



## Legislation Details (With Text)

**File #:** 17-1119      **Version:** 2      **Name:**  
**Type:** Ordinance      **Status:** Mayor's Office  
**File created:** 6/26/2017      **In control:** City Council  
**On agenda:** 8/8/2017      **Final action:** 8/8/2017  
**Title:** Ordinance No. 17-65 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund (Open Space Category) in the Amount of \$580,000 for the Acquisition of Approximately 85.61 Acres of Real Property Known as the Kyle Property for Expansion of Corral Bluffs Open Space  
  
**Presenter:**  
Karen Palus, Director - Parks, Recreation and Cultural Services  
Sarah Bryarly, Interim Parks Development Manager - Parks, Recreation and Cultural Services

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. TOPSAmendAppropReKyleAcquisitionORD-2017-07-03clean, 2. Signed Ordinance 17-65

Date	Ver.	Action By	Action	Result
8/8/2017	1	City Council	finally passed	Pass
7/25/2017	1	City Council	approved on first reading	Pass
7/10/2017	1	Council Work Session	referred	

Ordinance No. 17-65 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund (Open Space Category) in the Amount of \$580,000 for the Acquisition of Approximately 85.61 Acres of Real Property Known as the Kyle Property for Expansion of Corral Bluffs Open Space

### Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services  
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### Summary:

On April 1, 1997, an initiated ordinance implementing a sales tax for trails, open space and parks (TOPS) was approved by a vote of the citizens of Colorado Springs. 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. The TOPS Working Committee has identified the 85.61-acre Kyle property (Property), located adjacent to the Corral Bluffs Open Space as having open space values that merit preservation. Acquisition of the Property would serve as an extension of the Corral Bluffs Open Space / Jimmy Camp Creek area.

The Trust for Public Land (TPL) is a national, nonprofit, land conservation organization that

conserves land for people to enjoy as parks and open spaces. TPL has previously partnered with the City's TOPS Program, enabling the acquisition and preservation of several key open spaces including Ute Valley Park, Red Rock Canyon Open Space, Stratton Open Space, and the Bluestem Open Space. TPL recently approached the Kyle family to determine their interest level in selling the property for public use. TPL has facilitated the discussions regarding the sale of the Property to the City for open space purposes.

**Previous Council Action:**

N/A

**Background:**

The Property, currently owned by Monty and Latroy Kyle (Sellers), more specifically known as Tax Schedule Number 44000-00-017, consists of approximately 85.61 acres. The Property lies along the western boundary of the Corral Bluffs Open Space, north of Highway 94.

The 2014 Park System Master Plan identified this area as an open space candidate area meriting conservation. The 1997 Open Space Master Plan identified this area as containing significant natural resource values of National importance. The Kyle Property exhibits unique and extensive Paleontology and Archeology values. Dr. Kirk Johnson, Director of the Smithsonian National Museum of Natural History, states that the Corral Bluffs area (including the Kyle Property) contains one of the three best exposures of the Cretaceous -Tertiary (K-T) boundary in the Denver Basin and one of the top 25 in the world. A dozen mammal species have been found at Corral Bluffs, as well as fish, turtles, champsosaur and crocodiles. These fossils have been placed in the Smithsonian, the Denver Museum of Nature and Science, and the University of Colorado Museum of Natural History. Archeological studies conducted by El Paso County found evidence of early human activity at Corral Bluffs. Bison bones and stone tools found within the area suggest a bison kill and butchering site.

The Kyle Property has been identified as an important parcel for acquisition to preserve the open space values at the Corral Bluffs / Jimmy Camp Creek Area. The TOPS Program has received open space applications requesting acquisition of the Kyle Property from the Trails and Open Space Coalition (TOSC) and the Corral Bluffs Alliance (CoBA). The TOPS Working Committee has toured the property on several occasions.

TPL desires to partner with the TOPS Program in fulfilling the City's Open Space Master Plan to acquire the Property for open space. To facilitate the City's acquisition of the Property, TPL has obtained a letter of intent from the Sellers to sell the 85.61-acre Property in September, 2017. Title commitment work, a survey, and a Phase 1 environmental report are currently being completed and must be approved by both the City and TPL prior to any land transaction. TPL has agreed to sell the Property to the City in one phase for \$570,000, through the Open Space Category. As part of this acquisition, the City will incur additional acquisition-related costs.

This item supports the City's strategic goal relating to investing in infrastructure by increasing the green infrastructure along the community's eastern edge.

**Financial Implications:**

Acquisition: Acquisition of the Property will require funding of \$570,000 from the TOPS Open Space Committee available fund balance, with an additional \$10,000 to cover the costs associated with due diligence expenses and closing costs.

Until a master plan process is completed, this area will remain closed to the public. Guided hikes through CoBA will continue to take place until such time the property is open to the public.

Operations: The current average cost to maintain the open spaces is \$44 per acre. However, since this open space will not be open to the public, except through guided hikes, the annual cost to maintain the property will be significantly less than our other open space properties. There will be minimal costs associated with the property, such as fencing, signage, and minimal maintenance.

Capital Improvements: The Parks, Recreation and Cultural Services Department will conduct a public master plan and management plan process in the future to determine appropriate uses and management techniques for the property. Through this public process, capital improvements will be identified such as preservation areas, trails, signage, roadway access improvements, parking improvements, etc. Funding for capital improvements will require future appropriation from the TOPS Open Space Fund as part of the annual budget process.

**Board/Commission Recommendation:**

It is anticipated that the TOPS Working Committee will vote to recommend acquisition of the Kyle Property on July 12th and the Parks and Recreation Advisory Board will vote to recommend purchase of the property at their July 13th meeting.

**Stakeholder Process:**

The TOPS Working Committee meetings (May 7th and June 12th) and Parks and Recreation Advisory Board meetings (May 8th and June 13th) provide opportunities for public comment. In addition, TOPS Staff has met with the Corral Bluffs Alliance.

**Alternatives:**

City Council could decline to approve the acquisition of the Property.

**Proposed Motion:**

Move to approve a supplement appropriation in the amount of \$580,000 from the TOPS Open Space funds for the expansion of the Corral Bluffs Open Space through the acquisition of approximately 85.61 acres of real property known as the Kyle property.

An Ordinance Amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund (Open Space Category) in the Amount of \$580,000 for the Acquisition of Approximately 85.61 Acres of Real Property Known as the Kyle Property for Expansion of Corral Bluffs Open Space