



## Legislation Details (With Text)

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**Title:** A Resolution Authorizing the Acquisition of up to 164 Acres in Rock Creek Canyon, as an Addition to the Cheyenne Mountain State Park Through the Trails, Open Space and Parks ("TOPS") Program

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

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Date	Ver.	Action By	Action	Result
10/8/2019	1	City Council	adopted	Pass
9/23/2019	1	Council Work Session	referred	

A Resolution Authorizing the Acquisition of up to 164 Acres in Rock Creek Canyon, as an Addition to the Cheyenne Mountain State Park Through the Trails, Open Space and Parks ("TOPS") Program

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

**Summary:**  
On April 1, 1997, an ordinance implementing a sales tax for trails, open space and parks was approved by the citizens of Colorado Springs ("TOPS"). This tax went into effect on July 1, 1997. In 2003, this ordinance was amended to extend the TOPS sales tax through 2025. The TOPS Working Committee is responsible for setting priorities and making recommendations for the expenditures of TOPS funds. One of the identified priorities of the TOPS Working Committee has been to focus on candidate open space parcels that would benefit Cheyenne Mountain State Park as additions to the Park and to allow for trail opportunities on the southern end of the state park. The proposed acquisitions, described below, are supported by Colorado Parks and Wildlife ("CPW").

**Background:**  
The 2014 Park System Master Plan identifies the Rock Creek Canyon area as an open space candidate area. As early as 1997, the City's open space master planning documents have identified this area as having some of the highest natural resource values in our community. The TOPS Working Committee has identified a 160.52 acre property and a 2.91 acre property, in Rock Creek Canyon for acquisition as open space because they offer values that merit preservation. The properties are located west of Highway 115 at the terminus of Rock Creek Canyon Road adjacent to

Cheyenne Mountain State Park (“CMSP”). Acquisition of the properties would provide additional acreage for the CMSP, future trail access for the Cheyenne Mountain Heritage Trail, and further connect the park to the beautiful and rugged Rock Creek Canyon.

The TOPS Program has enjoyed a long and successful partnership with CPW. TOPS worked with CPW to acquire the original 1,600-acre Cheyenne Mountain State Park. In 2008-2011, 2016 and in 2018, the City purchased additional property to the west of the park to provide trail connections to the top of Cheyenne Mountain. The 2018 trail connection, known as the Dixon Trail, opened to the public last year. Also in 2018 and early 2019, TOPS completed additional acquisitions in Rock Creek Canyon expanding the park to the south. One of the goals achieved through the southern expansion is the opportunity to advance the future development of the Cheyenne Mountain Heritage Trail, which would provide a truly unique trail experience around the base of Cheyenne Mountain. The stream that runs through Rock Creek Canyon is also important for the park. Because there are no other perennial streams within CMSP, acquisition of properties with this unique riparian resource is also an important opportunity for the CMSP.

The proposed acquisitions consist of three parcels. Two parcels at 1285 Rock Creek Canyon Road form the 160.52 acre property, more specifically known as Tax Schedule Numbers 75000-00-156 and 75250-00-103. One parcel is a .52 acre property which has a cabin, carriage house, well house, root cellar and three storage sheds. This property also provides access to the 160 acre parcel. The 160 acre property features rugged forested terrain, mountain meadows, significant wildlife habitat, and scenic views. It is largely undeveloped although the northeast corner of the property does have a partially completed home and garage.

The third parcel at 1325 Rock Creek Canyon Road is a 2.91 acre property, more specifically known as Tax Schedule Number 75000-00-239. This property is located along Rock Creek and features a home with a partially completed renovation, a three-sided barn and several small outbuildings. In 2016, the TOPS Program secured an easement through this property to properties which were later acquired in 2018. The easement is located on this property’s drive way. The owner of 1325 Rock Creek Canyon Road questioned the use of the driveway as a thoroughfare but generally expressed a willingness to work with City parks staff. However, this property owner did have significant and ultimately litigious disagreements with the closest neighbors about the neighbors’ use of the easement. When the owner of this property contacted the TOPS Program to understand if there is any interest in a purchase, TOPS staff concluded that this property, which was already a candidate for acquisition had additional value to more fully resolve the easement concerns as they pertained to City use.

As it has with prior acquisitions, CPW has agreed to manage, maintain and operate the properties as part of the state park. This management responsibility is consistent with other City owned property that comprises CMSP. Public access to the property would be provided through CMSP, via the existing trail system within the Park and as the Cheyenne Mountain Heritage Trail is designed and completed. Although the TOPS Program intends to use the buildings located on the .52 acre parcel in partnership with CPW, the partially renovated home and outbuildings on the 2.91 acre property have been evaluated and the determination was that they are not cost effective to complete for use. Consequently, an additional \$100,000 is requested in this acquisition to test, demolish and properly dispose of the buildings on that 2.91 acre property. The funds necessary for the demolition were estimated based on recent contracting that has been performed for the City of Colorado Springs.

The TOPS Working Committee has toured the properties. Appraisals were completed for the two

properties that identified the market value for each. The City obtained a signed agreement to purchase the 160.52 acre property in August of 2019 for the appraised value of \$892,000 and a signed agreement to purchase the 2.91 acre property was obtained in July of 2019 for its appraised value of \$292,000. These agreements are contingent upon final approval by City Council and acceptance of the property based on the City's due diligence work. The acquisitions would be funded with revenues from the Open Space Category.

**Previous Council Action:**

N/A

**Financial Implications:**

Acquisition: Acquisition of the 160.52 acre property and the 2.91 acre property will require funding of \$1,184,000 from the TOPS Open Space Category. An additional sum of \$100,000 is being sought for demolition of the structures at 1325 Rock Creek Canyon Road. The source of funds for the land acquisition and demolition of structures is the TOPS Fund Balance

Operations: CPW will be responsible for management, operations and maintenance of the properties including the cabin and other buildings at 1285 Rock Creek Canyon Road. The City and CPW intend to amend the current Cheyenne Mountain Management Agreement between the City of Colorado Springs and CPW to include the properties if an acquisition is completed.

**City Council Appointed Board/Commission/Committee Recommendation:**

At its September 4, 2019 meeting the TOPS Working Committee voted unanimously to recommend acquisition of the 160.52 acre property at 1285 Rock Creek Canyon Road and the 2.91 acre property at 1325 Rock Creek Canyon Road as additions to Cheyenne Mountain State Park in the amount of \$1,284,000 to include the purchase prices, real estate transaction costs and building demolition costs from the TOPS Open Space Category.

**Stakeholder Process:**

The TOPS Working Committee meetings and Parks Board meetings provide opportunities for public comment. In addition, TOPS staff works closely with the CMSP Manager and his staff to conduct future planning, and to review potential acquisitions.

**Alternatives:**

City Council may decline to approve acquisition of the properties.

**Proposed Motion:**

A motion to approve acquisition of the 160.52 acre property at 1285 Rock Creek Canyon Road and the 2.91 acre property at 1325 Rock Creek Canyon Road as additions to Cheyenne Mountain State Park in the amount of \$1,284,000 to include the purchase prices, real estate transaction costs and building demolition costs from the TOPS Open Space Category.

N/A