

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
HERITAGE TODD CREEK METROPOLITAN DISTRICT**

Concerning Installation of Sidewalk Chase Drains in District Right of Way

WHEREAS, Heritage Todd Creek Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to its authority under the District service plan approved on September 23, 2002 the District is responsible for the construction, operation, and maintenance of the public street, sidewalk and right of way improvements (“**Right of Way Improvements**”) located within the District boundaries; and

WHEREAS, pursuant to § 32-1-1001(1)(h) C.R.S., the Board of Directors of the District (the “**Board**”) shall have the management, control and supervision of all the business and affairs of the District including all construction, installation, operation and maintenance of District improvements; and

WHEREAS, pursuant to § 32-1-1001(1)(j) C.R.S., the Board may fix and from time to time increase or decrease fees, rates, tolls, penalties or charges for services, programs of facilities furnished by the special district

WHEREAS, lot grading, drainage flow patterns and swales are established at the time of construction of homes in the District and pursuant to plans approved by the City of Thornton (the “**City**”) and cannot be modified without City approval; and

WHEREAS, homeowners within the boundaries of the District may observe water from sump pumps, irrigation, or natural drainage flowing across sidewalks particularly after rainstorms or when snow is melting and this a natural part of drainage management; and

WHEREAS, homeowner’s, in an effort to control and manage sump pump, irrigation and drainage runoff emanating from his or her lot may desire to install a sidewalk chase drain to convey water from a lot to the gutter without flowing across the sidewalk; and

WHEREAS, despite the fact the Right of Way Improvements are District owned improvements, the City issues all permits concerning any construction or repair work performed in the District Right of Way Improvements; and

WHEREAS, the City has approved a sidewalk chase drain design and specification for use elsewhere within the City; and

WHEREAS, the Board has determined it is in the best interest of the District and its residents to allow a homeowner to manage drainage emanating on his or her lot, by installing a

chase drain and consent to a homeowner, at his or her sole cost, to install a chase drain connecting a homeowner's lot to the gutter on the terms provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HERITAGE TODD CREEK METROPOLITAN DISTRICT AS FOLLOWS:

1. **Purpose:** The purpose of this resolution is to permit homeowners an option to manage water drainage emanating from a lot through the installation of a chase drain and ensure that District Right of Way Improvements are not damaged or degraded in the process of installation.

2. **Permit Required:** No chase drain shall be installed without the appropriate permit issued by the City (the "Permit"). All contractors performing work shall be licensed as required by the City. A copy of the Permit shall be provided by the homeowner to the District prior to work commencing.

3. **Design Specifications:** The District accepts and adopts the City approved chase drain design and specifications attached hereto as **Exhibit A**, as appropriate for use within the District. Homeowners may install chase drains that conform to the City approved design specifications and standards without written design approval of the District. Any design that departs from the approved City design must be approved by both the City and the District Engineer before installation will be allowed.

4. **Homeowner's Sole Cost:** All costs associated with the design, permitting, installation and maintenance of a chase drain in the District boundaries shall be sole responsibility of the homeowner.

5. **Maintenance Responsibility:** The homeowner, and not the District, shall be responsible for the maintenance, cleaning, repair, and replacement of any chase drain, including chase drain covers, that serve a lot. This obligation shall extend to the concrete slab or slabs that a chase drain either bisects or abuts. This maintenance obligation shall pass to any subsequent owner of a home that is served by a chase drain. The District may record a statement detailing this obligation against the property. Homeowners are advised to obtain a warranty from any contractor to ensure work is performed to applicable standards and that installation does not cause subsidence, cracking or deterioration of the District's Right of Way Improvements.

6. **Warranty Agreement:** The District requires any contractor performing work that impacts District Right of Way Improvements to execute the District's two-year warranty to guard against any damage to Right of Way Improvements resulting from the work.

7. **Inspection by District Engineer:** Upon completion of chase drain installation, both the City and the District Engineer shall perform an inspection to ensure that the installation conforms with the City specifications and that any impacted sidewalk slabs or curb and gutter sections have been reinstalled or restored consistent with the original design and specification. Any chase drain or related work that does not conform to the City specifications shall be promptly corrected by the homeowner.

8. **Inspection Fee:** To offset the costs incurred by the District in reviewing and inspecting chase drains to ensure proper installation homeowners shall be assessed a fee of three hundred dollars (\$300) due and payable to the District prior to any work being performed. This fee will be reassessed from time to time based on the rates charged by the District Engineer. Until paid, this fee shall constitute a lien on and against the homeowner's property pursuant to § 32-1-1001(1)(j)(I), C.R.S.

9. **Consistency with City of Thornton Procedure:** It is the intention of the Board that District procedures and administration of the process for installation of chase drains does not disrupt or interfere with the City permitting process. The District, by approving this resolution, does not intend in any way to supplant the design specifications, standards, or authority of the City in regard to permitting work in the District's right of way. The District Manager is empowered to develop procedures that will best effectuate management of the installation of chase drain installation.

ADOPTED THIS 24th DAY OF May, 2021

**HERITAGE TODD CREEK
METROPOLITAN DISTRICT**



President of the District

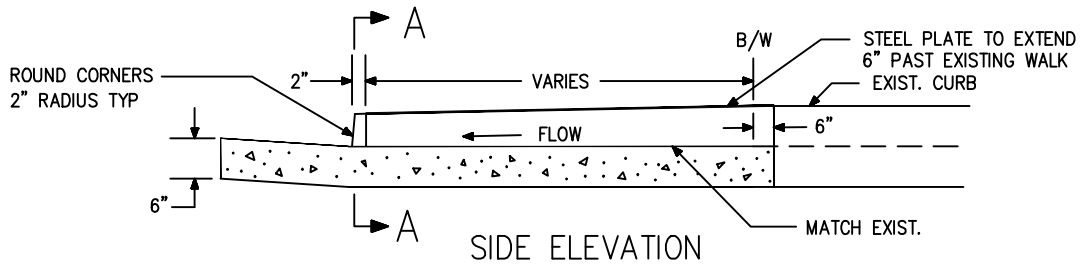
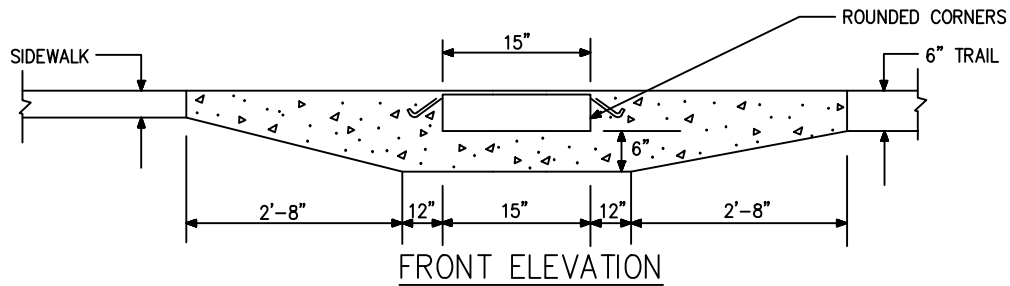
Attest:



Secretary or Asst. Secretary

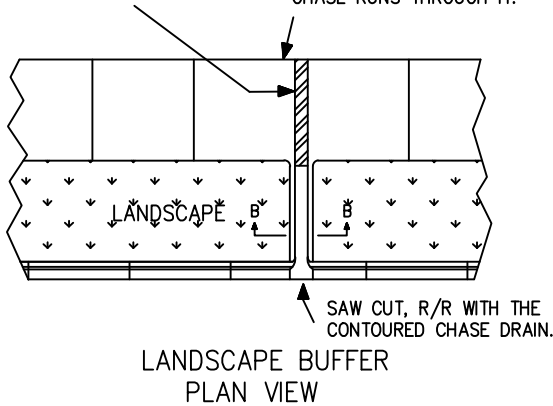
EXHIBIT A

City of Thornton Specification



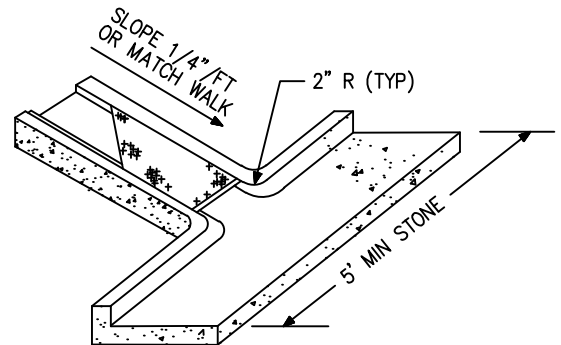
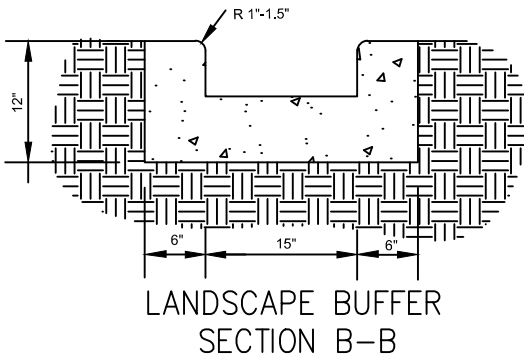
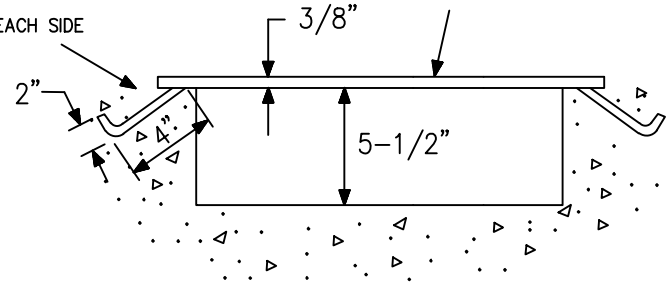
DIAMOND PLATED NON-SLIP
PLATE EXTENDS 6" PAST THE
END OF THE SIDEWALK.

INSTALL A MONOLITHIC SLAB
AND CHASE DRAIN. REPLACE
ENTIRE STONE WHEN THE
CHASE RUNS THROUGH IT.



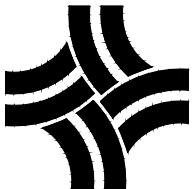
#3 REBAR 6" LONG WELDED
TO PLATE 12" O.C. 3 MIN
EACH SIDE

NON-SLIP RAISED
PATTERN STEEL PLATE
DIAMOND PLATE - GALVANIZED



NOTE:
CONCRETE SHALL CONFORM TO CITY OF THORNTON SECTION 600-CONCRETE.
4500PSI CDOT CLASS D CONCRETE WITH FIBER MESH REINFORCEMENT

N.T.S.



CITY OF THORNTON, COLORADO
STANDARDS & SPECIFICATIONS
CONCRETE SIDEWALK CHASE
DRAIN (FOR COMMERCIAL,
COMMON AREAS, AND DETACHED)

ISSUED:
APRIL 1992
REVISED:
MAY 2010

DRAWING NO.
500-17