

**MEMORANDUM OF UNDERSTANDING**  
**as between**  
**the DEPARTMENT OF PARKS AND RECREATION**  
**and the DEPARTMENT OF PUBLIC WORKS**

This Memorandum of Understanding (MOU) recognizes that the citizens of Denver are best served if the Departments cooperate and offer mutual support towards common goals while understanding that certain aspects of those goals may not be entirely compatible with respect to the Charter purposes and missions of each Department. The purpose of this MOU is to engender understanding and collaboration of the part of both Departments and to clarify their roles and responsibilities with respect to achieving the goals and results set forth in this MOU.

Through evaluations conducted by the Department of Public Works (Public Works) and Urban Drainage and Flood Control District (UDFCD), it has been discovered that, within the Montclair Drainage Basin in Denver (Drainage Basin), certain areas contained within City Park and City Park Golf Course (City Park) have provided over time, as the Drainage Basin was developed, significant but inadvertent flood routing and impoundment capabilities which reduce the 100-year flood discharge downstream towards the South Platte River and provides substantial flood protection benefits to properties and infrastructure located downstream in the Drainage Basin.

This beneficial impact of this inadvertent flood routing and impoundment within City Park (Inadvertent Detention) was not planned or designed (except for detention features of Ferril Lake in City Park) but rather was just a consequence of certain open space and water features in City Park providing this unintended and short-term 100-year flood routing and impoundment.

Due to the significant public benefit resulting from this Inadvertent Detention, the Department of Parks and Recreation (Parks) and Public Works desire to set forth certain understandings, practices and procedures that will preserve this benefit or provide other means by which such benefit can be assured.

Goal. It is acknowledged and agreed that the goal is to preserve the overall existing 100-year flood detention and discharge capacity currently existing within City Park or by other means, while allowing new or changed uses within City Park.

Location. Attachment 1 to this MOU consists of aerial maps depicting City Park within which are locations demarcated to show the area, with acreage calculations and assumed depth and detention storage capacity that will reduce the 100-year flood discharge downstream (Detention Areas). Parks and Public Works acknowledge and agree that these Detention Areas are the subject of this MOU. Portions of City Park located outside the Detention Areas (and in particular the Zoo, the Museum of Nature and Science, the Pavilion, and the City Park Golf Course Clubhouse) are not subject to this MOU and will not be utilized to achieve the goals of this MOU without the prior written consent of Parks. By mutual agreement of Parks and Public Works, the Detention Areas may be increased or decreased in size or relocated to other areas of City Park and possibly outside of City Park; whereupon Attachment 1 will be modified to reflect the newly agreed Detention Areas.

Inadvertent Detention MOU for City Park  
Parks/Public Works

Master Plan. Parks and Public Works agree to cooperatively participate in the development of a master plan for the Drainage Basin which will address plans and strategies for assuring the continued reduction of the 100-year flood discharge downstream while protecting the future use and development of City Park as a park and golf course. The Master Plan will balance and fairly consider the needs and mission of each Department along with the overall public good. The Master Plan, as approved by Parks and Public Works, may amend the Detention Areas depicted in Attachment 1, may further delineate whether the type of projects that are classified as Minor Project or a Major Project as provided below, and may prescribe mutually acceptable practices and procedures in addition to or in replacement of those set forth below.

Minor Project. It is acknowledged and agreed that a project of a minor nature or involving de minimus impacts (Minor Project) may be undertaken by Parks within the Detention Area without any action under this MOU. Minor Projects generally involve plans to make physical changes to the Detention Areas that result in an one percent (1%) or less reduction of the existing volume available for current detention storage and include, but are not limited to, minor amenities and flatwork not resulting in notable elevation changes such as park benches, lighting, signs, informational kiosks, sidewalks and trails, small amounts of earthwork, tree planting or removal, flower beds, turf maintenance, and the like.

Major Project. It is acknowledged and agreed that a project of a major nature, involving significant construction or grading, which would notably impact the ability of a Detention Area to provide the level of 100-year flood discharge control that the Detention Area has historically provided (Major Project) may be undertaken by Parks within the Detention Area only upon satisfaction of the practices and procedures set forth in this MOU. Major Projects generally involve plans to make physical changes to the Detention Areas that result in more than an one percent (1%) reduction of the existing volume available for current detention storage and include, but are not limited to, buildings, grade changes, vertical structures, and new or larger greens and tee boxes. Specifically for earth work, if the total volume exceeds 0.36 acre-feet (581 cubic yards) within the area of the City Park Duck Pond Detention Area or 0.418 acre-feet (647 cubic yards) within the City Park Golf Course Detention Area, as depicted on Attachment 1, then the earth work project would be regarded as a Major Project.

Dispute. Any dispute between Parks and Public Works as to whether a given project is a Minor Project or a Major Project will be resolved through discussions between the Manager of Parks and the Manager of Public Works. Should the Managers be unable to resolve the dispute, the matter will be referred to the Mayor for a final decision.

Mitigation. A Major Project located within a Detention Area will typically require mitigation measures to be undertaken to adequately address the impacts of the Major Project on the overall existing 100-year flood detention and discharge capacity currently existing within a Detention Area and to assure that such measures are taken to avoid potential adverse impacts downstream during a 100-year flood event (Mitigation).

Review. Well in advance of the time when design and construction plans are to be initiated, a conceptual plan will be prepared by Parks or its agent depicting the primary elements of the

Inadvertent Detention MOU for City Park  
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Major Project within the Detention Area and will be submitted to Public Works or its agent for review. Public Works will promptly proceed to review the conceptual plans (in conjunction with UDFCD, if appropriate) to evaluate the 100-year flood detention and discharge impacts of the Major Project within the Detention Area and to prepare a detailed written analysis of the anticipated impacts and the Mitigation that be required in order for the Major Project to proceed. Appropriate Parks and Public Works staff will meet to discuss the conceptual plan and the Public Works analysis and endeavor to reduce impacts and the costs and scale of Mitigation.

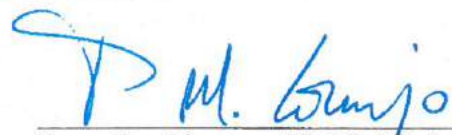
Resolution. Parks and Public Works staff will strive to achieve a resolution that will allow the Major Project to proceed to design and construction plans with appropriate Mitigation (Resolution). Public Works will bear all costs associated with drainage analysis and grading design. Mitigation can be achieved, upon mutual agreement, through modifications to or relocation of Detention Areas within City Park or elsewhere. The Resolution will be reduced to writing and signed by the Manager of Parks and the Manager of Public Works. If Parks and Public Works staff cannot reach such a Resolution, the Dispute will be handled as set forth above. Mitigation costs associated with the City Park Golf Course should not impact the golf enterprise fund.

Design and Construction Plans. Upon Resolution or completion of the Dispute process, Parks will cooperate and collaborate with Public Works in proceeding to prepare or have prepared the design and construction plans for the Major Project. To the extent mutually agreed, the Mitigation for the Major Project shall be incorporated into the design and constructions approved by Parks and Public Works for the Major Project. Parks and Public Works shall continue to cooperate and collaborate with respect to the implementation of the approved design and construction plans.

Operation and Maintenance. As part of the Resolution, Parks and Public Works will mutually agree to how operation and maintenance of any new drainage or water quality structures or features resulting from the Mitigation (Drainage Structure). Public Works will typically assume responsibility for the costs and conduct of the operation and maintenance of a resulting Drainage Structure, subject to coordination with Parks' operations and use of the Detention Area as a park or golf course. If so agreed that Parks will maintain other drainage or water quality features, such as a pond or a wetlands, then Parks and Public Works will agree as part of the Resolution as to how the costs of operation and maintenance will be shared.

So agreed this 20 day of August, 2014.

  
Executive Director of Parks and Recreation

  
Executive Director of Public Works



**I-70 PCL - MULTI AGENCY TECHNICAL TEAM  
EXISTING INADVERTENT DETENTION APPROXIMATION  
CITY PARK DUCK POND AREA**



Denver Zoo

Duck Pond

Ferrill Lake



**100-Year Inadvertent Detention  
Assumed for Modeling/Agreements**

Area = 6.0 acres  
Assumed Depth = 6 feet  
Detention Storage = 36 ac-ft

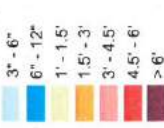


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 EXISTING INADVERTENT DETENTION APPROXIMATION  
 CITY PARK GOLF COURSE



Exhibit B

100-Year Maximum  
 Flood Depths\*



\*Based on 10-foot FLO-2D  
 Computational Grids

City Park Golf Course



100-Year Inadvertent Detention  
 Assumed for Modeling/Agreements  
 Area = 8.4 acres  
 Assumed Depth = 5 feet  
 Detention Storage = 41.8 ac-ft