



# Parks & Open Space

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## PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, June 23, 2022

Location: Virtual Meeting

<b>TO:</b>	Parks & Open Space Advisory Committee
<b>FROM:</b>	Don Durso, Land Officer
<b>AGENDA ITEM:</b>	Haley, Macy (Doris), and Smith (Joe)-2022 CDOT Takings for US Highway 287 and CO Highway 52 Improvements
<b>DATE OF MEMO:</b>	June 13, 2022
<b>ACTION REQUESTED:</b>	Recommendation to the BOCC

*For much longer than Parks & Open Space's history of stewarding open space, the land in this community has been important to the diverse Indigenous communities that continue to thrive here. We are partnering with Indigenous people to make meaningful changes to how we do our work that include Indigenous people, incorporate their perspectives, and honor their land stewardship legacy.*

### **Summary**

The Colorado Department of Transportation (CDOT) proposes to acquire three fee parcels and two permanent easements to enlarge and improve the intersection at US Highway 287 and CO Highway 52 in Boulder County. These takings are located on three Boulder County Open Space properties: the Haley property at the southeast corner, the Macy (Doris) property at the southwest corner and Smith (Joe) property at the northwest corner.

Additionally, Boulder County holds a conservation easement interest in the property located at the northeast corner (formerly part of the Smith (Joe) property now owned by Julius Van Thuyne). CDOT proposes to acquire one fee parcel and one permanent easement on that property. Negotiations related to value are currently underway between the owner and CDOT. A partial release of the conservation easement is necessary for the area impacted by those takes.

### **Background Information**

CDOT is planning a highway improvement project at US Highway 287 and CO Highway 52 to create a safer intersection. Drainage and irrigation infrastructure improvements will be made throughout the area which CDOT will reconstruct at their cost. In addition, utilities (fiber-optic and electric) will be relocated.

In order to accommodate this project, CDOT' is proposing acquisitions consisting of 1.95 acres of fee area and 0.6 acres of easement area, which generally consist of narrow strips of land paralleling the two roads, and areas adjacent to the intersection (please see the maps attached at the end of this memo). The improvements will also require a release of 1.2 acres of the conservation easement on the Smith (Joe) property.

CDOT has condemnation authority over Boulder County, so the county is legally unable to prevent this project. Boulder County prefers to cooperate informally with CDOT in these

instances to negotiate fair compensation rather than a full formal condemnation process that is more costly and time-consuming for both parties. CDOT is being cooperative in meeting staff's requests designed to protect natural resources as much as possible.

The county will be entitled to the proceeds for the fee and easement takings. CDOT and the county will coordinate to protect and preserve the open space interests, minimize site disturbances, and provide reclamation standards to the extent practicable.

### **Value of Takings**

CDOT is required to provide just compensation for the takings. The county and CDOT have negotiated \$216,800 for the fee and easement areas, and the county believes this is an appropriate value. Once the value of the takings of the Smith (Joe) conservation easement property has been determined, the County will be paid its share.

### **Public Process**

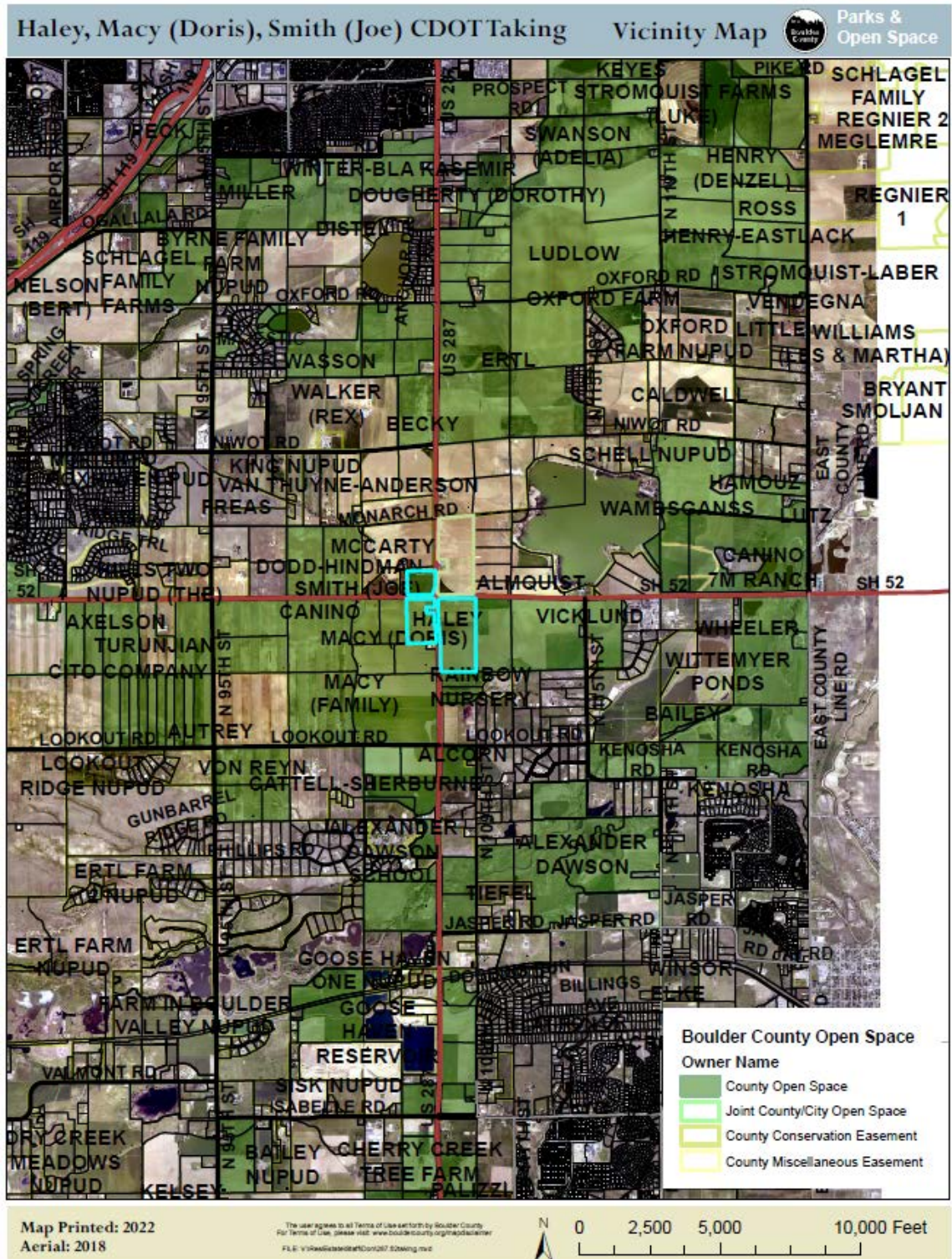
The terms of the resolution creating the sales tax that was used to purchase the three Open Space properties require specific procedures be followed to dispose of this property, including adjacent property owner notification, newspaper notice, and a 60-day waiting period following county commissioner approval.

### **POSAC Action Requested**

Recommendation to the Boulder County Commissioners for approval of the disposition of the fee and easement areas as described above and as further described by staff at the POSAC meeting.

Suggested motion language: I move approval of the disposition of the fee and easements as staff has described.

**Vicinity Map - Haley, Macy (Doris) and Smith (Joe) Open Space Properties**



Depiction of the General Locations and Shapes of the Takes

