

BoCC

**RESOLUTION NO. 20 - 17**

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

**RESOLUTION TO APPROVE A CREDIT FOR LORSON LLC FOR BRIDGE AND  
DRAINAGE IMPROVEMENTS CONSTRUCTED WITHIN THE JIMMY CAMP CREEK  
(FOFO2000) BASIN**

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

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

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

**WHEREAS**, on September 13, 1999, the El Paso County Board of County Commissioners (BOCC) adopted Resolution No. 99-383, which Resolution sets forth drainage basin fee schedules based upon impervious acreage and the nature and proportionality of a subdivision's impact on the necessity for and extent of drainage improvements in the County; and

**WHEREAS**, Lorson LLC (hereinafter "The Developer"), has requested reimbursement and/or credit for public drainage improvements that have been constructed and accepted, specifically a bridge over the East Fork of Jimmy Camp Creek at Fontaine Boulevard (the "Bridge") and 2800 feet of creek improvements upstream of the bridge; and

**WHEREAS**, the Board finds that certain bridge improvements in the amount of One Million Three Hundred Thirty Two Thousand Six Hundred Sixty Two Dollars and Thirty Three cents (\$1,332,662.33), and Nine hundred eighty four thousand four hundred thirty four dollars and forty two cents (\$984,434.42) for drainage improvements have been constructed by Lorson LLC in conformance with the standards and specifications adopted by El Paso County and are therefore eligible for reimbursement and/or credit according to the procedures outlined in the City/County Drainage Criteria Manual; and

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**WHEREAS**, the Board finds that a credit in the amount of One Million Three Hundred Thirty Two Thousand Six Hundred Sixty Two Dollars and Thirty Three cents (\$1,332,662.33) for bridge improvements, and Nine hundred eighty four thousand four hundred thirty four dollars and forty two cents (\$984,434.42) for drainage improvements is approved to be assigned to Lorson LLC; and

**WHEREAS**, the City of Colorado Springs/El Paso County Drainage Board unanimously recommended approval of a credit and/or reimbursement within the basin drainage trust fund at their meeting on November 7, 2019 in the amount of One Million Three Hundred Thirty Two Thousand Six Hundred Sixty Two Dollars and Thirty Three cents (\$1,332,662.33) for bridge improvements, and Nine hundred eighty four thousand four hundred thirty four dollars and forty two cents (\$984,434.42) for drainage improvements; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of El Paso County, Colorado, having been fully advised in the premises, hereby approves a credit for Lorson LLC as stated herein for bridge and drainage improvements in the amount of One Million Three Hundred Thirty Two Thousand Six Hundred Sixty Two Dollars and Thirty Three cents (\$1,332,662.33), and Nine hundred eighty four thousand four hundred thirty four dollars and forty two cents (\$984,434.42), respectively, subject to the conditions set forth herein.

**BE IT FURTHER RESOLVED** that Lorson LLC shall be placed on the priority list within the Jimmy Camp Creek Drainage and Bridge Trust Fund and shall not be paid the remaining credits when revenue funds become available until the DBPS has been completed and adopted by El Paso County. At which time the Developer shall be paid the remaining credits when revenue funds become available according to the procedures outlined in the City/County Drainage Criteria Manual. The Developer may use these credits to off set fees as future platting occurs.

**BE IT FURTHER RESOLVED**, that Mark Waller, duly elected, qualified member and Chair of the Board of County Commissioners, or Longinos Gonzalez, Jr., duly elected, qualified member and Vice Chair of the Board of County Commissioners be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

**DONE THIS** 14 day of January, 2020 at Colorado Springs, Colorado.

**ATTEST:**

By: \_\_\_\_\_

Chuck Broerman  
County Clerk & Recorder



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

By: \_\_\_\_\_

Mark Waller, Chair