



**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: May 21, 2015

AGENDA TITLE:

Public Hearing and consideration of a recommendation to City Council concerning the disposal of park land (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.

PRESENTERS:

David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Maureen Rait, Executive Director of Public Works
Jeff Arthur, Director of Public Works for Utilities
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

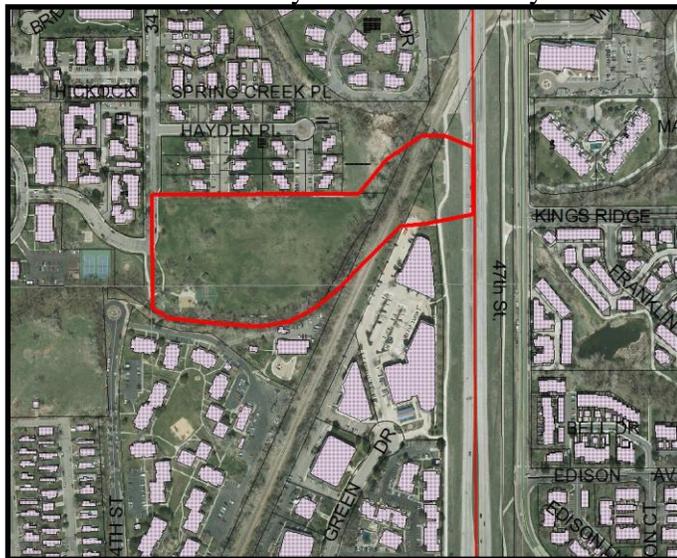
The purpose of this meeting is to obtain an advisory recommendation from the Planning Board to City Council concerning the disposal of park lands (a permanent easement), as required by City Charter Sec. 162. The easement is required in order to relocate a portion of the Boulder and White Rock (BWR) irrigation ditch located in the far northeastern edge of Howard Heuston Park located at 3200 34th St. The City of Boulder Parks and Recreation Department (P&R) owns and manages the 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, Planning Board and City Council through a Community and Environmental Assessment Process (CEAP) in 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. 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.



Heuston Park - 3200 34th

An affirmative vote by at least four members of the Parks and Recreation Advisory Board (PRAB) is required for this disposal. The PRAB is scheduled to consider this request at its May 18 business meeting. An advisory recommendation, not binding on the City Council, must also be obtained from the Planning Board.

KEY ISSUES & ANALYSIS:

- 1) Does the Planning Board recommend a permanent easement across the Park be granted to the Ditch Company?

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.

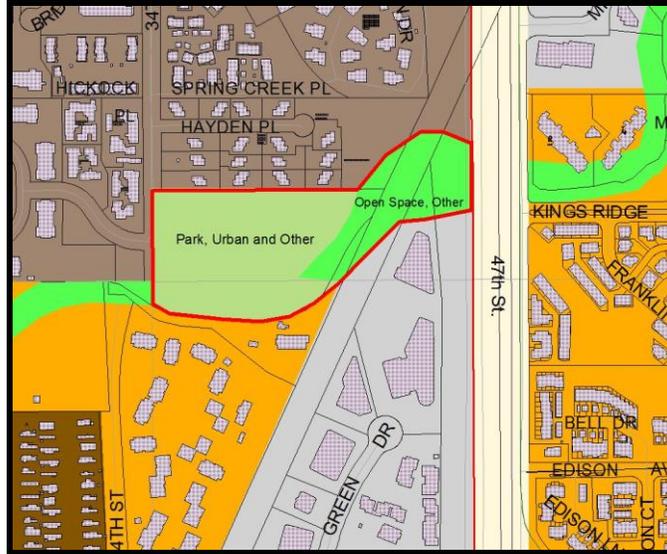
Planning for the project began with development of a Community and Environmental Assessment Process (CEAP). The CEAP was approved by the Greenways Advisory Committee and City Council in 2010. The Parks and Recreation Advisory Board and Planning Board reviewed the CEAP and provided input via representatives 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 staff.

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 E](#).

- 2) Is the proposal consistent with the [Boulder Valley Comprehensive Plan](#) Land Use Designation?

Yes, per the map below, the area is appropriately designated Parks, Urban Open Space as well as Open Space Other and supports the proposed improvements.



BVCP Land Use Designations

3) Is the proposed connection consistent with the city's Transportation Master Plan?

Yes, the proposed connection is consistent with the connections identified in the [Transportation Master Plan](#).

CITY COUNCIL, BOARD AND COMMISSION FEEDBACK

PRAB members have been asked to consider this request at their May 18 business meeting. The results of the PRAB meeting were not available at the time this memo was drafted. PRAB results will be provided to this Board by the time it meets to consider this request. Any public feedback provided to PRAB will also be provided at that time.

STAFF RECOMMENDATION

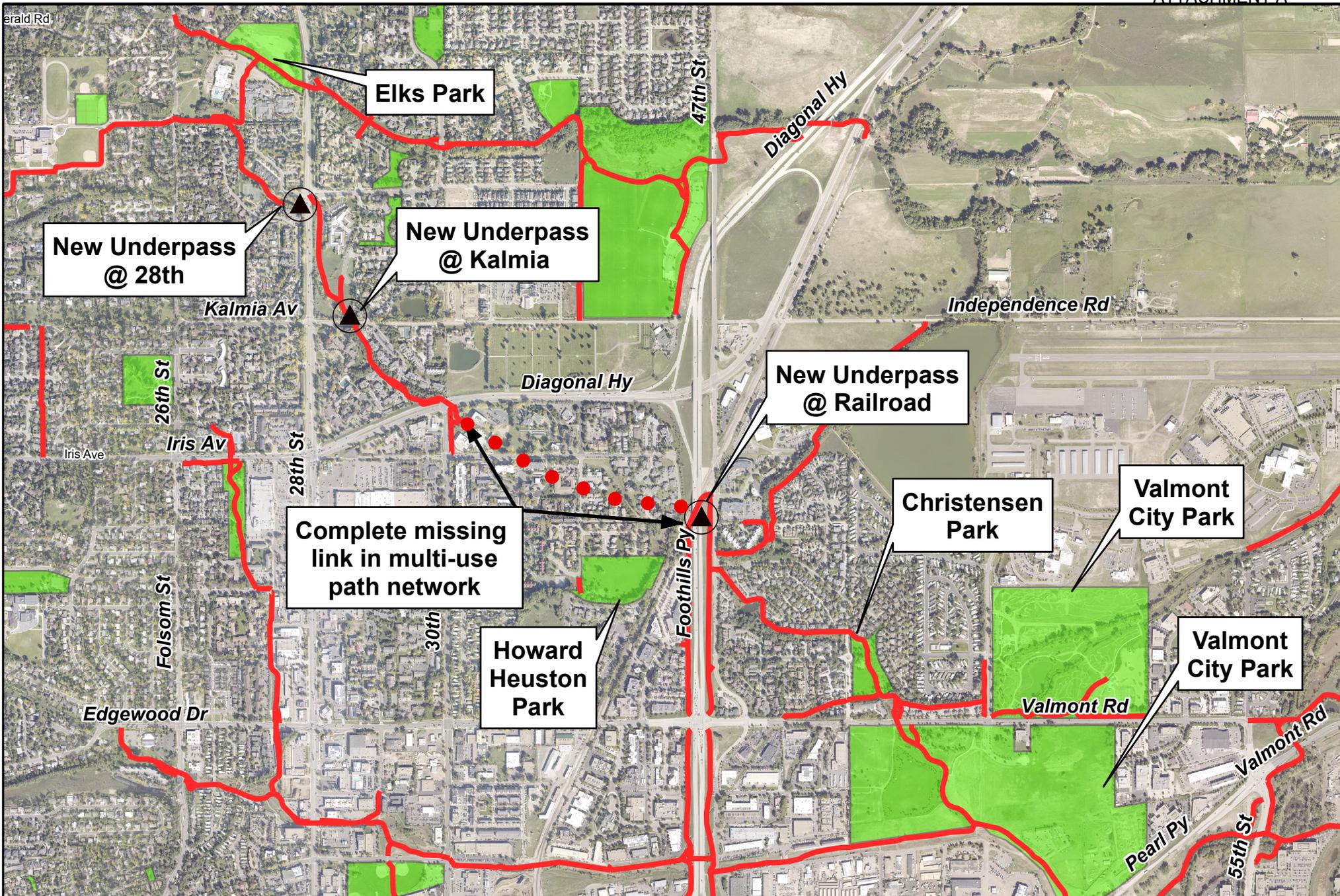
Suggested Motion Language:

Staff requests Planning Board consideration of this matter and action in the form of the following motion:

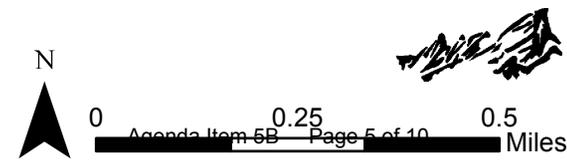
Motion to recommend to City Council the disposal of park land at Howard Hueston Park (permanent easement) pursuant to City Charter Sec. 162, to be conveyed from the City of Boulder Parks and Recreation Department to the Boulder White Rock Ditch and Reservoir Company as necessitated for the completion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

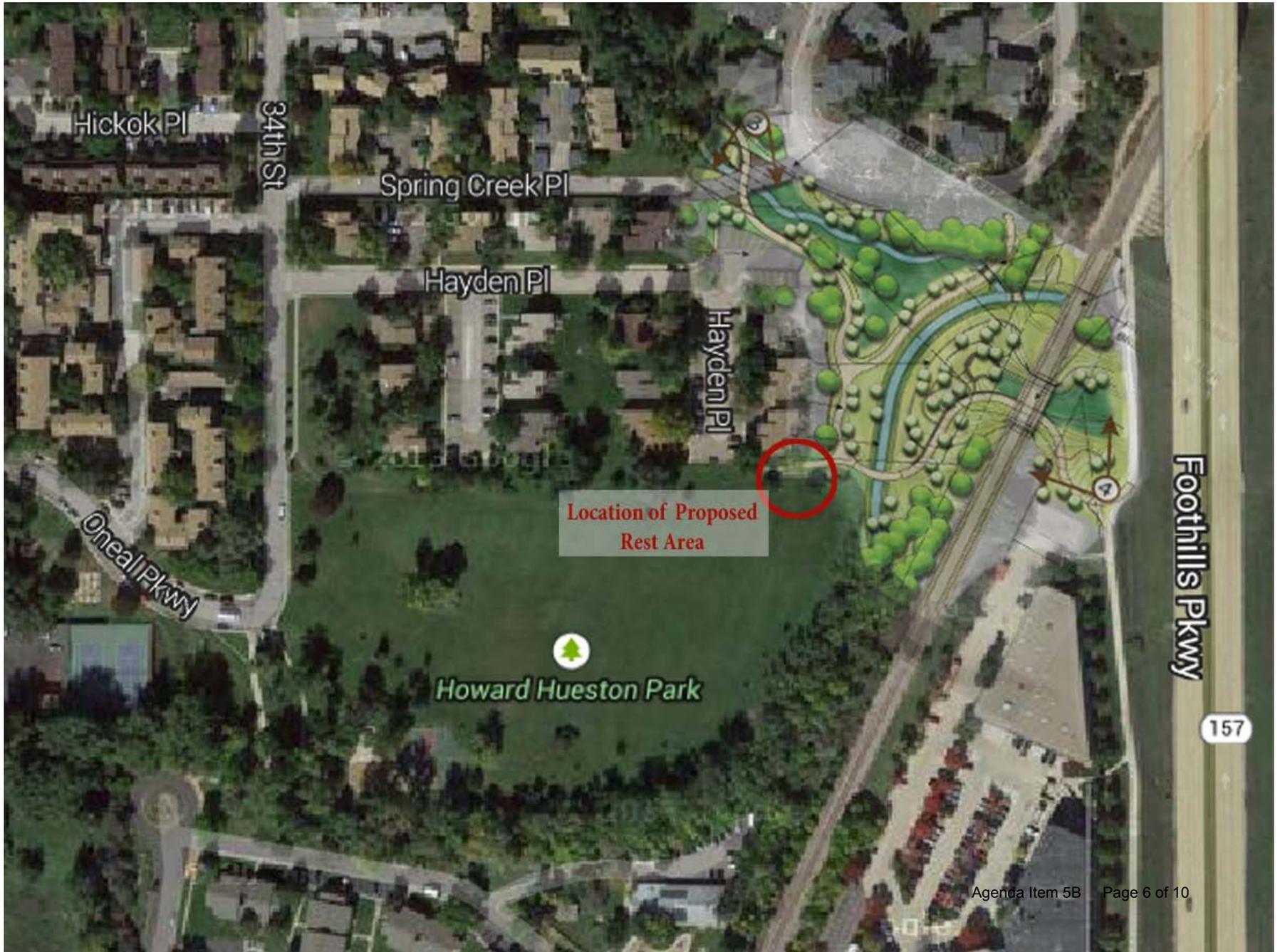
ATTACHMENTS

- [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: Proposed Grant of Easement Language and Legal Description](#)



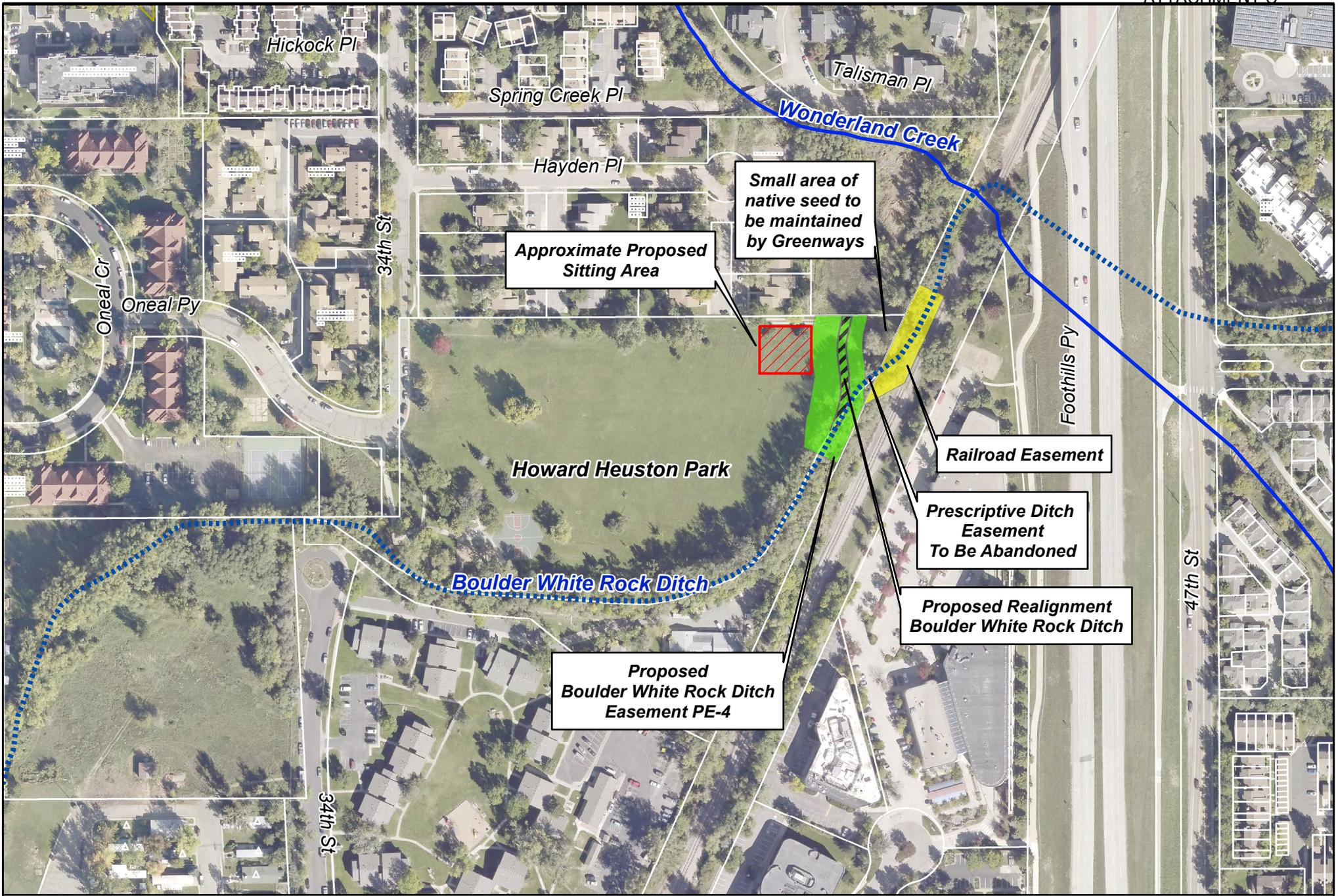
Wonderland Creek
Multi-Use Path Connections



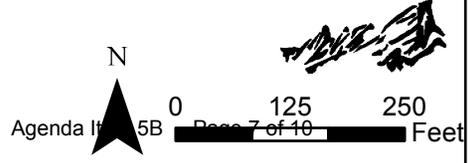


Location of Proposed Rest Area

Howard Hueston Park



Wonderland Creek
 Easement and Proposed Sitting Area Location



COLORADO DEPARTMENT OF TRANSPORTATION



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

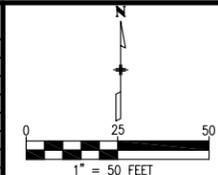
Right of Way Plans Unit: PTS

Sheet Revisions

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

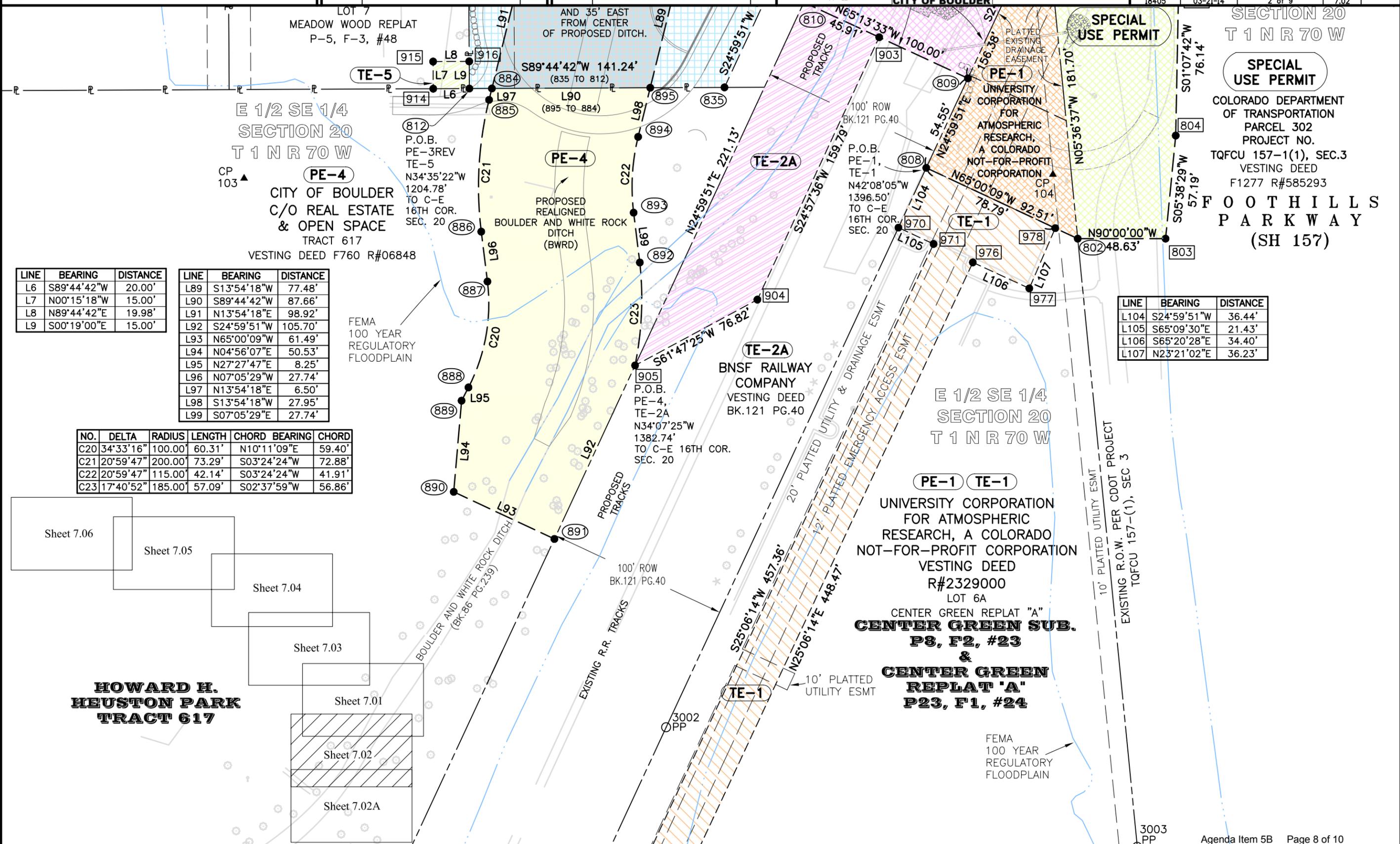
Sheet Revisions

| 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

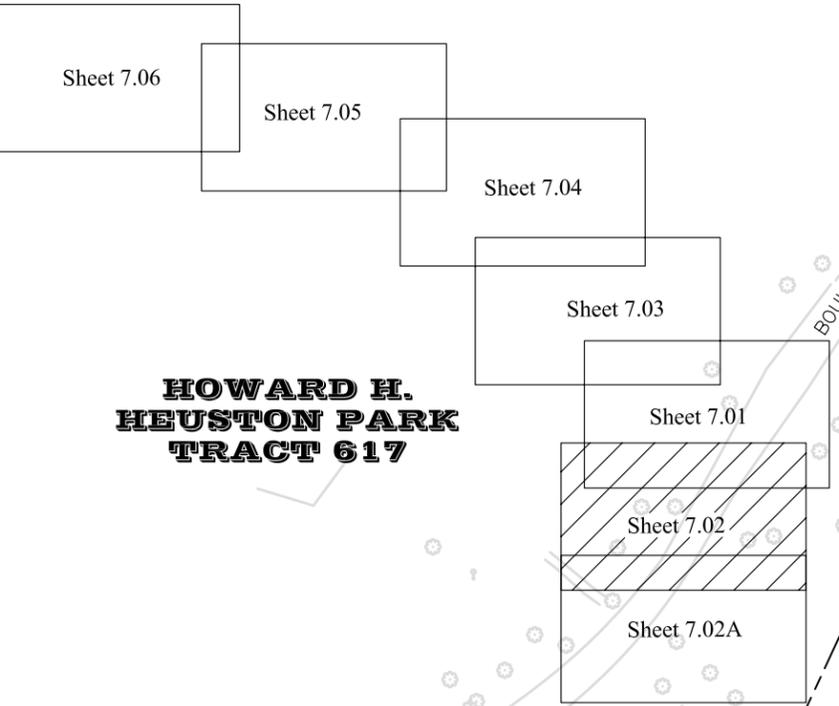
| Right of Way Plans | | | |
|------------------------------------|--------------------------|----------------|-----------------|
| Plan Sheet | | | |
| Project Number: STM M110-081 | | | |
| Project Location: Wonderland Creek | | | |
| City of Boulder | | | |
| Project Code: 18405 | Last Mod. Date: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

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]

