



**CITY OF BOULDER
PARKS AND RECREATION ADVISORY BOARD AGENDA ITEM**

MEETING DATE: May 18, 2015

AGENDA TITLE:

Public hearing and consideration of a motion to convey an easement on Howard Heuston Park, a property owned and operated by the Parks and Recreation Department, to the Boulder White Rock Ditch and Reservoir Company.

REQUESTED BY:

Yvette Bowden, Director of Parks and Recreation
Jeff Haley, Parks Planning Manager
Annie Noble, Acting Principal Engineer for Flood and Greenways
Kurt Bauer, Flood and Greenways Engineering Project Manager
Ward Bauscher, Flood and Greenways Engineering Project Manager

EXECUTIVE SUMMARY

The purpose of this item is to obtain a recommendation from this Board concerning the disposal of Park lands, as an easement, in order to relocate a portion of the Boulder and White Rock (BWR) irrigation ditch located in the far northeastern edge of Howard Heuston Park. The realignment of the ditch is required to complete flood mitigation improvements and construct an extension of an important missing link in the city's multi-use path system as part of the Wonderland Creek Greenways Improvement Project. The path will provide connectivity to Howard Heuston Park from the east from Valmont City Park and Christensen Park and from the west from the Elks Park. The project includes construction of a proposed rest area in Howard Heuston Park adjacent to the new multi-use path. This project was approved by the Parks and Recreation Advisory Board through a Community and Environmental Assessment Process (CEAP) in 2010. The Parks and Recreation Advisory Board reviewed the CEAP and provided input via a representative on the Greenways Advisory Committee (see attached meeting minutes dated August 31, 2010).

The BWR ditch is currently located along the southern and eastern boundary of Howard Heuston Park. A small portion of the ditch located in the far northeastern portion of the Park needs to be relocated to the west in order to construct the Wonderland Creek Greenways Improvement Project. Per City Charter Sec. 162, disposal of Parks property

requires review and approval from PRAB and City Council as well as a non-binding recommendation from Planning Board. A portion of the project's funding is through a federal grant obtained through the Transportation Improvement Program (TIP). The grant funding agreement stipulates the city must secure all easements and have all agreements in place by June 1, 2015. While the city does not need to secure an easement on Parks property to complete the project, an easement will ultimately need to be conveyed to finalize the agreement between the city and the BWR Ditch and Reservoir Company (the Ditch Company).

The proposed easement within Howard Heuston Park is 85' wide and approximately 225' long. The relocated portion of the existing ditch will be filled in, planted with native species and the prescriptive easement abandoned. The relocated ditch and proposed seating area will cause minimal disruption to the function of the park.

An affirmative vote by at least four members of this Board is required for this disposal. An advisory recommendation, not binding on the City Council, must also be obtained from the Planning Board.

BACKGROUND AND ANALYSIS

The Wonderland Creek Greenways Improvement Project will provide flood mitigation from Foothills Parkway north and east along Wonderland Creek to Winding Trail Drive along with construction of an important missing link in the city's multi-use path system. Flood mitigation improvements associated with this project are recommended in the Flood Mitigation Master Plan for Fourmile Canyon Creek and Wonderland Creek. The trail components of the project are recommended in the city's Transportation Master Plan and the Greenways Master Plan.

Planning for the project began with development of a Community and Environmental Assessment Process (CEAP). The CEAP was approved by the Greenways Advisory Committee and City Council in 2010. The Parks and Recreation Advisory Board reviewed the CEAP and provided input via a representative on the Greenways Advisory Committee. The planning and design process included an extensive public process. The project received federal funding through the Transportation Improvement Program (TIP). The federal funding requires the project be advertised for construction by June 30, 2015. It is anticipated that the project will take two years to complete.

The extension of the multi-use path system will include a new railroad bridge and underpass just west of Foothills Parkway, an underpass at Kalmia and an underpass at 28th Street. The new path system will help to connect Howard Heuston Park, Christensen Park, Valmont Park and the Elks Park along the city's multi-use path corridor. The project also includes a potential seating rest area within Howard Heuston Park, designed and built by a local artist. **Attachment A** shows the connectivity resulting from the project's extension of the city's multi-use path system. **Attachment B** shows the possible location of the proposed rest area in Howard Heuston Park adjacent to the new path system. Design of the seating area will be coordinated with Parks.

Completion of the project requires a portion of the Boulder and White Rock (BWR) irrigation ditch to be relocated. The BWR ditch is currently located along the southern and eastern boundary of Howard Heuston Park. A small portion of the ditch located in the far northeastern portion of the Park needs to be relocated to the west. The ditch company has requested an 85-foot wide permanent easement be conveyed for the relocated portion of the ditch. The proposed length of ditch would be approximately 225' on Howard Heuston Park. The length of the existing ditch within the Park is approximately 185'. The relocated portion of the existing ditch will be filled in, planted with native species and the prescriptive easement abandoned. This area of the park will be maintained by the Greenways Habitat Maintenance Crew. The location of the relocated ditch will cause minimal disruption to the function of the Park. **Attachment C** shows the relocated ditch and associated easement. **Attachment D** presents the legal description of the ditch easement through Howard Heuston Park. Proposed grant of easement language is presented as **Attachment F**.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests PRAB's consideration of this matter and action in the form of the following motion:

Motion to approve the Park and Recreation Board's recommendation to City Council concerning the disposal of park land at Howard Hueston Park (permanent easement) pursuant to City Charter Sec. 162, to be conveyed from the City of Boulder Parks and Recreation Department to the Boulder White Rock Ditch and Reservoir Company as necessitated for the completion of the City's Wonderland Creek Project.

ATTACHMENTS

Attachment A: Figure Showing Project Path Connectivity

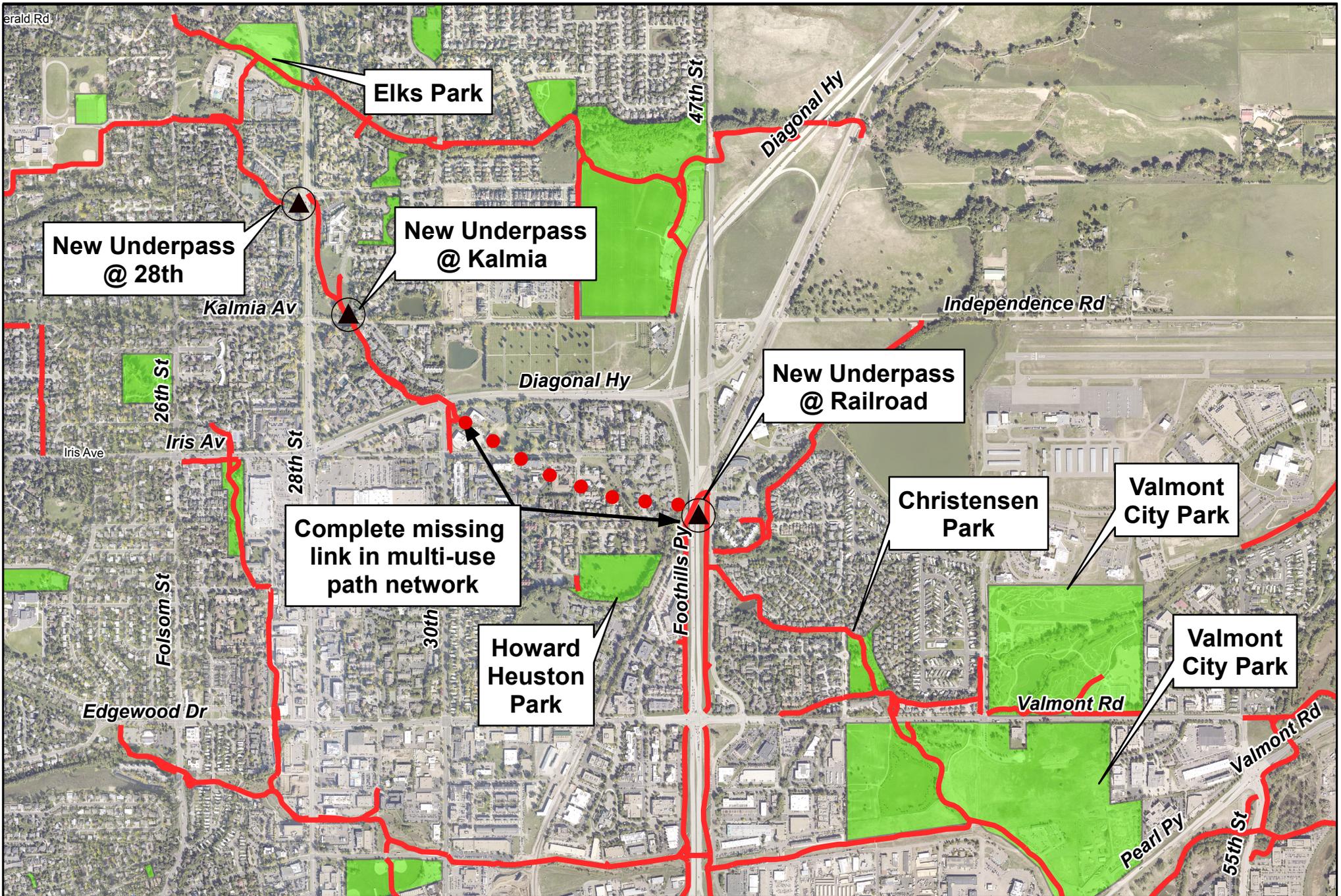
Attachment B: Conceptual Rest Area Location in Howard Heuston Park

Attachment C: Proposed Grant of Ditch Easement across Howard Heuston Park

Attachment D: Easement PE4 Shown on Right of Way Plan

Attachment E: Greenways Advisory Committee Meeting Minutes - August 31, 2010

Attachment F: Proposed Grant of Easement Language and Legal Description



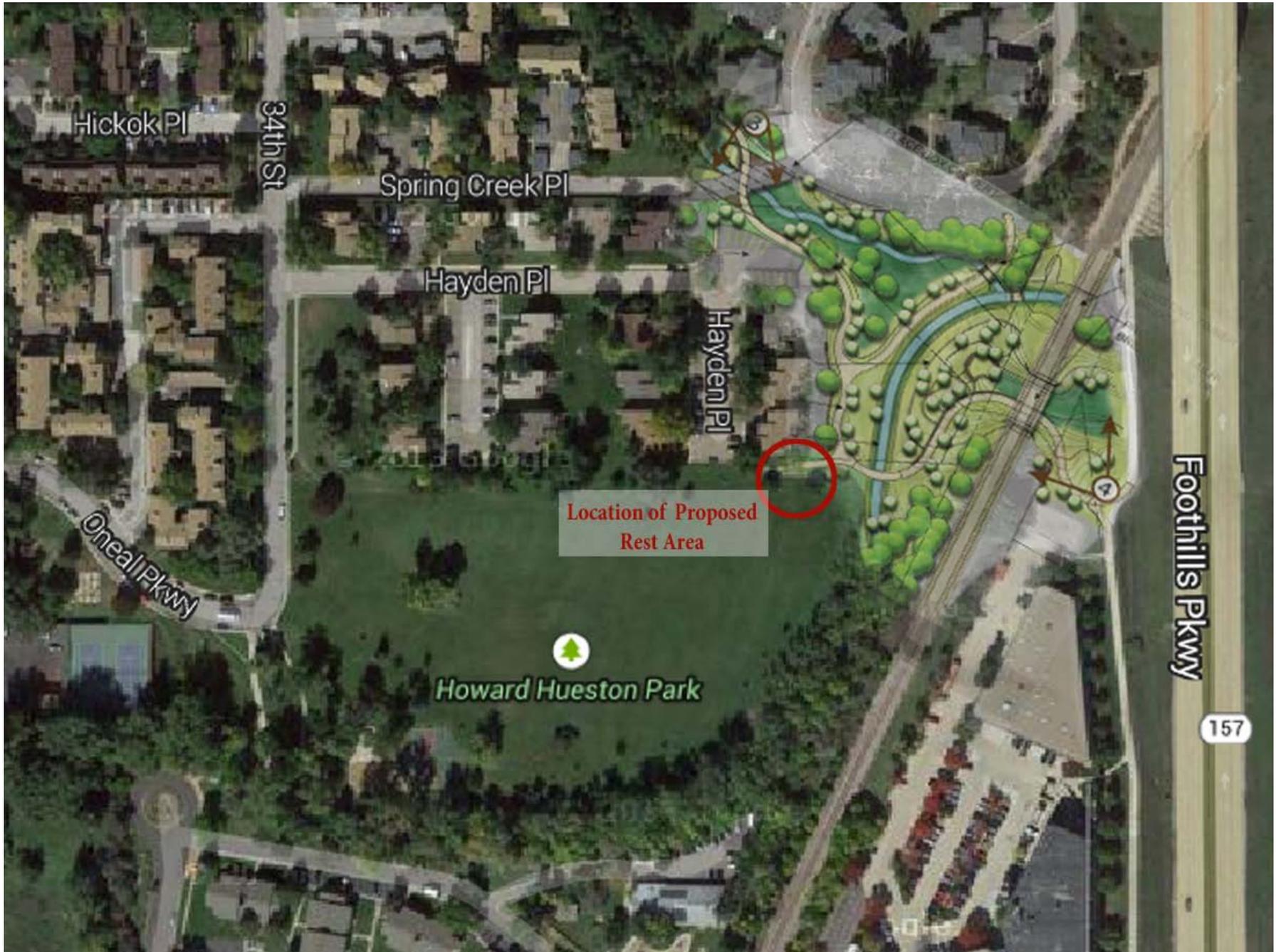
Wonderland Creek

Multi-Use Path Connections

Attachment A



Attachment B: Conceptual Rest Area Location in Howard Hueston Park





Wonderland Creek

Easement and Proposed Sitting Area Location

Attachment C



COLORADO DEPARTMENT OF TRANSPORTATION



Region 4
1420 2nd Street
Greeley, CO 80631
Phone: 970-350-2161 FAX: 970-350-2178

Right of Way Plans Unit:

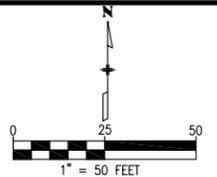
PTS

Sheet Revisions

Date	Description	Initials
03-21-14	Add TE-1 and New Design	GFS

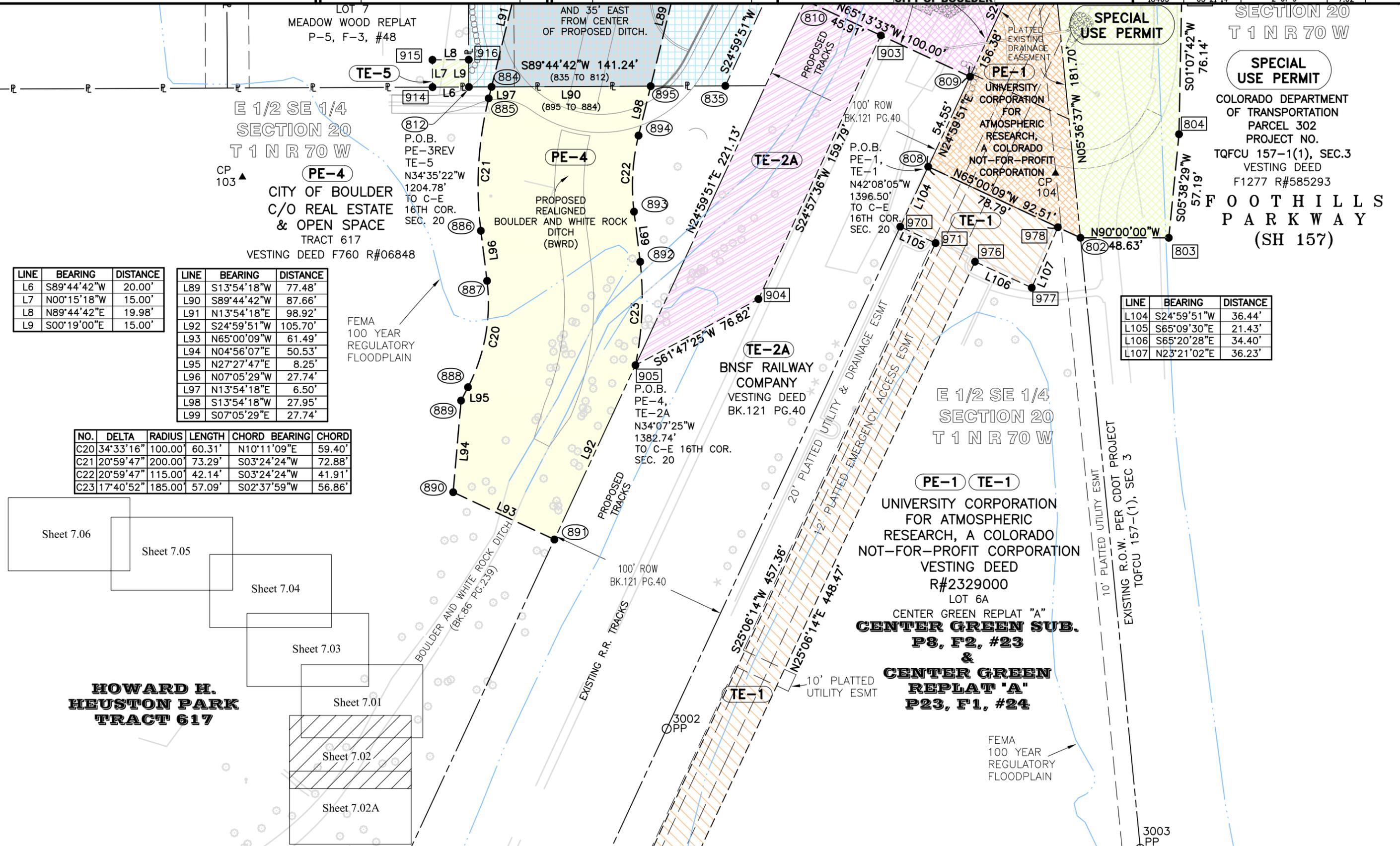
Sheet Revisions

Date	Description	Initials



LUND
PARTNERSHIP
12265 W. Bayaud Ave., Suite 130
Lakewood, Colorado 80228
P:303.989.1461 F:303.989.4094
CIVIL ENGINEERING
& SURVEYING

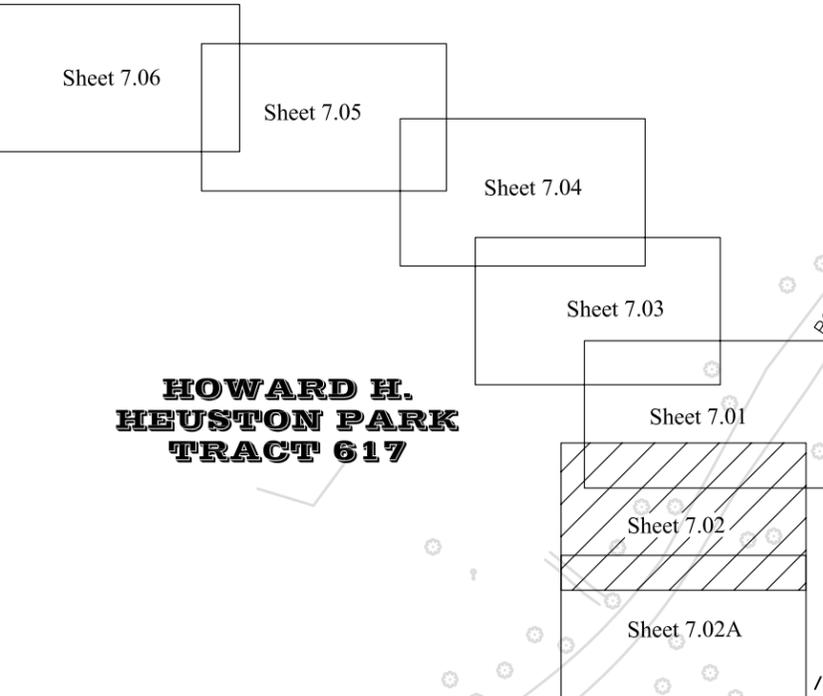
Right of Way Plans			
Plan Sheet			
Project Number:	STM M110-081		
Project Location:	Wonderland Creek		
City of Boulder			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
18405	03-21-14	2 of 9	7.02



LINE	BEARING	DISTANCE
L6	S89°44'42"W	20.00'
L7	N00°15'18"W	15.00'
L8	N89°44'42"E	19.98'
L9	S00°19'00"E	15.00'

LINE	BEARING	DISTANCE
L89	S13°54'18"W	77.48'
L90	S89°44'42"W	87.66'
L91	N13°54'18"E	98.92'
L92	S24°59'51"W	105.70'
L93	N65°00'09"W	61.49'
L94	N04°56'07"E	50.53'
L95	N27°27'47"E	8.25'
L96	N07°05'29"W	27.74'
L97	N13°54'18"E	6.50'
L98	S13°54'18"W	27.95'
L99	S07°05'29"E	27.74'

NO.	DELTA	RADIUS	LENGTH	CHORD	BEARING	CHORD
C20	34°33'16"	100.00'	60.31'	N10°11'09"E	59.40'	
C21	20°59'47"	200.00'	73.29'	S03°24'24"W	72.88'	
C22	20°59'47"	115.00'	42.14'	S03°24'24"W	41.91'	
C23	17°40'52"	185.00'	57.09'	S02°37'59"W	56.86'	



HOWARD H. HEUSTON PARK TRACT 617

SECTION 20
T 1 N R 70 W

SPECIAL USE PERMIT

COLORADO DEPARTMENT OF TRANSPORTATION
PARCEL 302
PROJECT NO. TQFCU 157-1(1), SEC.3
VESTING DEED F1277 R#585293
FOOTHILLS PARKWAY (SH 157)

LINE	BEARING	DISTANCE
L104	S24°59'51"W	36.44'
L105	S65°09'30"E	21.43'
L106	S65°20'28"E	34.40'
L107	N23°21'02"E	36.23'

PE-1 TE-1
UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH, A COLORADO NOT-FOR-PROFIT CORPORATION VESTING DEED R#2329000
LOT 6A
CENTER GREEN REPLAT "A"
P8, F2, #23
&
CENTER GREEN REPLAT "A" P23, F1, #24

10' PLATTED UTILITY ESMT
EXISTING R.O.W. PER CDOT PROJECT TQFCU 157-1(1), SEC 3

FEMA 100 YEAR REGULATORY FLOODPLAIN

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Greenways Advisory Committee
Date of Meeting: August 31, 2010
Contact Information of Person Preparing Minutes: Laurel Olsen-Horen, 303-441-3203
Committee Members Present: John Putnam – OSMP Board of Trustees, Bob Yates – Parks and Recreation Board, Andrew Shoemaker – Planning Board, David Driscoll – Transportation Board, Kate Ryan – Water Resources Board Committee Members Absent: Suzanne Jones – Environmental Board
Staff Present – Annie Noble, Greenways Coordinator Kurt Bauer, Engineering Project Manager Marni Ratzel, Transportation Planner II Mark Gershman, Environmental Planning Supervisor Katie Knapp, Floodplain and Wetland Administrator Keith Walzak, Parks Planning Manager Eric Fairlee, Natural Resource Specialist (IPM) Matt Claussen, Urban Parks Resource Manager Peter Rosato, Maintenance Supervisor Medians / Bikeways Laurel Olsen-Horen, Board Secretary Presenters of note – US Army Corps of Engineers: Mark Nelson Elizabeth Peake Cindy Upah
WHAT TYPE OF MEETING [REGULAR]
Agenda Item 1 – Call to Order. The meeting was called to order at 7:02 p.m. [GAC members and staff introduced themselves.]
Agenda Item 2 – Approval of Minutes from June 10, 2010 Motion: Motion to approve June minutes as presented. Putnam moved; Yates seconded Vote: 5:0, Motion passed.
Agenda Item 3 – General Public Participation Public Participation: There was none.
Agenda Item 4 – Public hearing Wonderland Creek Greenways Improvement Project - Foothills Parkway to the Diagonal Highway CEAP. [7:07 pm] Kurt Bauer presented item to the board GAC discussion included: <ul style="list-style-type: none"> • Native fish in wonderland creek; the city needs to try to foster habitat for those native species during implementation. OSMP encourages working with the ditch company to secure low flows during the negotiations. • Would like to compliment staff on their work. Board likes the amount of public outreach the city has done. Motion by Yates; seconded by Shoemaker: Motion to approve the staff recommendations for the Wonderland Creek Improvement Project Vote: 5:0 Public Comment: Sue Prant – overall scope looks pretty good. Likes the safe way to cross Foothills. John Olsen – on the option off of Iris, why doesn't the city opt for that option? Staff response, it gets very tight in that area, and the cost estimate is expensive. There is lots of bicycle and pedestrian traffic; (especially at 34 th and Iris) The Geological Society endorses the improvement. The 30 th turn is very narrow, and should be widened. Staff response: we can look into an intersection

improvement.

Bill Sacks – what is the timeline of this project? Staff response: if the funding goes through than construction may start around 2012.

Jessica Thrall – would like to see the path on the north side of Wonderland Creek. What happens with the growth that is currently in the creek? Staff response: we would need to clean out the sediment and re-vegetate.

Brian Sullivan – would like to know the effect downstream regarding water flow under Foothills into the pond. The pond is acting like a natural embankment, would a larger volume of water cause erosion? Staff response: there has been a study that was completed for the Fourmile Canyon Creek and Wonderland Creek. The study indicates no adverse downstream impacts due to improvements west of Foothills Parkway. The study was approved by Council in January; staff is working on a final publication.

Dan Furlani – How will the trail cross the R.R.? Staff response: staff looked into three different ways to cross the R.R. The recommended crossing is an underpass.

Agenda Item 5 – Draft plans for Ecosystem Restoration of South Goose Creek and Cottonwood Pond [7:58 p.m.]

US Army CORPS of Engineers presented item to the board
Power point presentation given

Board member Driscoll leaves at 8:50 p.m.

GAC discussion included:

Board asked some clarification questions only.

GAC Resolution: Board would like to postpone a resolution until after each member is able to return to their perspective board members and present this topic and get feedback. Board secretaries will work together to facilitate information disbursement.

Agenda Item 6 [9:10 p.m.]

A. Matters from Staff

- What could the city have done differently in regards to removing the garlic mustard? The acknowledgement of the issues is helpful for future planning.
- The final budget will have the operating expenses separated for the next budget.
- Crew leader has resigned from her fixed term.
- GMP may be submitted to the GAC for review this year.

B. Matters from the Committee

none

Agenda Item 7 – Discussion on future schedule

Possibly revisiting the Ecosystem on Goose Creek project in March.

Agenda Item 8 – Adjournment

Motion to adjourn: Putnam

Second: Shoemaker

The vote was 4:0 in favor of the motion.

The meeting was adjourned at 9:25 p.m.

Date, Time, and Location of Next Meeting:

GAC will announce the next meeting date and location when they set the next meeting.

Approved by: _____

Date: _____

*Verbatim public comments are available in audio recordings posted on the website.

For Administrative Purposes Only
Property Address: _____
Grantor: City of Boulder
Grantee: Boulder and White Rock Ditch and Reservoir Company
Case#: _____

GRANT OF DITCH EASEMENT

CITY OF BOULDER, a municipal corporation (“Grantor”), whose address is 1777 Broadway, Boulder, CO 80302, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the BOULDER AND WHITE ROCK DITCH AND RESERVOIR COMPANY, a nonprofit corporation (the “Grantee”), whose address is 157 Baylor Drive, Longmont, CO 80503, an 85-foot wide easement for the installation, construction, operation, repair, maintenance, and reconstruction of an irrigation ditch and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement, including access for ingress and egress, in and to, over, under, and across the following real property, situated in Boulder County, Colorado,

See Exhibit A attached

Grantor, for itself and for its successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by itself or its successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants its ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, its agents, lessees and assigns, and all other successors to it in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this ___ day of _____, 2015.

GRANTOR:
CITY OF BOULDER
a municipal corporation

By: _____
Jane S. Brautigam
City Manager

[NOTARY BLOCK FOLLOWS]

