

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Elk Meadow Park/Bergen Peak- Tibaldo Partnership JCOS23-12

Date: 10/15/2024

Staff Recommendation:

Whereas, the Board of County Commissioners (BCC) has received the recommendation made in Open Space Advisory Committee Resolution #24-01, to purchase the Elk Meadow Park/Bergen Peak- Tibaldo Partnership JCOS23-12 (Tibaldo) property; and

NOW, THEREFORE, BE IT RESOLVED that the BCC 1) authorizes the Chair of the Board to execute the Purchase and Sale Agreement, Tenants in Common Agreement, and Intergovernmental Agreement for Management (IGA) and all related documents; 2) authorizes the Director of Open Space or his designee to sign the closing documents; 3) authorizes the Chair of the Board or the Assistant County Attorney to accept the deed and other documents when received; 4) authorizes the County Attorney's Office to cause the deed and the Tenants in Common Agreement to be recorded in the Jefferson County Clerk & Recorder's Office; and 5) directs the Treasurer or his designee to make an electronic payment of \$1,500,000 for the purchase price plus transaction costs, using specific payment delivery instructions to be provided by the Director of Accounting.

Resolution No: CC24-315

Background:

Jefferson County Open Space (JCOS) is partnering with the City and County of Denver (Denver) to acquire approximately 167 acres located on State Highway 74 in Evergreen for \$3,000,000. The Property connects over 4,000 acres of contiguous public land between JCOS's Elk Meadow Park, Denver Mountain Park's (DMP) Bergen Peak and Mount Pence properties, the Bergen Peak State Wildlife Area, and the Arapaho National Forest. The proposed acquisition is the first collaboration between JCOS and

Denver where the entities will co-own the property as tenants in common. An IGA between the parties will include a cost-sharing plan for demolition and cleanup of structures on the Property, estimated at approximately \$1 million, and future development and management. The Property will provide opportunities for trail connections from Elk Meadow Park, through DMP property and into the Arapaho National Forest to the west. The existing two-track roads could be used for trails/public access within the Property. The purchase agreement with the landowner includes a requirement that the rock outcropping located on the peak of the Property be identified on a wooden sign as Pietro Point after the family's patriarch.

JCOS and Denver will each contribute \$1,500,000 toward the \$3,000,000 purchase price and co-own the property, with each party owning an undivided 50% interest. Future development and management of the property will be addressed in a separate IGA. In a Tenants in Common Agreement, which will be recorded in the Jefferson County Records, JCOS and Denver have each also agreed to grant each other a Right of First Offer before ever conveying the Property, and to permanently restrict the Property to be used as a public park and open space area with the intent to protect and manage the Property's scenic viewshed, wildlife habitat, recreational uses, and water and forest resources. The parties have agreed that the Tenants in Common Agreement will be enforced in accordance with both Denver and Jefferson County governing law.

Fiscal Impact:

\$1,500,000 paid with Open Space funds from the adopted 2024 budget

BCC Briefing Presented on: 8/20/2024

Originator: Hillary Merritt, Deputy Director

Distribution: Karey Baker, Lori Foster, Anne Kelson, Anthony Chambers, Joy Lucisano, Leticia Lamprecht, Becky Gehrig and Clerk to the Board