



Board Summary Report

**Date:** July 7, 2020

**To:** Arapahoe County Board of County Commissioners

**Through:** Bryan Weimer, Director  
Public Works and Development

**Through:** Chuck Haskins, PE, Division Manager  
Public Works and Development – Engineering Services Division

**From:** Sue Liu, PE, Engineer III  
Engineering Services Division

**Case name:** Dove Valley Logistics Centre  
Lot 2, Block 1, Dove Valley V – Filing No. 19  
Case No. ASP19-008

**Subject:** Approval and acceptance of the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement within Dove Valley Logistics Centre

**Purpose and Recommendation:**

The purpose of this report is to request the Board accept the conveyance of one (1) drainage easement for recordation by separate document and to allow Bryan Weimer, Director, Department of Public Works and Development to execute the specific easement on behalf of the Board.

Staff has reviewed the drainage easement and has determined that they meet the County's requirements. Staff recommends that the drainage easement, granted by BPG Dove Valley 1, LLC, be accepted by the Board.

**Background:**

The drainage easement is located within Lot 2, Block 1, Dove Valley V – Filing No. 19, and is related to the development known as Dove Valley Logistics Centre (hereinafter referred to as "Plan").

There is one major drainageway in the area, Dove Creek. This development seeks to discharge approved quantities and flows of clean stormwater into Dove Creek. The Owner of Lot 2, Block 1, Dove Valley V – Filing No. 19 requests that the attached drainage easement be conveyed to the County prior to the Plan being approved by the Engineering Services Division.

**Links to Align Arapahoe**

To enhance the quality of life for citizens of Arapahoe County to address their basic needs.

**Alternatives**

N/A

**Fiscal Impact**

There is no fiscal impact related to this request.

**Concurrence**

The Uniform Easement Deed and Revocable Storm Drainage License Agreement was reviewed by the County Attorney’s Office and the attached legal descriptions were reviewed by Mapping.

**Actions Requested:**

1. Approval and acceptance of the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easements within Lot 2, Block 1, Dove Valley V – Filing No. 19.
2. Authorize Bryan Weimer, Director, Department of Public Works and Development to execute the specific easement on behalf of the Board.



Sue Liu, PE, Engineer III  
Engineering Services Division

Charles V.  
Haskins

Digitally signed by Charles V. Haskins  
DN: cn=Charles V. Haskins, o=Arapahoe  
County Public Works and Development  
Engineering, ou,  
email=chaskins@arapahogov.com,  
c=US  
Date: 2020.07.07 11:15:56 -06'00'

Chuck Haskins, PE, Division Manager  
Engineering Services Division



Robert Hill, Senior Assistant County Attorney  
Attorney’s Office

Bryan Weimer

Digitally signed by Bryan Weimer  
DN: cn=Bryan Weimer, o=Arapahoe County,  
ou=Public Works and Development,  
email=bweimer@arapahogov.com, c=US  
Date: 2020.07.07 22:28:58 -06'00'

Bryan Weimer, Director  
Public Works and Development

Attachments: Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement



## ACCEPTANCE OF DRAINAGE EASEMENT

**RESOLUTION NO.** \_\_\_\_\_ It was moved by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ to accept, upon recommendation of the County's Case Engineer and Director of the Public Works and Development Department, the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement within Lot 2, Block 1, Dove Valley V – Filing No. 19, dated June 23, 2020, granted by BPG Dove Valley 1, LLC conveying the following real property interest to the County:

### **LEGAL DESCRIPTION:**

#### DRAINAGE EASEMENT

A PARCEL OF LAND BEING A PORTION OF LOT 2, BLOCK 1, DOVE VALLEY V - FILING NO. 19 AS RECORDED UNDER RECEPTION NUMBER D9094544 OF THE ARAPAHOE COUNTY RECORDS, AND LOCATED IN THE SOUTH 1/2 OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID LOT 2, THENCE S41°43'38"E, A DISTANCE OF 54.75 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING 25' DRAINAGE EASEMENT AS RECORDED UNDER RECEPTION NO. D7090353 OF THE ARAPAHOE COUNTY RECORDS AND THE **POINT OF BEGINNING**;

THENCE S68°53'55"E, A DISTANCE OF 54.97 FEET;

THENCE S21°06'08"W, A DISTANCE OF 368.99 FEET;

THENCE S39°25'19"E, A DISTANCE OF 20.68 FEET;

THENCE S21°06'08"W, A DISTANCE OF 147.89 FEET;

THENCE N68°53'52"W, A DISTANCE OF 2.50 FEET;

THENCE S62°23'44"W, A DISTANCE OF 6.59 FEET;

THENCE N69°10'52"W, A DISTANCE OF 20.00 FEET;

THENCE N42°09'52"W, A DISTANCE OF 11.22 FEET;

THENCE N20°49'08"E, A DISTANCE OF 100.67 FEET;

THENCE N00°43'07"W, A DISTANCE OF 57.30 FEET;

THENCE N18°54'30"E, A DISTANCE OF 373.46 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 24,254 SQUARE FEET OR 0.563 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF LOT 2, BLOCK 1, DOVE VALLEY V - FILING NO. 19 BEING MONUMENTED AT BOTH ENDS BY A #5 REBAR WITH A 1-1/2" ALUMINUM CAP STAMPED FLATIRONS 38174 AND BEARS N12°25'28"E.



## ACCEPTANCE OF DRAINAGE EASEMENT

The Easements shall be used in connection with Arapahoe County Case No. ASP19-008, and known as Dove Valley Logistics Centre, and are accepted for the easement purposes expressed in the instrument.

Unless expressly stated in the instrument, Arapahoe County does not accept any interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

Authorization is hereby given to the Director of the Department of Public Works and Development to execute the subject easements on behalf of the Board of County Commissioners.

### **VOTE**

The vote was:

Commissioner Baker,; Commissioner Conti,; Commissioner Holen,; Commissioner Jackson, ;  
Commissioner Sharpe,.

The Chair declared the motion carried and so ordered.

## UNIFORM EASEMENT DEED AND REVOCABLE STORM DRAINAGE LICENSE AGREEMENT

This Easement Deed and Revocable Storm Drainage License Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2020, between BPG Dove Valley 1 LLC whose legal address is 1540 Genessee St, Kansas City, MO 64102, for itself and for its successors, tenants, licensees, heirs (if applicable) and assigns, (the "Owner"), and THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO, a body corporate and politic, whose legal address is 5334 South Prince Street, Littleton, Colorado 80166, (the "County").

Owner is the owner in fee simple of the property described in Exhibit A and Exhibit B (the "Easement Property"), and of the property upon which the Easement Property is located, described in Lot 2, Block 1, Dove Valley Filing No. 19 (the "Development"). Owner desires a license to use certain components of County's storm drainage facilities to discharge approved volumes of clean stormwater from the Development. County has agreed to license Owner's use upon the terms of this Agreement, which include the grant by Owner of a permanent drainage and storm drainage easement to County. For and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner hereby grants and conveys to County, its successors and assigns, a permanent easement to enter, re-enter, occupy and use the Easement Property, and warrants the title to the same, for the purpose of constructing, connecting, disconnecting, rerouting, enlarging, removing, repairing, operating, monitoring and testing, and maintaining above ground, surface and underground:

### Grass Swale

which may include all necessary above ground, surface and underground facilities and appurtenances related thereto, including but not limited to: mains, manholes, conduits, valves, pavement, vaults, ventilators, retaining walls, drop structures, inlets, outfalls, erosion control structures, culverts, pipes, electric or other control systems, cable, wires and connections, including telephone wiring; in, upon, under, through and across the Easement Property, upon the terms and conditions stated in the instrument recorded at **Reception No. A7066570**, incorporated herein by this reference.

County hereby grants a revocable license to Owner and to the successors, heirs and permitted assigns of Owner, to discharge approved quantities and flows of clean stormwater into Cherry Creek, Arapahoe County, Colorado, (the "Outfall") upon the terms and conditions stated in the instrument recorded at Reception No. A7066570, incorporated herein by this reference.

This instrument relates to that certain Administrative Site Plan, Case No. ASP19-008, and known as Dove valley Logistics Centre

The Special Conditions, if any, attached to this instrument are a part of this instrument and if in conflict with any other term shall supersede and control over any other term.

Except to the extent described in any Special Conditions, the parties intend that the terms of this instrument be interpreted in accordance with the requirements of the Plan, if any. In the event of irreconcilable conflict between or among the terms of this instrument or the terms of the Plan, the terms of this instrument shall control.

Termination, revocation or nonrenewal of the License shall not affect County's rights granted under this Easement. Each and every one of the benefits and burdens of this Easement shall inure to and be binding upon the respective legal representatives, successors and assigns of the Owner and County.

This License Agreement may be assigned, in whole or in part, by the County. Upon such assignment the County shall be released from all obligations and liabilities that run with this License Agreement.

Owner: B76 Dove Valley I LLC

by: [Signature]

Name: Matthew Roth

Title: Vice President; General Counsel

County of Jackson )  
State of ~~Colorado~~ Missouri ) s.s.

This instrument was acknowledged before me this 23 day of June, 2020 by Matthew Roth VP General Counsel, Inc., an authorized representative of the Owner.

My commission expires: Jan 7, 2022.

Signature: [Signature]  
Name of notary: Jacqueline J. Jordan

Address of notary: 3628 NE West Park Drive  
Kansas City, Mo 64116

ACCEPTANCE AND APPROVAL:

For the Board of County Commissioners Arapahoe County

Bryan Weimer, Director, Public Works and Development  
Authorization pursuant to Resolution No.

**EXHIBIT A**

See attached legal description

# EXHIBIT "A"

## EASEMENT DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 2, BLOCK 1, DOVE VALLEY V - FILING NO. 19 AS RECORDED UNDER RECEPTION NUMBER D9094544 OF THE ARAPAHOE COUNTY RECORDS, AND LOCATED IN THE SOUTH 1/2 OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID LOT 2, THENCE S41°43'38"E, A DISTANCE OF 54.75 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING 25' DRAINAGE EASEMENT AS RECORDED UNDER RECEPTION NO. D7090353 OF THE ARAPAHOE COUNTY RECORDS AND THE **POINT OF BEGINNING**;

THENCE S68°53'55"E, A DISTANCE OF 54.97 FEET;  
THENCE S21°06'08"W, A DISTANCE OF 368.99 FEET;  
THENCE S39°25'19"E, A DISTANCE OF 20.68 FEET;  
THENCE S21°06'08"W, A DISTANCE OF 147.89 FEET;  
THENCE N68°53'52"W, A DISTANCE OF 2.50 FEET;  
THENCE S62°23'44"W, A DISTANCE OF 6.59 FEET;  
THENCE N69°10'52"W, A DISTANCE OF 20.00 FEET;  
THENCE N42°09'52"W, A DISTANCE OF 11.22 FEET;  
THENCE N20°49'08"E, A DISTANCE OF 100.67 FEET;  
THENCE N00°43'07"W, A DISTANCE OF 57.30 FEET;  
THENCE N18°54'30"E, A DISTANCE OF 373.46 FEET TO THE **POINT OF BEGINNING**.

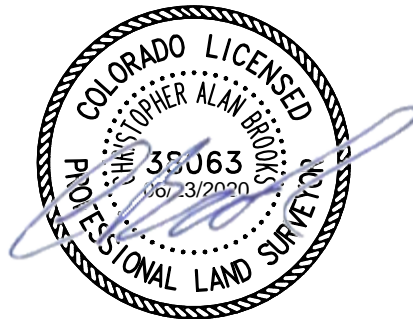
CONTAINING AN AREA OF 24,254 SQUARE FEET OR 0.563 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF LOT 2, BLOCK 1, DOVE VALLEY V - FILING NO. 19 BEING MONUMENTED AT BOTH ENDS BY A #5 REBAR WITH A 1-1/2" ALUMINUM CAP STAMPED FLATIRONS 38174 AND BEARS N12°25'28"E.

## SURVEYOR'S STATEMENT

I HEREBY STATE THAT THE ATTACHED EASEMENT DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CHRISTOPHER A. BROOKS  
PROFESSIONAL LAND SURVEYOR NO. 38063  
FOR AND ON BEHALF OF  
FARNSWORTH GROUP INC,  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, CO 80111  
(303) 692.8838



jneel | J:\2019\0191284.00 - Blue Scope Distribution\Survey\07\_Drawings\Legal Descriptions\V\_ESMT - DRAIN - 0191284.00.dwg |

 **Farnsworth**  
GROUP  
5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, COLORADO 80111  
(303) 692-8838 / info@f-w.com

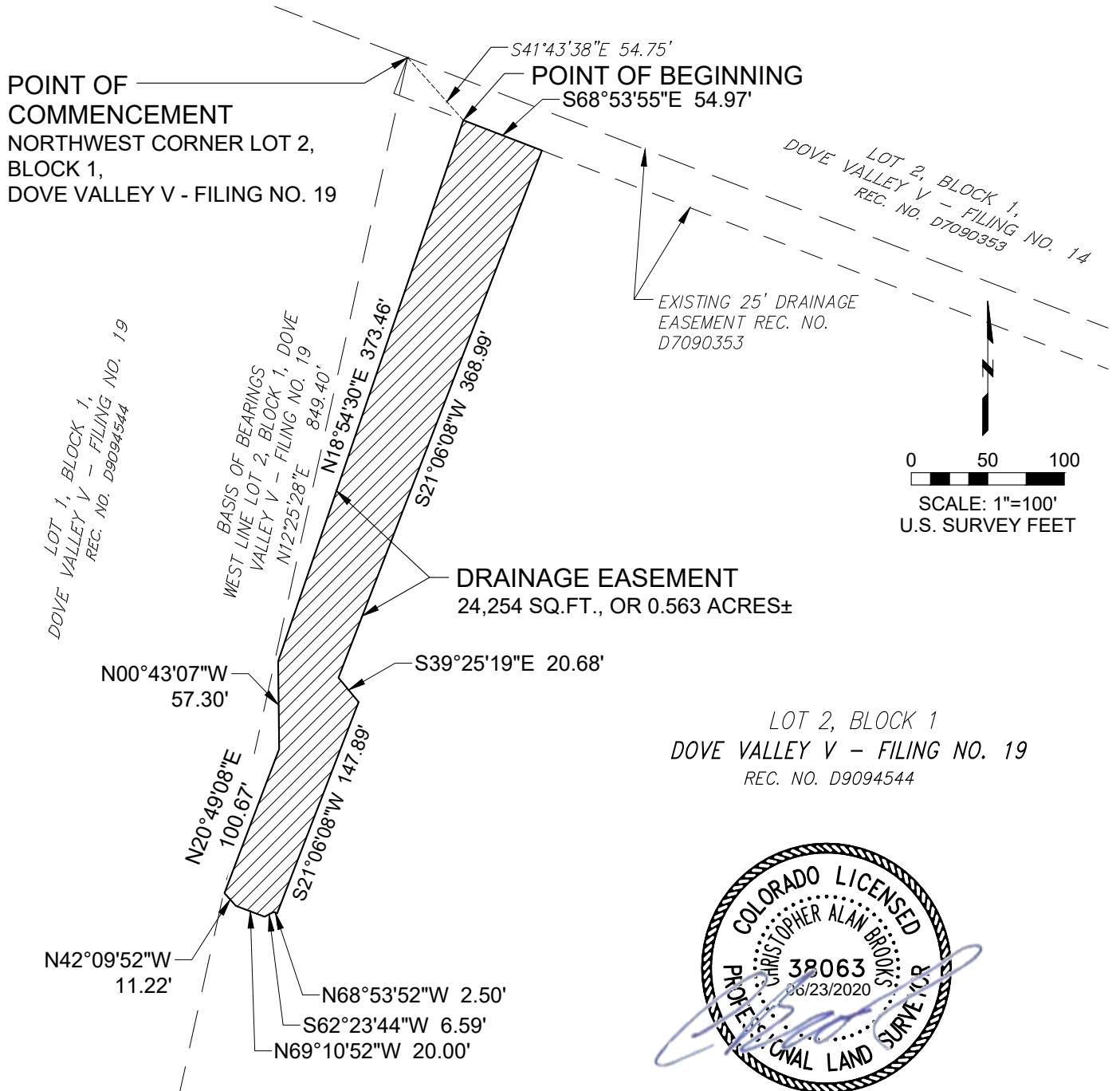
DRAINAGE EASEMENT  
BLUESCOPE PROPERTIES GROUP  
LOT 2, BLOCK 1, DOVE VALLEY V - FILING NO. 19,  
SOUTH 1/2 SECTION 31, T. 5 S., R. 66 W. OF THE 6TH P.M.,  
COUNTY OF ARAPAHOE, STATE OF COLORADO

Project No:0191284.00  
Drawn by: JAN  
Approved: CAB  
Date: 4/03/2020  
Revised:

1 OF 2



ILLUSTRATION FOR  
EXHIBIT "A"



0 50 100  
SCALE: 1"=100'  
U.S. SURVEY FEET

LOT 2, BLOCK 1  
DOVE VALLEY V - FILING NO. 19  
REC. NO. D9094544



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

jneel | J:\2019\0191284.00 - Blue Scope Distribution\Survey\07\_Drawings\Legal Descriptions\V\_ESMT - DRAIN - 0191284.00.dwg |



5613 DTC PARKWAY, SUITE 1100  
GREENWOOD VILLAGE, COLORADO 80111  
(303) 692-8838 / info@f-w.com

DRAINAGE EASEMENT  
BLUESCOPE PROPERTIES GROUP

LOT 2, BLOCK 1, DOVE VALLEY V - FILING NO. 19,  
SOUTH 1/2 SECTION 31, T.5 S., R. 66 W. OF THE 6TH P.M.,  
COUNTY OF ARAPAHOE, STATE OF COLORADO

Project No:0191284.00  
Drawn by: JAN  
Approved: CAB  
Date: 4/03/2020  
Revised: