



## Legislation Text

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**File #:** 19-604, **Version:** 1

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An Ordinance Amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks Fund in the Amount of \$3,045,500 for Acquisition of Approximately 154 Acres of Property for the Purpose of Public Open Space and Trails at the Kettle Creek Greenway

**Presenter:**

Britt Haley, TOPS Program Manager, Parks, Recreation & Cultural Services Department

**Summary:**

Although the City's Trails, Open Space and Parks (TOPS) sales tax program has been in place for over 22 years, this proposed open space acquisition would be the first to occur in the northeast quadrant of the city, which borders the Black Forest area. Northern Colorado Springs is quickly urbanizing to meet the demands of a growing population. The State Demography Office predicts that the population of El Paso County will surpass that of Denver County by 2050, with much of the development occurring in the north and eastern regions of El Paso County. The Kettle Creek Greenway could set the stage for additional strategic investments by TOPS to build a legacy of open space and greenways in the northeast quadrant of the city.

**Background:**

Increasing development in northeast Colorado Springs prompted the city to actively pursue open space candidate areas in that quadrant of the city, recognizing the importance of securing land for conservation before opportunities no longer exist. The family that owns the Kettle Creek property was receptive to the city's interest and has committed to selling approximately 154 acres to the TOPS program in support of open space and greenway conservation. Additionally, the family has generously offered to make a donation of \$500,000 to the TOPS program in support of stewardship activities on Kettle Creek or as a resource for future land acquisition.

The Kettle Creek property offers outstanding views of Pikes Peak and features a rugged riparian habitat. The 2014 Park System Master Plan identifies it as a candidate open space property and due to the beautiful Kettle Creek traversing the property; it is also identified by that plan as a candidate greenway. Kettle Creek offers important conservation opportunities and natural resource values, including:

**Habitat Preservation:** The Kettle Creek property features significant wildlife habitat in the Kettle Creek waterway, including upland habitat with rolling grassland, healthy stands of ponderosa pine and encompassing view sheds to the north and to the west. The Kettle Creek waterway is a live stream year round. Its grassy bottomland provides critical habitat for the Prebles Meadow Jumping Mouse (Preble's), a threatened species under the Endangered Species Act, and offers the opportunity to connect to the Preble's habitat conservation plan areas of the neighboring Briargate development to the west.

Further, Kettle Creek is one of nine headwaters of streams in El Paso County, originating in Black Forest and flowing in all directions from Black Forest. Kettle Creek is the largest, and most diverse riparian system south of the Platte-Arkansas (Palmer) Divide and trends west and southwest across Monument Valley in front of Pikes Peak. The upper tributaries of Kettle Creek start as spring-fed grassy swales surrounded by ponderosa pine forests. The grassy swales are home to unusual relict tall-grass prairie systems with many rare plants of interest to the Colorado Natural Heritage Program. At this location, Kettle Creek incises deeply into the landscape, changing from broad, shallow headwater swales, to the deep canyon across the prairie that is the heart of this project. The Colorado Natural Heritage Program identified Monument Creek and its tributaries, including Kettle Creek, as having very high biodiversity significance, with the most important environmental factor being the maintenance of consistent, natural hydrology that supports the riparian system.

**Connectivity:** From a recreation and transportation perspective, this property will provide an opportunity for the continuance of the city's Skyline Trail and connection to the planned La Foret Regional Trail, identified in the El Paso County Master Plan. Starting at the northern end of City maintained trails, the La Foret Trail is planned to continue east along Black Squirrel Creek and eventually connecting to Black Forest Regional Park.

**Essential Buffer Space:** An open space acquisition by the City of Colorado Springs in this location would be significant for demonstrating the importance of land conservation in a developing area of the city and can prompt northern landowners to prioritize open space conservation efforts. Due to the property's immediate proximity to new residential development on its south boundary, and its direct adjacency to Powers Boulevard, Interquest Parkway and the Highway 83 traffic corridor, significant portions of it are also considered imminently developable. The surrounding areas to the south, east and west of Kettle Creek are currently under construction for extensive residential and commercial growth. Open space is greatly needed in this part of the City and limited opportunity exists to secure significant and meaningful parcels of land.

**Previous Council Action:**

N/A

**Financial Implications:**

The Kettle Creek property appraised for a value of \$5,796,000. The family members who own this property have agreed that the TOPS program may purchase the property in two phases over two years. This is a request for supplemental appropriation for the first phase for approximately half of the acreage. One requirement of the legal documents controlling a sale of the property is that an updated appraisal must be completed at least sixty (60) days prior to closing of any sale. Thus, the appraised value of \$5,796,000 will be adjusted up or down based on two appraisal updates. Recognizing that both the sellers and the TOPS program bear some market risk in the adjustment requirement, staff recommends that the approval include a 5% value which calculates to \$289,800 to address a value increase if supported by the appraisal update. This recommendation on the lower end of regional real estate sales analyses showing between 4% and 9% growth in real estate values. Additionally, to support the cost of this acquisition, City staff have submitted a funding request to Great Outdoors Colorado for \$1,000,000 from its open space funding category. GOCO is currently reviewing the funding request and decisions will be made for this round of applications by mid-December of 2019. Finally, the landowners have agreed to make a generous personal donation of \$500,000 to the TOPS program in support of stewardship activities on Kettle Creek or as a resource for future land

acquisition.

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

At its October 2, 2019 meeting the TOPS Working Committee voted unanimously to recommend acquisition of the approximately 154 acres of property that comprise the Kettle Creek Greenway in the amount of \$5,796,000 to include the purchase price, real estate transaction costs not to exceed \$5000 and up to a 5% land value increase upon reappraisal prior to each closing from the TOPS Open Space Category. The Parks, Recreation and Cultural Services Advisory Board is scheduled to consider this acquisition at its October 10, 2019 meeting

**Stakeholder Process:**

The TOPS Working Committee meetings and Parks, Recreation and Cultural Services Advisory Board meetings provide opportunities for public comment.

**Alternatives:**

City Council may decline to approve this request for supplemental appropriation.

**Proposed Motion:**

A motion to approve a supplemental appropriation in the amount of \$3,045,500 for the first phase purchase and associated real estate transaction costs of the approximately 154 acre Kettle Creek Greenway property with revenues from the TOPS Open Space Category fund balance.

A Supplemental Appropriation in the amount of \$3,045,500 for the first phase purchase of the approximately 154 acres that comprise the Kettle Creek Greenway.