



Protect Initiative Special Opportunity/Large Acquisition Grant Cycle

April 8, 2016

Dear Applicant:

The State Board of the Great Outdoors Colorado Trust Fund (GOCO) would like to invite you to submit an application for a Protect Initiative grant. The GOCO Board has approved investing up to \$47 million in Protect Initiative projects over fiscal years 2017, 2018, and 2019. Grants will be awarded each June and December as necessary, beginning as early as June 13, 2016. We expect this initiative to be extremely competitive; therefore, funding is not guaranteed.

You must submit your application through the online [GOCO Grant Portal](#) by 5:00 p.m. on May 2, 2016. GOCO will no longer accept paper applications.

Please contact me at (303) 226-4522 or mfrishman@goco.org if you have any questions about the application or this grant cycle. Thank you for your interest in GOCO's Protect Initiative.

Sincerely,

Michele Frishman
Open Space Program Manager



MISSION: To help the people of Colorado preserve, protect, enhance, appreciate and enjoy our parks, wildlife, trails, rivers and open space through strategic grants, partnerships and leadership.

Protect Initiative Grant Application

Instructions, Grant Agreement, and Technical Supplement Note:

Please see the Instructions for GOCO's Protect Initiative Grant Application ("Instructions") for specific guidance on filling out the application.

If you are awarded a Protect Initiative grant, GOCO will require you to sign a standard Grant Agreement that requires compliance with GOCO's policies, standard conditions, and requirements. You will also be required to comply with GOCO's Appraisal Guidelines, issued in December 2011 and updated in 2013. Additionally, you will be required to place a conservation restriction on the property, which is typically in the form of a conservation easement, even if your organization is acquiring the property in fee simple. In that event, a separate organization must hold the easement. GOCO cannot hold interests in land.

The Open Space Technical Supplement ("Technical Supplement") includes a description of due diligence documentation required before funds can be released for grants. The Technical Supplement, GOCO's Model Conservation Easement, Due Diligence Checklists, and other guidance documents are available on the GOCO website at www.goco.org.

Applications due via online GOCO portal by 5:00 p.m.: May 2, 2016

Board decision: June 13, 2016
(The board decision date is subject to change.)

Full Application Checklist

Submit the following four documents through GOCO's [online grant portal](#) to complete your application. Each document must be less than 25MB.

Document 1: Full Application

Please submit a single PDF or DOC file of the following information for your project *in the same order as listed below*:

- ☐ 1) Summary Form (pages 4-5 of this application form)
- ☐ 2) Executive Summary (one page maximum, written by the applicant)
- ☐ 3) Timeline (page 6 of this application form)
- ☐ 4) Color maps (Please note that there are requests for items to be designated on maps throughout the application. You should label the maps and reference them in the selection criteria answers.)
- ☐ 5) Photographs (Please limit to six photos or three pages.)
- ☐ 6) Full Application Selection Criteria answers (narrative description written by the applicant). *Please include the questions with your answers.*
- ☐ 7) Letter of intent from landowner or signed option or contract for each parcel covered in this application
- ☐ 8) Letter of support from county and city (if applicable) on official letterhead
- ☐ 9) Other letters of support (please limit to six). (Please do not seek a letter of support from Colorado Parks and Wildlife ("CPW"). GOCO will directly contact CPW Regional Managers about projects in their regions and get feedback from CPW staff about the wildlife values on the property.)
- ☐ 10) Documentation of the property's stewardship costs and endowment amount (if endowment funds are requested)

Document 2: Budget

Please submit an Excel file of the Budget Form, which is available at <http://www.goco.org/grants/apply/protect-initiative-grants>

Document 3: Supporting Documentation

Please submit one PDF or DOC file of the following Supporting Documentation *in the same order as listed below*:

- ☐ 1) Copy of the title commitment or title policy and accompanying exception documents referenced in Schedule B. The title commitment must cover the specific property discussed in the application.
- ☐ 2) Publicity Requirements Letter signed by landowner(s) (for conservation easement projects ONLY; available at <http://www.goco.org/grants/apply/protect-initiative-grants>)
- ☐ 3) Appraisal summary pages or full appraisal (only required if you have already acquired the property and are asking for GOCO to reimburse you for the acquisition)

Document 4: Organizational Stewardship Report

Please submit the conservation easement holder's Organizational Stewardship Report, unless it has been submitted to GOCO within the last two years. (Contact GOCO staff for the report form.)

Summary Form

ABOUT THE APPLICANT

Name: Adams County Parks & Open Space		
Address: 9755 Henderson Road; Brighton, CO 80601		
Applicant Contact Name: Marc Pedrucci		Title: Natural Resource Manager
Telephone: 303-637-8014	Email: mpedrucci@adcgov.org	Are you the primary contact for this grant: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

ABOUT THE PARTNER

Name: The Trust for Public Land		
Address: 1410 Grant Street, #D210; Denver, CO 80203		
Partner Contact Name: Wade Shelton		Title: Project Manager
Telephone: 303-867-2334	Email: wade.shelton@tpl.org	Are you the primary contact for this grant: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ABOUT THE PROJECT

Project Title: Willow Bay	
Grant Request: \$3,000,000	Total Project Value: \$10,100,000
County or Counties: Adams County	Number of acres to be protected: 174
Legal Fees (If you are including more than \$15,000 in legal fees per property in the budget, please explain how you came up with this number.): Not applicable	
Check the boxes that best describe the GOCO strategic plan components that your project contains (contact GOCO if you have any questions about which box(es) to check): <input checked="" type="checkbox"/> Protect Large, Connected Landscapes <input checked="" type="checkbox"/> Protect Colorado's Waterways <input checked="" type="checkbox"/> Protect Urban Open Space <input checked="" type="checkbox"/> Provide Public Access (including access for youth groups, education, fishing, and hunting)	
If you are purchasing a conservation easement, have you discussed GOCO's easement language requirements with the landowner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you and the proposed conservation easement holder both agree to comply with GOCO's stewardship policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Who will hold the required conservation easement? The City of Brighton	

EXECUTIVE SUMMARY

Please describe the important aspects of your project (who will acquire what, where, when, how, etc.) on separate paper and in one page or less. Include acreage estimates for each project parcel. This section should be used to describe the

Summary Form

overall scope of your project and should not be as detailed as your answers to the selection criteria questions. Provide only an overview and describe the general, overall scope of your project.

Adams County Parks and Open Space and the Trust for Public Land (TPL) respectfully request a Great Outdoors Colorado (GOCO) Protect Grant of \$3,000,000 to fund the acquisition of the Willow Bay Property, one of the most significant public recreation and open space acquisition opportunities along the South Platte River both in Adams County and the Denver Metro Area in recent memory.

The 174-acre Willow Bay Property, which includes a 100-acre reservoir, located directly on the South Platte River will create a regionally significant recreation destination for non-motorized boating, fishing, picnicking, regional trail access, and other outdoor activities. The property possesses outstanding riparian, wetland and upland habitats, serves as an important wildlife corridor, and is specifically identified for acquisition in the Adams County South Platte River Heritage Corridor Plan. It is also in close proximity to the Adams County Regional Park, the Riverdale Bluffs Open Space, and a recent 61-acre open space acquisition by Adams County and TPL, making Willow Bay an important piece in a large and growing network of connected, protected open space that spans Adams County and the Denver Metro Area.

Adams County and TPL have already secured \$3.2 million in funding from Adams County Open Space, \$100,000 from the Urban Drainage and Flood Control District, and a commitment of \$3.7 million from the Natural Resource and Damage Assessment and Restoration Trustees (NRD Trustees), leaving GOCO funding as the only remaining funds needed in order to complete the transaction. Furthermore, the landowners have agreed to donate any land value above the anticipated purchase price of \$10 million.

However, it is imperative that we proceed with the transaction now, as it has taken years for TPL to reach an agreement with the landowners, with TPL finally securing the purchase via an option agreement earlier this spring. The agreement requires that we close the transaction in April 2017, making a Fall 2016 GOCO Protect Grant absolutely critical to the success of the project. Adams County and TPL have already begun the appraisal process, which will be lengthy and complex.

Should we be unable to complete the purchase, development of the site is inevitable, particularly in light of the tremendous recent growth in the Denver Metro Area. As a result, we sincerely appreciate GOCO's consideration of this unique conservation opportunity.

I certify that I am authorized to sign on behalf of the applicant and that if awarded a Protect Initiative grant for this project, the applicant will comply with GOCO's requirements for Protect Initiative grant administration, including matching, due diligence, and general requirements. I certify that neither condemnation nor the threat of condemnation is or will be a part of this transaction.

Date: _____

*An authorized person must sign here, such as the applicant's executive director,
county commission chairperson, or city council chairperson.*

TIMELINE

Task↓	Date→	Present	Dec. 2016	January 2017	February 2017	March 2017	April 2017	Already Complete?
Obtain governing body approval						3/31/2017		
Enter into purchase contract and provide copy to GOCO ¹								Completed
Obtain Appraisal and GOCO approval	Started			1/15/2017				
Obtain Survey	Started	Complete						
Obtain Water Due Diligence						3/31/2017		
Obtain Environmental Assessment						3/31/2017		
Obtain updated Title Commitment and referenced documents								Completed
Obtain Geologist's Mineral Assessment	Not Applicable							
Prepare GOCO-required Conservation Easement					2/27/2017			
Conduct Closing ²							4/15/2017	
Complete Baseline Inventory Report ³					2/27/2017			
Develop land management plan ⁴							1/2/2018	

¹ Required at least 90 days before closing.

² Required within 18 months of the grant award date. GOCO prefers to close the project within 15 months of award.

³ Required within six months after closing for winter closings or extenuating circumstances.

⁴ If necessary, required within one year after closing.

Maps

Replace this blank page with color maps. (Please note that there are requests for items to be designated on maps throughout the application. You should label the maps and reference them in the selection criteria answers.)



Photographs

Replace this blank page with photographs. (Please limit to six photos or three pages.)



Full Application Selection Criteria

Eligible projects will be rated on a 100-point system based on the following criteria, and projects will be ranked by total points. The maximum possible points for each section are shown in parentheses. **Please include the questions with your answers.** Failure to respond to these questions may substantially reduce your score, due to the difficulty of evaluating the project without this information.

Please adhere to the following guidelines for the Full Application Selection Criteria:

1. Limit responses to 15 or fewer pages; the 15-page limit includes the questions. (If your project consists of two or more properties, you are allowed two additional pages per additional property. For example, if you are applying for funding for two separate conservation easement transactions, then you are allowed up to 17 pages.);
2. Limit margins to 0.5" left, 1" top, 1" right, and 1" bottom;
3. Include page numbers on each page;
4. Font type should be Times New Roman, Palatino, or Courier New; and
5. Font size should be 11-point or larger.

A) Project Values and Benefits

(25 points)

1) Conservation and Natural Values

- a) What are the conservation values being protected on this property (topographic/aquatic features, rare/imperiled/listed species, scenic views, etc.)? If your project encompasses more than one project type, e.g., a natural area that also serves as a buffer to an existing protected area, please identify all of the characteristics that make your project attractive for GOCO funding.

It is difficult to overstate the conservation values of the Willow Bay Property, particularly along the rapidly urbanizing Front Range. The property's water resources are the most significant conservation values of the project. Specifically, the property includes the confluence Second Creek and the South Platte River, the largest riparian corridor in the Denver Metro Area. This makes Willow Bay a critical "core conservation area" within this regional natural system. The property also includes a 100-acre reservoir, and possesses substantial frontage along the South Platte River on its western border, along with outstanding riparian and wetland habitat. These water resources help to maintain groundwater quality. Combined these attributes are virtually unheard of throughout the Denver Metro Area and make the property extremely valuable from a water quality perspective.

However, Willow Bay's conservation values do not end with its water resources. The property also contains good quality upland habitat that is primarily short-grass prairie. These uplands also provide scenic views of the reservoir and the surrounding area, and when combined with the riparian habitat, the property is a haven for wildlife; including white-tailed deer, coyotes, wild turkeys, and many other birds, including migratory songbirds, waterfowl, and raptors. Over 23 "Species of Greatest Conservation Need" identified by Division of Colorado Parks & Wildlife (CPW) may be found on the property, as well as five threatened and endangered species as identified by the U.S. Fish & Wildlife Service (USFWS), including the Least Tern (threatened), the Mexican Spotted Owl (threatened), the Piping Plover (threatened), the Whooping Crane (endangered), and the Preble's Meadow Jumping Mouse (threatened), and has identified the property as having "Moderate Biodiversity Significance" (B4).

As a former gravel pit with average depths of 20-25 feet, the reservoir provides an excellent fishery for numerous warm water species, as well as aquatic bird species, including white pelicans, great blue herons, and bald eagles, among many others. Finally, the South Platte River is also the central flyway of migratory waterfowl in the western United States, making it a critical stopover location for a wide variety of birds, and thus an important outdoor recreation opportunity for birders.

The property is also quite valuable from a drainage and stormwater standpoint. The South Platte River is the largest and most ecologically important drainage in the Denver Metro Area. The 100-year floodplains of the drainages and water bodies are critical to regional open space systems throughout the region as they handle runoff from developed lands while also providing essential wildlife movement corridors to connect fragmented habitats and create a larger core area of open space in both urban and suburban settings.

Finally, Willow Bay provides an amazing opportunity for public recreation. The South Platte River Greenway is the Denver Metro Area's largest open asset, as it connects public parks and open space from Arapahoe County through Downtown Denver and into Adams County, as well as north into the City of Brighton, where it is a segment of the Colorado Front Range Trail. Cyclists, hikers, and runners all rely on the South Platte Greenway for access to the outdoors throughout the area, but available aquatic activities remain limited and in high demand. Establishing a new large "node" on the Greenway with significant access to non-motorized boating, swimming, and fishing would be a game changer for a region that is growing and changing rapidly, while also providing the impetus for constructing the Second Creek Greenway where it would act as its western endpoint. This is a unique opportunity that would enhance local and regional trail access while creating a new "core attraction" for the region that is the culmination of 40-years of open space preservation on the South Platte River.

- b) What about these conservation values makes this property unique?

There is no other property like Willow Bay in Colorado. Finding a 100-acre reservoir available for purchase in the Denver Metro Area is virtually unheard of, but finding a 100-acre reservoir, with 74 acres of undeveloped upland,

wetland and riparian habitat, located on the area's most significant public trail system and most significant waterway is essentially impossible, aside from the Willow Bay Property. Given that the reservoir was created decades ago under different water rules and regulations, it would be impossible to create a property like Willow Bay today.

While the combination of such significant water quality, riparian, wetland, wildlife habitat and public recreation values is rare throughout Colorado, it is especially rare in the Denver Metro Area. All other properties similar to Willow Bay have either already been developed or protected, making the property extremely attractive to developers. Fortunately, the current owners would prefer to see the property conserved and open the public, but if these efforts fail, then the opportunity will be lost. Given the extent of growth and development throughout our state, this is our only opportunity to secure a property that will provide an amazing public resource for generations to come.

Willow Bay is exactly the kind of opportunity that GOCO's Protect Initiative was created for.

- c) If the conservation values on the property will change (e.g. creating wetlands), what will the new conservation values be, is there a timeline for this change, and how will this affect the existing conservation values?

Once acquired, considerable restoration efforts will be taken to further enhance the conservation values of the property. Much of the upland area of Willow Bay is disturbed due to the previous gravel mining operations that created the reservoir, and contains a variety of noxious weeds. After acquiring the property, Adams County will implement a noxious weed control program to reduce weed populations and allow native grasses to compete, helping to restore short-grass prairie habitat. Approximately 40 acres of short-grass prairie habitat have potential for restoration and enhancement.

Second, the County will restore and stabilize the eroded shorelines of the lake, which will reduce erosion and protect water quality. These restoration efforts will also be coupled with wetland enhancement surrounding the lake and water quality improvements in the Second Creek channel upstream of the lake. These efforts will improve water quality and natural habitat, while enhancing the public's recreation experience.

2) Significance to State, Region, and Community

- a) Describe how this project has statewide significance.

The property provides an exceptional opportunity to preserve a rare resource in the Denver Metro Area – a significant water body with the potential for public access. This type of conservation, particularly on properties with such diverse and comprehensive conservation values as these, has substantial positive implications for the state, region and local community.

Public Access: The acquisition will provide public access to a 174-acre property located on the South Platte Greenway Trail and the South Platte River. This acquisition also provides access to a 100-acre reservoir that has been closed to public use since its creation. Given the extent of the public's use of the South Platte River and the 28.5-mile Greenway throughout the metro area, and the current population growth throughout the Denver Metro Area with over 10,000 new residents moving to the area each month, it is difficult to overstate the importance of this access. Both the South Platte Greenway and the river itself are among the most critical corridors of protected open space throughout the region, providing the public with access to core protected areas including Chatfield State Park and Confluence Park, among many others. The protection of the Willow Bay Property would create a new core protected area on that open space network, providing new outdoor recreation opportunities, while also ensuring that we have protected open space to meet current and future needs throughout the City of Brighton, Adams County and the Denver Metro Area.

Wildlife: CPW's Colorado Comprehensive Wildlife Strategy (CCWS) reflects "the fundamental goal of the Colorado Division of Wildlife and the state as a whole, which is to secure wildlife populations such that they do not require protection via federal or state listing regulations." The property implements this strategy by securing an excellent fishery for numerous warm water species as well as aquatic bird species including white pelicans,

great blue herons, bald eagles and other species that utilize the lake and associated wetlands. Combined with the riparian habitat along the South Platte River, and the uplands on the southern and eastern sides of the lake, Willow Bay is also a haven for wildlife, including white-tailed deer, coyotes, wild turkeys, and many other birds, including migratory songbirds, waterfowl, and raptors with critical habitat for several species identified by CPW and USFWS.

The Willow Bay property also acts as a critical “node” or “core area” in an existing network of open space along the South Platte River Greenway and the South Platte River. Much as people utilize both the river corridor and the trail to access “core areas” like Cherry Creek State Park and Confluence Park wildlife species do the same. As a result, the acquisition and protection of the Willow Bay property plays an important role in maintaining healthy and vibrant wildlife populations in an urban setting, particularly as more and more people move to the Denver Metro Area.

Water Resources: The protection of the water resources associated with the property has statewide significance in that publicly accessible 100-acre reservoirs with high quality riparian and wetland habitat are virtually unheard of. Projects like this help to ensure that there will be sound management of these resources. The project addresses both conservation goals and the public’s need for recreation. Protection of Willow Bay will also help to limit flooding, which has become increasingly common along waterways throughout our state, particularly in urban areas where there are few areas for floodwaters to go during storm events.

Scenic Resources: Protection of Willow Bay will preserve the property’s substantial scenic values, which contribute to the desirability of the area and support the economy of the region. This fact is illustrated by the number of new residential subdivisions located in the area, and the extent of population growth throughout the region. This is one of the last unprotected significant scenic resources on the South Platte River.

- b) Describe the importance of the property to the local community and region and how the project is important to and consistent with local government policies and plans.

The Willow Bay acquisition would be one of the most significant open space acquisitions in Brighton, Adams County, and the Denver Metro Area in recent memory, and would be consistent with the following local government policies and plans:

Adams County South Platte River Heritage Corridor Plan (1998)

- Provides a strategic framework for preserving and enhancing the natural, cultural, and recreational qualities of the river corridor through Adams County, focusing on a 17-mile stretch of the South Platte from Commerce City to Brighton (the Denver City limits to the Weld County Line) with an overall goal of protecting restoring the river’s special qualities.
- The Plan specifically singles out the Willow Bay Property for protection, describing it as a, “key site...with the potential for enhancing environmental education, outdoor recreation, watching wildlife, and aquatic habitat preservation goals of the South Platte corridor.”

CPW Urban Aquatic Resource Concept

- CPW has previously pursued the acquisition of the Willow Bay Property but was unable to reach an agreement with the landowner. As part of that pursuit, they drafted a concept paper detailing why the acquisition should be a high priority for CPW.
- That concept paper made clear that the Willow Bay Property is a unique opportunity to provide a significant aquatic recreation amenity, particularly for boating and fishing, in an urban setting that would be impossible to recreate under current Colorado water law and regulations.

Adams County Open Space, Parks & Trails Master Plan (2012)

- Drafted with input from extensive public outreach regarding citizen’s wishes for the Adams County Open Space Program, including a series of public meetings and surveys to determine the public’s priorities for the program.
- Participants emphasized a wish for more trails within river corridors, trails that connect communities, and

scenic bike routes.

- The Plan concluded that the highest priority for the Adams County Open Space Program is “the preservation of agriculture, water resources, natural areas and wildlife habitat, along with the provision of trails, regional recreational opportunities and providing outdoor / nature based education.”
- The Plan specifically calls for the preservation of the Willow Bay Property, identifying it as one of the few unprotected parcels along the river corridor between the Adams County Regional Park and Brighton’s Ken Mitchell Open Space.

City of Brighton Greenways and Trails Master Plan (2004)

- Calls for Brighton’s greenways and trails to connect to larger regional systems of greenways, open spaces and trail corridors, particularly along key corridors like the South Platte River.
- Specifically calls for an “open space park” along the South Platte River Greenway / Trail.

City of Brighton Master Plan: Parks, Recreation, Open Space & Trails (1999, updated 2008)

- Identifies Brighton and the surrounding area as one of the most rapidly developing regions in the country with changing demographics as more young families with children move to the area.
- Conducted a community survey to determine community priorities for parks, recreation, open space and trails, which identified walking and biking trails, natural areas and wildlife habitats, outdoor swimming and large parks as being of high importance, but were unmet needs.
- Found demographic shifts in the local population, which is becoming more diverse than the rest of Colorado, with Latinos comprising nearly 50% of the local population.

Denver’s River Vision Implementation Plan (2012)

- This plan was completed by the City and County of Denver to implement new master plan visions for the South Platte River as it flows through the City. While the plan does not focus on the portions of the Greenway in Adams or Arapahoe Counties, it does confirm that the Greenway has regional importance, with many residents from both inside and outside of the City utilizing the trail to recreate and access open space and park amenities along the Greenway.
- Indicates that as the entire Denver metro area grows it is important that Denver update the Greenway and its parks to meet current and future public demand for recreation, which provides additional justification for Adams County and the City of Brighton to mirror these efforts.

The acquisition of the Willow Bay Property would play a significant part in accomplishing the goals and policies of all of these plans. These plans illustrate the importance of this opportunity to residents throughout the City of Brighton, Adams County, and the Denver metro area.

3) Catalyst for Additional Conservation Activity

- a) Will this project connect to or provide a buffer for other protected properties in the area?

The property is directly adjacent to the South Platte Greenway, the South Platte River and Second Creek, providing an important buffer to both water ways and to the trail. The property is also in close proximity to the Adams County Regional Park, the Van Scoyk Property (recent open space acquisition by Adams County and TPL), the Riverdale Bluffs Open Space, and the Ken Mitchell Open Space. When this proximity is combined with the access that Willow Bay provides to the South Platte River Greenway, the project provides an outstanding connection to an extensive network of protected open space throughout Adams County, Arapahoe County and the City of Denver, while creating a new regional destination for open space users throughout the Denver metro area.

- b) What additional conservation activity will this project generate in the surrounding area or region?
Please include whether any specific conversations have begun with other landowners and any other potential projects that may occur if this project is successful.

This success is expected to catalyze two new conservation opportunities in the area, the Durland Property and the Littlefield Property, both on Riverdale Road. Both properties are in close proximity to Adams County and TPL

Projects, and to Willow Bay. Both of these properties have been priorities for Adams County for quite some time, and would be outstanding complements to both the Willow Bay acquisition and the recently acquired 61-acre Van Scoyk Property, which is directly adjacent to the Adams County Regional Park. Both landowners have made clear that they are interested in working with the County and TPL due to our successful track record in the area. However, thanks to the hot real estate market throughout the region, they are also looking to more recent successes so they can be confident that we can deliver before we proceed. As a result, the success of the Willow Bay project should directly lead to two new projects along the Riverdale Road corridor (See New Opportunities Map).

4) Recreation (Please note in your answer if this category does not apply to your project.)

a) Why is this recreation project needed? How will it enhance recreation in the community?

The property is specifically identified for protection in the Adams County South Platte River Heritage Corridor Plan. This plan was created in consultation directly with the local community, and focuses on a 17-mile stretch of the South Platte River within Adams County from Commerce City to Brighton. This plan seeks to protect and restore the area's special qualities, and there can be no greater indication of the public's enthusiasm and need for the Willow Bay project than its specific call for protection in this plan.

The Willow Bay Property has been identified by Colorado Parks and Wildlife (CPW) as one of two pilot project sites to assess the feasibility of CPW creating an "urban aquatic resource." Specifically, CPW has stated that the Willow Bay site "has the potential for enhancing environmental education, outdoor recreation, watching wildlife and aquatic habitat preservation goals of the South Platte corridor in the northern Denver Metro Area... (and) offers the potential for protecting a relatively large body of water with its associated habitat, and providing a quality fishing resource in close proximity to urban areas." As a result, the project will not only address the public's recreation needs, but it will also help other state agencies evaluate the possibility of recreating this project in urban areas.

This project will help to address the current and future public recreation needs in Colorado's most rapidly growing region, the Denver Metro Area. With over 10,000 new residents moving to Colorado and the Denver Area over the past year and a half, the region is rapidly developing and changing, and existing public recreation facilities cannot meet this growing current demand, let alone the increase that we will see over the next decade. As a result, current facilities are already at risk for being "loved to death," and if we do not increase capacity now, expanding them will become cost prohibitive in the near future.

This is already true in Denver's growing RiNO neighborhood on the South Platte River, where TPL, Denver and GOCO acquired a 2-acre property in the RiNO Park nearly 5 years ago. Purchased for nearly \$2.5 million in 2011, that property is currently worth four times that, and would be impossible to purchase for public recreation today. That acquisition and the area's proximity to the South Platte River and Greenway helped catalyze growth in the RiNO neighborhood, and similar growth is now expanding into Brighton and Adams County. The parking and trail access to the Willow Bay Property will make it particularly attractive to the public, and it is expected to see heavy use as soon as it has opened.

This project is exactly what GOCO and the Adams County Open Space Program were created to tackle. Opportunities like Willow Bay are rare throughout the country, given the extent of the public access to both land and water resources and the importance of its natural habitat, and it is a great example of the kind of recreation opportunities that would not exist without funding partners like GOCO. This is of particular importance as funding sources like GOCO and Adams County Open Space are subject to reauthorization in the next few years, and it is crucial to continue to demonstrate the direct benefits to the public that they provide.

b) Has the public provided input about this recreation project?

Yes, the public has provided input about this recreation project through the public engagement process that helped draft the Adams County South Platte River Heritage Corridor Plan, which specifically called for the protection of the Willow Bay Property. The Adams County *Open Space, Parks and Trails Master Plan* (2012) involved an extensive public outreach and engagement process in order to determine County open space and conservation

goals for the future; this plan also calls for the preservation of Willow Bay. Furthermore, the public will be engaged in a public planning and design process once the acquisition has been completed, so we can be certain that the final restoration and development of the site meets the needs of the local community.

- c) Who are the existing and/or expected users of the project? Will this project serve underserved populations?

The expected users of the project will be the local community in the immediate proximity of Willow Bay, users of the South Platte River Greenway, and residents throughout the Denver Metro Area. Both the trail and the planned public parking at the site will make it easy for the local community and trail users to access the site, much like Confluence Park in Denver. Much like Confluence Park, the project will be a regional destination on the South Platte River thanks to the recreational amenities that it offers, particularly access to a relatively large body of water and two waterways. Furthermore, with both trail and parking access, the project is expected to serve underserved communities throughout the Denver Metro Area as well, by providing them with a new significant public recreation resource with multiple access points. This is particularly true as the City of Brighton grows and its population diversifies, giving us the opportunity to help serve and introduce communities to the outdoors that do not traditionally use trails or public open space.

- d) What is the state of the existing facilities? What will be built? Have you consulted with outside experts about building this sort of project? If any facilities will be constructed or improved, when will they be complete?

While in many respects the property is already in excellent shape, it will still need improvements before it can be opened to the public. First, the South Platte Greenway Trail will need to be extended so it no longer terminates at the property's southern boundary. In time, the South Platte River Trail will pass through Willow Bay and extend all the way to Brighton. The 100-acre lake affords the opportunity for water-based recreation, and the County and the Trust for Public Land feel that non-motorized uses would be the most appropriate. Canoeing, kayaking, paddle boarding, fishing, and possibly swimming are some of the passive recreational activities that may be allowed on the site. There would be a need for infrastructure to support these passive recreational opportunities. Basic amenities such as a parking lot, restrooms, trash receptacles, and signage would be required to facilitate public access. Additional recreational infrastructure could include picnic shelters and tables, grills, soft-surface and concrete trails, fishing piers, boats dock, a swim beach, boat ramps, and possibly other improvements. Improvements would be developed only after a master planning process with input from the community.

Environmental restoration activities are also planned for the site. First, the County will need to restore and stabilize the eroded shorelines of the lake, which will reduce erosion and improve water quality. While that work is not critical to opening the property for public recreation, it is critical for the long-term sustainability of the project. Restoration work is also planned to enhance the surrounding wetland and make water quality improvements in the Second Creek channel.

- e) What kind of access will be available to the project site? Will it be accessible by means other than automobile? Are there obstacles in getting to the project site?

The Willow Bay property is already accessible from Adams County's 136th Avenue trailhead, which lies at 136th Avenue and Brighton Road, at Willow Bay's southern boundary. This is currently the northern terminus of the South Platte River Trail, and when the property is opened to public access trail users of all kinds will easily be able to visit Willow Bay.

B) Project Urgency and Opportunity **(20 points)**

- 1) Why does the property need to be protected now rather than later? Please describe how the project presents a unique opportunity in time (either from threat of development, current situation with the landowner, or other factors).

This will be our only opportunity to conserve the property. The current owners are real estate developers, and it

has taken Adams County and TPL over 20 years to successfully enter into an option agreement securing the purchase at a realistic price. The owners are enthusiastic about the sale, and are already planning on using the proceeds from the sale as part of 1031-exchanges to invest in more real estate. However, if we cannot secure GOCO funds and meet their time line for closing, then they will move to develop the site. The City of Brighton approved a preliminary PUD for the site in 1990 with 64 residential estate lots. While new land entitlements would be required for development, the landowners have been absolutely clear that if this effort is not successful, they will move forward for development and the opportunity will be lost.

Even if not for the immediate prospect of development, the extent of growth throughout the South Platte River corridor and the Denver Metro Area places this property under a very significant threat. In five short years since Denver acquired 2-acres for a new park on the South Platte Greenway in Denver's RiNO Neighborhood in partnership with TPL, development along the corridor and the greenway has increased exponentially, with over 10,000 new residents moving to the Metro Area per month over the past year and a half. Most of those new residents are attracted by the public recreation opportunities available in the area, and land values around the river and greenway have more than quadrupled over the past five years. When this is coupled with a tight housing and rental market throughout the region, the Willow Bay Property becomes a very attractive development option. As a result, there is absolutely no question that if we cannot purchase the property now, it will be lost to development.

Finally, the reality of enough potential funding from Adams County, GOCO, the NRD Trustees and the Urban Drainage and Flood Control District to complete a \$10 million purchase is a very unique situation. If any one of these funders could not consider funding the project at the requested levels, then the entire project would fall apart as we would be unable to meet the landowners' price expectations. While we have secured funding from Adams County and the NRD Trustees, this funding is specifically for the Willow Bay property and does come with time constraints. We will not have another opportunity where the current owners are willing to sell, and we have a realistic path to funding the project and meeting their price expectations.

- 2) What attributes of the surrounding land would be adversely affected if this property were not protected? What other threats exist in the general area, and what is the immediacy and nature of the threats?

Willow Bay's owners are real estate developers. While the costs of developing Willow Bay have prevented the owners from proceeding with any projects until now, the high demand for housing in the Denver area is changing those calculations. Increasing property values have made Willow Bay more attractive, and the owners have made it clear that they will move to develop or sell the property for residential purposes if the County is unsuccessful in acquiring it. The same threat—development for residential use—faces all unprotected, open land in the Denver metro area, and the properties surrounding Willow Bay are not immune.

Willow Bay's position at the center of a cluster of protected lands would exacerbate the negative impacts of that development. The County's plans to extend the South Platte River Trail would face much greater challenges if the property were developed, as negotiations with the developer for a trail easement would need to take place, or the trail would need to be re-routed. Users of the trail and other nearby properties would lose out aesthetically, as Willow Bay would not be an open landscape of water, trees and grasslands, but houses. The habitat values of Willow Bay, which are a strong attractor for wildlife throughout the area, would be lost, negatively affecting the ecology of the surrounding properties. As demand for recreation in this area increases with a growing population, the loss of Willow Bay would be keenly felt through the increased use of other nearby properties and the attendant impacts. Other potential conservation projects in the area that may be catalyzed by success at Willow Bay may face greater challenges, or may not happen at all.

C) Leveraging of Funds

(15 points)

Leveraging points are awarded based on the applicant's ability to bring cash and in-kind match to the project. In addition, GOCO will award points in this section for projects that involve a landowner donation of part of the land value.

1) **GOCO Request**

- a) What is the appraised or estimated full fair market value of the property?
What is the appraised or estimated easement value?
If no appraisal has been done but a purchase price has been determined, how did you arrive at your estimate of value (for example, did a local realtor or appraiser make an educated guess)?
Please note that if you are applying for a reimbursement, *you must provide an appraisal with the application.*

The anticipated full fair market value of the property is projected to be \$10 million, based on preliminary appraisal and engineering analysis that was completed by Hegarty & Gerken Appraisers and their water and civil engineering consultants in January 2016.

- b) Could this transaction be accomplished without GOCO funding of this amount? Will you need GOCO funding at closing?

No, this transaction could not be completed without \$3 million of GOCO funding. Yes, we will require GOCO funds to be wired to closing.

- c) Will you have any difficulty meeting GOCO's minimum match requirements? If so, please describe why. Please note that GOCO may waive the minimum match requirements in certain hardship cases.

We should not have any difficulty meeting GOCO's minimum match requirements.

2) **Matching Funds**

- a) Describe the status of confirmed and potential funding sources including any applications for funding and the dates those funds are awarded. Please keep GOCO updated as sources are confirmed.

Funding commitments are as follows:

- \$3.7 million in funding from the Natural Resource Damage Assessment and Restoration Trustees (secured)
- \$3.2 million from Adams County Open Space (secured)
- \$100,000 from the Urban Drainage and Flood Control District (secured)

- b) Provide commitment letters from partners who have already committed cash and in-kind funds to this project. Please note that landowners may not donate more than is needed to cover transaction costs (i.e. the landowner cannot donate funds toward the purchase price). **Please list those letters below.**

See attached letters from Adams County Open Space, the Urban Drainage and Flood Control District, and the resolution dated November 17, 2014 from the Colorado Natural Resource Trustees.

3) **Local Funding Source**

- a) Is there a local funding source for open space? If so, what is it and how are the funds distributed? If these local funds are not being used as match, please explain why.

Adams County has an Open Space Sales Tax that can be used to help fund the project. Revenues from the sales tax are distributed in three ways. First, two percent is dedicated to the administration of the program. Of the remaining funds, thirty percent is distributed back to the taxing jurisdictions in Adams County (including the County) in the same proportion as it was generated. The remaining funds are then distributed through a competitive grant program.

- b) For local government applicants, if funds will be used from an open space tax, explain the basics of the tax.
- (i) What is the tax based on?

The Open Space Sales Tax is based on sales of tangible personal property at retail or the furnishing of services in the County. Machinery and machine tools, power or fuel used to provide light, heat, and power for a residence, food, sales by charitable organizations, and farm equipment sales and purchase are not subject to the sales tax.

- (ii) When does the tax expire?

The Open Space Sales Tax expires at the end of 2026.

- (iii) How much does the tax generate per year?

In 2015, the sales tax generated \$14.9 million in revenue. Revenues have been steadily increasing over the past few years, with revenues from the first six months of 2016 increasing by three percent over the same period in 2015.

- (iv) How much of the tax is dedicated to management and administration costs, and how much is dedicated to the acquisition of land?

Two percent of the overall revenue is dedicated to management and administration costs. There is no set dedication of funds for land acquisition. Either the 30% Shareback or grant funds could be used for land acquisition.

- (v) Are the funds used for any other purpose, such as parks and recreation development? And if so, what is the approximate percentage dedicated to each use?

The Open Space Sales Tax is able to fund open space, parks, recreation, and trails projects in Adams County. The enabling resolution that guides the program specifies that the 30% Shareback could be used for any of these purposes, but restricts the use of grant funds in favor of passive type projects. No more than 28% of the grant program's funds can be used for active projects such as sports fields, golf courses, and recreation centers.

- 4) If the landowner is not donating a portion of the value of this project, please explain why.

After much negotiation between the landowner, Adams County, and TPL, the agreed-upon purchase price of the property is \$10 million. However, the landowner has agreed to donate any value above that amount, if the property should appraise at a higher price.

D) Meeting GOCO's Strategic Plan (10 points)

Explain how this project fits within the following components of GOCO's 2015 Strategic Plan. If your project does not contain aspects that meet a certain component, write Not Applicable. Please see the Instructions for information about each of these components. Each may receive different weight in the scoring process.

- a) Projects that achieve landscape-scale conservation by connecting conserved properties/public lands and/or projects that are part of a defined strategy to connect conserved properties/public lands in a specific area

This project fits extremely well with this component of GOCO's strategic plan. The project protects a 174-acre property that is directly adjacent to the South Platte Greenway, the South Platte River, and Second Creek, as part of a defined strategy to conserve the South Platte River Corridor and its unique natural assets. Protection of Willow Bay will provide better connectivity to protected open space along the Greenway (Confluence Park,

Cherry Creek State Park, etc.), and to other public open space amenities in close proximity to the property, including the Adams County Regional Park, the Riverdale Bluffs, and the Rocky Mountain Arsenal.

b) Projects along river and riparian corridors

The property fits extremely well with this component of GOCO's strategic plan. The acquisition would protect a 100-acre reservoir and includes frontage on the South Platte River and Second Creek. When this frontage is coupled with the South Platte River Greenway that runs from the Willow Bay Property south through Denver and into Adams County, there is no question that this project is significant on a regional, and potentially a statewide, level.

c) Strategic investments in the preservation of urban parcels

The project fits extremely well with this component of GOCO's strategic plan, given that the property is located within the City of Brighton, and on one of the most heavily used urban waterways and trails in the Denver Metro Area, making it easily accessible to both urban and suburban residents throughout the region. When this location is combined with the rapid population growth throughout Denver, Adams County, and the Front Range, it is clear that the project will help create a new significant public recreation amenity to meet both current and future public demand at a time when most if not all of the parks and open space throughout the area are being "loved to death."

d) Projects that provide public access, including access for education, fishing, hunting, and youth groups (e.g. 4-H, Youth Corps, schoolchildren, etc.)

The project will provide outstanding public access for these uses, as it will be open to the public for all of the listed activities, aside from hunting. Willow Bay will be open to the public allowing for fishing, education, and youth groups, both through Adams County Programs, and from non-profit and other government partners and stakeholders. The property has already been identified by CPW as a potential site for an "urban aquatic resource" that will provide a unique opportunity for environmental education in the Denver metro area.

E) Partnership and Non-monetary Support (10 points)

- 1) If this project is part of an established program or partnership, please describe the program, its accomplishments to date, and all the partners involved. This can include specific conservation initiatives, efforts by an established group of partners, or any other large-scale strategic effort.

This project is part of an existing partnership between Adams County, GOCO, TPL, and many other partners that have protected over 2,500 acres along the South Platte River Corridor, including working farms and ranches, large cottonwood groves, and former gravel pit reservoirs. It has been a priority acquisition for this partnership for over 20 years, and meshes well with similar efforts to protect, enhance, and restore the South Platte River Corridor both in Denver and Arapahoe County.

- 2) List any partners contributing to the project with in-kind donations. Provide support letters documenting these additional partnerships and contributions. **Please list those letters below.**

Not applicable.

- 3) Attach letters of support from all local governments having land use authority over the property. *GOCO requires support letters from the county in which a property is located and also from the town or city, if the property is within town or city limits.* These letters must be on official letterhead and signed by the council or commission chair. **Please list those letters below.**

Adams County; City of Brighton.

- 4) Describe and document any additional general support for your project. This should include letters of support from individual citizens and community groups and could include news articles, petitions, etc. **Please list all letters of support below that are included in this application, letters that will be forthcoming, and any other letters of support not included due to the limit of six.** The letters from the local governments with

land use authority over the property do not count against the limit.

Note: The most valuable letters of support are those that are individually prepared and specifically reference the needs or impacts detailed in the application. GOCO would prefer to have all letters of support submitted with the application. If letters must be submitted after the application deadline, please contact Michele Frishman ahead of time. *All support letters must be received by GOCO within one week after the application deadline, or GOCO cannot guarantee that the letters will be considered.*

The Urban Drainage and Flood Control District; Denver Parks & Recreation Department, Ducks Unlimited; the Environmental Protection Agency; the Greenway Foundation; the U.S. Forest Service; the Trust for Public Land.

F) Reserved Rights and Property Uses (10 points)

1) Current and Proposed Uses

- a) Describe the specific current uses and zoning of the property. Has the landowner allowed any public access in any form? Please note that access includes educational and recreational access such as hunting or fishing leases, trail access, or other limited or managed passive uses that may be available to the public as well as many agritourism activities. Will these uses continue in their current form? If public access is not appropriate for this property, please explain why.

The property lies within the City of Brighton and is governed by a Planned Unit Development (PUD) zoning. The PUD allows for 64 residential units on the property. However, the PUD was approved in 1990 and new land use approvals would be necessary before development could occur on the site. The landowner has not allowed any public access to the property in any form, making this a new public amenity on the South Platte River. The property is currently leased for private water skiing and hunting, and that lease will be terminated as part of the acquisition.

- b) What additional uses are proposed for the property? Include planned or proposed agricultural, commercial, recreational, educational, renewable energy development, and other uses and whether any access will be part of these uses.
If these proposed uses will require more active management than annual monitoring by the easement holder, please describe what other management activities will take place and who will be conducting them. Include a description of how the uses of the property will be compatible with each other. Depict any existing or proposed trails or other recreational uses on a site map and designate which map it is.

No current uses are proposed for the property, although a PUD development plan with 64 residential estate lots was approved by the City of Brighton in 1990. That plan will be updated and move forward if the acquisition is unsuccessful.

- c) Have you discussed potential educational, recreational or other public access with the landowner? If not, please explain why.

Not applicable. This is a fee simple purchase.

- d) Are there any permits, easements, or other legal requirements necessary for the proposed uses? Please describe these requirements and how they have been satisfied or how you plan to satisfy them.

Improvements anticipated for Willow Bay include recreational enhancements, such as a boat ramp, restroom, parking, and signage, as well as the eventual extension of the South Platte River Trail. It will also be necessary to improve the reservoir itself in order to protect water quality and lessen the dangers of erosion and flooding. Willow Bay is within Brighton, so permits will be necessary from the City in order to conduct the work. Permits from Adams County may also be necessary for certain parts of the work, particularly anything involving the reservoir. The Parks department has good relationships with both permitting agencies and will work to determine the extent of the work as well as any necessary permits upon acquisition of the property.

- e) If a component of your project includes limited development or reserved development rights, fill out the chart below. If the number and size of the envelopes have not yet been determined, please maximize the number and estimated size of any building envelopes as well as any existing or proposed buildings within each envelope. Indicate this information on the site map, including any proposed building envelopes. See the Instructions for an example. Please note that if your project is awarded a grant, the GOCO Board is approving these reserved rights as proposed in the application. Any changes to the proposed development rights will have to be approved by GOCO and could result in a reduction or rescission of the grant award.

Adams County plans on recreation related improvements, including a boat ramp, parking bathrooms, picnic tables, grills, a fishing dock, and other similar passive recreation improvements. As a result, no building envelope should be needed, but we will identify one with GOCO should it prove necessary.

- f) Describe the location of the building envelopes and whether they will impact any conservation values.

Not applicable.

- g) Are there any constraints on development on any areas of the property? Constraints could include floodplain, steep topography or other issues that may make development impossible or require additional legal or physical steps to move forward. GOCO encourages applicants to check records such as FEMA floodplain maps. If so, what are they and where? Designate these areas on a map.

Portions of the property do lie within the floodplain of the South Platte River; however, this will not have an impact on the proposed recreational developments.

Please see attached Constraints Map.

- h) Will there be any subdivision allowed for any reason? If so, describe the circumstances and depict on a map where it may occur.

No subdivision shall be permitted.

2) Adjacent and Nearby Land Ownership and Uses

- a) Identify all adjacent and nearby public and private lands on the area map, including private properties protected by conservation easement, and the current zoning for each.

Is a zoning change proposed for any of these lands?

What development proposals exist or are possible for these lands?

How will current and potential uses of the surrounding land impact this property?

Willow Bay is at the nexus of hundreds of acres of preserved land along the South Platte River. Brighton's Ken Mitchell open space is to the north. To the south and west are open space lands owned by Adams County, including Riverdale Bluffs and the recently-acquired Van Scoyk property, along with the Adams County Regional Park. To the east and north are agricultural lands protected by conservation easements held by Adams County and the City of Brighton. The South Platte River Trail winds through all of this; if the acquisition of Willow Bay is successful, the Trail will continue northward through the property, along the river towards Brighton. No current zoning changes or development proposals exist for any of the adjacent or nearby lands, and no impact on Willow Bay is anticipated.

Please see the attached Context Map.

- b) Is there any mineral development, renewable energy development, or other land conversion happening or proposed in the area? If so, what kind and how close?

Residential development and sand and gravel mining is occurring in the area, but not directly adjacent to or in close proximity to the Property.

G) Transaction and Due Diligence Requirements (10 points)

Please limit answers to the transaction and property involved in this grant request unless otherwise noted. For more information about GOCO's due diligence requirements, please see the Technical Supplement.

For multiple-parcel projects: If you are proposing a multiple-parcel project, such as a community separator project that will protect more than one parcel, please discuss the overall vision for your project in the Executive Summary and address the details for each of your priority parcels in your answers to the questions below. The Executive Summary should include the most basic information about the parcels for which you are applying for funding in this grant cycle.

1) Transaction Details

- a) Please describe how the entire transaction will work. If this transaction is part of a larger transaction that involves other properties, include an explanation of how any other properties may be involved and how those parts of the transaction will work.

TPL holds an option securing the purchase and plans on "direct deeding" the property to Adams County by exercising the option once all due diligence has been approved and directing the Seller and Title Company to convey the property directly to Adams County at closing in April 2017. However, TPL is prepared to provide bridge financing to Adams County in order to meet the Seller's closing deadline, and they are prepared to modify this transaction structure as needed. The transaction is not contingent on any other transactions.

- b) Describe the ownership structure of the property.

The property is owned by a combination of individuals and two family trusts.

- c) Is this property part of a larger parcel owned or controlled by the seller, or does the seller own any other property in the area? If so, how does the seller plan to use his/her remaining property? Identify that remaining property on a map and designate which map it is.

The Seller does own property in the area that may be developed for residential use in the future.

- d) What is the status of the acquisition or negotiations with the landowner? Are there provisions in the purchase/option contract or conservation easement that are still under negotiation? If so, what? Please note that GOCO requires a signed purchase or option contract at least 90 days before closing.

TPL has secured the purchase via an option agreement at its projected purchase price of \$10 million, with any additional fair market value treated as a land value donation should the property appraise for more than \$10 million.

2) Encumbrances

- a) Disclose any known encumbrances on the property. For example, include information on mortgages, utility easements, agricultural or other leases, or liens.
If there is a mortgage on the property, what steps have been taken to ensure it will be released or subordinated to the conservation easement?

There are no existing liens on the property. The following easements existing on the property, but based on a title review by TPL's legal counsel, would not adversely affect the County's ability to purchase the property, develop and manage it for public recreation, or restore its habitat:

- b) Are there any access easements on the property? If so, where are they located and to which neighboring properties do they provide access? Please designate any access easements on the site map.

There are no access easements on the property.

- c) Are there any existing or potential boundary disputes with neighbors? Please mark the location of any easements or boundary disputes on the site map.

No, there are no existing or potential boundary disputes with any neighbors.

3) Access

- a) Does the property have good physical access for its intended uses?

Yes, the property has good physical access from Brighton Road and from the South Platte River Trail.

- b) Does the property have adequate legal right of access for monitoring purposes and for any proposed uses? Please designate the legal access on a map and identify which map it is. If there is an exception for lack of legal access on the title commitment, please explain what steps have been taken to resolve this issue.

Yes, the property has a legal right of access for all proposed uses from Brighton Road.

4) Environmental Hazards

- a) Describe all known historic uses of the property and any hazardous conditions that may exist.

The property was undeveloped until it was mined for gravel uses and converted into a private reservoir in the early 1980s. Since that time it has not been developed further and has been used for private recreation, such as boating, water skiing and water fowl hunting. No known hazardous conditions.

- b) Has a hazardous materials assessment been performed? If so, what were the results? What actions were recommended, if any, and what remedial activities have occurred?

An environmental assessment of the property shall be completed as part of the standard due diligence for the purchase once all purchase funding has been secured.

5) Mineral Rights

- a) Have any mineral rights been severed from the surface fee title to the property, including sand and gravel, oil and gas, and other mineral rights? If so, describe the severed rights and identify who currently owns the rights, if current ownership is known. If no, then skip the next two questions.
 - (i) Will these rights be acquired or otherwise controlled or restricted when fee title or the conservation easement is acquired? How will you ensure that the conservation values are protected?
 - (ii) Has a professional geologist issued a mineral assessment about the possibility of extracting minerals by surface mining method, and if so what were the results of that opinion?

No mineral rights have been severed from the property and all surface mineral rights shall be acquired through the purchase of the property, although the Seller shall retain ownership of any subsurface oil and gas mineral rights. However, the retention of that portion of the mineral rights shall specifically prohibit the Seller from altering or using the surface of the property in any way in order to access any subsurface oil and gas, eliminating any risk of the property to be altered by mineral development once the purchase is complete. The property owner has recently signed a non-surface oil and gas lease. However, any drilling for oil or gas shall occur offsite and will not impact the property.

Furthermore, while the appraisal process shall determine if there are any sand and gravel resources remaining on the property, the acquisition will prohibit any mining of those minerals through the conservation easement that will be granted to the City of Brighton. Finally, while the County and TPL were not planning on a completing a mineral assessment of the property, we shall complete one if required by GOCO.

- b) Are there any active mining permits or leases on the property? If so, please describe their status and how the easement holder and/or landowner will legally ensure that any development under these permits or leases will be compatible with the conservation values on the property.

There are no active mining permits or leases on the property.

- c) Is there mineral development currently occurring on the property? If so, what kind? Please designate on a map the location of the development and identify which map it is.

There is no mineral development currently occurring on the property.

- d) If mineral development is occurring or is likely to occur, what impacts will it have on the conservation values of the property?

If any mineral development were to occur on the property in the future it would be for subsurface oil and gas, should they be present and it is economically feasible to extract them. However, mineral development is unlikely to occur given the current market for oil and gas, and if it were to occur, it would have a de minimus impact on the conservation values of the property that given that the extraction of those resources cannot affect or modify the surface of the property.

6) Water Rights

- a) Please list all known water rights associated with the property. Indicate any current or potential disputes over the water rights and what kind of investigation has been done to determine the water rights.

There are no water rights associated with the property, and the reservoir is maintained via groundwater and flows from the South Platte River and Second Creek. Furthermore, the reservoir is “grandfathered” from S.B. 90-120 requirements regarding augmentation of evaporative losses.

- b) Will they be acquired or tied to the property in the easement? If not, why not?

Not applicable.

- c) If any water rights will be tied to the land, are they represented by shares in a mutual ditch or reservoir company? If so, have you started the actions required by C.R.S. § 38-30.5-104(5) to legally encumber the water rights with the conservation easement? Please describe what actions have been taken and what still needs to be done. If not, answer Not Applicable.

Not applicable.

- d) If water rights will be tied to the property in the easement, describe how you plan to steward the water rights.

Not applicable.