

**Stormwater Management Facility
Operation and Maintenance Plan (O&M Plan)**

for:

Winsome Filing No 1

Located at:

*17480 Meridian Road North
Colorado Springs, Colorado 80924*

Prepared for:

*Winsome, LLC
Joe DesJardin
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Monument, Colorado 80132*

Prepared by:

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PCD File No:
SF-20-003

Reference:

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

Stormwater Management Facility Inspection and Maintenance (I&M) Plan

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Stormwater Management Facility Inspection and Maintenance (I&M) Plan

I. Compliance with Stormwater Facility Maintenance Requirements

All property owners are responsible for ensuring that stormwater facilities installed on their property are properly maintained and function as designed. In some cases, this maintenance responsibility may be assigned to others through special agreements. The owner is aware of their responsibilities regarding stormwater facility maintenance. Maintenance agreement(s) associated with this property are provided in Appendix A.

II. Inspection & Maintenance – Annual Reporting

Requirements for the inspection and maintenance of stormwater facilities, as well as reporting requirements are included in this Stormwater Management Facility Inspection and Maintenance (I&M) Plan.

Verification that the Stormwater Facilities have been properly inspected and maintained and submittal of the required Inspection and Maintenance Forms shall be provided to the Owner's Representative, and to El Paso County upon request.

Copies of the Inspection and Maintenance forms and standard annual reporting forms for the stormwater facility are located in Appendix D. Each form shall be reviewed and submitted by the property owner or property manager to:

El Paso County
Department of Public Works – Stormwater
3275 Akers Drive
Colorado Springs, CO 80922

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. Winsome Filing No 1's maintenance program includes measures to address these potential contaminants. Key points of the site's maintenance program includes:

- 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 disposal of hazardous wastes and chemicals.
- Plan lawn care to minimize the use of chemicals and pesticides.

- Sweep paved surfaces regularly and dispose the sweepings properly.
- 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 out the upstream components of the storm drainage system, including inlets, storm sewers and outfalls.
- Do not store materials outdoors (including landscaping materials) unless properly protected from runoff.

IV. Access and Easements

All stormwater management facilities located on the site have both a designated access location as well as required easements. Refer to the Stormwater Facilities Map located in Appendix E for access and easement locations.

V. Safety

Keep safety considerations at the forefront of inspection procedures at all times. Likely hazards should be anticipated and avoided. Winsome Filing No 1 personnel should never enter a confined space (outlet structure, manhole, etc) without proper training or equipment. A confined space should never be entered without at least one additional person present and without using appropriate personal protection equipment.

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

Vertical drops and fall hazards 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 Management Facility:

- Protective clothing and boots
- Safety equipment (vest, hard hat, confined space entry equipment)
- Communication equipment
- Clipboard
- Manhole Lid Remover
- Shovel
- First Aid Kit
- Inspection and Maintenance Plan for the site including stormwater management facility location maps
- Stormwater Facility Maintenance Inspection Forms (Appendix D)

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

VII. Inspecting Stormwater Management Facilities

The quality of stormwater entering the waters of the state relies heavily on the proper operation and maintenance of permanent best management practices. Stormwater management facilities shall be periodically inspected to ensure they function as designed. The inspection will determine the appropriate maintenance required for the facility.

A. Inspection Procedures

All stormwater management facilities shall be inspected by a qualified individual at a minimum of once per year. See the *El Paso County Drainage Criteria Manual* for general guidelines for an inspector. Inspections will follow the inspection guidance found in the SOP for the specific type of facility. (Appendix C 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 D.

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.

The reason for the inspection is also identified on the form depending on the nature of the inspection. All facilities shall be inspected on an annual basis at a minimum. In addition, all facilities shall 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 (see SOP in Appendix C). 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 the features identified on the form (forebay, micro-pool, etc.).

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 Management Facility Inspection Form provides a record of inspection of the facility. Inspection Forms for the facilities are provided in Appendix D. Verification of the inspection of the stormwater facilities, the facility inspection form(s), and Inspector Qualifications shall be provided to El Paso County if requested. 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 Management Facilities

Stormwater management facilities shall be properly maintained to ensure 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 management facility maintenance programs are separated into three broad categories of work. These categories are based largely on the Mile High Flood District's Maintenance Program for regional drainage facilities. 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 El Paso County; however, completed inspection and maintenance forms shall be submitted to El Paso County, if requested, for each inspection and maintenance activity with the annual report.

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 require prior correspondence with EPC and require that completed maintenance forms be submitted to EPC for each maintenance activity.

Rehabilitation Work

This work consists of large-scale maintenance and major improvements needed to address failures within the stormwater management facilities. This work requires consultation with EPC and may require an engineering design with construction plans to be prepared for review and approval. 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 EPC and require that completed maintenance forms be submitted to EPC for each maintenance activity.

B. Maintenance Personnel

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

C. Maintenance Forms

The Stormwater Management Facility Maintenance Form provides a record of maintenance activities. Maintenance Forms for each facility type are provided in Appendix D. Maintenance Forms shall be completed by the contractor completing the required maintenance items. The form shall then be reviewed by the property owner and submitted to EPC, when requested.

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

APPENDIX A

Stormwater Maintenance Agreement

**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 (the “County”) by and through THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO (the “Board”) and WINSOME, LLC, a Colorado limited liability company (“Developer”) and WINSOME METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado (the “Metro District”), . The above may occasionally be referred to herein singularly as “Party” and collectively as “Parties.”

Recitals

A. WHEREAS, the Metro District was organized in conjunction with Winsome Metropolitan District No. 2 (“District No. 2”), Winsome Metropolitan District No. 3 (“District No. 3”) and Winsome Metropolitan District No. 4 (“District No. 4”, and, together with the Metro District and District Nos. 2 through 4, the “Districts”) as part of a common plan to provide certain public services and facilities serving the needs of the development known as Winsome;

B. WHEREAS, the Districts are authorized pursuant to their Service Plan to provide various public improvements and services, including the design, financing, installation, construction, acquisition, operation, and maintenance of flood and surface drainage improvements, including but not limited to, detention ponds, within their boundaries; and

C. WHEREAS, the Metro District will serve as the operations and maintenance district for the Districts; and

D. 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

E. WHEREAS, Developer desires to plat and develop on the Property a subdivision to be known as Winsome Filing No. 1 (the “Subdivision”); and

F. 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

G. 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

H. 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

I. 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

J. 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

K. WHEREAS, Developer desires to construct for the Subdivision four (4) detention basin/stormwater quality BMP(s) ("Detention Basin/BMP(s)") 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/BMP(s); and

L. WHEREAS, Developer desires to construct the Detention Basin/BMP(s) on a portion of the Property that is or will be designated as Pond B, Pond C, Pond D and Detention Pond No. 3 as set forth on **Exhibit B** attached hereto located within the Districts; and

M. WHEREAS, Developer shall be charged with the duty of constructing the Detention Basin/BMP(s), and following conveyance and acceptance of the Detention Basin/BMP(s) for maintenance by the Metro District, the Metro District shall be charged with the duties of operating, maintaining and repairing the Detention Basin/BMP(s) on the portion of the Property described in **Exhibit B** for the Districts; and

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

O. 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 such detention basins/BMPs when developers and property owners 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/BMP(s) serving this Subdivision due to the Developer's or the Metro District's failure to meet its obligations to do the same; and

P. WHEREAS, the County conditions approval of this Subdivision on the Developer's promise to so construct the Detention Basin/BMP(s), and further conditions approval on the Developer's and/or Metro District'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/BMP(s) serving this Subdivision; and

Q. 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 and the Metro District's promises contained herein; and

R. 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 drainage easement and an access easement over the portion of the Property as described in **Exhibit B** to both the County and the Metro District, for the purpose of allowing the County and/or the Metro District, following acceptance of the Detention Basin/BMP(s), to periodically access, inspect, and, when so necessary, to clean, maintain and/or repair the Detention Basin/BMP(s); and

S. WHEREAS, pursuant to Colorado Constitution, Article XIV, Section 18(2) and Section 29-1-203, Colorado Revised Statutes, governmental entities may cooperate and contract with each other to provide any function, services, or facilities lawfully authorized to each.

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 and the Metro District agree that this entire Agreement and the performance thereof shall become a covenant running with the land, which land is legally described in **Exhibit B** attached hereto, and that this entire Agreement and the performance thereof shall be binding upon themselves, their respective successors and assigns.

3. Construction: Developer shall construct on that portion of the Property described in **Exhibit B** attached hereto and incorporated herein by this reference, four (4) Detention Basin/BMP(s). Developer shall not commence construction of the Detention Basin/BMP(s) until the El Paso County Planning and Community Development Department ("PCD") has approved in writing the plans and specifications for the Detention Basin/BMP(s) and this Agreement has been signed by all Parties and returned to the PCD. Developer shall complete construction of the Detention Basin/BMP(s) in substantial compliance with the County-approved plans and specifications for the Detention Basin/BMP(s). 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/BMP(s) 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/BMP(s) must be completed and inspected by the El Paso County Planning and Community Development Department prior to commencing road construction.

In the event construction of the four (4) Detention Basin/BMP(s) in the Subdivision (the "Project") 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 respective 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.

4. Maintenance: Subject to Paragraph 17 below, the Developer and Metro District agree for itself and its successors and assigns, that it will regularly and routinely inspect, clean and maintain the Detention Basin/BMP(s), and otherwise keep the same in good repair, all at its own cost and expense. No trees or shrubs that will impair the structural integrity of the Detention Basin/BMP(s) shall be planted or allowed to grow on the Detention Basin/BMP(s).

5. Creation of Easement: Developer hereby grants the County and the Metro District a non-exclusive perpetual drainage easement and an access easement, together with all rights and privileges as or are incidental to the full use and enjoyment of the easement rights upon, over, above, through and across that portion of the Property described in **Exhibit B** for the purpose of for the purpose of accessing, inspecting, operating, maintaining, cleaning, repairing, replacing, removing, enlarging, and using the Detention Basin/BMP(s)(collectively, the "Easement"). The purpose of the Easement is to allow the County and the Metro District to access, inspect, clean, repair and maintain the Detention Basin/BMP(s); 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/BMP(s) and the Metro District does not have the obligation to inspect, clean, repair and maintain the Detention Basin/BMP(s) until the Metro District accepts the Detention Basin/BMP(s) for maintenance.

6. County's Rights and Obligations: Any time the County determines, in the sole exercise of its discretion, that the Detention Basin/BMP(s) is not properly cleaned, maintained and/or otherwise kept in good repair, the County shall give reasonable notice to the Developer, the Metro District and their respective successors and assigns, that the Detention Basin/BMP(s) 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 Detention Basin/BMP(s).

7. Reimbursement of County's Costs / Covenant Running With the Land: The Developer and the Metro District, subject to Metro District budgeting and annual appropriations, agree and covenant, for themselves, their respective successors and assigns, that they 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/BMP(s) pursuant to the provisions of this Agreement.

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 and the Metro District’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. Conveyance of a drainage and access easement from Developer to the Metro District (which will include a reservation of easement in favor of the County for purposes of accessing, inspecting, cleaning, maintaining, and repairing the detention basin/BMP(s)), and recording of the Deed for the same, which the Parties recognize has been conveyed by Paragraph 5 and satisfies the requirements of this section; and
- b. A copy of the Covenants of the Subdivision, if applicable, establishing that the Metro District is obligated to inspect, clean, maintain, and repair the detention basin/BMP(s).

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: To the extent authorized by law, Developer and the Metro District agree, for themselves, their respective 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/BMP(s), 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, the Metro District, or their respective 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/BMP(s) 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 Metro District 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 Metro District, 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.

15. Governmental Immunity. Nothing in this Agreement shall be construed to be a waiver, in whole or in part, of any right, privilege or protection afforded the Metro District or its Board of Directors, officers, employees, servants, agents or authorized volunteers pursuant to the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.*, C.R.S.

16. Annual Appropriations. The Metro District does not intend hereby to create a multiple-fiscal year direct or indirect debt or other financial obligation whatsoever. The Metro District’s payment obligations hereunder are subject to annual appropriation.

17. Limitation on Developer and Metro District’s Obligations and Liabilities: The obligation and liability of the Developer hereunder shall only continue until such time as all of the following occur: (i) the Final Plat for the Subdivision as described in Paragraph E of the Recitals set forth above is recorded; (ii) the Developer completes the construction of the Detention Basin/BMP(s); and (iii) the Detention Basin/BMP(s) are conveyed and accepted for ownership and maintenance by the Metro District. By execution of this agreement, the Metro District agrees to accept all responsibilities and to

perform all duties assigned to it, including those of the Developer, as specified herein, upon conveyance and acceptance of the Detention Basin/BMP(s) from Developer to the Metro District.

18. Subordination of Deed of Trust. McCune Ranch, LLC, a Colorado limited liability company, is the beneficiary (Beneficiary) under that certain deed of trust recorded in the records of the El Paso County Clerk and Recorder at reception number 220044440 on 3/31/2020 (Deed of Trust). The Deed of Trust encumbers all or a portion of the property described in **Exhibit B** hereto. Beneficiary consents and agrees that the Deed of Trust, and Beneficiary’s interests thereunder, are hereby subordinated to the interests of the County and Metro District in such property as set forth in this Agreement such that the Deed is Trust is subordinate and inferior in all respects to the interests of the County and Metro District in the property set forth in **Exhibit B** of this Agreement.

19. Contract Modification. The Agreement may not be amended, altered or otherwise changed except by a written agreement signed by the Parties.

20. Counterpart Execution. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties affix their signatures below.

Executed this _____ day of _____, 20____, by:

WINSOME, LLC

By: _____

Andrew J. Biggs, Manager

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Andrew J. Biggs as Manager of Winsome, LLC.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Executed this _____ day of _____, 20____, by:
WINSOME METROPOLITAN DISTRICT NO. 1

By: _____
Andrew J. Biggs, President

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by Andrew J. Biggs as President of WINSOME METROPOLITAN DISTRICT NO. 1.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Executed this _____ day of _____, 20____, by:

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

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

The foregoing instrument was acknowledged before me this _____ day of _____,
2017, by _____, Executive Director of El Paso County Planning and Community
Development Department.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Approved as to Content and Form:

Assistant County Attorney

BENEFICIARY: Solely with respect the subordination in Section 16 above, Beneficiary hereby agrees to be bound.

McCune Ranch, LLC,
a Colorado limited liability company

By: _____

Name: Mary Sue McCune Liss

Title: Manager

Date: _____

STATE OF COLORADO)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by
Mary Sue McCune Liss, Manager of McCune Ranch, LLC, a Colorado limited liability
company_____.

Witness my hand and official seal.

Notary Public

Notary Public

My Commission Expires: _____

EXHIBIT A

A TRACT OF LAND BEING A PORTION OF SECTION 24, RANGE 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY, COLORADO.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S00°14'17"W, A DISTANCE OF 1,684.27 FEET TO THE POINT OF BEGINNING; THENCE S89°41'23"E, A DISTANCE OF 820.25 FEET; THENCE N29°41'56"E, A DISTANCE OF 768.98 FEET; THENCE S89°45'39"E, A DISTANCE OF 128.26 FEET; THENCE S69°47'19"E, A DISTANCE OF 306.30 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N69°47'19"W, HAVING A DELTA OF 2°06'42", A RADIUS OF 1,790.00 FEET, A DISTANCE OF 65.97 FEET TO A POINT A POINT OF TANGENT; THENCE N18°06'10"E, A DISTANCE OF 383.72 FEET; THENCE N19°13'35"E, A DISTANCE OF 60.00 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N19°13'35"E, HAVING A DELTA OF 50°01'50", A RADIUS OF 1,470.00 FEET, A DISTANCE OF 1,283.60 FEET TO A POINT ON CURVE; THENCE N30°48'16"W, A DISTANCE OF 58.07 FEET; THENCE N54°25'41"E, A DISTANCE OF 240.00 FEET; THENCE S40°33'13"E, A DISTANCE OF 117.62 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N40°33'13"W, HAVING A DELTA OF 7°37'13", A RADIUS OF 1,530.00 FEET A DISTANCE OF 203.49 FEET TO A POINT OF TANGENT; THENCE N41°49'33"E, A DISTANCE OF 100.05 FEET; THENCE S34°15'42"E, A DISTANCE OF 1,176.07 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N38°44'46"W, HAVING A DELTA OF 3°31'19", A RADIUS OF 3,970.00 FEET, A DISTANCE OF 244.03 FEET TO A POINT OF TANGENT; THENCE S54°46'33"W, A DISTANCE OF 146.74 FEET; THENCE S35°13'27"E, A DISTANCE OF 60.00 FEET; THENCE N54°46'33"E, A DISTANCE OF 146.74 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 3°27'19", A RADIUS OF 4,030.00 FEET, A DISTANCE OF 243.03 FEET TO A POINT ON CURVE; THENCE S32°53'11"E, A DISTANCE OF 363.08 FEET; THENCE S21°16'12"E, A DISTANCE OF 333.95 FEET; THENCE S10°20'00"E, A DISTANCE OF 247.91 FEET; THENCE S00°29'45"E, A DISTANCE OF 484.81 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE S89°30'15"W ON A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 4,535.40 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N00°14'17"E ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 922.65 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 7,161,246 SQUARE FEET OR 164.400 ACRES.

EXHIBIT B

Legal Description of Easement



EXHIBIT B

LEGAL DESCRIPTION: POND B EASEMENT

A TRACT OF LAND BEING A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

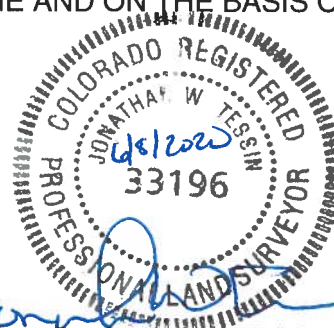
BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E, A DISTANCE OF 2636.99 FEET AS SHOWN ON THE LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S20°12'43"E, A DISTANCE OF 1,726.12 FEET TO THE POINT OF BEGINNING; THENCE N70°00'00"E, A DISTANCE OF 62.32 FEET; THENCE S20°00'00"E, A DISTANCE OF 30.71 FEET; THENCE N70°00'00"E, A DISTANCE OF 30.77 FEET; THENCE S20°00'00"E, A DISTANCE OF 120.51 FEET; THENCE S70°00'00"W, A DISTANCE OF 215.16 FEET; THENCE N20°00'00"W, A DISTANCE OF 130.51 FEET; THENCE N70°00'00"E, A DISTANCE OF 122.07 FEET; THENCE N20°00'00"W, A DISTANCE OF 20.71 FEET TO THE POINT OF BEGINNING; WHENCE THE NORTHWEST QUARTER OF SAID SECTION 24, BEARS N07°49'44"W, A DISTANCE OF 4,296.84 FEET.

CONTAINING A CALCULATED AREA OF 29,063 SQUARE FEET OR 0.667 ACRES.

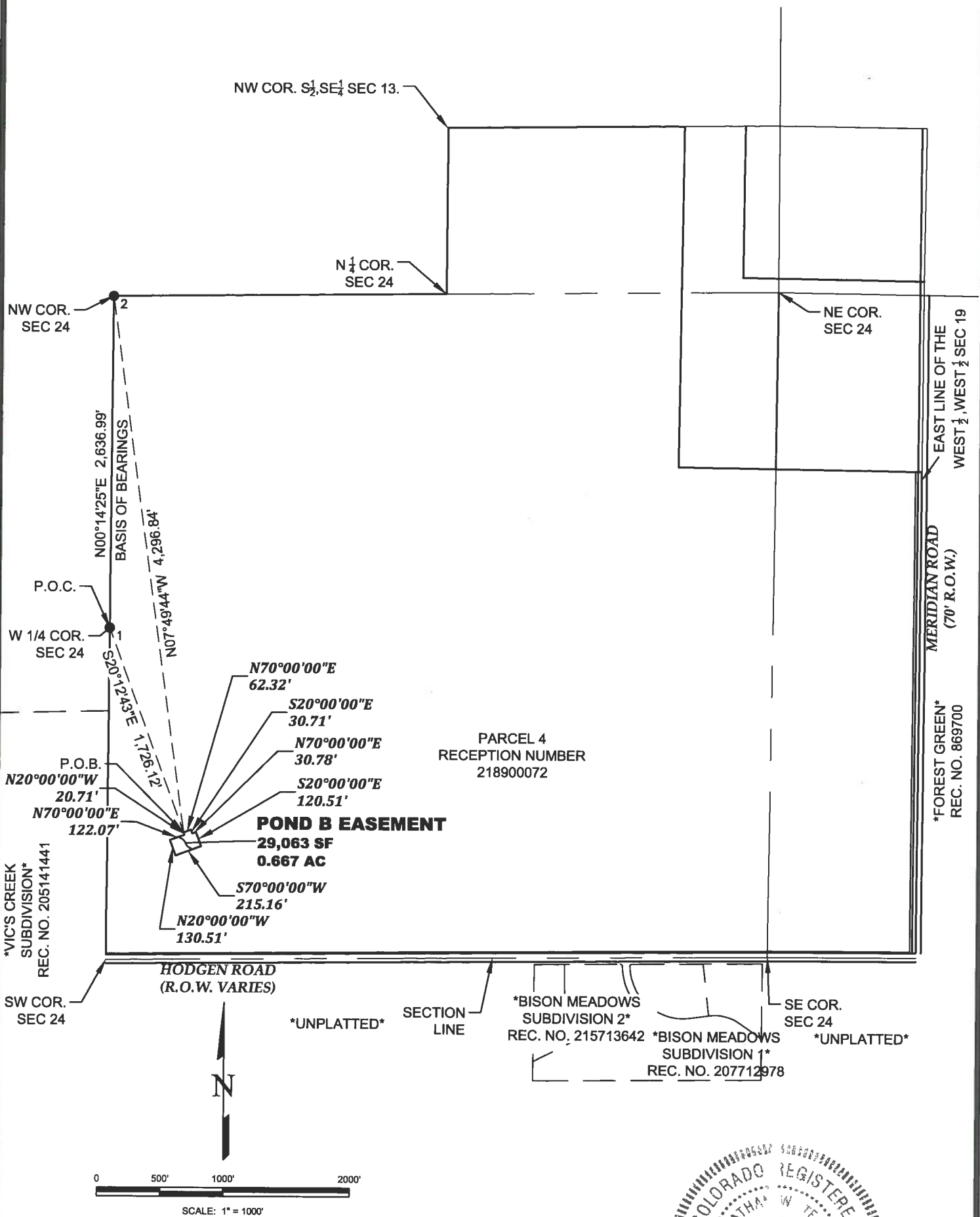
LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

EXHIBIT B



LEGEND:

- ₁ FOUND 2-1/2" ALUMINUM CAP STAMPED "LS 28658"
- ₂ FOUND 3-1/4" ALUMINUM CAP STAMPED "LS 12103"
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING



THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE LEGAL DESCRIPTION.



EDWARD-JAMES SURVEYING, INC.
 926 Elkton Dr. 4732 Eagleridge Circle
 Colorado Springs, CO 80907 Pueblo, CO 81008
 (719) 576-1216 (719) 545-6240
 06-03-2020 JOB NO. 1858-00
 POND B ESMT SHEET 2 OF 2



EXHIBIT B

LEGAL DESCRIPTION: POND C EASEMENT

A TRACT OF LAND BEING A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E, A DISTANCE OF 2636.99 FEET AS SHOWN ON THE LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S60°33'47"E, A DISTANCE OF 1,655.07 FEET TO THE POINT OF BEGINNING; THENCE S71°57'48"E, A DISTANCE OF 258.86 FEET; THENCE S18°06'10"W, A DISTANCE OF 136.73 FEET; THENCE N71°57'48"W, A DISTANCE OF 223.70 FEET; THENCE N18°02'12"E, A DISTANCE OF 87.33 FEET; THENCE N71°57'48"W, A DISTANCE OF 35.00 FEET; THENCE N18°02'12"E, A DISTANCE OF 49.40 FEET TO THE POINT OF BEGINNING; WHENCE THE NORTHWEST QUARTER OF SAID SECTION 24, BEARS N22°30'59"W, A DISTANCE OF 3,735.10 FEET.

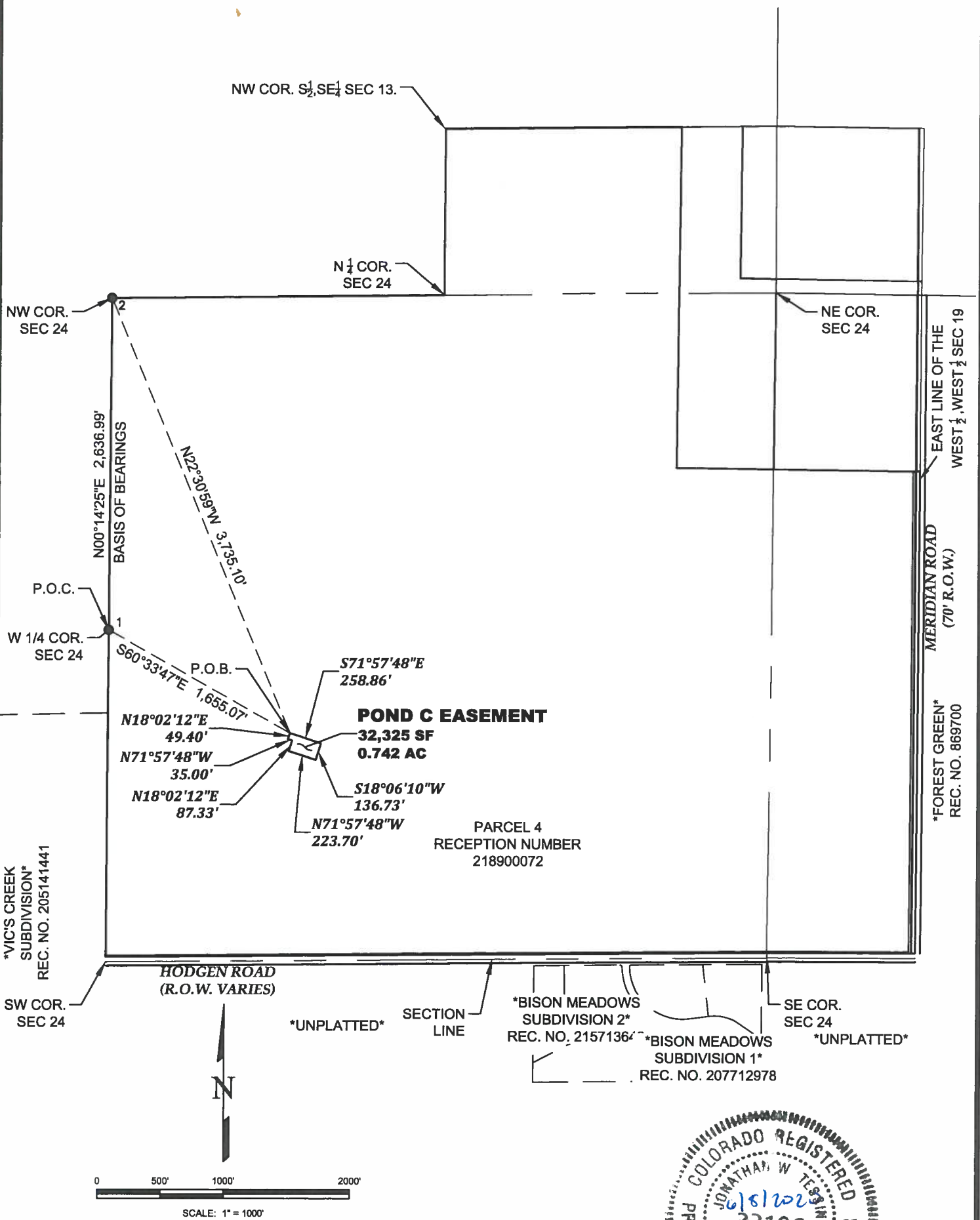
CONTAINING A CALCULATED AREA OF 32,325 SQUARE FEET OR 0.742 ACRES.

LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.

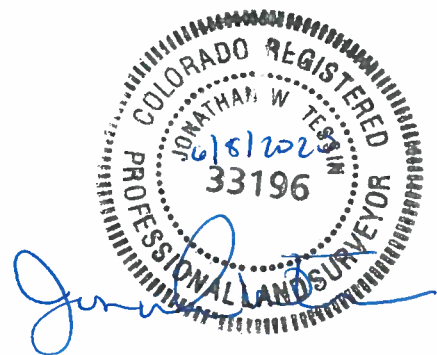
JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

EXHIBIT B



LEGEND:

- ₁ FOUND 2-1/2" ALUMINUM CAP STAMPED "LS 28658"
- ₂ FOUND 3-1/4" ALUMINUM CAP STAMPED "LS 12103"
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING



THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE LEGAL DESCRIPTION.



EDWARD-JAMES SURVEYING, INC.
 926 Elkton Dr. Colorado Springs, CO 80907 (719) 576-1216
 4732 Eagleridge Circle Pueblo, CO 81008 (719) 545-6240
 06-03-2020 POND C ESMT
 JOB NO. 1858-00 SHEET 2 OF 2



EXHIBIT B

LEGAL DESCRIPTION: POND D EASEMENT

A TRACT OF LAND BEING A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

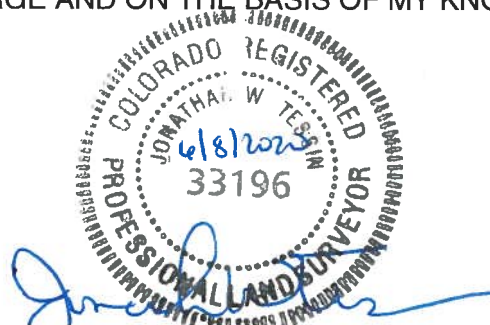
BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E, A DISTANCE OF 2636.99 FEET AS SHOWN ON THE LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S85°36'54"E, A DISTANCE OF 2,762.20 FEET TO THE POINT OF BEGINNING; THENCE S65°00'00"E, A DISTANCE OF 159.65 FEET; THENCE S25°00'00"W, A DISTANCE OF 218.11 FEET; THENCE S40°00'00"E, A DISTANCE OF 134.62 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS N25°44'44"W, HAVING A DELTA OF 12°17'07", A RADIUS OF 1,470.00 FEET; A DISTANCE OF 315.19 FEET TO A POINT ON CURVE, THENCE N65°00'00"W, A DISTANCE OF 57.67 FEET, THENCE N25°00'00"E, A DISTANCE OF 495.90 FEET TO THE POINT OF BEGINNING; WHENCE THE NORTHWEST QUARTER OF SAID SECTION 24, BEARS N43°55'23"W, A DISTANCE OF 3,954.29 FEET.

CONTAINING A CALCULATED AREA OF 86,623 SQUARE FEET OR 1.989 ACRES.

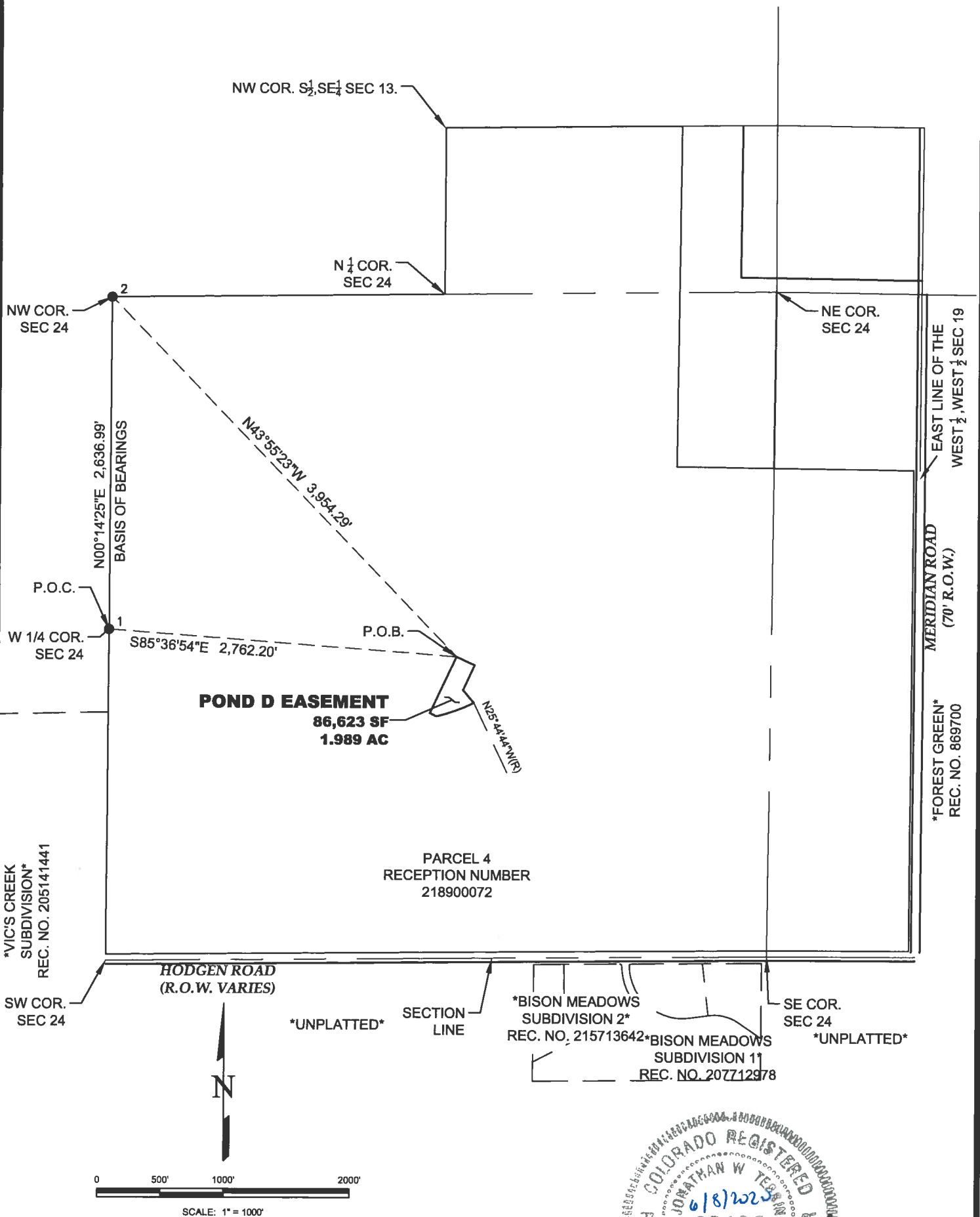
LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

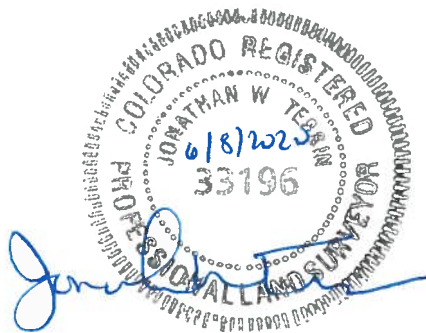
EXHIBIT B



LEGEND:

- ₁ FOUND 2-1/2" ALUMINUM CAP STAMPED "LS 28658"
- ₂ FOUND 3-1/4" ALUMINUM CAP STAMPED "LS 12103"
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (R) RADIAL BEARING

**THIS DRAWING DOES NOT REPRESENT A
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Colorado Springs, CO 80907 Pueblo, CO 81008
(719) 576-1216 (719) 545-6240
06-03-2020 JOB NO. 1858-00
POND D ESMT SHEET 2 OF 2



EXHIBIT B

LEGAL DESCRIPTION: POND 3 EASEMENT

A TRACT OF LAND BEING A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E, A DISTANCE OF 2636.99 FEET AS SHOWN ON THE LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE N69°47'02"E, A DISTANCE OF 3,367.33 FEET TO THE POINT OF BEGINNING; THENCE N00°30'47"W, A DISTANCE OF 219.58 FEET, THENCE N89°29'13"E, A DISTANCE OF 324.00 FEET; THENCE N00°00'00"E, A DISTANCE OF 75.09 FEET; THENCE N90°00'00"E, A DISTANCE OF 30.00 FEET; THENCE S00°00'00"E, A DISTANCE OF 74.82 FEET; THENCE N89°29'13"E, A DISTANCE OF 305.42 FEET; THENCE S00°30'47"E, A DISTANCE OF 199.58 FEET; THENCE N89°29'13"E, A DISTANCE OF 164.49 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT; WHOSE CENTER BEARS N89°56'50"W, HAVING A DELTA OF 00°41'41", A RADIUS OF 1,650.00 FEET, A DISTANCE OF 20.01 FEET TO A POINT ON CURVE; THENCE S89°29'13"W, A DISTANCE OF 823.60 FEET; TO THE POINT OF BEGINNING; WHENCE THE NORTHWEST QUARTER OF SAID SECTION 24, BEARS N64°55'30"W, A DISTANCE OF 3,476.48 FEET.

CONTAINING A CALCULATED AREA OF 150,335 SQUARE FEET OR 3.451 ACRES.

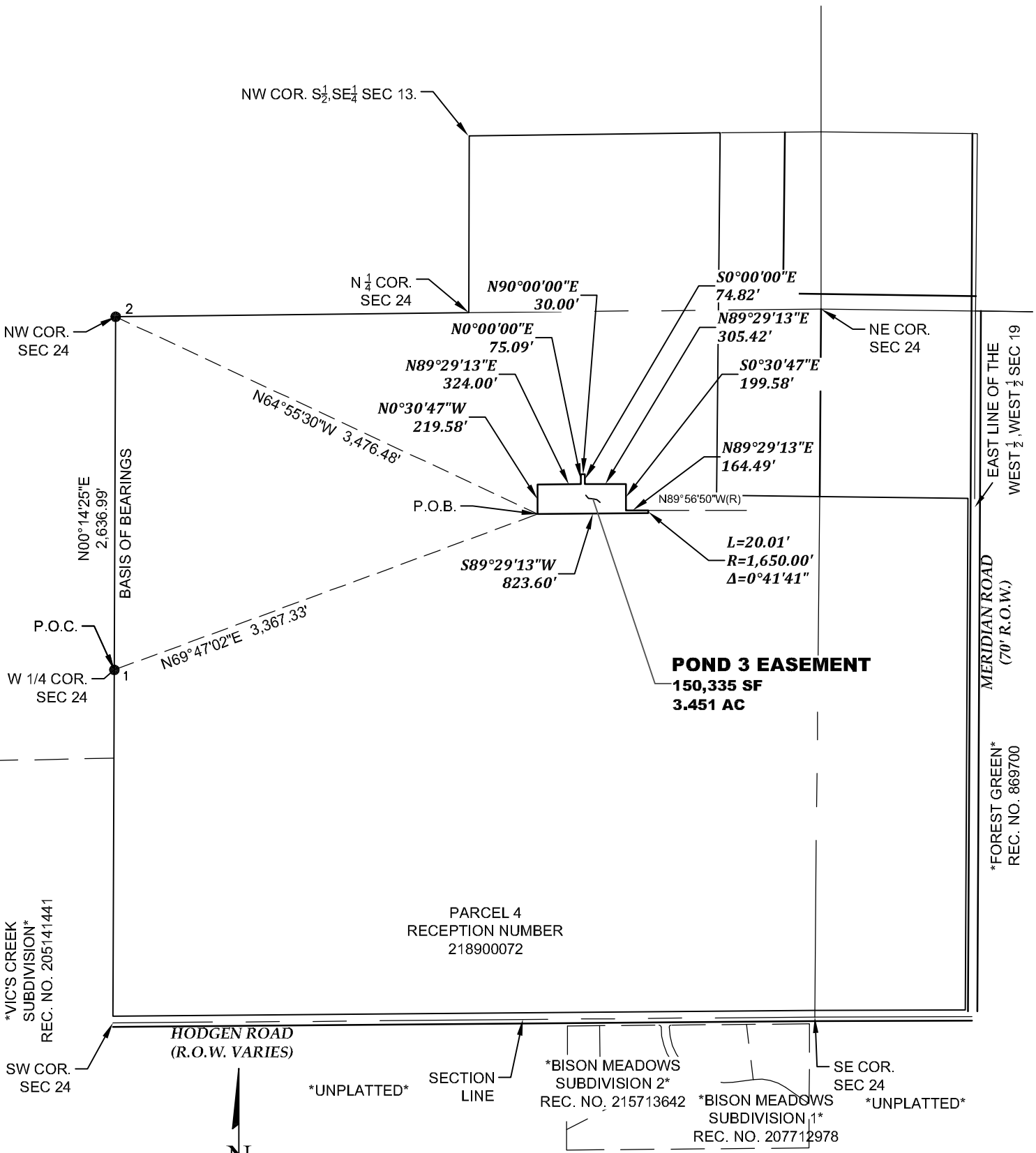
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JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

EXHIBIT B



*VIC'S CREEK
SUBDIVISION*
REC. NO. 205141441

SW COR.
SEC 24

HODGEN ROAD
(R.O.W. VARIES)

UNPLATTED

SECTION
LINE

*BISON MEADOWS
SUBDIVISION 2*
REC. NO. 215713642

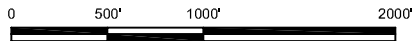
*BISON MEADOWS
SUBDIVISION 1*
REC. NO. 207712978

SE COR.
SEC 24

UNPLATTED

FOREST GREEN
REC. NO. 869700

EAST LINE OF THE
MERIDIAN ROAD
(70' R.O.W.)
WEST 1/2, WEST 1/2 SEC 19



SCALE: 1" = 1000'

LEGEND:

- 1 FOUND 2-1/2" ALUMINUM CAP STAMPED "LS 28658"
- 2 FOUND 3-1/4" ALUMINUM CAP STAMPED "LS 12103"
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (R) RADIAL BEARING

**THIS DRAWING DOES NOT REPRESENT A
MONUMENTED LAND SURVEY AND IS ONLY
INTENDED TO DEPICT THE LEGAL DESCRIPTION.**



EDWARD-JAMES SURVEYING, INC.
 926 Elkton Dr. 4732 Eagleridge Circle
 Colorado Springs, CO 80907 Pueblo, CO 81008
 (719) 576-1216 (719) 545-6240
 08-25-2020 JOB NO. 1858-00
POND 3 ESMT SHEET 2 OF 2



EXHIBIT B

LEGAL DESCRIPTION: ACCESS EASEMENT

A TRACT OF LAND BEING A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

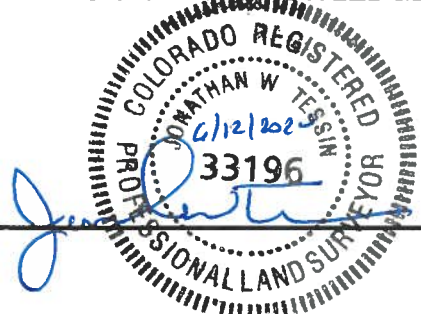
BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E, A DISTANCE OF 2636.99 FEET AS SHOWN ON THE LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S83°23'07"E, A DISTANCE OF 3,231.87 FEET TO THE POINT OF BEGINNING; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N40°33'13"W, HAVING A DELTA OF 07°37'13", A RADIUS OF 1,470.00 FEET, A DISTANCE OF 195.51 FEET TO A POINT OF TANGENT, THENCE N41°49'33"E, A DISTANCE OF 207.94 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 27°50'24", A RADIUS OF 1,384.00 FEET, A DISTANCE OF 672.48 FEET TO A POINT ON CURVE; THENCE N19°05'31"W, A DISTANCE OF 124.83 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 29°03'11", A RADIUS OF 990.00 FEET, A DISTANCE OF 502.00 FEET, TO A POINT OF REVERSE CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 14°20'11", A RADIUS OF 1,650.00 FEET, A DISTANCE OF 412.86 FEET TO A POINT ON CURVE; THENCE N85°37'29"E, A DISTANCE OF 60.00 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS S85°37'29"W, HAVING A DELTA OF 14°20'11", A RADIUS OF 1,710.00 FEET, A DISTANCE OF 427.87 FEET TO A POINT OF REVERSE CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING DELTA OF 29°03'11", A RADIUS OF 930.00 FEET, A DISTANCE OF 471.58 FEET TO A POINT OF TANGENT; THENCE S19°05'31"E, A DISTANCE OF 124.83 FEET; THENCE S17°51'00"E, A DISTANCE OF 60.00 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS S17°51'00"E, HAVING A DELTA OF 30°19'27", A RADIUS OF 1,324.00 FEET, A DISTANCE OF 700.73 FEET TO A POINT OF TANGENT; THENCE S41°49'33"W, A DISTANCE OF 207.94 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 7°37'13", A RADIUS OF 1,530.00 FEET; A DISTANCE OF 203.49 FEET TO A POINT ON CURVE; THENCE N40°33'13"W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; WHENCE THE NORTHWEST QUARTER OF SAID SECTION 24, BEARS N46°45'12"W, A DISTANCE OF 4,392.17 FEET.

CONTAINING A CALCULATED AREA OF 129,349 SQUARE FEET OR 2.969 ACRES.

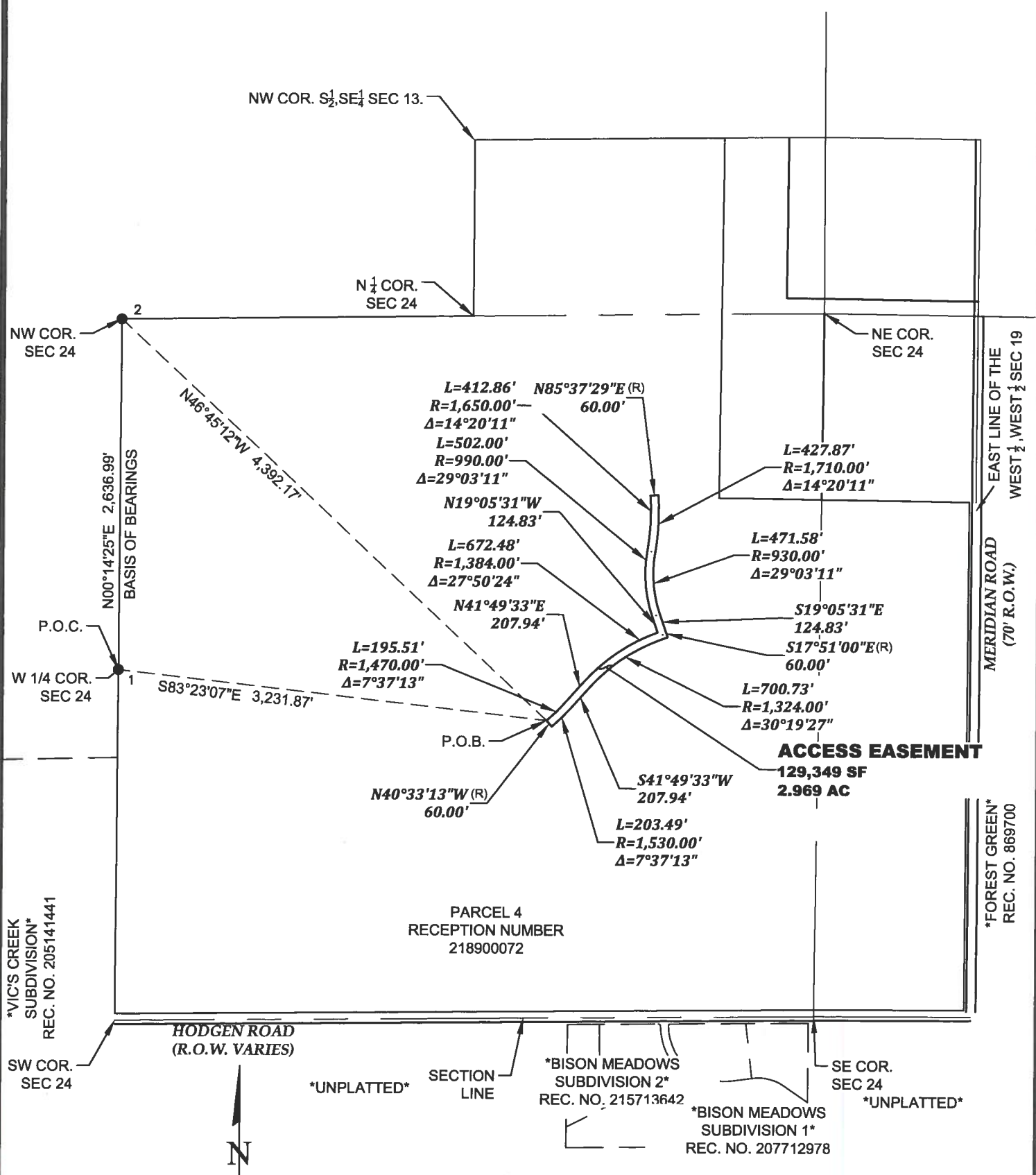
LEGAL DESCRIPTION STATEMENT

I, JONATHAN W. TESSIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS CORRECT.



JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 33196
FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

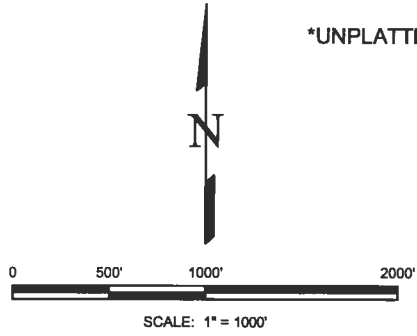
EXHIBIT B



*VIC'S CREEK
SUBDIVISION*
REC. NO. 205141441

FOREST GREEN
REC. NO. 869700

HODGEN ROAD (R.O.W. VARIES)
UNPLATTED SECTION LINE
BISON MEADOWS SUBDIVISION 2 REC. NO. 215713642
BISON MEADOWS SUBDIVISION 1 REC. NO. 207712978
UNPLATTED



LEGEND:

- ₁ FOUND 2-1/2" ALUMINUM CAP STAMPED "LS 28658"
- ₂ FOUND 3-1/4" ALUMINUM CAP STAMPED "LS 12103"
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- (R) RADIAL BEARING



THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE LEGAL DESCRIPTION.



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Colorado Springs, CO 80907 Pueblo, CO 81008
(719) 576-1216 (719) 545-6240
06-03-2020 JOB NO. 1858-00
ACCESS ESMT SHEET 2 OF 2

APPENDIX B

General Location and Description of
Stormwater Management Facility

Appendix B

General Location and Description of Stormwater Management Facility

A. General Site Description

The site is located at 17480 Meridian Road North, at the northwest corner of Hogden Road and Meridian Road North. It is comprised of 767 acres of agricultural grazing land and dry farm land. The development of this property will consist of 143 2.5 to 10-acre single family residential lots and the requisite public roads and stormwater infrastructure to serve them. Filing 1 of this project consists of 47 of those total lots.

B. General Stormwater Management Description

This project is a low density residential development with lots varying between 2.5 acres and 10 acres in size. Adjoining properties and drainage facilities downstream from the site will not be affected. In order to maintain historic runoff levels for this site, 1 full spectrum detention pond and 3 water quality only ponds are being proposed as part of Filing No 1, that will capture and control the flows from roads and residential lots. The runoff from road surfaces will be treated for water quality before releasing it into West Kiowa Creek, or on to the downstream properties at historic discharge points. HEC-HMS analysis identified that the proposed development had a minimal impact on the historic flow for this area, and detention was used to address the minimal increase. Due to far reaching basins upstream from this project, stormwater needed to be detained for a significant amount of time for the delayed peak to pass through the adjacent area of West Kiowa Creek. By over detaining stormwater at pond P3 and releasing it at a slow and controlled rate, the proposed Q100 was reduced below historic levels.

C. Stormwater Facilities Site Plan

Inspection or maintenance personnel may utilize the attached site plan for locating the stormwater facilities within this development.

D. On-Site Stormwater Management Facilities

Volume Reduction Facilities

The site utilizes Level I and II MDCIA.

Storage Facilities (Detention)

Pond 3 is located to the north and outside of Filing 1. The pond reduces proposed flow at the main outfall below historic levels relative to the impact of Filing 1. Water flows into Pond 3 through natural channels entering the pond via a concrete forebay. The forebay is sized to effectively dissipate the energy of water entering the pond. A combination of trickle channels convey the water to a concrete lined micropool and outlet structure providing full spectrum characteristics. The outlet structure provides water quality via an orifice plate allowing the pond to drain over an extended period of time. The full 100Y storm volume exits through the outlet structure via a proposed 30" concrete pipe. An emergency spillway is proposed that will convey the full 100Y flow in less than 1' of flow depth. A full 1' of freeboard is proposed at the spillway, giving a full 2' of freeboard around the rest of the pond. A 15' wide access road is proposed from the future right of way to the bottom of the pond for servicing requirements. As described previously, by over detaining stormwater at pond P3 and releasing it at a slow and controlled rate, the proposed Q100 was reduced below historic levels. Pond P3 is designed to work in conjunction with the other detention ponds in the project to keep proposed flows below historic at full build out. For Filing 1, Pond P3 is over detaining more than required for this individual phase. This pond is designed to accommodate the final buildout of the project without any additional grading/volume adjustment.

Water Quality Facilities

Water quality is provided in onsite Pond B, Pond C, and Pond D.

Source Control Best Management Practices

The site does not include any nonstructural BMPs.

APPENDIX C

Standard Operating Procedures
For Extended Detention Basins (EDBs)

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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. Each form shall be reviewed and submitted by the property owner or property manager to the City of Colorado Springs/Stormwater Team per the requirements of the Inspection and Maintenance Plan. These inspection forms shall be kept a minimum of 5 years and made available to the City of Colorado Springs/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 City of Colorado Springs/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 City of Colorado Springs/Stormwater Team; however, completed inspection and maintenance forms shall be submitted to the City of Colorado Springs/Stormwater Team for each inspection and maintenance activity.

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 City of Colorado Springs/Stormwater Team and require completed inspection and maintenance forms to be submitted to City of Colorado Springs/Stormwater Team for each inspection and maintenance activity.

**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.

APPENDIX D

Inspection and Maintenance Forms for
Extended Detention Basins

EXTENDED DETENTION BASIN (EDB) 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.) Inflow Points

- Riprap Displaced
- Erosion Present/Outfall Undercut
- Sediment Accumulation
- Structural Damage (pipe, end-section, etc.)
- Woody Growth/Weeds Present

2.) Forebay

- Sediment/Debris Accumulation
- Concrete Cracking/Failing
- Drain Pipe/Wier Clogged (not draining)
- Wier/Drain Pipe Damage

3.) Trickle Channel (Low-flow)

- Sediment/Debris Accumulation
- Concrete/Riprap Damage
- Woody Growth/Weeds Present
- Erosion Outside Channel

4.) Bottom Stage (Micro-Pool)

- Sediment/Debris Accumulation
- Woody Growth/Weeds Present
- Bank Erosion
- Mosquitoes/Algae Treatment
- Petroleum/Chemical Sheen

5.) Outlet Works

- Trash Rack/Well Screen Clogged
- Structural Damage (concrete, steel, subgrade)
- Orifice Plate(s) Missing/Not Secure
- Manhole Access (cover, steps, etc.)
- Woody Growth/Weeds Present

6.) Emergency Spillway

- Riprap Displaced
- Erosion Present
- Woody Growth/Weeds Present
- Obstruction/Debris

7.) Upper Stage (Dry Storage)

- Vegetation Sparse
- Woody Growth/Undesirable Vegetation
- Standing Water/Boggy Areas
- Sediment Accumulation
- Erosion (banks and bottom)
- Trash/Debris
- Maintenance Access

8.) Miscellaneous

- Encroachment in Easement Area
- Graffiti/Vandalism
- 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 the City of Colorado Springs upon request.

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

Subdivision/Business Name: _____ Completion Date: _____

Subdivision/Business Address: _____ Contact Name: _____

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

Annual Inspection and Maintenance Reporting Form
for
Stormwater Facilities

(This form to be submitted to El Paso County each year)

Date: _____

To: El Paso County
Attn: El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Certification of Inspection and Maintenance; Submittal of forms

Property/Subdivision Name: _____

Property Address: _____

Contact Name: _____

I verify that the required stormwater facility inspections and required maintenance have been completed in accordance with the Stormwater Facilities Maintenance Agreement and the Operations and Maintenance Manual associated with the above referenced property.

The required Stormwater Facility Inspection and Maintenance forms are hereby provided.

Name of Party Responsible for Inspection
& Maintenance

Property Owner

Authorized Signature

Signature

APPENDIX E

Stormwater Facilities Map

CONSTRUCTION DOCUMENTS WINSOME FILING NO 1

A TRACT OF LAND BEING A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST,
OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



VERTIX
2420 W. 26th Avenue, Suite 100-D | Denver, CO 80211
Main: 303.623.9116 | VERTIXENG.COM

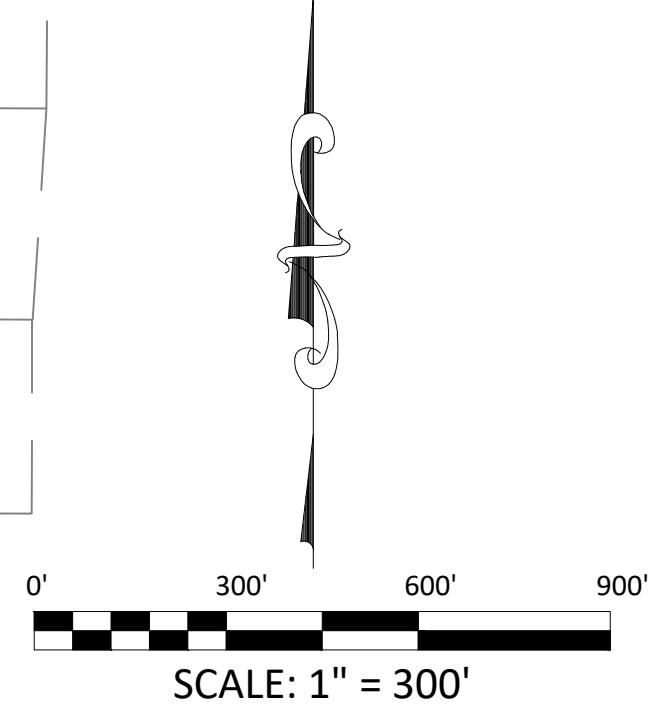
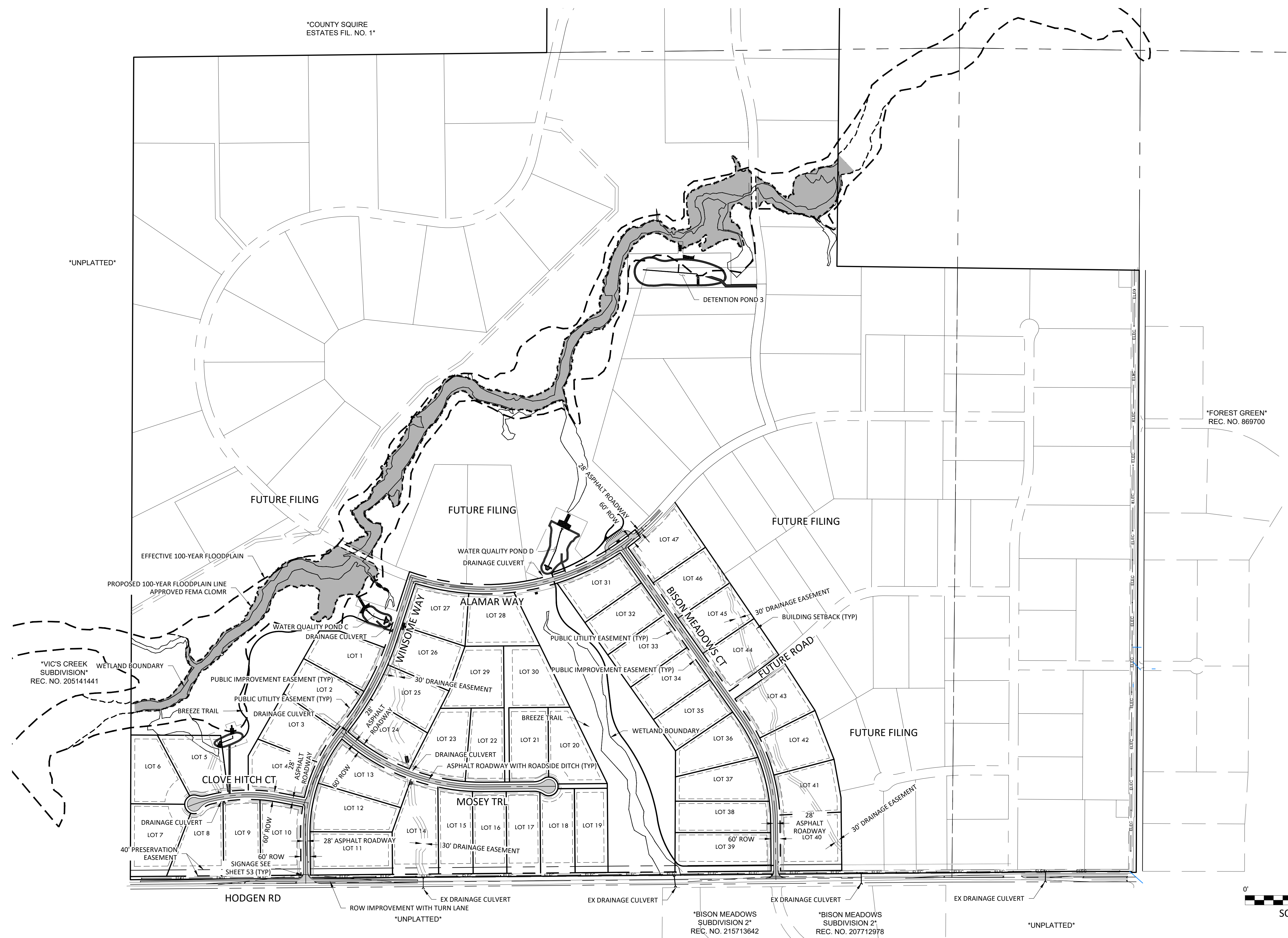


STORMWATER FACILITIES MAP
SITE: 17480 MERIDIAN ROAD
ELBERT, COLORADO 80106
FOR: WINSOME, LLC
1864 WOODMORE DR, SUITE 100
MONUMENT, COLORADO 80132

NO.	REVISIONS
1	SUBMITTAL 1
2	04.03.2020 REVISED PER COMMENTS
3	08.01.2020 REVISED PER COMMENTS
4	10.14.2020 REVISED PER COMMENTS
5	
6	
7	
8	
9	
10	

DATE: 01.22.20	3
DRAWN BY: JCP	
CHECKED BY: LPV	
JOB #: 49388.01	

SF-20-003



Z:\Shared\Projects\49000-49999\49300-49399\49388\MCCune Ranch\06-Engineering\Vertex Drawings\CD\Filing_1\Filing_1_Site_Plan.dwg Monday, November 23, 2020 11:13:35 AM
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