



Legislation Details (With Text)

File #: 20-603 **Version:** 2 **Name:**

Type: Ordinance **Status:** Mayor's Office

File created: 10/21/2020 **In control:** City Council

On agenda: 12/8/2020 **Final action:** 12/8/2020

Title: Ordinance No. 20-87 Amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$478,000 for Acquisition of Approximately Forty (40) Acres of Property for the Purpose of Public Open Space and Trails

Presenter:
Britt I. Haley, TOPS Program Manager, Parks, Recreation and Cultural Services Department

Sponsors:

Indexes:

Code sections:

Attachments: 1. Appropriation Ordinance.40AcreCorralBluffsExpansion, 2. Signed Ordinance 20-87.pdf

Date	Ver.	Action By	Action	Result
12/8/2020	1	City Council	finally passed	Pass
11/24/2020	1	City Council	approved on first reading	Pass
11/9/2020	1	City Council Work Session	referred	

Ordinance No. 20-87 Amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$478,000 for Acquisition of Approximately Forty (40) Acres of Property for the Purpose of Public Open Space and Trails

Presenter:
Britt I. Haley, TOPS Program Manager, Parks, Recreation and Cultural Services Department

Summary:
This is a request for a supplemental appropriation to fund a strategic acquisition of approximately forty (40) acres of property, surrounded on three sides by the existing Corral Bluffs Open Space.

Background:
The 2014 Park System Master Plan (“Master Plan”) identifies the Corral Bluffs area as an Open Space Candidate Area. In fact, this area has long been identified for land conservation in advance of development. It was first identified over 20 years ago in the 1996 City Open Space Plan and also in the 1997 El Paso County Open Space Master Plan. Beginning with a TOPS program purchase of the Case property in 2009, the Anderson property in 2010, the Kyle property in 2017, and the Bishop Ranch property in 2018, the TOPS program has diligently and patiently worked to assemble adjoining property in this resource rich area.

The 2014 Park System Master Plan (Master Plan) includes several goals that are supported by this proposal. First it provides enhanced open space opportunity on the City of Colorado Spring's east boundary, just as development is preparing to move forward under a revised and restated Banning Lewis Ranch annexation agreement intended to revitalize development on the adjoining 21,000 acres. Second, acquisition of this property will fill in a gap in the Corral Bluffs Open Space, reuniting this parcel with the original "Bishop Ranch" which will also provide a way to manage an existing access road to the open space currently used by the owner of the property. This acquisition would protect the City's existing investment by securing the parcel that shares three sides of the forty (40) acres with the boundary of the Corral Bluffs Open Space.

This property is situated on a plateau and it overlooks much of the open space property. There is a single family residence built in 2003 on this property with a well, septic system, and an outbuilding/barn. Due to its topography and location, it would provide a good site for a future Corral Bluffs visitors, nature and education center. In the interim, the home could be used as a ranger station, and a meeting location for the supporting friends group called the Corral Bluffs Alliance ("CoBA"). CoBA provides guided hikes for the public in the Corral Bluffs Open Space. Currently there are no nearby services for these hikes, and having shelter, running water and a restroom facility for our visitors would be beneficial. Additionally, it could provide a place for the research scientists from the Denver Museum of Nature and Science ("DMNS") to stay when they are on the property conducting paleontological research. In the past they have either paid for hotel rooms off site or have received permission to camp on the property in tents.

The special significance of the Corral Bluffs Open Space was highlighted in October of 2019 when the same DMNS scientists published the first of a series of scientific papers in the prestigious journal Science concerning their fossil discoveries. They had discovered intact fossils documenting the emergence of mammals after the catastrophic asteroid that caused the die off of the dinosaurs. No other location in the world has produced such a treasure trove of quality fossils from this time period documenting the recovery of the Earth after the asteroid impact. This find is accurately described as unprecedented and was the focus of a PBS documentary called "Rise of the Mammals" that has aired on PBS's NOVA program several times. The DMNS also dedicated an exhibit to the fossils from Corral Bluffs, which was called After the Asteroid: Earth's Comeback Story.

Staff had been in communication with the seller since February of 2018 and renewed TOPS' interest through the seller's real estate agent in early 2020. Pursuant to TOPS and City real estate acquisition procedures, an appraisal was completed for the property. Based on that appraisal, and the seller's request for a lease back clause while he searched for another residence, staff was close to executing a contract to purchase the forty (40) acres in the last week of June, 2020. However, a private party made an offer that was more attractive to the seller, the property went under contract, and the deal seemed to have slipped out of reach.

In early October 2020, staff was contacted with news that the private purchase had failed to close. Consequently, staff renewed negotiations with the seller. During the time that had elapsed, the seller had made a number of repairs to the home and had cleaned up the property significantly. He also shared an updated appraisal he had conducted after repairing a list of inspection objection items which indicated a value of \$480,000. After review of the appraisal by Parks Department staff and the real estate services division, TOPS staff negotiated a purchase contract for a sum of \$470,000, with no lease back provisions and with a commitment to work quickly to close by the middle of December. Staff recognized value had accrued due to the improvements to the property, and that potential risk to the remainder of the Corral Bluffs Open Space would be mitigated by a purchase of this property.

Previous Council Action:

N/A

Financial Implications:

The City is under contract to acquire the property contingent on a favorable Parks, Recreation and Cultural Services (PR&CS) Advisory Board recommendation and City Council approval, for the negotiated value of \$470,000. Acquisition of the property requires an appropriation in the amount of up to \$478,000 from TOPS Open Space Category revenues to purchase the property, and to pay for real estate transaction costs such as the ALTA survey, closing costs and recording fees. After the prior expenditures from the TOPS Open Space Category revenues in 2020, Parks Department finance staff estimates \$2.5 million remains available in this category for other open space purchases.

City Council Appointed Board/Commission/Committee Recommendation:

The TOPS Working Committee will consider this proposed acquisition at its November 4, 2020 meeting. It is also scheduled for review by the City Council Budget Committee on November 10th. The Parks, Recreation and Cultural Services Advisory Board is scheduled to consider this potential acquisition at its November 12, 2020 meeting.

Stakeholder Process:

TOPS Working Committee meetings and Parks, Recreation and Cultural Services Advisory Board meetings are public meetings and offer the opportunity for public comment

Alternatives:

Do not approve the request for a supplemental appropriation in the amount of \$478,000 for the proposed acquisition of approximately forty (40) acres of property for public open space and trails.

Proposed Motion:

A motion to approve a supplemental appropriation to the Trails, Open Space and Parks Fund in the amount of \$478,000 for acquisition of approximately forty (40) acres of property for the purpose of public open space and trails.

An Ordinance amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the amount of \$478,000 for acquisition of approximately forty (40) acres of property for the purpose of public open space and trails.