

GRANT WATER AND SANITATION DISTRICT
UNDERDRAIN VARIANCE AGREEMENT

This Agreement is made this _____ day of _____, _____, by and between GRANT WATER AND SANITATION DISTRICT, a Colorado special district organized and existing pursuant to C.R.S. § 32-1-1001 et seq. (GW&SD), and _____, a _____ (Developer).

R E C I T A L S

WHEREAS, the Rules and Regulations of GW&SD require all developments within the District to be equipped with underdrains, except when a variance is appropriate based on geotechnical information, impacts, if any, on other property in GW&SD and other engineering considerations; and

WHEREAS, Developer has submitted to the GW&SD engineer an application for such a variance, supported by appropriate geotechnical and engineering information, and showing that the granting of such a variance will not affect other property within GW&SD; and

WHEREAS, the improvements to be constructed by Developer are [commercial slab construction] [multifamily residential slab construction] [single family residential construction] [other construction (specify) _____].

NOW THEREFORE, in consideration of GW&SD granting to Developer a variance from its requirement that underdrains be installed for all construction within GW&SD, and the undertakings of Developer hereunder, it is agreed as follows:

1. Developer has obtained the opinion attached hereto as Exhibit A from its engineers, _____, stating that underdrains are not required for the control of groundwater runoff around foundations or perched groundwater in its _____ project to be constructed on the property described on Exhibit B attached hereto and that neither Developer nor others owning property adjacent to or near the property of Developer will be injured if Developer does not provide such underdrains. Developer agrees that GW&SD may rely on the opinion attached as Exhibit A, which contains an acknowledgment by the opining engineers that GW&SD may rely upon such opinion.

2. Developer agrees to indemnify and hold harmless GW&SD from any and all claims and demands or liability whatsoever arising out of or encountered in connection with Developer's failure to install an underdrain system or GW&SD's granting of a variance to Developer in accordance with Developer's request for such variance.

3. GW&SD hereby grants to Developer a variance from its requirement that underdrains be installed for all development within the District and agrees to permit the construction of Developer's improvements without installation of an underdrain system.

GRANT WATER AND SANITATION DISTRICT

ATTEST:

By: _____

President

Secretary

(Developer)

By: _____

RECOMMENDED BY:

SEH, Inc.

District Engineer _____