

Dec. 3, 2009 -- Property Transaction Proposal

Department of Natural Resources
Division of Parks and Outdoor Recreation*McClure Fee Title Acquisition*

Larimer

99 acres

4 miles west of Fort Collins, bordering Lory State Park

Section 33-10-107 (2), C.R.S. states:

In the event that the Board [of Parks and Outdoor Recreation] plans to acquire the fee title to any real property at a cost to exceed \$100,000 or to acquire an easement for a period to exceed 25 years or at a cost to exceed \$100,000 or to enter into any lease agreement for the use of real property for a period to exceed 25 years or at a cost to exceed \$100,000, or to sell or otherwise dispose of such property, the Board shall first submit a report to the Capital Development Committee [CDC] which outlines the anticipated use of the real property, the maintenance costs related to the property, the current value of the property, any conditions or limitations which may restrict the use of the property, and, in the event real property is acquired, the potential liability to the state which will result from such acquisition. The CDC shall review the reports submitted by the Board and make recommendations to the Board concerning the proposed land transaction within 30 days from the day on which the report is received. The Board shall not complete such transaction without considering the recommendations of the CDC, if such recommendations are timely made.

The required report is attached. CDC staff's questions about the report are listed below.

Action Required

Recommend support for the purchase of McClure Fee Title Acquisition (\$395,000 CF for 99 acres).

CDC Staff Questions

1. Please clarify the note beginning on the bottom of page 1 of the submission regarding FY 2008-09 funding. Did Parks receive cash funds spending authority in the Long Bill for property acquisition in FY 2008-09, but no corresponding GOCO grant?

Yes, State Parks received spending authority in the Long Bill for FY 2008-09 for Buffer Inholding Acquisitions (property acquisitions), said appropriation to be funds provided by GOCO. However, GOCO rescinded funds for this appropriation in July 2008 and these funds were never restored or replaced with other non-GOCO funding.

2. Are there any other structures on the property beside the yurt? If so, what will be the continued use of these structures after the purchase?

No, there are no other structures.

3. Does Parks intend to allow backcountry camping on the site?

No, we do not intend to allow backcountry camping on the site.

4. The location map shows that some sections of the access road to the Lory State Park backcountry are not owned by Parks. Is any section of the road privately owned? If so, does Parks have concerns about continued access to the Lory State Park backcountry that may necessitate future purchases in the area?

The road up to the McClure property from the east is a county-designated road. As it exits the property in the southwest, the road is on State Park-owned property. There will be no further need to acquire additional property in the area to provide backcountry access after we purchase the McClure property.

5. Please provide a brief explanation of how the \$5,000 in annual operating and maintenance fees will be allocated for management of this property.

Approximately \$3,500 of the \$5,000 annual O&M costs will go toward road maintenance/grading/plowing/drainage with the remainder (\$1,500) used for weed control, forest management, yurt upkeep, and boundary fencing and signing.

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6. Is there any potential liability to the state that may result from this purchase?

There is no known potential liability associated with the purchase of the McClure property, whether for personal or property damage, environmental cleanup or other tort actions against the State resulting from the acquisition or future management and operation of the property as part of Lory State Park.

**COLORADO STATE PARKS
REAL ESTATE PROPOSAL
FISCAL YEAR 2009**

PROJECT NAME: McClure property

TRANSACTION TYPE: 99 acres fee title purchase

PROPERTY OWNER: Janet Esgar McClure Trust

REGION/PARK: High Plains Region – Lory State Park

COUNTY: Larimer

LOCATION: Located 4 miles west of the city limits of Ft. Collins, 1 ½ miles west of the north end of Horsetooth Reservoir, bordering Lory SP on 2 sides.

AREA/PROPERTY DESCRIPTION: The property is irregular in shape, with Soldier Canyon Estates subdivision forming the east boundary and Lory SP forming the south and west boundaries. Varying between 6,000 – 7,000 feet in elevation, the property is rolling to steep foothills with heavy ponderosa pine forest interspersed with more open areas and rock outcroppings. There is a 700 sq. ft. year-round yurt on the property.

PROJECT PURPOSE: This property is one of the top 5 acquisition priorities for Colorado State Parks statewide. Acquisition of this property is critical to maintain access to Lory SP backcountry for forestry/fuels management work, emergency access and other purposes. A gravel road crosses the property and continues into the park backcountry. The current owners have given verbal approval for use of this access road (for Parks' administrative/emergency purposes only) for a number of years but we have no legal easement. The property will also provide an important buffer to the Soldier Canyon Estates subdivision to the north.

PROJECT HISTORY: The property has been listed for sale with a local realtor since early summer. A purchase contract between State Parks and the seller is being negotiated. Due to the seller's need to sell the property by the end of this calendar year (because of tax considerations), and pending State Parks Board and CDC approvals, we anticipate a closing on this property no later than December 31, 2009.

PROPERTY VALUE: The negotiated purchase price is \$395,000, supported by the appraisal State Parks obtained for the property.

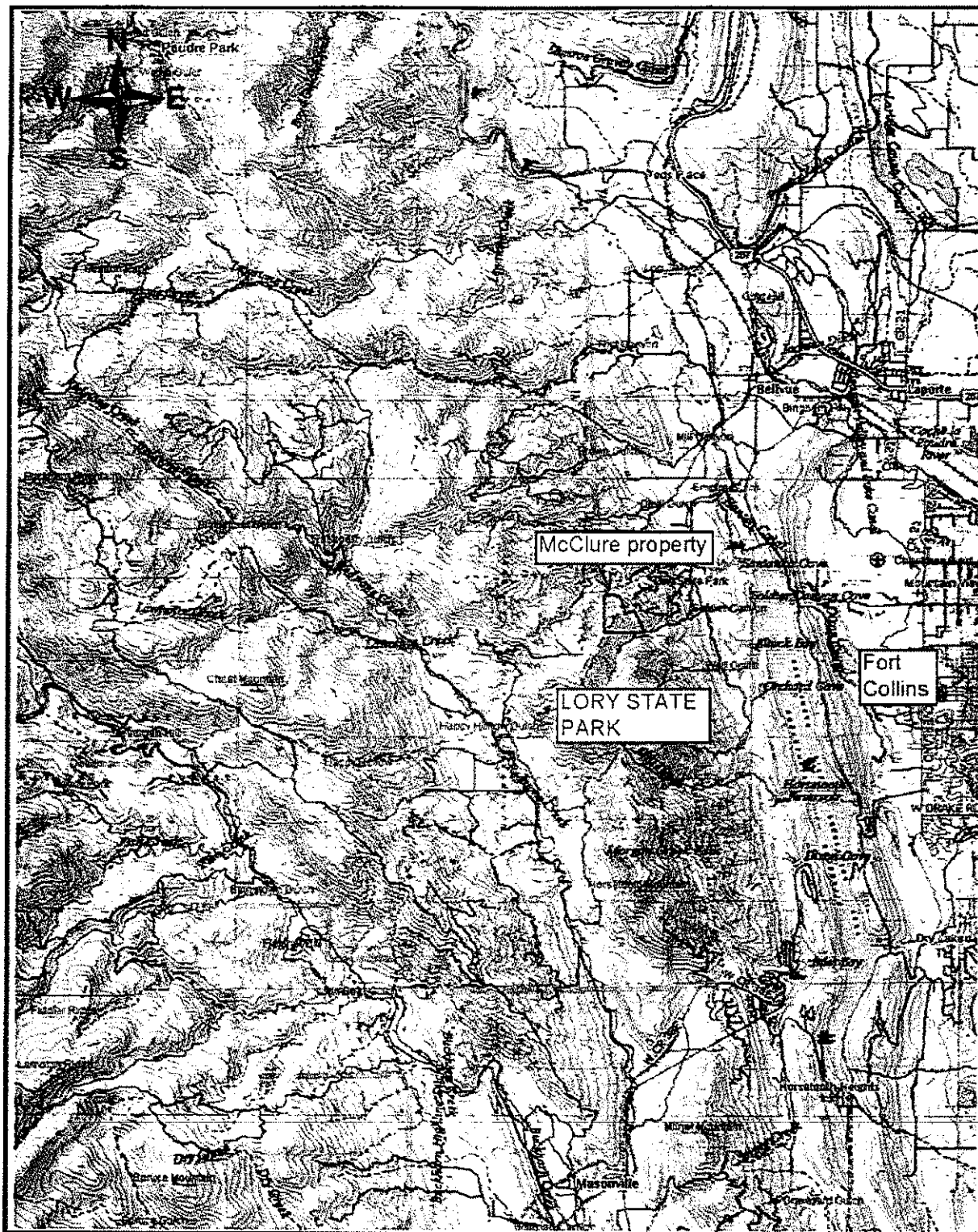
FUNDING: Purchase funds will be derived from funds remaining in Parks' FY2007-08 (approximately \$280,000) and FY 2009-10 (\$115,000) Great Outdoors Colorado (GOCO) base funding (Long Bill Appropriation: *Park Improvements and Buffer Acquisitions*), dedicated to buffer property/inholding acquisition projects. [Note: There was no FY 2008-

09 funding dedicated to State Park property acquisition, either from GOCO or other funding sources.]

DEVELOPMENT COSTS: No development is contemplated for this parcel, except for the road and yurt maintenance stated below.

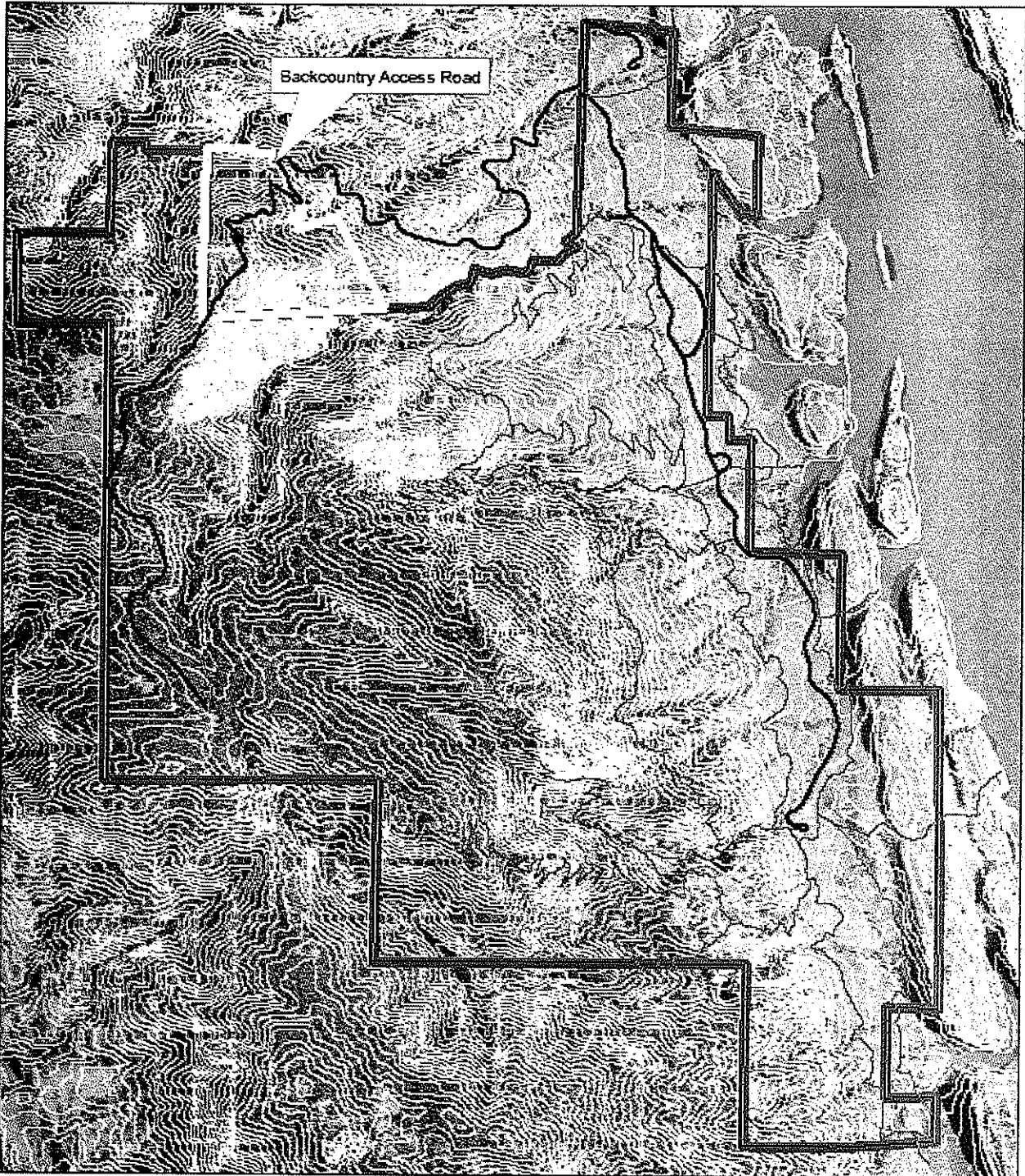
OPERATIONS COSTS: The existing access road across the property may require some improvements and maintenance however it will not be open to public use so improvements and maintenance will be minimal. There are currently no plans to rent the yurt out for public use, but it will need some work to ensure the structure does not deteriorate since it is currently serviceable. Anticipated O&M costs attributable to this acquisition are \$5,000/yr., to be covered out of the park operating budget.

PUBLIC/POLITICAL: Legislator letters of support will be furnished at the CDC meeting.








Neighborhood Map

McClure property – location map




Colorado State Parks
Lory State Park

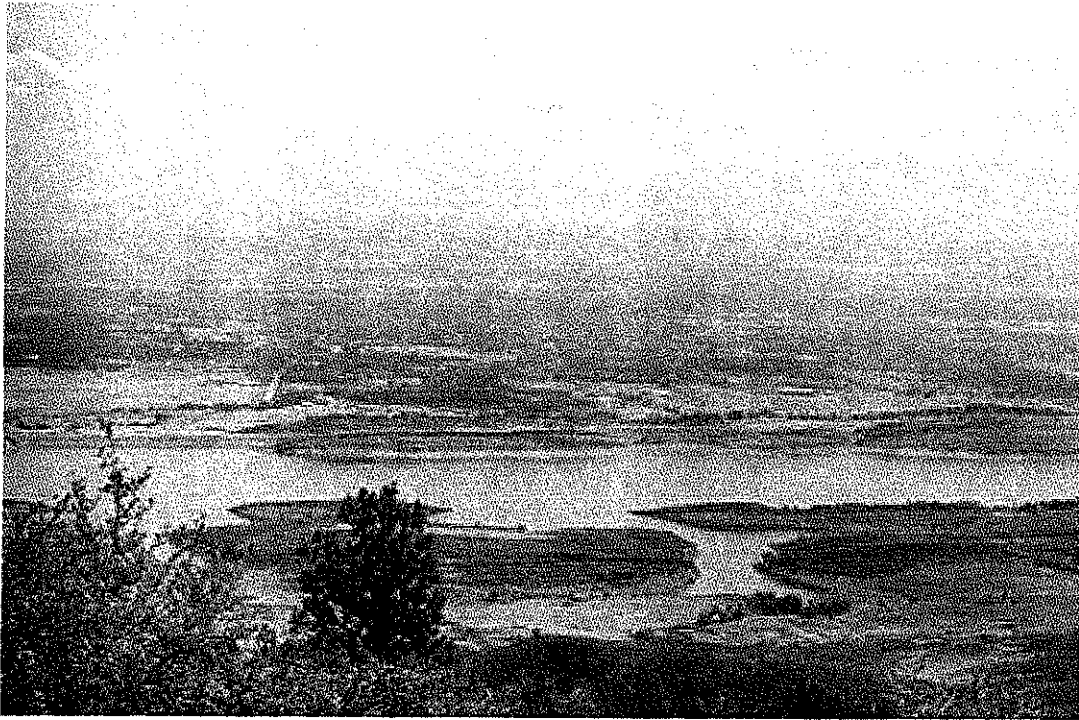
 Proposed McClure Acquisition
 Park Boundary
 10-meter contours

 Park Access Roads
 Trails



McClure property - photos

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