



## PUBLIC HEARING AGENDA ITEM

<b>DATE OF PUBLIC HEARING:</b> October 3, 2017
<b>SUBJECT:</b> Conservation Easement on Anderson/Hattendorf/Sable Farmland property
<b>FROM:</b> Nathan Mosley, Parks and Open Space Director and Shannon McDowell and Renee Petersen
<b>AGENCY/DEPARTMENT:</b> Parks and Open Space
<b>HEARD AT STUDY SESSION ON:</b> N/A
<b>AUTHORIZATION TO MOVE FORWARD:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO N/A
<b>RECOMMENDED ACTION:</b> That the Board of County Commissioners approves the deed of conservation easement in gross on the Anderson/Hattendorf/Sable Farmland property.

### **BACKGROUND:**

In November of 2016, Adams County awarded the City of Brighton an open space sales tax grant equal to 43.9% of the total project cost, up to \$1,674,750 for the Sable Farmland Acquisition project. The project proposed acquiring a sixty-four acre property, including associated water rights, in the District Plan area. Acquisition of this property protects valuable farmland in the Brighton area and begins to implement the District Plan, which was jointly created and adopted by Adams County and the City of Brighton.

Pursuant to the Open Space Policies and Procedures, the City of Brighton is required to encumber the property with a conservation easement because passive funds from the Open Space Sales Tax are contributing to the acquisition. The conservation easement will protect the passive use of this property in perpetuity. Similarly, a previous owner of the property reserved the subsurface mineral rights, including oil and gas, but agreed not to disturb the surface of the property to harvest the subsurface minerals. A second document, Assignment of Rights to Prohibit Surface Use under Oil and Gas Lease, will be executed benefitting Adams County and the City of Brighton to transfer the right to protect the surface of the property from subsurface mineral development activities. A third document, an acknowledgment regarding the baseline inventory report for the property, is a non-contractual document that will be executed by staff.

The City of Brighton plans to close on the property in the coming days, and will immediately encumber the property with the conservation easement once the city has ownership. All

referenced documents are approved to form by the County Attorney's Office and are now awaiting final signature by the Chair of the Board of County Commissioners.

**AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

City of Brighton, Great Outdoors Colorado

**ATTACHED DOCUMENTS:**

Resolution

Deed of Conservation Easement in Gross

Assignment of Rights to Prohibit Surface Use Under Oil and Gas Lease

Baseline Report

**FISCAL IMPACT:**

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

**Fund:****Cost Center:**

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			

**New FTEs requested:** ☐ YES ☐ NO

**Future Amendment Needed:** ☐ YES ☐ NO

**Additional Note:**