

OPEN SPACE BOARD OF TRUSTEES

Wednesday, December 18, 2013 at 8:00 a.m.

Open Space and Mountain Parks Administrative Office, 66 S. Cherryvale Rd.

MEETING AGENDA

(Please note that times are approximate.)

- 8:00 I. Public Participation for Items Not on the Agenda
- 8:10 II. Director's Updates
- 8:20 III. Matters from the Board
- 8:30 IV. Consideration of a recommendation to grant or deny a nonexclusive revocable license to Xcel/Public Service Company of Colorado (Xcel) to bore and place an underground electrical feed line across approximately 1,000 linear feet of the Dover Blacker Open Space property and under the Thomas Lane Open Space roadway for the purpose of providing electricity to the Shanahan Ridge neighborhood.*
- 9:30 V. Adjournment

*Public Participation



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

SPECIAL MEETING DATE: December 18, 2013

AGENDA TITLE Consideration of a recommendation to grant or deny a nonexclusive revocable license to Xcel/Public Service Company of Colorado (Xcel) to bore and place an underground electrical feed line across approximately 1,000 linear feet of the Dover Blacker Open Space property and under the Thomas Lane Open Space roadway for the purpose of providing electricity to the Shanahan Ridge neighborhood.

PRESENTER/S

Michael D. Patton, Director, Open Space and Mountain Parks
James Reeder, Land & Visitor Services Division Manager
Jim Schmidt, Property Agent

EXECUTIVE SUMMARY

The Shanahan Ridge neighborhood in Boulder relies entirely on electrical service for all household heating and electrical needs. Xcel provides only one feed to this entire neighborhood via an underground conduit from Thomas Lane across the Mardick private property and then across the Shanahan private property to a switch cabinet located in a utility easement south of Greenbriar Blvd. There is no redundant electrical feed to this neighborhood. This buried line failed during the big rains of Sept. 9-12, 2013. In order to quickly restore electrical service to the neighborhood, Xcel placed an electrical feed in a PVC pipe on the adjoining Dover Blacker Open Space land. This was done without any communication, consultation or permission from the Open Space and Mountain Parks (OSMP) Department. This temporary feed could arguably fail at any time as the PVC pipes have already begun to come apart and parts of the conduit are simply tied to existing boundary fencing along the east-west steep hillside. It is also potentially subject to vandalism and interference by animals.

Xcel has determined that it had no easement across the Shanahan private property where it has its failed buried service line and the Shanahans are now refusing to grant Xcel an easement. Thus, Xcel is now asking OSMP for an easement or license to underground this line across the northeast corner of the Dover Blacker Open Space property to provide for a more secure electrical feed to the Shanahan Ridge neighborhood. The construction plan is to bore from the switch cabinet location up along Greenbriar downhill about 500 feet, bore again from the Mardick private property another roughly 500 feet uphill and then dig a pit (approximately 3 x 5 feet) on the Dover Blacker Open Space land and splice the lines together at the pit location. The line would then be undergrounded down the Mardick property and be bored under Thomas Lane.

Because of the time involved in processing a formal easement (four to five months), staff has determined that the Open Space Charter (Boulder City Charter: Article XII, Section 171(a)) allows the director to issue a Nonexclusive Revocable License which would allow Xcel to legally place its electrical line under the Open Space land. Prior to the director issuing such a license, the Open Space Board of Trustees must first make its recommendation on the matter (Boulder City Charter: Article XII, Section 175(h)). Staff has determined that the reasonable compensation for this license should be \$12,500 based upon a valuation of the Open Space land at \$40,000 per acre. Should it be granted, staff will provide Xcel with restoration standards as part of the license agreement.

It is contemplated that Xcel will apply for a formal easement within four months of the project being completed.

STAFF RECOMMENDATION

Staff requests that the Open Space Board of Trustees pass a resolution recommending that the director issue a nonexclusive revocable license to Xcel to bury its electrical feed servicing the Shanahan Ridge neighborhood under the Dover Blacker Open Space and under Thomas Lane for the consideration of \$12,500 and upon such further terms and conditions developed by staff.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Environmental:** OSMP is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- **Economic:** OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- **Social:** Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- **Fiscal** – The Open Space Fund would realize \$12,500 from Xcel's payment for this license.
- **Staff time** – This matter has been handled by staff during its normal work hours.

PUBLIC COMMENT AND PROCESS

This item is being heard at this public meeting, advertised in the *Daily Camera* on Dec. 15, 2013.

Submitted by:

Michael D. Patton, Director