

BOCC

RESOLUTION NO. 21 - 44

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

**RESOLUTION TO APPROVE DISBURSEMENT OF THE SAND CREEK DRAINAGE
BASIN DRAINAGE FUND (FOFO4000) TO MEADOWBROOK DEVELOPMENT LLC**

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

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


WHEREAS, on September 13, 1999 the Board adopted Resolution 99-383, which Resolution set forth a drainage basin fee schedule based upon impervious acreage and the nature and proportionality of a subdivision's impact on the necessity and extent of drainage improvements in the County; and

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

WHEREAS, the El Paso County Board of County Commissioners established drainage fund credit for Meadowbrook Development LLC within the Sand Creek Drainage Basin (FOFO4000) in accordance with Resolution No. 18-273, that was recorded in the records of the El Paso County Clerk and Recorder's Office at Reception No. 218079580 on July 11, 2018; and

WHEREAS, the El Paso County Board of County Commissioners established that Meadowbrook Development LLC credits in the Sand Creek Basin would have first priority for basin reimbursement; and

WHEREAS, Meadowbrook Development LLC has previously received partial reimbursements within the Sand Creek Trust Fund in accordance with Resolution No.19-230 (Reception No. 219071641) and Resolution No. 20-37 (Reception No. 220012434) as recorded in the records of the El Paso County Clerk and Recorder's Office; and

Chuck Broerman	El Paso County, CO
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WHEREAS, in accordance with Resolution No. 20-37, the current remaining credit due to Meadowbrook Development LLC is \$474,466.49 in the Sand Creek Basin Drainage Trust fund; and

WHEREAS, as of December 30, 2020, the available funds in the Sand Creek Basin Drainage Trust Fund is \$654,473.71.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of El Paso County, Colorado, having been fully advised in the premises, hereby approves reimbursement to Meadowbrook Development LLC from the Sand Creek Basin Drainage Fund in the amount of \$474,466.49; and

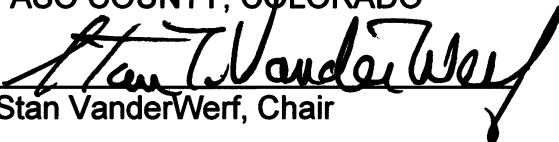
BE IT FURTHER RESOLVED that after disbursement of available revenue, the drainage credit due to Meadowbrook Development LLC is fully paid in the Sand Creek Basin Drainage Trust Fund; and

BE IT FURTHER RESOLVED that the El Paso County Treasurer and/or Finance Office are requested to remit a warrant forthwith payable to Meadowbrook Development LLC, care of Danny Mientka, Manager, 90 South Cascade Avenue, Suite 1500, Colorado Springs, CO 80903, for the disbursement as indicated herein.

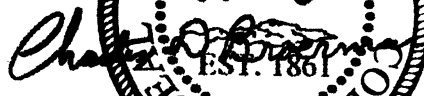
BE IT FURTHER RESOLVED, that Stan VanderWerf, duly elected, qualified member and Chair of the Board of County Commissioners, or Cami Bremer duly elected, qualified member and Vice-Chair of the Board of County Commissioners be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 9th day of February 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By: 
Stan VanderWerf, Chair

ATTEST:

By: 

Chuck Broome
County Clerk and Recorder



Fund	Reference	Date	Description	Balance	Estimate / Remaining
800204	EPC STORM DRAINAGE BASIN TRUST				
272002	SAND CREEK			401,792.22	
	18741	12/23/2020	PLANNING & COMMUNITY DEVELOP	189,531.25	
	18740	12/23/2020	PLANNING & COMMUNITY DEVELOP	63,150.24	
	Total			252,681.49	.00
272006	TEMPLETON GAP				
	Total			.00	11,606.63 **
272014	DRY CREEK				
	Total			.00	26,257.60 **
272016	COTTONWOOD CREEK				
	Total			.00	274,566.30 **
272018	21ST STREET				
	Total			.00	2,742.65 **
272020	BEAR CREEK				
	Total			.00	3,132.00 **
272022	SOUTHWEST AREA				
	Total			.00	1,218.31 **
272024	JIMMY CAMP CREEK				
	Total			.00	176,782.09
272026	KETTLE CREEK				
	Total			.00	176,782.09 **
272030	WINDMILL GULCH				
	Total			.00	244,819.40
272032	LITTLE JOHNSON				
	Total			.00	1,235,032.79
272034	BIG JOHNSON				
	Total			.00	1,235,032.79 **
272038	FISHER'S CANYON				
	Total			.00	413,099.66 **
	Total			.00	24,590.17
	Total			.00	24,590.17 **

**El Paso County Drainage Basin Fee Program
Drainage Fund 204 Reimbursement/Credit Requests**

Disbursement Period: December 2018

Based on Treasurer's Balance for December 30, 2020

Priority	Developer	Subdivision Name	Drainage Basin	Current Credit	Available Basin Trust Funds	Reimbursement/Credit Reduction	Remaining Credit	Comments		
1	Lorson Ranch Metropolitan District 1	Lorson Ranch #1	Jimmy Camp	\$1,926,757.29	\$176,782.09		\$1,926,757.29	Per resolution 20-17, credits shall not be paid when revenue funds become available until the DBPS has been completed and adopted by EPC. Note Elizabeth may revise the resolution to allow payouts if so then tracker may need to be revised.		
1	GEB Investments Group LLC (50% Interest) and Larkspur Properties LLC (50% Interest)	Struthers Ranch	Black Forest	\$91,691.99	\$0.00		\$91,691.99			
1	American Federal Savings (via Yates Hawaii, Inc.)*	Westmark Fil. No. 1	Fisher's Canyon	\$70,198.70	\$36,630.43			a		
N/A	Constitution Ave. Local Improvement District	N/A	Sand Creek	\$383,946.14	\$654,473.71			b		
1	Meadowbrook Development LLC	Meadowbrook Crossing Fil 1 & Fil 2	Sand Creek	\$1,033,994.30	\$654,473.71	\$180,261.00	\$853,733.30	Deferred fees for Meadowbrook Crossing Fil 1 and 2		
1	Meadowbrook Development LLC	Meadowbrook Crossing Fil 1 & Fil 2	Sand Creek	\$652,955.45	\$34,104.00	\$200,778.85	\$652,955.45	Resolution 18-273 established credits and partial disbursement Chk #142532 (7/16/18)		
1	Meadowbrook Development LLC	Meadowbrook Crossing Fil 1 & Fil 2	Sand Creek	\$618,851.45	\$144,384.96	\$144,384.96	\$618,851.45	Resolution 19-230 Chk # 146774		
1	Meadowbrook Development LLC	Meadowbrook Crossing Fil 1 & Fil 2	Sand Creek	\$618,851.45			\$474,466.49	Resolution 20-37 Check No. 149616		
1	New Generation Homes	Fountain Valley Ranch	Crews Gulch / Big Johnson	\$117,131.77	\$24,590.17		\$117,131.77			
2	El Paso County D.O.T	Drainage Basin Planning Study	Crews Gulch / Big Johnson	\$61,267.00			\$61,267.00			
TOTAL							\$3,125,459.38	\$892,476.40	\$474,466.49	\$2,650,992.89

a Credit transfer due to property acquisition by American Federal BOCC made the cash disbursement contingent upon completed construction/correct outstanding deficiencies.
b BOCC deferred action on disbursements to the Constitution Avenue L.I.D. until recommendations could be made by staff. All L.I.D. assessments have been paid.