



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, August 22, 2024

TO: Parks & Open Space Advisory Committee
FROM: Don Durso, Land Officer
AGENDA ITEM: Adler-Fingru-2024 Xcel Easement Taking
ACTION REQUESTED: Recommendation to the BOCC

Land Commitment: For much longer than Parks & Open Space’s history of stewarding open space, the land in this community has been important to diverse Indigenous communities that continue to live 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.

Summary

Xcel Energy proposes to acquire a permanent non-exclusive easement over 0.21 acres of the Adler-Fingru open space property (“Property”) for a new electrical distribution line to serve the area. The Adler-Fingru open space is located on the north side of Empire Road, east of South 96th Street/Highway 42 and west of Highway 287. It is adjacent to and south of Coal Creek and contains a portion of the Coal Creek Trail. (Please see the maps attached at the end of this memo). Staff supports the granting of this easement because Xcel Energy has condemnation authority over Boulder County.

Background Information

Xcel Energy previously obtained a 10-foot wide easement and installed a feeder in this same area in 2010. This is a request to expand the width of that easement by an additional 15 feet to make a 25-foot-wide easement to accommodate the installation of a second feeder line. The easement length is 612 feet long, so Xcel Energy is requiring a new easement area of 9,187 square feet (0.21 acres).

Boulder County jointly owns the Adler-Fingru Open Space with Lafayette and Louisville, and each entity holds a conservation easement (CE) interest over the other entities’ interests. These CEs do not prohibit the proposed work so long as the surface of the property is reclaimed promptly after construction is completed. Xcel Energy plans to bore underground from the road right of way to install the new line, and any surface disturbance will be restored upon project completion.

Utility companies have condemnation authority over Boulder County, so the county is legally unable to prevent this project. Boulder County prefers to cooperate informally with entities with condemnation authority in these instances to negotiate fair compensation,

rather than a full formal condemnation process that is more costly and time-consuming for both parties. Xcel Energy is being cooperative in meeting staff's requests which are designed to protect natural resources as much as possible.

Value of Takings

Xcel is required to provide just compensation for the takings, and the county and the cities of Lafayette and Louisville are entitled to the proceeds for the easement taking. Boulder County owns a 50% interest, Lafayette owns a 25% interest, and Louisville owns a 25% interest. Xcel Energy has proposed to pay the County \$3,675.00 and Lafayette and Louisville \$1,837.50 each for the permanent easement in proportion to the property ownership. The county agrees that these amounts represent fair market value of the property being taken.

Public Process

Because the Property was purchased with open space sales tax funds, the conveyance of the permanent easement is subject to the requirements for disposition of an interest in open space acquired with sales tax revenues. In this instance, staff notified property owners within 500 feet of the property. Notice of the Board of County Commissioners' upcoming public hearing is being published in the official newspapers of the area to meet legal publishing requirements for dispositions. If the permanent easement is approved by the Commissioners, there is a mandatory 60-day waiting period prior to the conveyance of the easement.

The notices include an invitation to attend and comment at this meeting. No public comments have been received to date, and any additional comments we receive after the date of this memo will be shared with POSAC at the meeting.

Staff Recommendation

Staff recommends the approval of the requested 0.21-acre easement to Xcel Energy because it has condemnation authority over Boulder County.

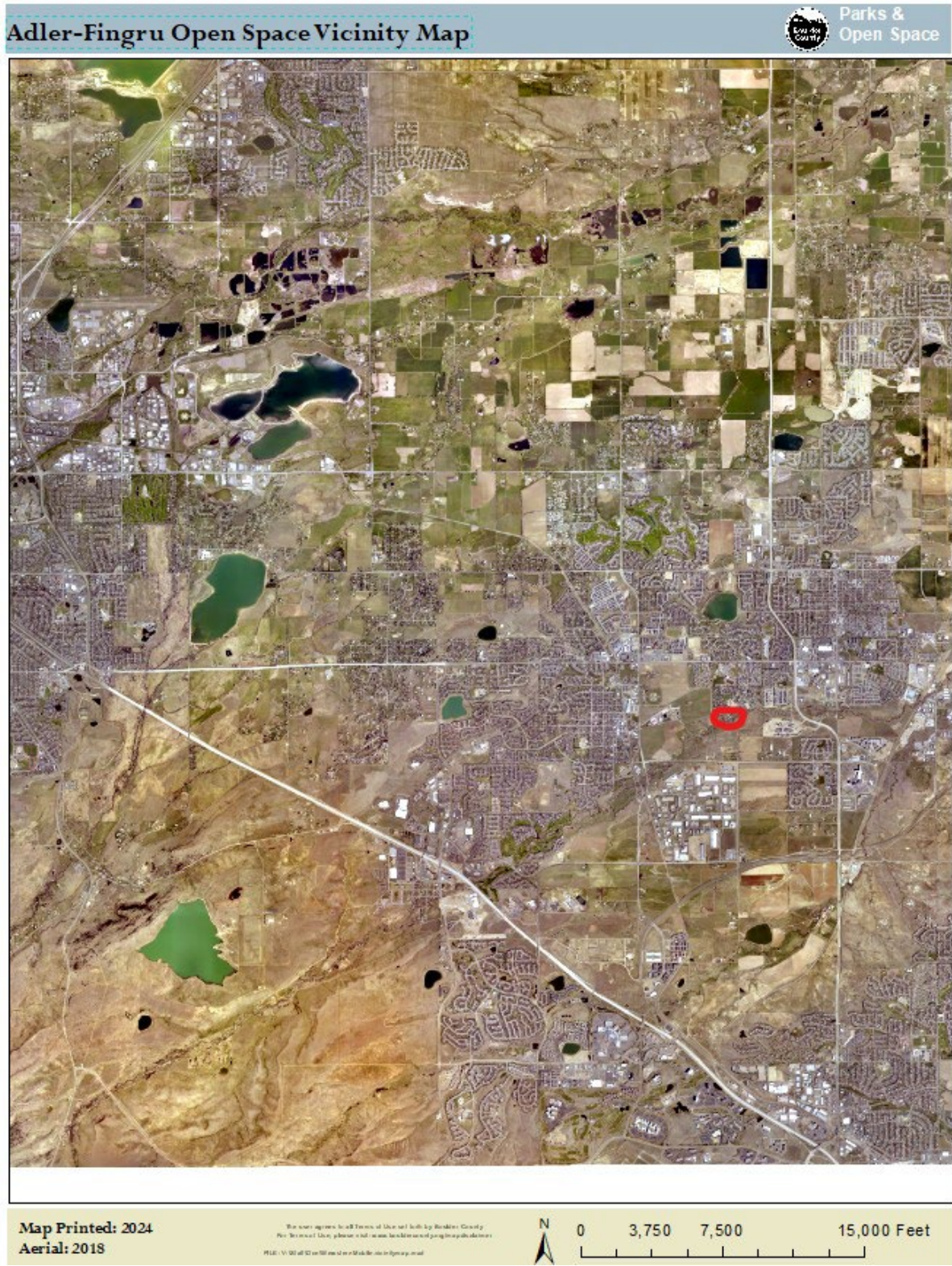
POSAC Action Requested

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

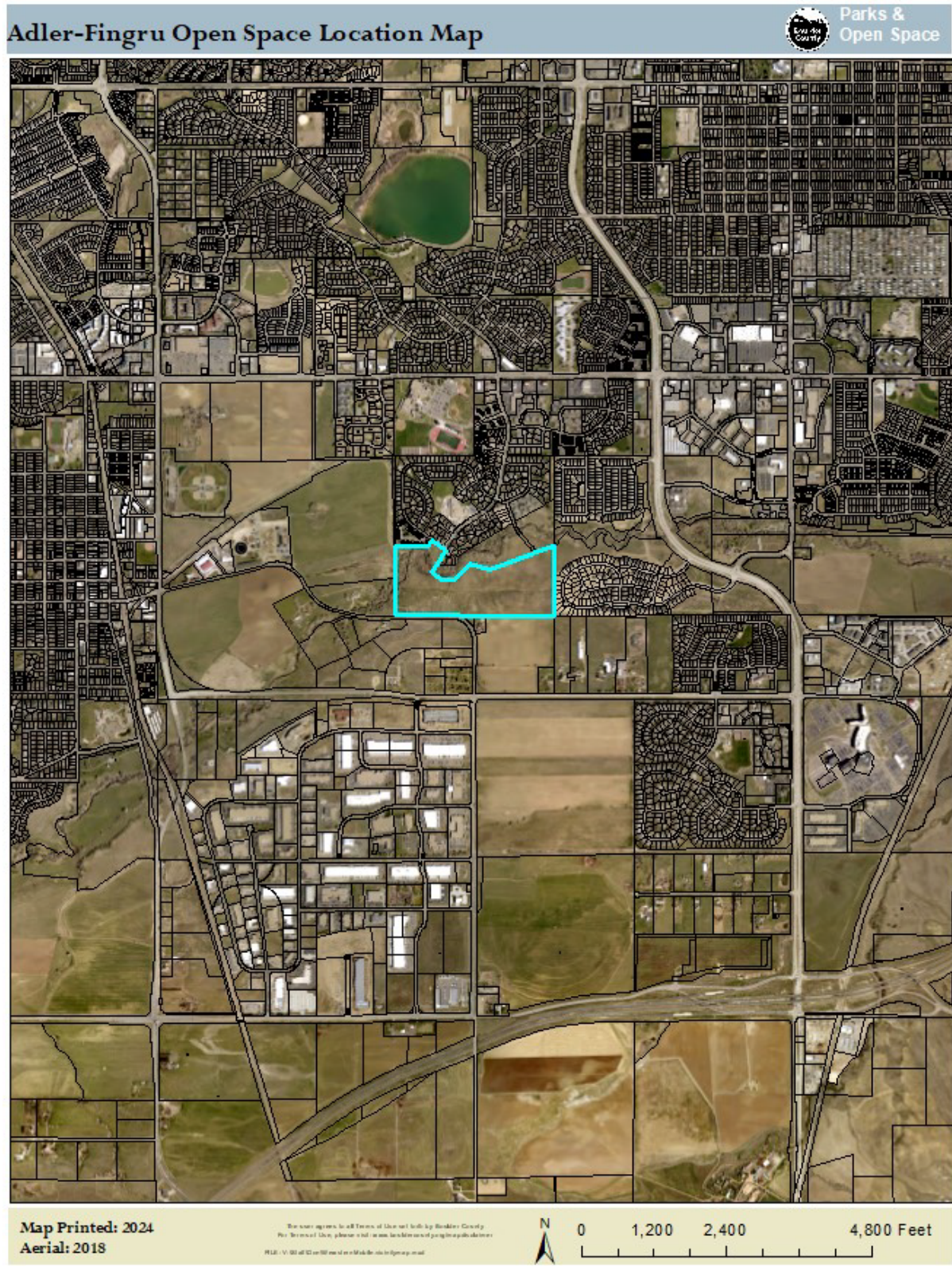
Suggested motion language: I move approval of the disposition of the easement as staff has described.

(see next pages for maps)

Vicinity Map



Close-Up Map



Easement Location

