



## Legislation Details (With Text)

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**Attachments:** 1. 05242016 Final Resolution with Exhibits, 2. 05242016 Revised Appraisal.189 Acre Parcel, 3. 05242016 Revised Appraisal.CSU parcel.55 AC, 4. 05242016 - Palmer Land Trust Letter of Intent, 5. Resolution 55-16.pdf

Date	Ver.	Action By	Action	Result
5/24/2016	5	City Council	adopted	Pass
5/24/2016	5	City Council	denied	Fail
5/9/2016	4	City Council Work Session	referred	
4/25/2016	3	City Council Work Session	received	
4/11/2016	2	City Council Work Session	referred	
1/25/2016	1	City Council Work Session	referred	

A Resolution Authorizing a Land Exchange between the City of Colorado Springs and the Broadmoor

**Presenter:**

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Brit Haley, City Attorney  
Rebecca Jewett - Executive Director, Palmer Land Trust  
Jack Damioli - CEO and President, Broadmoor Hotel

**Summary:**

The City of Colorado Springs Parks, Recreation and Cultural Services Department has proposed a land exchange between the City of Colorado Springs and the Manitou and Pike’s Peak Railway company, COG Land and Development Company, PF LLC, and The Broadmoor Hotel, Inc., collectively referred to as “Broadmoor”. The proposed land exchange provides an opportunity to achieve several major goals identified in the Colorado Springs Parks System Master Plan including: Preserving and expanding our open space system, connecting our trail system, securing public access to valued recreational trail corridors that currently traverse private lands, and providing additional recreational opportunities within our community for horseback riding and picnicking.

**Previous Council Action:**

An initial briefing of the proposed land exchange was brought before City Council on January 25, 2016. A second and third briefing were brought before City Council on April 11 and 25, 2016 to provide an update on the community process and proposed resolution regarding the land exchange. City Council heard a presentation regarding the property appraisals and the third party review of those appraisals on May 9, 2016. Later that evening, City Council held a Town Hall Meeting regarding the appraisal report and the land exchange proposal.

**Background:**

The proposed land exchange advances both immediate and long term open space, trail and recreation goals identified within the Colorado Springs Park System Master Plan. The exchange includes the following tenets:

The Broadmoor will trade to the City of Colorado Springs approximately 155 acres of property located at the top of Ruxton Canyon in Manitou Springs. This property includes segments of the Barr Trail and the Manitou Incline. What will be achieved?

a. Secure public access and public ownership of the Barr Trail. The Barr Trail currently traverses private property at this location. El Paso County held an agreement with the Broadmoor that permitted public access for the Barr Trail. This agreement expired in 2012 - jeopardizing the future of this extremely popular trail. Public ownership of this property will secure public access to this segment of the Barr Trail. The City's ownership of the property would place all of the Barr Trail in public ownership.

b. Ensure public ownership of the Manitou Incline. The Manitou Incline currently traverses private property at this location. The City of Colorado Springs currently holds an agreement with the Broadmoor that permits public access for the Manitou Incline; however, public ownership of the Incline would secure its future and result in management and operations efficiencies. The City's ownership of this property would place all of the Manitou Incline in public ownership.

c. Provide for future North Access Trail to the Incline. The Management Plan for the Manitou Incline identifies the need for an additional access trail on the north side of the Incline to alleviate heavy trail use on Barr Trail. Acquisition of this property would provide a publically owned corridor of land for this important future trail connection.

d. Protect open space and the mountain backdrop. In accordance with community open space plans, the City of Colorado Springs and the City of Manitou Springs seek to protect important natural resource areas and preserve views of the foothills. Acquisition of this property would preserve and protect these resources for future generations.

The City of Colorado Springs will trade to the Broadmoor approximately 0.55 acres of property located adjacent to the Manitou Hydro Electric Facility in the vicinity of the Cog Railway. What will be achieved?

a. Secure parking for the Cog Railroad. The Cog Railway currently uses this small gravel lot for parking via a revocable license agreement with Colorado Springs Utilities. The Broadmoor's ownership of the property will secure parking for the Cog Railway into the future.

b. Retain public utility access. The City of Colorado Springs will retain a permanent utility easement on the property for utility maintenance and operations.

The Broadmoor will trade to the City of Colorado Springs approximately 9 acres of property located along the southern boundary of Bear Creek Park Regional Park, adjacent to 21st Street. What will be achieved?

a. Preserve property as public open space. This property currently is planned for residential development, including 17 single family homes. Acquisition of the property by the City of Colorado Springs will preserve this

land for public open space.

b. Expand Bear Creek Regional Park. Acquisition of this property by the City of Colorado Springs would secure this land for public open space and recreation purposes. El Paso County Parks will consider managing this property as an expansion of Bear Creek Regional Park.

The Broadmoor will grant to the City of Colorado Springs trail easements across three properties owned by the Broadmoor, located in proximity to the Cheyenne Mountain Zoo. What will be achieved?

a. Secure trail easements for the future development of the Chamberlain Trail and Cheyenne Mountain Heritage Trail. These easements will support key segments of the Chamberlain Trail that will provide a unique back country trail experience along the City's foothills, ultimately connecting Cheyenne Mountain State Park, North Cheyenne Cañon, Stratton Open Space, Bear Creek Regional Park, Red Rock Canyon Open Space and Garden of the Gods Park. This alignment will also advance the future development of the Cheyenne Mountain Heritage Trail, envisioned to circumnavigate the base of Cheyenne Mountain. This trail will complement the Ring the Peak Trail, ultimately creating a unique "figure eight" of back country trail opportunities.

The Broadmoor will trade to the City of Colorado Springs approximately 208 acres of property located along the southwest boundary of Cheyenne Cañon Park. What will be achieved?

a. Secure public ownership of the western end of the Daniels Pass Trail and the western end of the Muscoco Trail to Gold Camp Road. The western end of the historic Daniels Pass trail and Muscoco Trail currently traverses private property. The City Parks, Recreation and Cultural Services Department and the Friends of North Cheyenne Cañon have recently invested significant time and resources in improving the eastern segment of the Muscoco Trail. Acquisition of this property will secure public ownership to these important trails and provide a key trail link to Gold Camp Road.

b. Secure public ownership to the Mount Muscoco Overlook. The popular overlook, located just south of the summit of Mount Muscoco, currently is located on private property. Acquisition of this property will secure public ownership to this popular and historic hiking destination.

c. Preserve property as public open space and expansion of Cheyenne Cañon Park. Acquisition of the property would expand public open space along the Gold Camp Road corridor, enhances connections between existing City-owned parkland and the Pike National Forest, and provides opportunities for future public recreation opportunities in this area.

The City of Colorado Springs will trade to the Broadmoor approximately 189.5 acres, known as the Strawberry Hill Area, located within North Cheyenne Cañon Park, south of Mesa Avenue. What will be achieved?

a. The Broadmoor may develop a riding stable and picnic area. Approximately 8.5 acres of the 189.5 acres to be traded to the Broadmoor may be developed as a riding stable and group picnic area. The privately owned riding stable and picnic area will be available for use by community residents, organizations and tourists on a fee basis. Guests will be shuttled from the Broadmoor Hotel as there will be no parking on site permitted

b. Provide fundraising venue. The Broadmoor will coordinate with the City's Parks, Recreation and Cultural Services Department to provide use of the group picnic facility for two annual fundraising events free of rental charge and provide free food and nonalcoholic beverage for up to 100 guests for the benefit of the City Park system, to groups such as Park Friends groups and Parks related nonprofit organizations.

c. Retain public easements for the Chamberlain Trail (Cheyenne Mountain Heritage Trail) and South Cañon Trail. The Chamberlain Trail (Cheyenne Mountain Heritage Trail) is proposed to traverse the property. The South Cañon Trail traverses the northern edge of the property. The City will retain public trail easements for

these trail corridors.

d. Retain public access for the future trail system in South Cañon Area (Strawberry Hill). With the support from the North Cheyenne Cañon Park Ambassadors, the trail system will be open to the public for free non-motorized recreational use (hiking, mountain biking and equestrian). The perimeter of the property will not be fenced. The Broadmoor asks for individuals to be respectful of the property.

e. Retain ownership and public access to Hully Gully for ice climbing. At the western edge of the property is a 12 acre parcel that is used for public ice climbing known as Hully Gully. In addition, the City will retain a public access easement across the 189.5 acre property to provide public access from Old Stage Road to the ice climbing area. The Broadmoor will allow for self-rescue and emergency egress north of Hully Gully, on the Seven Falls Property.

f. Retain the zoning for the property as PK (PARK). All development on the 189.5 acre property will be limited to appropriate park uses and plans will be required to be approved through the Parks and Recreation Advisory Board review process. A deed restriction will be placed on the property to ensure that all land uses comply with current Park (PK) zoning in perpetuity.

g. City to retain the first right of refusal. If in the future the property would be sold the City would have the first opportunity to re-acquire the property. The purchase price will be set from the 2016 appraisal value.

h. Enhanced land stewardship and conservation of the South Cañon Area. The Broadmoor has committed to additional and ongoing fire mitigation, erosion control, property clean up (removal of trash, debris and spray paint), and increased stewardship of the property.

i. A conservation easement will be placed upon the property. The conservation easement will protect the conservation values on the property in perpetuity and clearly define restrictions and allowable uses for the property. The conservation easement will include a 8.5 acre building envelope to allow for the development of the proposed picnic area and boutique riding stable. The conservation easement will be placed on the 189.5 acre property prior to the transfer of the property.

This item supports the City's strategic goal relating to excelling in City Services by significantly increasing the available recreational amenities and opportunities for both citizens and visitors alike.

#### **Financial Implications:**

Except for the costs associated with exchanging properties, such as appraisals, surveys and title work, there are no monetary commitments required. The City has had an independent appraiser evaluate its properties resulting in a total appraised value of \$2,161,000. The Broadmoor has also had an independent appraiser evaluate its properties and easements resulting in a total appraised value of \$3,609,800.

#### **Board/Commission Recommendation:**

Staff presented the land exchange proposal to the Parks and Recreation Advisory Board on February 11, 2016 and March 14, 2016 as an information item. Public comment was taken during these meetings. On April 4, 2016, the TOPS Working Committee recommended the Parks and Recreation Advisory Board delay action on the Land Exchange until more information could be provided and considered. The Parks and Recreation Advisory Board voted on the land exchange item at its April 14, 2016 meeting. The vote recommended that City Council approve the Resolution authorizing a Land Exchange between the City of Colorado Springs and the Broadmoor. The vote passed 6 to 3.

#### **Stakeholder Process:**

There has been an extensive public process which began on January 14, 2016, at the onset of the project, when staff sought input from key stakeholders including:

City of Manitou Springs  
Colorado Springs Utilities (CSU)  
Canon Conservationist  
Council of Neighbors and Organizations (CONO)  
El Paso County  
Friends of Bear Creek Regional Park  
Friends of Cheyenne Canon  
Friends of the Peak  
Incline Friends  
Medicine Wheel  
Park and Recreation Advisory Board  
Pikes Peak Climbers Alliance  
Rocky Mountain Field Institute (RMFI)  
Park and Recreation Advisory Board  
Trails and Open Space Coalition (TOSC)  
TOPS Working Committee  
U.S. Forest Service

Since this initial gathering, there have been a total of seventeen meetings and/or property tours. Additional outreach efforts through social media outlets, including the City's website, have also been pursued. Staff has reached out to the community, adjacent residents, adjacent neighborhoods and stakeholder groups through meeting invitations, press releases to local media, direct mail to adjacent properties, social media and website to seek input on the proposed land exchange. The Parks, Recreation and Cultural Services Department has conducted a comprehensive public process. The following list shows the opportunities to date for public education and comment regarding the proposal:

Jan 14	Stakeholder Meeting
Jan 25	City Council Briefing
Jan 28	Community Meeting - Open House
Feb 11	Parks and Recreation Advisory Board Meeting
Feb 17	Media Tour
Feb 24	Community Meeting
Mar 2	TOPS Working Committee Meeting
Mar 10	Parks and Recreation Advisory Board Meeting
Mar 14	Council Member King's Listening Session
Mar 24	TOPS Working Committee Meeting and Parks Board Tour
Mar 30	Community Meeting
Apr 11	City Council Briefing
Apr 14	Parks and Recreation Advisory Board Meeting
Apr 20	Utility Board Meeting
Apr 25	City Council Briefing
May 9	City Council Briefing
May 9	City Council Town Hall Meeting

An online survey utilizing SpeakUP! has been in place to accept comments and questions from the public as well. Comment submissions have been received through emails, surveys and comment cards completed at public meetings.

**Alternatives:**

Decline the proposed land exchange.

**Proposed Motion:**

Move to approve the Resolution authorizing a land exchange between the City of Colorado Springs and the Broadmoor

