



Parks & Open Space

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BOCC PUBLIC HEARING

Time/Date of Meeting: 11:30 a.m., Tuesday, January 9, 2024

TO: Board of County Commissioners
FROM: Janis Whisman, Real Estate Division Manager
AGENDA ITEM: 2023 Real Estate Division Annual Report
ACTION REQUESTED: Information Only

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. Parks & Open Space operates within modern legal constructs of land ownership to steward Boulder County open space and accomplish these efforts on behalf of our community.

This memo summarizes the Real Estate Division's 2023 accomplishments. I look forward to presenting this information at the public hearing and answering any questions you may have.

Acquisitions

At any given time, the Real Estate Division is working with willing landowners on approximately 100 potential acquisition projects, including new acquisitions and conservation easement amendments.

In 2023, Boulder County invested a net of \$2,888,210 for 430 acres. This included completing grant requirements and receiving \$1,500,000 in reimbursement from Great Outdoors Colorado for the 2022 Heil Valley Ranch-SLB Parcel acquisition. The county completed eight acquisitions: three fee properties, two conservation easements, along with one conservation easement amendment and two water-only acquisitions protecting a total of 32,254 shares of priority agricultural water rights in the Goodhue, Davidson, and Hake ditches. The year's most significant acquisitions were:

- Adam Dairy Farm CE: The county partnered with the City of Longmont to purchase this 124-acre property in Weld County. The city acquired the fee interest for \$5.5M and granted a conservation easement to Boulder County for its \$2M partner investment. The property connects other City of Longmont open space from Union Reservoir to St. Vrain State Park and will enable Longmont to create a future public recreation trail connecting the two parks.
- Canyon Creek Property: The county acquired fee title to this 201-acre property in the South St. Vrain/Highway 7 Canyon. The property sits adjacent to the county's Adams-Cowger open space property and US Forest Service land and has a View Protection Corridor score of 5 (5 is the highest score on scale of 0-5). The property lies within the South St. Vrain Environmental Conservation Area and the South St. Vrain B2 High Biodiversity Significance Area. Portions of the property contain Zone 3 for Prebles Meadow Jumping Mouse (Suitable Contiguous Habitat), Significant Natural Communities and Wetlands, and Riparian Habitat Connectors.

- Kupfner Water: The county acquired the final 1/8 interest in the Hake Ditch in Superior. The county already owned the 7/8 of this ditch. The Town of Superior requested this acquisition because doing so would shorten the ditch, thereby allowing an area of town to be rebuilt from the Marshall Fire without having to accommodate a longer ditch to the Kupfner property. The City of Boulder contributed funding and co-owns the 1/8 interest. The town contributed the majority of funding but elected not to co-own the 1/8 interest.

Dispositions

At any given time, the Real Estate Division is working on about 50 disposition projects. The majority of open space dispositions are temporary and permanent takings by entities with condemnation power over the county.

In 2023, Boulder County received \$111,687 in proceeds from condemnation takings. The county completed eight disposition projects that included two non-exclusive easements, two fee title transfers with deed restrictions, and two full dispositions. The year's most significant dispositions were:

- Chambers and Meyer Flood Buyout Properties: The county transferred these properties to the City of Boulder's open space program. The county used federal funds to acquire these former residential lots from willing sellers following the 2013 Flood. The properties lie adjacent to city open space, making city ownership and management most suitable for them. Federal regulations allowed the transfer to the city (a qualified entity) and grant restrictions required a no-cost conveyance.
- Walden Ponds Open Space: The City of Boulder took 3.613 acres of non-exclusive easements through Walden Ponds to install new sewer lines serving the city's sewer facility north of Walden Ponds.
- Western Mobile Open Space: The county's Public Works department paid \$1,687 to take 0.045 acres of the Western Mobile property. This taking facilitated roadwork the county is doing on Hygiene Road on the north side of Foothills Reservoir.

Real Estate Stewardship and Maintenance

Our 2023 stewardship and maintenance of real estate included these typical activities to manage the 'real estate resource' of county open space properties and interests:

- Managing the county's conservation easement program, which encompasses conservation easements and similar restrictions over 1,044 properties and involves these primary tasks:
 - Monitoring several hundred conservation easement properties and resolving violations. In 2023, we monitored 450 properties subject to county-held conservation easements, restrictive covenants, and deed restrictions. (Boulder County currently holds conservation easements and similar restrictions over 884 private properties covering 42,542 acres.)
 - Reviewing land use applications over private properties for compliance with conservation easements and other property restrictions that protect open space values.
 - Managing 154 conservation easements that the county has granted to city partners over 16,756 acres of county open space.

- Tracking six conservation easements where the county is a backup holder and would step in if the original grantees decide they can no longer hold and manage those easement interests.
- Coordinating the department's response to oil and gas operators' requests for approval to conduct well maintenance activities on county-owned open space, properties subject to county-held conservation easements or similar restrictions, and even private properties not subject to county open space restrictions. This work regarding private properties assists the county's Community Planning & Permitting department in minimizing oil and gas development impacts throughout the county.
- Coordinating with the State of Colorado's Division of Reclamation, Mining and Safety (DRMS) to close hazardous hard-rock mine openings on county open space. DRMS pays half of the closure costs and the county partners to cover the remaining half. Because of this partnership, DRMS is able to annually address about 20 hazards in the county.
- Ensuring that only allowed uses of open space occur. This includes telling landowners and other members of the public that private use of open space is not allowable.
- Maintaining data about the county's ownership of open space and conducting research to answer questions that facilitate department projects. For example, department colleagues need to know what easements and interests could affect department construction projects.
- Coordinating with county colleagues on matters affecting county open space. For example, the division manager collaborates with the director, the long-range planning manager and director at Community Planning & Permitting, and county attorney when intergovernmental agreements between the county and municipalities are being created.
- Responding to inquiries about the county's open space real estate interests and addressing suggestions for new acquisitions. While this responsibility is listed last, it is a service the public uses frequently and very much appreciates.

Staffing Challenges

In 2023, we did all of the work described above while also dealing with significant staff turnover in the spring through the summer. In March, we had three retirements. In April, a fourth member of our staff left for their dream job closer to home, thanking us profusely for training them for it. That was a loss of nearly 40% of our division! The remaining seven of us carried on valiantly and re-staffed quickly. We once again have an enthusiastic and resilient team, and I am fortunate to lead such capable staff in performing our important roles for the open space program.

The foregoing summary illustrates the Real Estate Division has had a full and productive year once again. We look forward to the challenges and opportunities that 2024 will present.

Boulder County Parks and Open Space 2023 Closings

Acquisitions													Resulting County Interest/s					
#	Closing Date	Property	Dev. Rights Acquired	Dev. Rights Retained by Seller	Acres	Price	Donation Value	Grants	Total Value	Fee	Water Shares/Units	CE	CE Am.	Trail	Other	Land Ofcr	Para-legal	Notes
1	3/9/2023	Adam Dairy Farm*	3	0	124.41	\$2,000,000	\$0	\$0	\$2,000,000		1					TB	KC	Acquired in partnership with City of Longmont. Longmont acquired fee interest and water rights. County contributed \$2M in exchange for CE.
2	3/22/2023	Shea Water*	0	0	0.00	\$24,897	\$0	\$0	\$24,897		31.996					SD	KC	County acquired 30.996 shares of Goodhue Ditch and 1 share of Davidson Ditch
3	5/8/2023	Treece-2023 CE Amendment	0	0	0.00	\$0	\$0	\$0	\$0		0.133		1			MA	LN	CE Amendment to terms only; no new acres. Tied a 266/2000 share of The Oligarchy Irrigation Company to the property.
4	6/16/2023	Canyon Creek*	4	0	201.00	\$2,125,000	\$0	\$0	\$2,125,000		1					MA	KC/MG	Acquired 201 acres in fee and all mineral rights.
5	11/17/2023	Park Creek	1	0	15.00	\$280,000	\$0	\$0	\$280,000		1					AC	MG	Acquired 15 acres in fee and all mineral rights.
6	11/17/2023	Kupfner Water*	0	0	0.00	\$15,000	\$0	\$0	\$15,000		0.125					DD	None	County and City of Boulder acquired 1/8 interest in Hake Ditch (undivided 50% interests). Total cost was \$100,000. County paid \$15,000, City of Boulder paid \$15,000, and Town of Superior paid \$70,000.
7	12/14/2023	Little Raven	1	0	10.35	\$55,000	\$0	\$0	\$55,000		1					KB	ES	Property lies adjacent to county's Kaufman open space near Brainard Lake and Left Hand Reservoir.
8	12/22/2023	Twin Pines	1	0	80.00	\$0	\$0	\$0	TBD				1			MA	MG	Property lies adjacent to the south side of the county's Ron Stewart Preserve at Rabbit Mountain.
8	Total	Detail Totals:	10	0	430.76	\$4,499,897	\$0	\$0	\$4,499,897	3	32.254	2	1	0	0			
					Grant proceeds:	N/A	-\$1,500,000 GOCO/for Heil Valley Ranch-SLB Parcel											
					Fee Disposition Acres Only (see below for details):	-0.67	-\$111,687 All disposition proceeds											
					Net:	430.09	\$2,888,210											

Easement Dispositions <i>Still</i> Part of County Open Space (non-exclusive easements)													Resulting County Interest/s				
#	Closing Date	Property	Dev. Rights Sold	Acres	Sale/Taking Price	Donation Value	Grants	Total Value	Fee	CE	CE Am.	Trail	Other	Land Ofcr	Para-legal	Notes	
1	4/18/2023	Laber (Alex)-2023 Xcel Utility Easement	0	0.408	\$0			\$0						DD	N/A	Non-exclusive easement to Xcel for undergrounding a utility line. Done at county's request to expand use of a new center pivot irrigation system on the property.	
2	5/2/2023	Walden Ponds-2023 City of Boulder MSI Easements	0	3.613	\$42,300			\$42,300						DD	N/A	Non-exclusive easement to City of Boulder for construction and maintenance of a sewer line.	
3																	
Total Non-Exclusive Easement Dispositions:			0	3.613	\$42,300			\$42,300	0	0	0	0	0				

Fee Dispositions Subject to County-Held CEs													Resulting County Interest/s				
#	Closing Date	Property	Dev. Rights Sold	Acres	Sale/Taking Price	Donation Value	Grants	Total Value	Fee	CE	CE Am.	Trail	Other	Land Ofcr	Para-legal	Notes	
1	2/15/2023	Chambers-2023 Transfer to City of Boulder	0	1.15	\$0			\$0						TB	N/A	Property must remain open space. Subject to deed restriction. Value of rights sold \$79,000.	
2	2/15/2023	Meyer-2023 Transfer to City of Boulder	0	0.38	\$0			\$0						TB	N/A	Property must remain open space. Subject to deed restriction. Value of rights sold \$53,000.	
Total Fee Dispositions Subject to County-Held CEs:			0	1.53	\$0			\$0	1.53	0	0	0	0				

Dispositions <i>Not</i> Subject to County-Held CEs													Resulting County Interest/s				
#	Closing Date	Property	Dev. Rights Sold	Acres	Sale Price	Donation Value	Grants	Total Value	Fee	CE	CE Am.	Trail	Other	Land Ofcr	Para-legal	Notes	
1	3/22/2023	Fairgrounds-Fredstrom-2023 Longmont ROW Taking	0	0.622	\$67,700			\$67,700						DD	N/A	0.622 acres conveyed to Longmont for road widening project. Additionally, it was discovered during this project work that the county still owned some of the land under the existing Nelson Road and Hover Street. This was corrected by two conveyances to Longmont totalling 6.580 acres. County did not receive compensation for the disposition of the 6.580 acres.	
2	8/24/2023	Western Mobile-2023 Transfer to BoCo Public Works		0.046	\$1,687											Transfer to BoCo Public Works' management for	
Total Fee Title Dispositions:			0	0.668	\$69,387			\$67,700									
8	Total Dispositions	Total Disposition Proceeds:			\$111,687			\$110,000									

16 Total Deals Completed
 8 Temporary Access Requests
 24 Projects Completed

* Priority Acquisition