to a floating barge and moved into position. For smaller ponds, larger ponds that can be drained or dredged from the shore, and extended detention basins, a perimeter or dry operation will usually suffice. In this case, a backhoe, truck equipment, or crane may be used to scoop out the sediment. Additional costs for the construction and restoration of access roads for trucks and heavy equipment may be accrued.

💧 Dredging

Associated Costs: \$10 per cubic yard to \$20 per cubic yard

The cost of dredging a BMP depends on the volume of sediment removed. The cost (expressed by cubic yard) is largely influenced by the depth of the water and the distance between the excavation area and the "staging area" where sediment is transferred to trucks for removal. Another consideration is whether equipment can easily access the BMP bottom. The following equation can be used to estimate the volume of sediment in cubic yards.

Equation to Estimate the Volume of Sediment in a BMP (in cubic yards)

$$\begin{aligned} \text{surface area } \underline{\hspace{2cm}} \text{ (acres)} \times \text{depth of sediment } \underline{\hspace{2cm}} \text{ (feet)} \times 43,560 &= \underline{\hspace{2cm}} \text{ cubic feet} \\ \text{cubic feet } \underline{\hspace{2cm}} / 27 &= \underline{\hspace{2cm}} \text{ cubic yards} \end{aligned}$$

💧 Disposal

Associated Costs: \$5 per cubic yard - on-site to \$47 per cubic yard - off-site

The primary determinant of disposal costs is whether on-site disposal is an option. If on-site disposal is not available, then locating a landfill or large area to apply the spoils may prove challenging and transportation costs may increase considerably. Dredged materials will require special disposal if found to contain hazardous materials.

Adding the likely costs of the sediment removal components establishes a range in which an owner can expect to pay for sediment/pollutant removal. For a facility with a small surface area (0.25 acres) overall costs can range from \$4,000 to \$10,000+. For a large facility (10 acres) overall costs can range from \$170,000 to \$550,000+.

	Maintenance	Annual Associated Cost
PLD	Removal of sediments and replacement of some level of soil is required periodically. Mulch should be replaced annually, or as needed.	Between \$1,500 and \$2,000, depending upon the size and complexity of the facility.
Grass Swale/ Grass Buffer	Remove sediments, replace check dams (usually made of earth, riprap, or wood), reseed or sod (if grassed) or replace dead plants, every two years.	
Porous Paving	Vacuum sediments from surface, twice a year.	Between \$500 and \$1,000, depending on the size of the facility.
Sand Filter	Remove the top filter cloth and remove/replace the filter gravel, when a semiannual inspection reveals that it is necessary. Remove and replace the filter cloth and gravel every three to five years.	Between \$3,000 to \$10,000, depending on the type and size of the sand filter and the amount of impervious surface draining to it.

If an oil sheen is present in the facility, it should be removed by a qualified oil recycler, which increases costs. Other expenses, such as removal of trash and hydrocarbons from water traps may also be required.

Removing sediment from stormwater facilities can be a considerable expense. Look for opportunities to reduce the amount of sediment entering the pond from the surrounding drainage area.

Reference: Information adapted from "Maintaining Stormwater Systems, A Guidebook for Private Owners and Operators in Northern Virginia", January 2007, Northern Virginia Regional Commission

