



Parks & Open Space

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TO: Board of County Commissioners
FROM: Janis Whisman, Real Estate Division Manager
FOR: BOCC Business Meeting, 9:30 a.m., Tuesday, October 1, 2024
RE: Dowe Flats-CEMEX Development Parcels Acquisition
MEMO DATE: September 26, 2024

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 of Request

Staff recommends that Boulder County exercise its option to acquire 11 development rights and their associated 153 acres from CEMEX, Inc. The property is located approximately three-tenths of a mile north of Highway 66 on North 53rd Street east of Lyons. If the county exercises its option and pays the required \$5,100,403 for the development rights, CEMEX is required to convey the 153-acre property to the county.

Background Information

Boulder County’s option to acquire these 11 development rights and their associated 153 acres has been in place since July 2002. This option was granted right after the county and CEMEX’s predecessors completed a transaction that resulted in Boulder County now owning open space around CEMEX’s mining pit near Rabbit Mountain. Boulder County received two options to acquire additional property owned by CEMEX north of Highway 66:

1. The “development parcels” option, which needs to be exercised now so the county can pay CEMEX for the rights and receive the land before the contracted deadline of December 31, 2024.
2. An “operations parcels” option to acquire CEMEX’s 613 acres that were mined and that are being reclaimed. That option is not exercisable until early 2025 and we will pursue it at that time.

Staff Recommendation

Staff recommends exercising the Development Parcels option. The county has been holding this option for more than 20 years in anticipation of eventually owning the property. Acquiring it will prevent 11 homes and will augment county open space associated with the Rabbit Mountain B1 High Biodiversity Area.

BOCC Action Requested

Approve the request as described above and as verbally presented by staff, if applicable.

Property Map:

