

Insert correct agreement when done

**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 SR Land, LLC (“Owner or Developer”) and STERLING RANCH METROPOLITAN DISTRICT NO. 1 (“District”), a quasi-municipal corporation and political subdivision of the State of Colorado. The above may occasionally be referred to herein singularly as “Party” and collectively as “Parties.”

Recitals

A. WHEREAS, the District provides various municipal services to certain real property in El Paso County, Colorado referred to as Sterling Ranch; and

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

C. WHEREAS, Developer desires to plat and develop on the Property a subdivision to be known as Homestead at Sterling Ranch Filing No. 2; and

D. 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

E. 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

F. 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

ft of 100-year storage. An emergency spillway, riprap stilling basin and trickle channel, outlet structure, and maintenance access road has been designed for Pond 1.

Runoff produced within the residential backyard lots, of Basins X1, X2, W1 and Y1 will be conveyed in backyard swales and as sheet flow to a Sand Filter Basin within each lot. The treated flows will be collected by private storm sewer systems and discharged into the Sand Creek Channel. This water quality facility, for each Sand Filter Basin, is designed to treat 0.001 ac-ft of water quality storage (WQCV), 0.005 ac-feet of excess urban runoff volume (EURV) and 0.014 ac-ft of 100-year storage

### **Water Quality Facilities**

Pond 1, the water quality facility is designed to treat 0.245 ac-ft of water quality storage (WQCV). Individual Sand filter basins for lots 14, 15, 21-24 & 41 are designed to treat 0.005 ac-ft of water quality storage (WQCV).

### **Source Control Best Management Practices**

The O&M manual does not include any nonstructural BMPs.

### **Maintenance**

The maintenance of Pond 1 and the smaller backyard SFBs will be by the Sterling Ranch Metropolitan District. Access to these facilities will be from the Trail, maintenance access path along the Sand Creek Channel. A 20' foot wide access easement has been dedicated and recorded with Sterling Ranch Filing No. 1. The final design of the Trail/Access path will be completed with the final channel improvement plans by Kiowa Engineering. Prior to the completion of the channel improvements, the backyard SFB's will need to be maintained. Access for the maintenance of these SFB's can be from the front of the home with the owner's permission, or from the rear of the yard. The existing 3:1 slopes can be traversed with small equipment, and/or the SFB's can be maintained by hand. The size of these SFB's should not require large equipment. Minimal disturbance to the backyards should be a priority when maintaining the SFB's.

13-41 except for  
25-27

except when the  
media needs to be  
replaced?