



## Legislation Text

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**File #:** Ordinance 03-2017, **Version:** 2

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Agenda Date: 02/21/2017

**Subject:**

An ordinance on second reading approving an Interceptor Transfer Agreement between the city and the Roxborough Water and Sanitation District regarding ownership of a gravity interceptor sewer, terminating easements to Roxborough Water and Sanitation District and granting an access easement to Roxborough Water and Sanitation District

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| Presented By: Mark Relph, Director of Public Works and Utilities |
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**POLICY QUESTION:**

Does city council support accepting ownership of the Roxborough gravity interceptor sewer, terminating easements and granting an access easement to Roxborough Water and Sanitation District (RW&S)?

**BACKGROUND:**

In 2005, RW&S constructed a lift station, force main and gravity sewer to convey wastewater from its customers to a connection with the city's sewer collection system. The gravity sewer begins near the intersection of C-470 and South Platte Canyon Road and extends north to connect to Littleton sewer near the intersection of West Bellevue Avenue and South Santa Fe Drive. Near West Bowles Avenue, another sewer owned by the Platte Canyon Water and Sanitation District (PCW&S) was connected to the RW&S sewer, to eliminate the PCW&S lift station. Both systems are shown on Exhibits B and C.

The PCW&S sewer had a series of problems over the years and was expensive to maintain and repair. The PCW&S sewer also serves part of the City of Littleton located west of the South Platte River and south of West Berry Avenue. To address these problems, the city, RW&S and PCW&S agreed to share the cost of the sewer pipeline via a 2006 agreement (Exhibit D). This agreement (section 9, page 6) waived any financial contribution of the city in the shared pipeline, with the understanding the city would assume the ownership of the entire gravity sewer. Supporting the discussion is a September 9, 2006 Staff Communication to council (Exhibit E).

In January 2015, work began to execute the 2006 agreement and convey the ownership of the gravity line to the City of Littleton. During this time, a significant issue was encountered concerning the transfer of ownership to the city across property owned by the United States Army Corps of Engineers (COE) and its insistence the city hold the COE harmless of liability. State law prohibits the city from indemnifying other parties and the ownership transfer was renegotiated to exclude this section from city ownership (i.e. RW&S will retain ownership as shown in purple - see Exhibit F).

In order to transfer ownership of the gravity line to the city, a series of easements must be granted to the city, as

identified in Exhibit G. Several easements will be voided across property the city already owns, as identified in Exhibit H. In some cases, a “License Agreement” would be granted to the city where the gravity line crosses property owned by Denver Water, Xcel Energy, the Nevada Ditch and Columbine Country Club. Those easements are identified in Exhibit I.

#### **STAFF ANALYSIS:**

The city has a standard sewer service agreement to provide wastewater treatment to all eight sanitation districts it serves, including PCW&S and RW&S. Agreements state each district will operate its collection system to a point of connection with the city’s collection system. Littleton ownership of the RW&S gravity sewer will have the city as the sole owner, which is more in alignment with the other district agreements.

PCW&S previously approved a prior version of the Interceptor Transfer Agreement in May identified as Exhibit K. The agreement has since been revised, and PCW&S will take the revised agreement to its board for approval.

Operation and maintenance of the gravity sewer will become the responsibility of the city. New interceptor sewers of this type require relatively little routine maintenance. Staff believes the maintenance of the gravity sewer can be completed with present staff and equipment. The gravity sewer is less than ten years old and was constructed with modern corrosion resistant materials. It is not anticipated any major replacement or rehabilitation will be required for many years.

Odor from the gravity sewer has occasionally been an issue. RW&S has installed odor control facilities on the lift station and force main, which RW&S will continue to own, operate and maintain on COE property. Maintenance access will be across park space owned by the city and maintained by South Suburban Park & Recreation District as identified in Exhibit J. Routine maintenance access should not negatively affect use of the park. In the event heavy construction is needed at some point in the future, additional temporary construction easements may be required.

#### **FISCAL IMPACTS:**

Transfer of the RW&S gravity sewer to Littleton is proposed at no cost to either party. RW&S has paid all its obligations under its Loan Agreement dated May 1, 2005 with the Colorado Water Resources and Power Development Authority which was a requirement of the 2006 agreement. RW&S has obtained consent to release the confirmation letter from the state (Exhibit A).

Terminating the easements by the city is proposed at no cost to RW&S.

#### **STAFF RECOMMENDATION:**

Staff recommends approval.

#### **PROPOSED MOTION:**

I move to approve on second reading the ordinance authorizing the Interceptor Transfer Agreement between the City of Littleton and the Roxborough Water and Sanitation District, terminating two easements by the City of Littleton in South Platte Park and north of West Bowles Avenue, and granting an access easement to Roxborough Water and Sanitation District by the City of Littleton.