

# STATE OF COLORADO

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## Colorado Water Conservation Board Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Joe Busto  
Watershed Protection and Flood Protection Section

DATE: March 6, 2013

SUBJECT: **Agenda Item #27, March 19-20, 2013 Board Meeting**  
Watershed and Flood Protection Section – Southwest Metro W&S District,  
Request for Temporary Access to CWCB Parcels during A-Line Interceptor  
Rehabilitation

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John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

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### **Background**

The CWCB owns land and flood features along the South Platte just downstream of Chatfield Dam. The CWCB is the non-federal sponsor of a U.S. Army Corps of Engineers (Corps) constructed channel called the Chatfield Downstream Channel Improvement Project (Project).

Attached is a memo from Jacobs Engineering describing the request for a temporary waste water bypass line while repairing the permanent pipeline. Also attached are the CWCB adopted Guidelines and Easement Fee Structure.

From time to time the Board is asked to review and approve easement requests. Examples are: a one mile recreation trail in 2011 and the Roxborough Park Metro District's Interceptor line on the west bank in 2006. These requests were granted 25-year renewable easements and fees were collected pursuant to the Easement Fee Structure. This request is temporary for four months.

### **Discussion and Request**

This temporary pipeline is not in the river channel. The channel contains the regulatory flood flows with freeboard even at max releases from Chatfield. We have submitted this request to the Corps and had preliminary discussions and don't anticipate any issues. The document granting a temporary access easement will need to address liability. The project is "in the general interest of the public" with no permanent impact to CWCB parcels. The minimal fee of five hundred dollars was chosen by staff based on Method III of the Easement Fee Structure.

### **Staff Recommendation**

Staff recommends the Board approve the request by Southwest Metropolitan W&S District and direct Staff and the AGO to draft a temporary access agreement for signature by the Director Gimbel. Staff also recommends the Board approve an easement fee of \$500 based on Method III of the Easement Guidelines.

March 5, 2013

Mr. Joe Busto  
Colorado Water Conservation Board  
1313 Sherman Street, Room 721  
Denver, CO 80203

Subject: A-Line Interceptor Sewer Rehabilitation Project

Dear Mr. Busto:

Jacobs Engineering Group Inc. (Jacobs) is currently under contract with the Southwest Metropolitan Water and Sanitation District (District) for the design of the rehabilitation of their existing A-Line interceptor (A-Line) sewer. An overview of the project is included on Figure 1. The A-Line runs along the east side of the South Platte River from approximately one mile north of Mineral Avenue to Bellevue Avenue for approximately 11,000 linear feet. This interceptor is the main wastewater conveyance pipeline to the Littleton-Englewood Wastewater Treatment Plant for numerous water and sanitation districts and the City of Littleton in the southwest Denver Metropolitan area. Over 25,000 residential and commercial customers within Jefferson, Arapahoe, and Douglas Counties are served by this interceptor.

The A-Line is located within dedicated easements to the District on private property and within public right of way. Where the pipeline is located in private property, the District owns easements along the length of the pipeline for access and maintenance. The width of existing easements is generally twenty feet wide. Jacobs and the District are in the process of negotiating with individual property owners for the temporary use of properties outside of the District's existing easements where necessary for rehabilitation of the A-Line. No part of the existing A-Line is located within any properties owned by the Colorado Water Conservation Board (CWCB) and there are no existing easements or agreements between the District and the CWCB regarding the A-Line Interceptor sewer. We have identified several areas where temporary use of CWCB property is desired for access to the alignment and placement of temporary facilities that will be necessary for the rehabilitation of the interceptor. The District is requesting access to and temporary use of CWCB property for the execution of the A-Line rehabilitation project. The affected parcels where access is proposed are shown on the attached draft A-Line Interceptor Sewer Rehabilitation Construction Drawings. There are no new facilities or permanent improvements within CWCB property proposed as a part of the project. The proposed activities are further described as follows:

#### Description of Work

This existing concrete A-Line Interceptor sewer pipe is experiencing severe corrosion and must be rehabilitated to prevent further deterioration, failure, sewer backups and environmental damage including a potential wastewater discharge into the South Platte River. The District has chosen the least obtrusive method of pipeline rehabilitation available, utilizing a cured-in-place pipe (CIPP) lining process. The CIPP installation is accomplished by inserting a resin saturated liner into the existing interceptor under pressure. The liner is then heated and cured to form a hardened, corrosion resistant pipe, within the existing interceptor. The CIPP installation process

requires that the host pipe be free of flow and cleaned prior to installation of the new liner. To accomplish this, while maintaining service to the tributary areas, a pumped bypass line is temporarily installed to convey flows around the project area. The bypass system involves setup of pumps at an upstream manhole and placement of bypass piping along the segment of interceptor being rehabilitated, which then discharges to a downstream manhole. The bypass piping will most likely be a fused 24-inch diameter HDPE pipe which is laid on grade. Minor excavation may be required at locations where the bypass piping crosses bike paths and other surface features to maintain path use and/or access. There are two roads in the project area which the bypass piping will need to cross; West Bowles Avenue and South Prince Street. At both road crossings, there are existing bridges over the South Platte River. Our intent is to lay the bypass piping parallel to the existing concrete bike path which runs along the east side of river. At the two road crossings, the bypass piping would pass under the bridges adjacent to the path. Photos of the two road crossings are provided in Figures 2 and 3. For reference, Figure 4 shows a typical installation of an 18-inch bypass pipe at a road crossing on the recently completed D-Line Interceptor Sewer Rehabilitation project performed by Jacobs for the District.

#### Coordination with South Suburban Parks and Recreation District

In all of the areas where access is requested to CWCBC parcels, the South Suburban Parks and Recreation District (SSPRD) owns and maintains the Mary Carter Greenway Trail; a 10 foot wide concrete bike path running along the east side of the South Platte River. We are coordinating with the SSPRD for similar access. Maintenance and restoration of their trail and surrounding areas will be provided as part of the A-Line project. We worked with the SSPRD in areas of the South Platte and Reynold's Landing Parks on the recent D-Line Interceptor Sewer Rehabilitation Project. Coordination was ongoing from preliminary design through completion of construction and restoration. We anticipate a similar level of involvement with SSPRD on the A-Line project. On the A-Line project, we will work to identify schedule requirements, work hours, bike path access, and restoration requirements to address the concerns of the SSPRD. Once project requirements have been identified, they will be included in a temporary access permit from the SSPRD and incorporated into the project contract documents. Upon completion of the restoration work, all disturbed areas of the project will be restored to a condition equal to or better than what existed prior to the beginning of the project.

#### Schedule

The project is currently in the design stage and we anticipate advertising the project for construction bids in or around May 2013. Construction is anticipated to occur from July 2013 through December 2013. Bypass pumping is typically done in multiple segments within the overall project. The project may be divided into large segments, resulting in long runs of bypass piping which remain in place while the rehabilitation work is underway on the corresponding reaches of the sewer; or it may be performed in smaller segments which are relocated more frequently as work progresses. To the greatest extent possible, our intent is to allow the selected contractor to determine their own means and methods of interceptor rehabilitation and bypass piping installation. The phasing of the project within the overall project schedule and determination of the approach to bypass pumping will be the contractor's responsibility. The bypass piping proposed to be located within the CWCBC properties is not anticipated to be in place for the entire duration of project construction, but the specific windows of time will not be known until after an installing contractor is selected. Additionally, it is anticipated that access to other areas of the project through CWCBC parcels may be required throughout the duration of the project.

Coordination with the U.S. Army Corps of Engineers

The CWCB parcels affected by this project are a part of the U.S. Army Corps of Engineers (USACE) South Platte River Downstream Channel Improvements Project Flood Risk Reduction Project (FRRP). Jacobs is in the process of submitting the required documentation to certify that there will be no adverse impact to the FRRP. The critical area of the FRRP is the area designed to convey a 5,000 CFS flood event in the South Platte River. This area is contained entirely within the riprap lined river channel. We are not proposing placement of any temporary bypass piping within the riprap lined channel. Nor do we anticipate any other impacts, temporary or otherwise, to the critical area of the FRRP. We will continue to work with you as the local sponsor of the FRRP to obtain approval from the USACE as necessary to move forward with this critical project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chad Weaver', is positioned above the printed name.

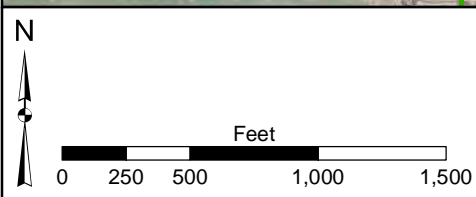
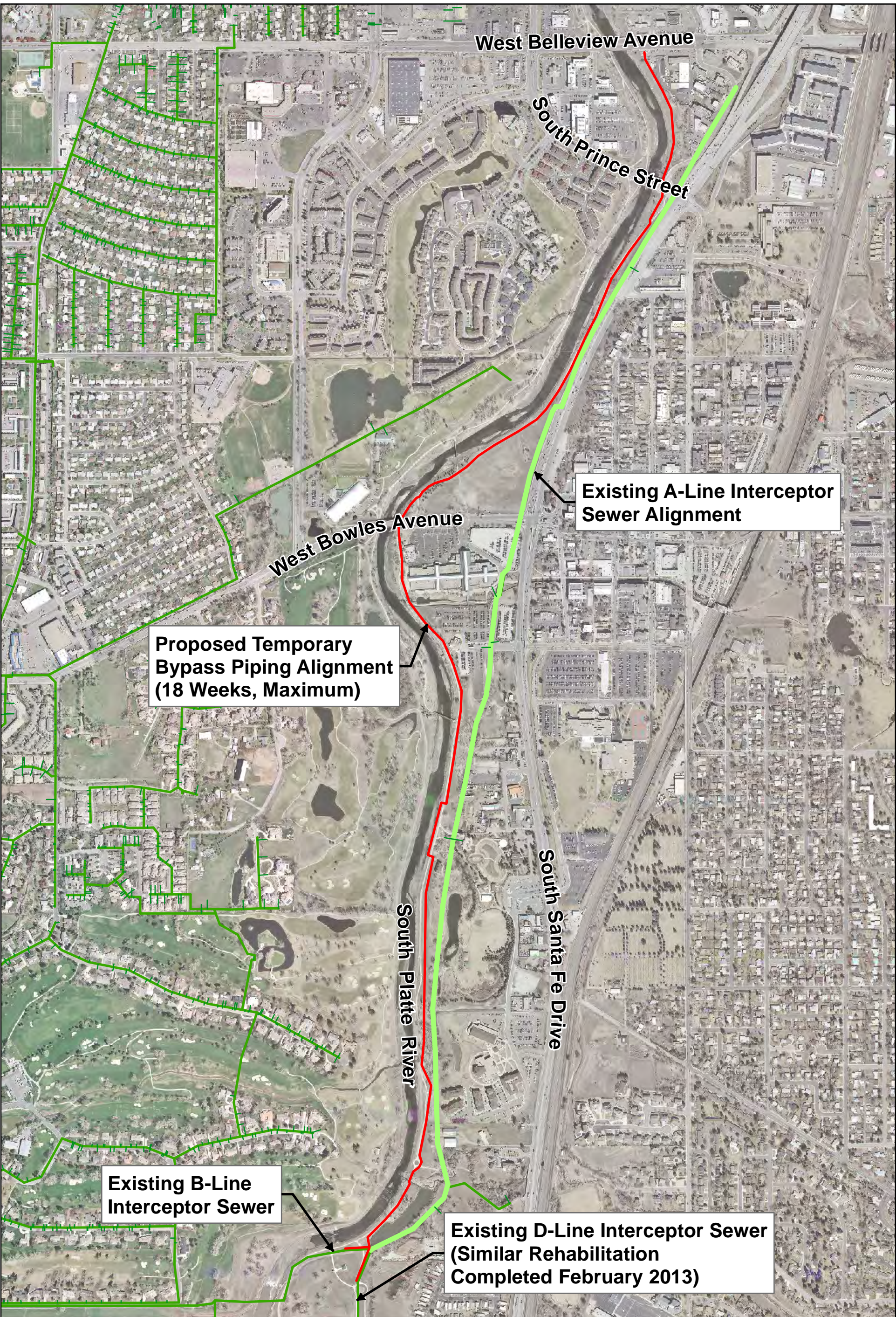
Chad Weaver, PE  
Project Engineer

CW/llw

Cc: Patrick Fitzgerald, Southwest Metropolitan Water and Sanitation District  
David Vidikan, Jacobs

Enclosure(s)





**A-Line Interceptor Sewer Rehabilitation Project**  
Figure 1 - Project Overview  
March 5, 2013  
**JACOBS**





**Figure 2. Existing Bridge at S. Prince Street**



**Figure 3. Existing Bridge at W. Bowles Ave.**



**Figure 4. Typical Installation of 18-inch Diameter Bypass Piping at Road Crossing**



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## **Chatfield Downstream Channel Improvement Project Easement Fee Structure March 6, 1996 Updated May 13, 2005**

Bill Owens  
Governor

Russell George  
Executive Director

Rod Kuharich  
CWCB Director

Dan McAuliffe  
Deputy Director

### **BACKGROUND**

At the November 6-7, 1995 and January 24-25, 1996 Board Meetings, several easements on land owned by the CWCB (Right-Of-Way) along the Chatfield Downstream Channel Improvement Project (South Platte River) were approved by the Board. Following the approvals, the Board directed staff to develop a fee structure to be used as consideration for CWCB granting of easement requests. At the March 23, 2005 Board meeting, staff was directed to review and make recommendations regarding the "Chatfield Downstream Channel Improvement Project Easement Fee Structure" dated March 6, 1996.

### **DISCUSSION**

CWCB staff consulted with the following five entities that have experience in granting easements and charging fees for said easements: 1) City of Fort Collins (Stormwater Utility); 2) City of Littleton; 3) Urban Drainage and Flood Control District (UDFCD); 4) Colorado State Land Board; and 5) Colorado Attorney General's Office. Based on those discussions, the following fee determination methods were developed:

### **Methods for Computing Easement Fees for CWCB Right-Of-Way**

#### **Method I – Market Value Method (Unchanged from the 1996 method)**

This method shall consider the market value of the subject site. It will require an appraisal or market survey to determine what is the fair market value for the easement based on comparable land values in the area at the time of negotiations. The applicants must provide these appraisals/surveys to the Board in order to establish the fair market value for the subject property. Considerations are:

1. The cost of said appraisals/surveys will be borne by the applicant.
2. Maximum term of easement is twenty-five (25) years.
3. The easement value (fee) is computed as follows:



- Step 1:** Determine the unit market value of property (square feet or acres).
- Step 2:** Determine size (area) of impacted CWCB Right-Of-Way.
- Step 3:** Select an easement class factor from the Land Use Compensation Schedule (see note below) which considers the development potential of the site.
- Step 4:** Determine easement fee: Value = (Unit market value rate) X (area in sq. ft. or acres) X (easement class factor).

Note: The easement fee is a one-time lump sum payment. The easement is renewable in (25) years, and consideration for renewal will be the computed amount adjusted for inflation. If the computed fee is less than \$250, a minimum charge of \$250 will be assessed. The Land Use Compensation Schedule is part of the “Contracts and Procurement Code Manual, Office of the Attorney General, June 9, 1988” on file at the CWCB offices. Approved easements by the CWCB will include a revocable clause in the contract.

#### **Method II(A) – Drainage Value Method (Unchanged from the 1996 method)**

This method shall use an established standard rate that will be used equally for all easement applications regardless of the location of the easement. The method is applicable when a floodwater discharge is passing over or through an existing or newly constructed project feature or facility (e.g. weir, culvert, pipe, inlet box, spillway or other structural design feature). Easement fees will not be assessed for the passage of floodwaters over natural conveyance paths or man-made earthen channels. Considerations are:

1. Maximum term of easement is twenty-five (25) years.
2. The easement value (fee) is computed as follows:

- Step 1:** Use a standard easement rate of \$1.00 per square foot (or updated amount based on UDFCD criteria at the time of the application).
- Step 2:** Determine size (area) of impacted CWCB Right-Of-Way.
- Step 3:** Determine easement fee: Value = (\$1.00 per sq. ft.) X (area in sq. ft.)

Note: The easement fee is for a one-time lump sum payment. The easement is renewable in 25 years, and consideration for renewal will be the computed amount based on adjusted unit rates. If the computed fee is less than \$250, a minimum charge of \$250 will be assessed.

### **Method II(B) – Impact Method (Updated for the 2005 Method)**

This method shall consider the percentage of impact that will be realized to the CWCB lands for the proposed use. The Base Real Estate Value of the CWCB right-of-way lands will be multiplied by the percent impact value. The CWCB shall establish the Base Real Estate Value for its lands based on actual data, discussions with adjacent land owners, and communications with interested agencies (e.g. UDFCD, XCEL Energy, local governments, and others who perform similar activities). Considerations are:

1. Maximum term of easement is twenty-five (25) years.
2. The easement value (fee) is computed as follows:

**Step 1:** The Base Real Estate Value rate shall be ten dollars (\$10.00) per square foot.

**Step 2:** Determine the percent (%) impact value for the requested use per complete application:

- a. Drainage pipes and structural design features – 50%.
- b. Water and sewer line and related structures and systems – 50%.
- c. Recreational uses and structures -50 to70%.
- d. Fences and paved surface area – 70%.
- e. Power lines – 80%.
- f. Private use structures (patios, decks, storage areas, parking lots, access roads, etc.) – 90%.

**Step 3:** Determine easement fee: Value = (Base rate @ 10.00 sq ft.) X (Impact %) X (area in sq. ft.).

Note: The easement fee is a one-time lump sum payment. The easement is renewable in 25 years, and consideration for renewal will be the computed amount based on adjusted base rates. Approved easements by the CWCB will include a revocable clause in the contract.

### **Method III – Governmental Public Works Facility (Amended 2005)**

In the event that CWCB determines that an easement is in the best interest of the State and/or the public, the Board may consider a special fee for a governmental entity. This type of request will generally be for special purposes or will involve public benefits. The recommended fee for Method III is five hundred (500) dollars. The CWCB, at its sole discretion, may waive the fee on behalf of the applicant.

### **BOARD ADOPTION**

The Board adopted this Easement Fee Structure at its May 2005 meeting.



**Colorado Water Conservation Board**  
**Flood Protection Section**  
**Easement Guidelines for the Chatfield Downstream**  
**Channel Improvement Project**  
**November 2001**

**Background**

The Colorado Water Conservation Board has been receiving and acting on requests for easements on land owned by the CWCB as part of the Chatfield Downstream Channel Improvement Project. The Board requested that staff develop guidelines to assist with the administration of easement requests for the property owned by CWCB.

In the 1980s, the United States Army Corps of Engineers (Corps) constructed the Chatfield Downstream Channel Improvement Project (Project). The Project consisted of improvements to the flow of water in the channel of the South Platte River in Arapahoe County to provide (1) drainage (2) flood control, and (3) water flow. As part of its participation in the Project, the CWCB currently owns and controls approximately 7 miles on the South Platte River floodplain and Channel Lands through Littleton, Colorado in Arapahoe County. The CWCB's management of this land is subject to the terms of the September 7, 1977 and January 29, 1980 Agreements (Corps Agreements) between the CWCB and the Corps, which obligate the CWCB to operate and maintain the Project improvements. On May 5, 1997, the CWCB entered into a Contract for and Conveyance of Easement with the South Suburban Park and Recreation District ("South Suburban Contract") that conveyed an easement to South Suburban for certain recreational facilities.

The Board receives easement requests from utility companies, special districts, developers, engineers, municipalities, environmental and recreational groups and individuals. In evaluating such easement requests, the CWCB will use the following guidelines.

**Guideline considerations**

1. No easement shall be granted to any party except by action of the Board in a regularly scheduled Board Meeting.
2. The CWCB shall evaluate all easement requests in conformance with its obligations under the Corps Agreements. No easement may interfere with flood protection and public safety.
3. For all easement requests, the CWCB shall consider impacts to its obligations under the South Suburban Contract. CWCB staff should be contacted to obtain a map that shows the management areas for the Recreation Lands and Flood Conveyance Lands under the South Suburban Contract.
4. Upon receipt of an easement request, the CWCB staff will acknowledge the request by sending a confirmation letter to the applicant, scheduling a field inspection and preparing a field report that will be attached to staff's request to the Board for action on the request.

5. Formal Easement requests submitted to the CWCB must include the following items which must be received by CWCB staff no later than 30 days prior to the scheduled Board meeting at which the applicant seeks Board consideration:

- A) A completed easement application form.
  - B) A detailed explanation of the proposed purpose and use(s) of the easement.
  - C) A site-survey prepared by a licensed surveyor of the property covered by the proposed easement.
  - D) The proposed grantee shall transmit a copy of an easement request letter and full application packet to the following parties: 1) The U.S. Army Corps of Engineers-Omaha District, 2) the Urban Drainage and Flood Control District, and 3) The South Suburban Parks and Recreation District. Mailing addresses can be obtained from the CWCB.
  - E) For all drainage easement requests, a site drainage study and plan must be completed.
  - F) Easement requests within the 100-year floodplain of the Chatfield Downstream Channel Improvement Project must include a hydraulic analysis. The analysis will show any flood conveyance impacts of the proposed feature within the requested easement.
  - G) A written statement demonstrating awareness of and compliance with the applicable local, state and federal environmental and floodplain regulations pertaining to the property covered by the proposed easement.
6. Any and all easements granted shall be for a maximum term of 25 years but are eligible for to be renewed upon Board approval.
7. The CWCB may charge fees for easements in accordance with the easement fee structure, which may be amended by the CWCB from time to time.
8. In determining whether to grant an easement and in determining the fee charged for an easement, the CWCB may consider, but is not limited to consideration of, the following factors:
- A. Whether the requesting party is a:
    - 1) Governmental body,
    - 2) Private governed utility, or
    - 3) Private entity.
  - B. Whether the area under, upon, or over which the easement is requested is:
    - 1) An undeveloped area that will never be developed,
    - 2) An undeveloped area held primarily for future development,
    - 3) A developed area with minimal usage, or



- 4) A developed area with heavy usage.
  - C. Whether use of the easement by the requesting party would:
    - 1) Restrict or require a change in the current use of property, or
    - 2) Require maintenance and repairs that would interfere with other uses of property by the CWCB or other entities.
  - D. Whether the granting of the easement will adversely affect CWCB activities, functions or programs directly or indirectly related to the proposed easement property.
  - E. Whether the granting of the easement is in the best interest of the CWCB and the State of Colorado.
  - F. Whether there is a viable alternative for the easement on adjacent or nearby property not owned by the CWCB.
  - G. Whether the requesting party will agree to be responsible for maintaining improvements on or under the proposed easement property such as underground pipe, etc. for the term of the easement.
- 9. All easement documents shall be reviewed by the Attorney General's Office prior to the execution of such documents by the Director.
  - 10. The CWCB will not approve easement requests for permanent structures such as buildings, storage facilities, or decks.
  - 11. The CWCB will review easement requests that involve facilities such as drainage structures, parks, trees, benches, trails, and other public amenities on a case-by-case basis.
  - 12. The CWCB may waive all or part of the fees usually charged for an easement if it determines that an easement would benefit the State and /or the public.

### **Other considerations**

The CWCB may grant approval for temporary construction and access easements that have no permanent impact on the property involved. The CWCB may consider factors other than those listed herein when reviewing easement requests.