



**GRASS AND CULVERT MAINTENANCE FOR STORMWATER IN EAGLE RISING
FINAL PLAT FILING #1 AGREEMENT AND EASEMENT**

This GRASS AND CULVERT MAINTENANCE FOR STORMWATER IN EAGLE RISING FINAL PLAT FILING #1 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), Mypad Inc., a Colorado corporation as General Partner of Casas Limited Partnership #4, a Colorado Limited Partnership (Developer), and Eagle Rising Owners Association (Association), a Colorado nonprofit corporation. The above may occasionally be referred to herein singularly as "Party" and collectively as "Parties."

Recitals

A. WHEREAS, Developer is the owner of certain real estate (the Property) 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 develop on the Property a land use to be known as Eagle Rising Filing No. 1 (the "Subdivision"); and

C. WHEREAS, the development of this Property will 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 land use on Developer's promise to construct adequate drainage, water runoff control facilities, and stormwater quality structural Best Management Practices ("BMPs") for the land use; 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 roadside grass and native prairie vegetation buffers along with a culvert as stormwater quality BMP(s) (collectively "BMP"), as depicted on Exhibit D, as the means for providing adequate Subdivision drainage and stormwater runoff control and to meet requirements of the County's MS4 Permit, and to operate, clean, maintain and repair such BMP; and

I. WHEREAS, Developer has substantially constructed the BMP on property that will be platted as Tract A, Eagle Rising Filing No. 1, as indicated on the final plat of the Subdivision, and as set forth on Exhibit B attached hereto; and

J. WHEREAS, Developer shall be charged with the duty of constructing the BMP and the Association shall be charged in the Subdivision's Covenants with the duties of operating, maintaining and repairing all common areas and common structures within the Subdivision, including the BMP on the Property described in Exhibit B; and

K. WHEREAS, it is the County's experience that subdivision developers and homeowners' associations 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 and homeowners' associations 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 BMP serving this Subdivision due to the Developer's or the Association's failure to meet its obligations to do the same; and

M. WHEREAS, the County conditions approval of this land use on the Developer's promise to so construct the BMP, and further conditions approval on the Owner's promise to reimburse the County in the event the burden falls upon the County to so clean, maintain and/or repair the BMP 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 foregoes such right upon the performance of Developer's and the Association's promises contained herein; and

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

P. WHEREAS, given that the Association could potentially avoid liability hereunder by dissolving and reforming as a different entity, and given the difficulties inherent in collecting an unsecured promise, the County, in order to secure performance of the promises contained herein, conditions approval of this Subdivision upon the Developer's creation, by and through this Agreement, of a covenant running with the land upon each and every lot in the Subdivision.

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 and Pro Rata Liability upon Individual Lot Owners: Developer and the Association agree 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 themselves, their respective successors and assigns, including individual lot owners within the Subdivision.

However, any liability imposed under this Agreement against an individual lot owner shall not be joint and several with the Developer and the Association, but shall be pro rated on a per-lot basis as determined by the following formula and illustration: each individual lot owner(s) shall be liable for no more than the total monetary amount of liability multiplied by a fraction in which the numerator is the number of lots in the Subdivision owned by a particular lot owner, and the denominator is the total number of lots in the Subdivision. As to any lot(s) owned by more than one person or entity, the liability among co-owners shall be joint and several for the pro rata obligation of that lot. The application of this Paragraph is best illustrated by the following example. Assume the following parameters: total liability is \$10,000; total number of lots in the Subdivision is 100; Lot 1 is owned by persons A and B; person B also owns Lot 2. Liability is as follows: the Developer, \$10,000; the Association, \$10,000; Lot 1 is \$100.00, joint and several as to A and B, Lot 2 is \$100.00 owed solely by B. Thus person A's total liability is \$100.00 and person B's is \$200.00. Applying the principle that the County cannot collect more than it is owed, and assuming that the County cannot collect anything from the Developer and the Association, if the County collected the whole \$200.00 from B, then it could not collect the \$100.00 from A. Likewise, if the County collected the \$100.00 from A, then it could only collect \$100.00 from B.

3. Construction: Developer shall construct on that portion of the Property described in Exhibit B attached hereto and incorporated herein by this reference, one (1) BMP specifically as described in paragraph H above. Developer has constructed the majority of the BMP during construction of the driveway access to 7495 Eagle Wing Drive house and barn. El Paso County Planning and Community Development Department (PCD) has approved in writing the plans and specifications for the BMP and this Agreement has been signed by all Parties and returned to the PCD. Developer shall complete construction of the BMP in substantial compliance with the County-approved plans and specifications for the BMP. 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 BMP 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. In cases where a subdivision is not required, the one year period will commence to run on the date the Erosion and Stormwater Quality Control Permit (ESQCP) is issued. Rough grading of the BMP has been completed.

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/Owner 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. 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 fees, regardless of whether the County contracts with outside legal counsel or utilizes in-house legal counsel for the same. The scope of liability therefor of the Developer, the Association, and the individual lot owners shall be as set forth in Paragraph Two (2) above.

4. Maintenance: The Developer and the Association agree for themselves, their respective successors and assigns, including individual lot owners within the Subdivision, that they will regularly and routinely inspect, clean and maintain the BMP, in compliance with the County-reviewed Operation and Maintenance Manual, attached hereto as Exhibit C and incorporated herein by reference, and otherwise keep the same in good repair, all at their own cost and expense. No trees or shrubs that will impair the structural integrity of the BMP shall be planted or allowed to grow on the BMP.

5. Creation of Easement: Developer and the Association hereby grant the County a nonexclusive perpetual easement upon and across that portion of the Property described in Exhibit B. The purpose of the easement is to allow the County to access, inspect, clean, repair and maintain the BMP; 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 BMP.

6. County's Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the BMP is not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer, the Association and their respective successors and assigns, including the individual lot owners within the Subdivision, that the BMP needs to be cleaned, maintained and/or otherwise repaired. The notice shall provide a reasonable time to correct the problem(s). Should the responsible parties fail to correct the specified problem(s), the County may enter upon the Property to so correct the specified problem(s). 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 BMP.

7. Reimbursement of County's Costs / Covenant Running With the Land: The Developer and the Association agree and covenant, for themselves, their respective successors and assigns, including individual lot owners within the Subdivision, that they will reimburse the County for its actual costs and expenses incurred in the process of completing construction of, cleaning, maintaining, and/or repairing the BMP pursuant to the provisions of this Agreement; however, the obligation and liability of the Developer hereunder shall only continue until such time as the Developer transfers the entire management and operation of the Association to the individual lot owners within the Subdivision.

Notwithstanding the previous sentence, the Association and the individual lot owners within the Subdivision shall always remain obligated and liable hereunder, and as per the provisions of Paragraph Two (2) above, provided that none of the Association or the individual lot owners will have any obligation for the initial construction of the BMP, which shall be the sole obligation of Developer.

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. The scope of liability therefor of the Developer, the Association, and the individual lot owners shall be as set forth in Paragraph Two (2) above.

8. Contingencies of Land Use/Land Disturbance Approval: Developer's and the Association's execution of this Agreement is a condition of subdivision approval. Additional conditions of this Agreement include, but are not limited to, the following:

- a. The County's receipt of a copy of the Articles of Incorporation for the Association, as filed with the Colorado Secretary of State; receipt of the Certificate of Incorporation or other comparable proof for the same from the Colorado Secretary of State; a copy of the Bylaws of the Association; a copy of the organizational minutes or other appropriate document of the Association, properly executed and attested, establishing that the Association has adopted this Agreement as an obligation of the Association; and
- b. A copy of the Declaration of Covenants, Conditions and Restrictions of the Subdivision ("Covenants") establishing that the Association is obligated to inspect, clean, maintain, and repair the BMP; that the Association has adopted this Agreement as an obligation of the Association; and that a funding mechanism is in place whereby individual lot owners within the Subdivision pay a regular fee to the Association for, among other matters, the inspection, cleaning, maintenance, and repair of the BMP; and
- c. A copy of the Covenants establishing that this Agreement is incorporated into the Covenants, and that such Agreement touches and concerns each and every lot within the Subdivision.

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. However, the scope of County's review and approval or disapproval of such documentation shall be limited to the subject matter of this Agreement. The County's rejection of any documentation submitted hereunder shall mean that the appropriate condition of this Agreement has not been fulfilled.

9. Distribution to Lot Purchasers: Upon the initial sale of any lot within the Subdivision, prior to closing on such sale, the Developer shall give a copy of this Agreement to the potential Buyer.

10. 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.

11. Indemnification and Hold Harmless: To the extent authorized by law, Developer and the Association agree, for themselves, their respective successors and assigns, including the individual lot owners in the Subdivision, 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 BMP, 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. However, the obligation and liability of the Developer hereunder shall only continue until such time as the Developer transfers the entire management and operation of the Association to the individual lot owners within the Subdivision.

12. 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.

13. 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, the Association, or their respective successors and assigns, including any individual lot owners in the Subdivision, because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.

14. Solid Waste or Hazardous Materials: Should any refuse from the BMP be suspected or identified as solid waste or petroleum products, hazardous substances or hazardous materials (collectively referred to herein as "hazardous materials"), the Developer and the Association 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 and the Association, but not the County, shall be responsible and liable as the owner, generator, and/or transporter of said solid waste or hazardous materials.

15. 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 14 day of April, 2025, by:

Mypad Inc., a Colorado corporation, General Partner of Casas Limited Partnership #4, a Colorado limited partnership

By: Stephen J. Jacobs, Jr.
Stephen J. Jacobs, Jr., President

The foregoing instrument was acknowledged before me this 14 day of April, 2025, by Stephen J. Jacobs, Jr., President, Mypad Inc., General Partner of Casas Limited Partnership #4

Witness my hand and official seal.

My commission expires: 04/21/2026



Jasmine King
Notary Public

Executed this 14 day of April, 2025, by:

The Eagle Rising Owners Association, a Colorado nonprofit corporation.

By: Stephen J. Jacobs, Jr.
_____, President

The foregoing instrument was acknowledged before me this 14 day of April, 2025, by Stephen J. Jacobs, Jr., President, The Eagle Rising Owners Association, a Colorado nonprofit corporation.

Witness my hand and official seal.


My commission expires: 04/21/2026



Jasmine King
Notary Public

Executed this 10TH day of JUNE, ~~2024~~ ²⁰²⁵, by:

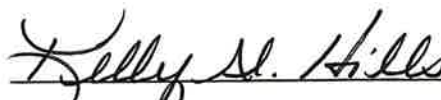
BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Gilbert LaForce, Engineering Manager
Development Services, Department of Public Works
Designee of Joshua Palmer, County Engineer
Authorized signatory pursuant to Resolution No. 24-145

The foregoing instrument was acknowledged before me this 10th day of June, ~~2024~~ ²⁰²⁵, by Gilbert LaForce, Engineering Manager, El Paso County Department of Public Works.

Witness my hand and official seal.

My commission expires: 1/13/2026


Notary Public

Approved as to Content and Form:


Assistant County Attorney

KELLY M. HILLS Notary Public State of Colorado Notary ID # 20014033687 My Commission Expires 01-13-2026

EXHIBIT "A"

PROPERTY DESCRIPTION

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4, SE1/4) SECTION 28, T12S, R68W, OF THE 6th P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED BY WARRANTY DEED RECORDED UNDER RECEIPTION NO. 318891887 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE S00°24'00"W ALONG THE EAST LINE THEREOF, 1,324.07 FEET TO THE SOUTH LINE OF "PARK FOREST ESTATES FILING NO. 2" AS RECORDED IN BOOK 8-2 AT PAGE 52 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE S89°11'11"E ALONG THE SOUTH LINE THEREOF, 408.88 FEET;
THENCE S00°31'38"E A DISTANCE OF 128.78 FEET;
THENCE S34°53'38"E A DISTANCE OF 168.41 FEET;
THENCE S37°03'44"E A DISTANCE OF 37.27 FEET;
THENCE S41°23'30"E A DISTANCE OF 32.71 FEET;
THENCE S42°48'51"E A DISTANCE OF 258.35 FEET;
THENCE S45°45'45"W A DISTANCE OF 314.01 FEET;
THENCE S43°27'20"E A DISTANCE OF 548.81 FEET;
THENCE S42°47'58"E A DISTANCE OF 235.00 FEET;
THENCE S43°20'42"E A DISTANCE OF 189.85 FEET;
THENCE S20°28'11"W A DISTANCE OF 211.28 FEET;
THENCE N81°38'48"W A DISTANCE OF 448.83 FEET;
THENCE S58°31'31"W A DISTANCE OF 312.84 FEET;
THENCE 282.84 FEET ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 485.00 FEET, A CENTRAL ANGLE OF 40°00'48" THE CHORD OF 277.13 FEET WHICH BEARS S03°27'17"W;
THENCE S08°32'18"E, NON-TANGENT TO THE PREVIOUS COURSE, 381.10 FEET;
THENCE S42°28'18"W A DISTANCE OF 138.85 FEET;
THENCE S08°37'48"W A DISTANCE OF 188.85 FEET;
THENCE N78°29'28"W A DISTANCE OF 187.88 FEET;
THENCE S41°08'13"W A DISTANCE OF 33.88 FEET;
THENCE S28°48'00"E A DISTANCE OF 278.38 FEET;
THENCE S01°08'27"W A DISTANCE OF 43.88 FEET;
THENCE S27°48'32"E A DISTANCE OF 27.84 FEET;
THENCE S07°08'10"E A DISTANCE OF 32.01 FEET;
THENCE N77°20'57"W A DISTANCE OF 437.27 FEET;
THENCE S00°23'34"W A DISTANCE OF 288.01 FEET;
THENCE 19.87 FEET ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 108.85 FEET, A CENTRAL ANGLE OF 11°19'28" THE CHORD OF 19.84 FEET WHICH BEARS N04°30'00"W TO A POINT OF TANGENCY;
THENCE S88°18'17"W A DISTANCE OF 8.18 FEET TO THE EAST LINE OF "TABLE EING ESTATES" AS RECORDED UNDER RECEIPTION NO. 284074318 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE S00°23'00"W ALONG SAID EAST LINE, 808.83 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 1,535,822 SQUARE FEET (35.258 ACRES, MORE OR LESS).

BASIS OF BEARINGS:

A PORTION OF THE NORTH-SOUTH CENTERLINE OF SECTION 28, T12S, R68W, 6th P.M., EL PASO COUNTY, COLORADO, BEING MONUMENTED AT THE SOUTH 1/16th QUARTER WITH A FOUND 2 1/2" ALUMINUM CAP STAMPED "S1/18 S28 - 1887 - PLS 4848" FROM WHICH THE NORTH 1/16th QUARTER, MONUMENTED WITH A 2 1/2" ALUMINUM CAP STAMPED "TRIMPAH SURVEY, INC - N1/18 SEC. 28 - 2005 - PLS 28885", BEARS S00°23'34"W A DISTANCE OF 8,847.80 FEET.

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983, BASED ON SIMULTANEOUS STATIC GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS OF THE MONUMENTS AT THE ENDS OF THE BASIS OF BEARINGS LINE.

DATE OF OBSERVATIONS: DECEMBER 12, 2022, LENGTH OF OBSERVATIONS: 1 HOUR 42 MINUTES.

EXHIBIT "B"

EASEMENT DESCRIPTION:

TRACT A, EAGLE RISING FILING NO. 1.

BASIS OF BEARING: BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29. THE SOUTH 1/16TH CORNER OF SAID SECTION 29 IS A 2 1/2 INCH ALUMINUM CAP STAMPED "S 1/16 SEC. 29 1997 PLS 4842", AND THE CENTER 1/4 CORNER OF SAID SECTION 29 IS A 3 1/4 INCH ALUMINUM CAP, STAMPED "1997 T12S R65W C1/4 PLS 4842". SAID LINE IS ASSUMED TO BEAR N00°14'32"W A DISTANCE OF 1323.75 FEET.

LEGAL DESCRIPTION:

A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW 1/4, SE 1/4) OF SECTION 29, T12S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SAID SOUTH 1/16TH CORNER OF SECTION 29;
THENCE N00°14'32"W ALONG SAID WEST LINE, 518.42 FEET TO THE SOUTHEAST CORNER OF THE RIGHT-OF-WAY OF EAGLE WING DRIVE, AS SHOWN ON THE PLAT OF "EAGLE WING ESTATES" UNDER RECEPTION NO. 204074316 IN THE RECORDS OF EL PASO COUNTY, COLORADO AND THE POINT OF BEGINNING;

THENCE CONTINUING N00°14'32"W ALONG THE EAST LINE OF SAID RIGHT-OF-WAY 60.00 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE N90°00'00"E A DISTANCE OF 46.68 FEET TO A POINT OF CURVE;

THENCE 741.99 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 345.00 FEET, A CENTRAL ANGLE OF 123°13'34", THE CHORD OF 607.03 FEET WHICH BEARS N28°23'13"E TO A POINT OF COMPOUND CURVE;

THENCE 53.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 34°02'45", THE CHORD OF 52.70 FEET WHICH BEARS N50°14'56"W TO A POINT OF TANGENT;

THENCE N67°16'18"W A DISTANCE OF 42.29 FEET TO A POINT OF CURVE;

THENCE 237.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 226°22'21", THE CHORD OF 110.31 FEET WHICH BEARS N45°54'52"E TO A POINT OF TANGENT;

THENCE S20°53'58"E A DISTANCE OF 43.07 FEET TO A POINT OF CURVE;

THENCE 27.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 17°32'01", THE CHORD OF 27.43 FEET WHICH BEARS S29°39'58"E TO A POINT OF REVERSE CURVE;

THENCE 907.84 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 405.00 FEET, A CENTRAL ANGLE OF 128°25'59", THE CHORD OF 729.36 FEET WHICH BEARS S25°47'01"W TO A POINT OF TANGENT;

THENCE S90°00'00"W A DISTANCE OF 46.43 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 66,996 SQUARE FEET (1.538 ACRES; MORE OR LESS.

**Stormwater Best Management Practices
Operations and Maintenance Manual (O&M Manual)**

for:

***Eagle Rising Filing No. 1
(EPC Project SF-2225)***

Located at:

Eagle Rising View

Date:

May 21, 2024

Prepared for:

***Mypad Inc., General Partner of Casas Limited Partnership #4 and
Eagle Rising Owners Association***

Prepared by:

***M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO 80909
(719) 635-5736***

Reference:

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

**Stormwater Best Management Practices
Operations and Maintenance Manual (O&M Manual)**

Table of Contents

- I. Compliance with Stormwater Best Management Practices Maintenance Requirements**
- II. Inspection & Maintenance**
- 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

Appendices

- Appendix A - Description of Stormwater Best Management Practices**
- Appendix B - Standard Operation Procedures (SOP)**
- Appendix C - Inspection Form(s)**
- Appendix D - Maintenance Form(s)**
- Appendix E – Stormwater Facilities Map**

**Stormwater Best Management Practices
Operations and Maintenance Manual (O&M Manual)**

**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. The property owner at the time of subdivision platting or development plan approval has executed a legally binding "Private Detention Basin/ Stormwater Quality Best Management Practice Maintenance Agreement and Easement" document which runs with the land/ BMP Maintenance Agreement. Property owners should be aware of their responsibilities regarding stormwater facility maintenance and need to be familiar with the contents of this Operations and Maintenance Manual (O&M Manual).

II. Inspection & Maintenance

The aforementioned BMP Maintenance Agreement requires the landowner or other responsible parties to conduct regular and routine inspections, cleanings, and maintenance.

Requirements for the inspection and maintenance of stormwater facilities are included in this Stormwater Best Management Practices O&M Manual.

Copies of the Inspection and Maintenance forms for each of the stormwater BMPs are located in Appendix C and D. These are provided for the convenience of the property owner or property manager and may be useful in demonstrating regular inspection and maintenance of the facility.

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:

Exhibit C

- 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 and 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 waste.
- 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 El Paso County has the right to enter for the purpose of inspecting and for maintaining BMPs where the owner has failed to do so, in accordance with the BMP Maintenance Agreement.

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.
- O&M Manual 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

It is recommended that all Stormwater BMPs be inspected a minimum of once per year. Inspections should follow the inspection guidance found in the Standard Operation Procedures (SOP) for the specific type of facility. (Appendix B of this manual).

B. Inspection Report

It is recommended that the person(s) conducting the inspection activities complete the appropriate inspection report for the specific facility. Inspection reports are located in Appendix C. It is recommended that a copy of each inspection form be kept by the owner for 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. It is recommended that 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.

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 El Paso County; however, it is recommended that inspection and maintenance forms be completed with the information.

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 El Paso County. However, it is recommended that maintenance forms be completed and entered into the owner's maintenance records.

Rehabilitation Work

This work consists of large-scale maintenance and major improvements needed to address failures within the stormwater BMP. Consultation with El Paso County is recommended, which may result in a need for engineering design with construction plans to be prepared for review and approval by the County. This work may also require more specialized

Exhibit C

maintenance equipment, surveying, construction permits or assistance through private contractors and consultants.

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.

C. Maintenance Forms

The Stormwater BMP Maintenance Form provides a record of maintenance activities. Maintenance Forms for each facility type are provided in Appendix D. It is recommended that maintenance Forms shall be completed by the property owner, management company, or contractor completing the required maintenance items.

Exhibit C

Appendix A

General Location and Description of Stormwater Best Management Practices

A. General Site Description

Eagle Rising Filing No. 1 site consists of 10 single family rural residential lots along with the private road contained within Tract A and has a total area of approximately 35 acres. The site is situated on the east side of Black Forest Road west of Vollmer Road in El Paso County, Colorado. The is zoned RR-5 (Residential Rural – 5 acres).

B. General Stormwater Management Description

The majority of the stormwater is conveyed through the site in the natural terrain with gentle ridges and drainage ways to Cottonwood Creek located just to the east of the site. Eagle Rising View has roadside ditches draining to culverts that allow flows to continue east towards the creek. Stormwater from the site enters the two ponds constructed in Cottonwood Creek and slowly released to downstream Cottonwood Creek or evaporated.

C. Stormwater Facilities Map

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

D. On-Site Stormwater Management Facilities

Volume Reduction Facilities

Eagle Rising Filing No. 1 utilizes Runoff Reduction provided by Grass Buffer areas adjacent to Eagle Wing View to treat stormwater runoff from the gravel roadway. The individual residential lots of the subdivision are exempt from water quality requirements with the provision that impervious surfaces remain under 10% of the total lot area.

Storage Facilities (Detention)

No stormwater detention is required or provided for Eagle Rising Filing No. 1.

Water Quality Facilities

Eagle Rising Filing No. 1 utilizes Runoff Reduction provided by Grass Buffer areas adjacent to Eagle Wing View to treat stormwater runoff from the gravel roadway.

Source Control Best Management Practices

Eagle Rising Filing No. 1 does not include any nonstructural BMPs.

Appendix B

Standard Operation Procedures for Inspection and Maintenance

Grass Buffers and Grass Swales (GB-GS)

TABLE OF CONTENTS

GB-GS-1 BACKGROUND	3
GB-GS-2 INSPECTING GRASS BUFFERS AND SWALES (GB-GS)	3
GB-GS-2.1 ACCESS AND EASEMENTS	3
GB-GS-2.2 STORMWATER BEST MANAGEMENT PRACTICE (BMP) LOCATIONS	3
GB-GS-2.3 GRASS BUFFER - GRASS SWALE (GB-GS) FEATURES	3
GB-GS-2.3.1 Grass Swale Bottom and Side Slopes; Grass Buffer Strips	4
GB-GS-2.3.2 Inflow Points	5
GB-GS-2.3.3 Underdrain System	5
GB-GS-2.3.4 Grade Control Level Spreader	6
GB-GS-2.3.5 Irrigation	6
GB-GS-2.3.6 Miscellaneous	7
GB-GS-2.4 INSPECTION FORMS	7
GB-GS-3 MAINTAINING GRASS BUFFERS & GRASS SWALES (GB-GS)	7
GB-GS-3.1 MAINTENANCE PERSONNEL	7
GB-GS-3.2 EQUIPMENT.....	7
GB-GS-3.3 MAINTENANCE FORMS	8
GB-GS-3.4 MAINTENANCE CATEGORIES AND ACTIVITIES	8
GB-GS-3.5 ROUTINE MAINTENANCE ACTIVITIES	8
GB-GS-3.5.1 Trash/Debris Removal	9
GB-GS-3.5.2 Mowing	10
GB-GS-3.5.3 Irrigation	10
GB-GS-3.5.4 Weed Control	10
GB-GS-3.5.5 Mosquito Treatment	10
GB-GS-3.5.6 Level Spreader (Grass Buffer only)	11
GB-GS-3.5.7 Rodent Damage	11
GB-GS-3.6 RESTORATION MAINTENANCE ACTIVITIES	11
GB-GS-3.6.1 Sediment Removal	12
GB-GS-3.6.2 Erosion Repair	12
GB-GS-3.6.3 Vegetation Removal	12
GB-GS-3.6.4 Revegetation	12
GB-GS-3.6.5 Irrigation (Automatic)	13
GB-GS-3.6.6 Level Spreader	13
GB-GS-3.6.7 Fertilization/Soil Amendment	13
GB-GS-3.6.8 Vehicle Tracks	13
GB-GS-3.7 REHABILITATION MAINTENANCE ACTIVITIES	13
GB-GS-3.7.1 Major Sediment/Pollutant Removal	14
GB-GS-3.7.2 Major Erosion Repair	15
GB-GS-3.7.3 Structural Repair	15
GB-GS-3.7.4 GB-GS Rebuild	15

GB-GS-1 BACKGROUND

Grass Buffers and Grass Swales are common types of Stormwater BMPs utilized within the Front Range of Colorado. Grass Buffers and Grass Swales promote filtration, infiltration, and settling to reduce runoff volume.

Grass Buffers are uniformly graded and densely vegetated areas of turf grass. They are designed to accommodate sheet flow rather than concentrated or channelized flow. They are typically located adjacent to impervious areas such as parking lots or along highways and roads. Grass Buffers are designed to evenly distribute runoff across the width of the buffer to achieve uniform sheet-flow conditions. A flow spreader may be incorporated for this purpose. In some cases, grass buffers may have underdrain systems.

Grass Swales are densely vegetated drainageways with low-pitched side slopes that collect and convey runoff. Design of their longitudinal slope and cross section forces the flow to be slow and shallow, thereby facilitating sedimentation while limiting erosion. Berms or check dams may be installed perpendicular to the flow to decrease the slope and slow down the flow. Grass swales are used in open space and landscaped areas to collect and convey overland flows and can be used as an alternative to curb and gutter to collect and convey street flows. Some grass swales are designed with underdrain systems.

GB-GS-2 INSPECTING GRASS BUFFERS AND SWALES (GB-GS)**GB-GS-2.1 Access and Easements**

Inspection and maintenance personnel may utilize the figures located in Appendix E containing the locations of the access points and potential maintenance easements of the GB-GSs within this development.

GB-GS-2.2 Stormwater Best Management Practice (BMP) Locations Inspection
and maintenance personnel may utilize the figures located in Appendix E containing the locations of the GB-GSs within this development.

GB-GS-2.3 Grass Buffer - Grass Swale (GB-GS) Features

GB-GSs are unique stormwater quality facilities, in that they are typically viewed as landscaping or ground cover and are often overlooked as water quality treatment facilities. GB-GSs have a number of features that are designed to serve a particular function. It is important for maintenance personnel to understand the function of each of these features. Below is a list of the common features of a Grass Swale or Grass Buffer and the corresponding maintenance inspection items that can be anticipated:

Table GB-GS-1
Typical Inspection & Maintenance Requirements Matrix

	Sediment Removal	Mowing Weed control	Trash & Debris Removal	Erosion	Removal/ Replacement	Structural Repair
Swale Bottom	X	X	X	X		
Side Slope		X	X	X		
Buffer Strip	X	X	X	X		
Inflows	X	X	X	X	X	X

Exhibit C

Underdrain System	X				X	
Grade Control/Level Spreader				X		X
Irrigation System					X	

GB-GS-2.3.1 Grass Swale Bottom and Side Slopes; Grass Buffer Strips

Grass Swales and Grass Buffers require general maintenance of the turf grass and repair of any rill or gully development. The bottom and side slopes of grass swales and the area of grass buffer strips should be maintained with dense vegetative cover, and should not be eroded or bare. Inspection over the first few years will help to determine if any problems are developing.

The typical maintenance items that are required at the side slopes and bottoms of grass swales and within grass buffer areas are as follows:

a. Sediment Accumulation – The purpose of the grass swale or buffer is to slow down flow and allow sedimentation to occur. To prevent a loss in performance of the swale or buffer, sediment that accumulates must be removed on a timely basis.

b. Vegetation Sparse – Grass Swales and Buffers rely on a healthy, dense cover of grass to decrease the flow velocities and promote sedimentation and infiltration. Grasses that are diseased, dying or otherwise damaged should be replaced. All bare areas should be reseeded or patched. Causes which contribute to the damaged grass cover, including lack of adequate irrigation, traces of pedestrian or vehicular traffic, uncontrolled weeds etc., should be identified and remedied.

c. Erosion Present – Lack of adequate vegetative cover or excessive flow velocities may result in rill or gully development, and erosion of the swale or buffer strip. Erosion will require maintenance to prevent further damage to the area and to prevent sediment transport.

d. Standing Water/Boggy Areas – Grass swales and buffers are generally intended to drain and be dry in between rain events. If areas of standing water are present, the swale or buffer may need to be evaluated for proper grade to ensure drainage. In some cases, where underdrains are used, the underdrains should be inspected to ensure that they are not clogged.

GB-GS-2.3.2 Inflow Points

Inflow points are the points of stormwater discharge into the swale or buffer. Inflow points are typically pipe outfalls, other grass swales or buffers, or curb cuts from upstream impervious areas, such as parking lots. Some form of energy dissipation is typically provided immediately downstream of the inflow point into the grass swale or buffer. Energy dissipation devices may include riprap aprons, or flow spreader devices.

The typical maintenance items that are required at inflow points are as follows:

Exhibit C

a. Riprap Displaced/Rundown Damaged – Often, because of, the repeated impact/force of water, the riprap can shift and settle. If any portion of the riprap rundown or apron appears to have settled, if soil is present between the riprap, or if the riprap has shifted, maintenance may be required to ensure future erosion is prevented.

b. Erosion Present/Outfall Undercut – In some situations, an energy dissipater may have not been provided, or 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 performance, sediment that accumulates in this area must be removed on a timely basis.

GB-GS-2.3.3 Underdrain System

Some grass swales and buffers that have a flatter slope or soils which do not allow adequate percolation or are in areas with a continuous base flow may have been installed with an underdrain system. Underdrains typically consist of a layer of geotextile fabric, gravel storage area and perforated PVC pipe. The geotextile fabric is utilized to prevent the filter material from entering the underdrain system. The gravel storage area allows for storage of treated stormwater runoff prior to the discharge of the runoff through the perforated PVC pipe.

The typical maintenance activities that are required for the underdrain system are as follows:

With proper maintenance of the grassed areas, there should be a minimum amount of maintenance required on the underdrain system. Generally, the only maintenance performed on the underdrain system is jet-vac cleaning in the event that it becomes clogged.

GB-GS-2.3.4 Grade Control Level Spreader

Grass swales that are installed in areas with steep longitudinal slopes often necessitate the use of grade control checks or drop structures. Grade control structures are typically either concrete walls or rip rap structures that serve to provide a reinforced drop at specific locations in the channel, reducing the longitudinal slope between the control structures.

Level Spreaders are installed on the upstream of grass buffers to evenly distribute flows along the design length. Level spreaders may consist of slotted curbing, modular block porous pavement, level walls or other spreader devices.

The typical maintenance activities that are required for grade control structures and level spreaders are as follows:

Exhibit C

a. Erosion present – Grade control structures and level spreaders are provided to reduce the potential for erosion of the grassed swale or buffer areas. Erosion within the vicinity of the control structure or level spreader indicates that the structure is not functioning as intended and requires maintenance to prevent future erosion and damage.

b. Structural damage – Structural damage can occur at any time along the life of the facility. Typically, structural damage occurs with the deterioration of concrete, including cracking, spalling or settling and the erosion and deterioration of the riprap structures. Level spreaders may settle unevenly creating low areas, which concentrate the flows.

GB-GS-2.3.5 Irrigation

Grass Buffers and Grass Swales depend on healthy, dense turf grass to function, and therefore require an irrigation system, to provide a consistent water supply. Typically, the condition of the grass cover will provide evidence of the effectiveness and maintenance needs of the irrigation system.

The typical maintenance activities that are required for irrigation systems are as follows:

Irrigation systems will generally require routine periodic maintenance and adjustment to ensure that proper amounts of water are being applied given the weather conditions, and that they are providing coverage to all areas of the grass to eliminate bare spots.

GB-GS-2.3.6 Miscellaneous

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

a. Access – Access needs to be maintained.

b. Public Hazards – Public hazards include items such as containers of unknown/suspicious substances, and 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.**

c. Burrowing Animals/Pests– Prairie dogs and other burrowing rodents may cause damage to the GB-GS features and negatively affect the vegetation within the GB-GS.

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

GB-GS-2.4 Inspection Forms

GB-GS Inspection forms are located in Appendix C. Inspection forms shall be completed by the person(s) conducting the inspection activities. Each form shall be reviewed and approved by the property owner or property manager. These inspection forms shall be kept a minimum of 5 years and made available to El Paso County Stormwater Planning upon request. The GB-GS Inspection form is located in Appendix C.

GB-GS-3 MAINTAINING GRASS BUFFERS & GRASS SWALES (GB-GS)

GB-GS-3.1 Maintenance Personnel

Maintenance personnel should be experienced to properly maintain GB-GSs. Inadequately trained personnel can cause additional problems resulting in additional maintenance costs.

GB-GS-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 a GB-GS:

- 1.) Mowing Tractors
- 2.) Trimmers (extra string)
- 3.) Shovels
- 4.) Rakes
- 5.) All Surface Vehicle (ASVs)
- 6.) Engineers Level (laser)
- 7.) Erosion Control Blanket(s)
- 8.) Mulch
- 9.) Sod or Seed
- 10.) Illicit Discharge Cleanup Kits
- 11.) Trash Bags
- 12.) 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.

GB-GS-3.3 Maintenance Forms

The GB-GS Maintenance Form provides a record of each maintenance operation performed by maintenance contractors. The GB-GS Maintenance Form shall be filled out in the field after the completion of the maintenance operation. Each form shall be reviewed and approved by the property owner or property manager. These maintenance forms shall be kept a minimum of 5 years and made available to El Paso County Stormwater Planning upon request. The GB-GS Maintenance form is located in Appendix D.

GB-GS-3.4 Maintenance Categories and Activities

A typical GB-GS 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 a GB-GS. A maintenance activity can be specific to each feature within the GB-GS, or general to the overall facility. This

Exhibit C

section of the SOP explains each of the categories and briefly describes the typical maintenance activities for a GB-GS.

A variety of maintenance activities are typical of GB-GSs. The maintenance activities range in magnitude from routine trash pickup to the reconstruction of the GB-GS or underdrain system. Below is a description of each maintenance activity, the objectives, and frequency of actions.

GB-GS-3.5 Routine Maintenance Activities

The majority of this work consists of scheduled mowing, trash and debris pickups and landscape care for the GB-GS during the growing season. It also includes activities such as weed control. These activities normally will be performed numerous times during the year. These items do not require any prior approval by El Paso County Stormwater Planning, however, completed inspection and maintenance forms shall be retained and supplied to El Paso County Stormwater Planning upon request.

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

Table GB-GS-2
Summary of Routine Maintenance Activities

Maintenance Activity	Minimum Frequency	Indication Action is Needed:	Maintenance Action
Trash/Debris Removal	Twice annual and before mowing	Trash & debris in GB- GS	Remove and properly dispose of trash and debris
Mowing	Routine – as necessary to maintain 2" – 4" grass height	Excessive grass height/aesthetics	2"-4" grass height for turf grass; 4" to 6" for native grass
Irrigation (Automatic)	Three times annually	Areas of insufficient or excess watering; broken or missing parts	SPRING: start up system; test for even coverage and correct timer settings SUMMER: test for even coverage and correct timer settings FALL: drain and winterized system (follow watering regulations)
Irrigation (Not Automatic)	As needed to maintain healthy grass	Areas of insufficient or excess watering	Water as needed to maintain healthy grass; (follow watering regulations)
Weed Control	Minimum twice annually	Noxious weeds; Unwanted vegetation	Treat w/herbicide or hand pull; consult a local Weed Inspector

Exhibit C

Mosquito Treatment	As needed, based upon inspections	Standing water/ mosquito habitat	Perform maintenance to eliminate standing water; Treat w/ EPA approved chemicals
Level Spreader (Grass Buffer only)	As needed, based upon inspections	Evidence of uneven flow/localized erosion	Look for cause; repair, fill or revegetate areas of erosion
Rodent Damage	As needed, based upon inspections	Holes, small piles of dirt, raised burrows	Evaluate damage; contact Parks Dept. or Division of Wildlife for guidance

GB-GS-3.5.1 Trash/Debris Removal

Trash and debris must be removed from the GB-GS area to allow for proper functioning and to improve aesthetics. This activity must be performed prior to mowing operations.

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

GB-GS-3.5.2 Mowing

Routine mowing of the turf grass embankments is necessary to maintain an appropriate grass height and to improve the overall appearance of the GB-GS. Turf grass should be mowed to a height of 2 to 4- inches (4 – 6- inches for native grass) and shall be bagged to prevent potential contamination of the filter media.

Frequency – Routine – as necessary to maintain grass height. GB-GS-3.5.3

Irrigation

Irrigation systems should be maintained in proper working order to provide an adequate water supply to support the grass cover. When automatic irrigation systems are not available, alternate methods for providing a water supply during times of drought must be provided.

Automatic irrigation systems should be maintained routinely throughout the growing season to ensure that they are providing the appropriate amounts of water, and are providing complete coverage of the area.

Sprinkler heads should be adjusted as necessary, and checked for broken or missing parts.

Frequency - Routine as needed throughout the growing season, plus the following:

SPRING: Start up the system and test for even coverage and correct timer settings.

SUMMER: Test for even coverage and correct timer settings. FALL: Drain and winterize the system.

GB-GS-3.5.4 Weed Control

Noxious weeds and other unwanted vegetation must be treated as needed throughout the GB-GS. This activity can be performed either through mechanical means (mowing/pulling) or with herbicide. Consultation with a local Weed Inspector

Exhibit C

is highly recommended prior to the use of herbicide. Herbicides should be utilized sparingly and as a last resort. All herbicide applications should be in accordance with the manufacturer's recommendations.

Frequency – Routine – As needed based upon inspections. GB-GS-3.5.5 Mosquito Treatment

GB-GS facilities are intended to drain and should not have areas of standing water which creates mosquito habitat. Causes of the standing water or boggy conditions should be investigated and remediated as necessary to eliminate the standing water. Only EPA approved chemicals should be applied in accordance with the recommendations of the manufacturer.

Frequency – As needed based upon inspections. GB-GS-3.5.6 Level Spreader (Grass Buffer only)

Evidence of uneven flow and localized erosion downstream of the level spreader indicates that the flow is not evenly distributed along the length of the spreader. Areas of erosion should be repaired, filled and revegetated. Causes for the erosion should be investigated and repaired.

Frequency – As needed based upon inspections. GB-GS-3.5.7 Rodent Damage

Small holes, piles of dirt, and raised burrows are evidence of rodent damage. Damaged areas should be repaired and revegetated. Consultation with an animal control specialist or the Division of Wildlife may be required for persistent problems.

Frequency – As needed based on inspections.

GB-GS-3.6 Restoration Maintenance Activities

This work consists of a variety of isolated or small-scale maintenance/operational problems. Most of this work can be completed by a small crew, hand tools, and small equipment. These items do not require approval by El Paso County Stormwater Planning. Completed inspection and maintenance forms shall be retained and provided to El Paso County Stormwater Planning for each inspection and maintenance activity upon request.

Table GB-GS-3
Summary of Restoration Maintenance Activities

Maintenance Activity	Minimum Frequency	Indication Action is Needed:	Maintenance Action
Sediment Removal	As needed.	Sediment build-up.	Remove and properly dispose of sediment
Erosion Repair	As needed, based upon inspection	Rills and gullies forming on slopes and other areas	Repair eroded areas & revegetate; address cause

Exhibit C

Vegetation Removal	As needed, based upon inspection	Trees, willows, shrubs impeding flow	Remove vegetation; restore correct grade and surface
Revegetation	As needed, based upon inspection	Areas without grass	Replace grass by sodding or seeding
Irrigation (Automatic)	As needed, based upon inspection.	Evidence of broken or missing parts	Replace parts and test system
Level Spreader (Grass Buffer Only)	As needed, based upon inspection.	Evidence of uneven flow; erosion; or rills/gullies	Repair sections of level spreader and address cause
Fertilization or Soil	As needed,	Grass with pale color;	Consult with turf

Amendment	minimize fertilization	areas with poor grass growth not due to irrigation problems	specialist; Test soil
Vehicle Tracks (Along Roadways)	As needed, based upon inspection	Depressions from vehicle tracks; vegetation damage	Repair and fill depressions; sod or seed damaged areas

GB-GS-3.6.1 Sediment Removal

Sediment removal is necessary to ensure proper function of the grass swale or buffer. Care should be taken when removing sediment to prevent damage to the turf grass and surrounding areas. Excessive amounts of sediment are an indication of upstream erosion or lack of adequate BMPs during construction activities. Causes for contributions of excess sediment should be investigated and addressed.

Frequency – As needed based upon inspections.

GB-GS-3.6.2 Erosion Repair

The repair of eroded areas is necessary to ensure the proper functioning of the GB-GS, to minimize sediment transport, and to reduce potential impacts to other features. Erosion can vary in magnitude from minor repairs to vegetation and embankments, to rills and gullies in the embankments and inflow points. The repair of eroded areas may require the use of excavators, riprap, concrete, and sod. Extreme care should be taken when utilizing motorized or heavy equipment to ensure damage to the underdrain system does not occur. Major erosion in a GS-GB is generally the result of excessive velocities caused by steep slopes. It may be necessary to make design improvements to the swale or buffer when erosion becomes a major maintenance item.

Frequency – As necessary, based upon inspections.

GB-GS-3.6.3 Vegetation Removal

Weeds, Shrubs, Willows and other unwanted vegetation that develops in the grass swale or buffer area may impede the flow and cause standing water or back flow problems. It is necessary to remove unwanted vegetation as soon as it appears. Remove the unwanted vegetation, and restore the correct grade. Revegetate with seed or sod.

Frequency – As necessary, based upon inspections.

GB-GS -3.6.4 Revegetation

Bare areas should be repaired as soon as possible. Repair bare areas with grass or sod. Causes of the problem, such as inadequate water supply or diseased grasses, should be investigated and resolved.

Frequency – As necessary, based upon inspections.

GB-GS-3.6.5 Irrigation (Automatic)

Irrigation systems require routine maintenance in accordance with the manufacturer's recommendations (valves, timer, etc.), and maintenance of the pipe and heads to ensure that even coverage is being applied, and that there are no missing or broken parts. Timing systems should be checked to verify that the correct amount of water is being applied to the grassed areas for the seasonal conditions.

Frequency – As necessary, based upon inspections.

GB-GS-3.6.6 Level Spreader

Level Spreaders that are no longer level, or have developed damaged areas of cracking or spalling, allow flows to concentrate in these depressed areas instead of being distributed over the length of the structure. Also, buildup of grasses along the edge of the spreader may create an uneven flow distribution. Rills, gullies and other erosion that develops downstream of level spreaders should be repaired and reseeded or sodded. Causes of the erosion should be investigated and addressed.

Frequency – As necessary, based upon inspections.

GB-GS-3.6.7 Fertilization/Soil Amendment

Grass Buffers and Swales rely on healthy, dense turf in order to function properly. Grasses that appear to be diseased, dying or unhealthy may require amendments. Fertilizers should be applied in the minimum amounts recommended by the manufacturer.

Frequency – As necessary, based upon inspections. **GB-GS-3.6.8 Vehicle Tracks**

GB-GSs that are adjacent to roadway sections may be damaged by vehicle tracks. Rutted areas should be filled in and revegetated as soon as possible. Frequent problems associated with vehicle traffic (such as around corners) may require a barrier or sign to avoid vehicular traffic within the grassed areas.

Frequency – As necessary, based upon inspections.

GB-GB-3.7 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 the El Paso County Stormwater Planning staff to ensure the proper maintenance is performed. This work requires that El Paso County Stormwater Planning 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.

**Table GB-GS-4
Summary of Rehabilitation Maintenance Activities**

Exhibit C

Maintenance Activity	Minimum Frequency	Look for:	Maintenance Action
Major Sediment/Pollutant Removal	As needed – based upon scheduled inspections	Large quantities of sediment	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 – level spreader, grade control structures, irrigation components, and ponding water.	Structural repair to restore the structure to its original design
GB-GS Rebuild	As needed – due to complete failure of PLD	Removal of filter media and underdrain system	Contact El Paso County Stormwater Planning

GB-GS-3.7.1 Major Sediment/Pollutant Removal

Major sediment removal consists of removal of large quantities of pollutants/sediment /landscaping material. Stormwater sediments removed from GB-GSs do not meet the regulatory definition of “hazardous waste”. However, these sediments can be contaminated with a wide array of organic and inorganic pollutants and handling must be done with care to insure proper removal and disposal. Sediments should be transported by motor vehicle only after they are dewatered. All sediments must be taken to a licensed landfill for proper disposal. Should a spill occur during transportation, prompt and thorough cleanup and disposal is imperative. Vegetated areas need special care to ensure design volumes and grades are preserved or may need to be replaced due to the removal activities.

Frequency – Non-routine – Repair as needed, based upon inspections.

GB-GS-3.7.2 Major Erosion Repair

Major erosion repair consists 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 – Non-routine – Repair as needed, based upon inspections.

GB-GS-3.7.3 Structural Repair

A GB-GS generally includes level spreader and grade control structure that can deteriorate or be damaged during the service life of the facility. 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. Major repairs to structures may require input from a structural engineer and specialized contractors. Consultation with El Paso County Stormwater Planning staff shall take place prior to all structural repairs.

Frequency – Non-routine – Repair as needed, based upon inspections.

GB-GS-3.7.4 GB-GS Rebuild

In very rare cases, a GB-GS may need to be rebuilt. Generally, the need for a complete rebuild is a result of improper construction, improper maintenance resulting in structural damage to the underdrain system, or extensive contamination of the GB-GS. Consultation with El Paso County Stormwater Planning staff shall take place prior to any rebuild project.

Frequency – Non-routine – As needed based upon inspections.

Reference:

This Manual is adapted from City of Colorado Springs Best Management Practices IM Plan, SEMSWA (2007) and from the Town of Parker, Colorado (2004), STORMWATER PERMANENT BEST MANAGEMENT PRACTICES (PBMP) LONG-TERM OPERATION AND MAINTENANCE MANUAL

APPENDIX C

INSPECTION FORM

Exhibit C

Frequency – Non-routine – As needed based upon inspections.

GRASS BUFFER-GRASS SWALE**INSPECTION FORM**

Date: _____

Subdivision/Business Name: _____ Inspector: _____

Subdivision/Business Address: _____

Weather: _____

Date of Last Rainfall: _____ Amount: _____ Inches

Property Classification: Residential Multi Family Commercial Other: _____
 (Circle One)

Reason for Inspection: Routine Complaint After Significant Rainfall Event
 (Circle One)

INSPECTION SCORING - For each facility inspection item, insert one of the following scores:

0 = No deficiencies identified

2 = Routine maintenance required

1 = Monitor (potential for future problem)

3 = Immediate repair necessary

N/A = Not applicable

FEATURES**1.) Grass Swale Bottom & Side Slopes**

- ___ Sediment/Debris Accumulation
 ___ Vegetation Cover
 ___ Erosion Present
 ___ Standing Water/Boggy Areas

2.) Grass Buffer

- ___ Sediment/Debris Accumulation
 ___ Vegetation Cover
 ___ Erosion Present
 ___ Standing Water/Boggy Areas

3.) Inflow Points

- ___ Rip Rap Displaced/Rundown or Pipe Damage
 ___ Erosion Present/Outfall Undercut
 ___ Sediment Accumulation

4.) Underdrain System

- ___ Standing water/Not draining
 ___ Evidence of clogged system

5.) Grade Control

- ___ Erosion Present
 ___ Structural Damage

6.) Level Spreader

- ___ Erosion Present
 ___ Structural Damage
 ___ Uneven/Unequal Distribution of flow

7.) Irrigation

- ___ General Grass Condition
 ___ Bare Spots
 ___ Broken sprinkler heads

8.) Miscellaneous

- ___ Encroachment in Easement Area
 ___ Public Hazards
 ___ Burrowing Animals/Pests
 ___ Other

Inspection Summary / Additional Comments: _____

OVERALL FACILITY RATING (Circle One)

0 = No Deficiencies Identified

2 = Routine Maintenance Required

1 = Monitor (potential for future problem exists)

3 = Immediate Repair Necessary

This inspection form shall be kept a minimum of 5 years and made available to El Paso County upon request.

APPENDIX D

MAINTENANCE FORM

GRASS BUFFERS AND GRASS SWALES (GB-GS)

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)

RESTORATION WORK

- ☐ SEDIMENT REMOVAL
 - ☐ INFLOW POINT
 - ☐ SWALE BOTTOM
 - ☐ SIDE SLOPE
 - ☐ BUFFER STRIP
- ☐ EROSION REPAIR
 - ☐ INFLOW POINT
 - ☐ SWALE BOTTOM
 - ☐ SIDE SLOPE
 - ☐ BUFFER STRIP
 - ☐ GRADE CONTROL/LEVEL SPREADER
- ☐ REVEGETATION
 - ☐ SWALE BOTTOM
 - ☐ SIDE SLOPE
 - ☐ BUFFER STRIP

REHABILITATION WORK

- ☐ SEDIMENT REMOVAL (DREDGING)
 - ☐ SWALE BOTTOM
 - ☐ INFLOW POINT
- ☐ EROSION REPAIR
 - ☐ INFLOW POINT
 - ☐ SWALE BOTTOM
 - ☐ SIDE SLOPE
 - ☐ BUFFER STRIP
- ☐ STRUCTURAL REPAIR
 - ☐ INFLOW
 - ☐ UNDERDRAIN
 - ☐ LEVEL SPREADER

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:

This Maintenance Activity Form shall be kept a minimum of 5 years and made available to El Paso County upon request.

APPENDIX E

STORMWATER FACILITIES MAP

Exhibit C

