



Board Summary Report

File #: 24-210

Agenda Date: 4/8/2024

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To: Board of County Commissioners

Through: Gini Pingnot, Director, Open Spaces

Prepared By:

Michele Frishman, Grants & Acquisitions Manager, Open Spaces

Presenter: Gini Pingnot, Director, Open Spaces, and Michele Frishman, Grants & Acquisitions Manager, Open Spaces

Subject:

1:15 PM *Update on High Line Canal Acquisition

Purpose and Request:

Staff will present an informational update for the Board of County Commissioners (BOCC) on the planned acquisition of portions of the High Line Canal. No BOCC action is requested at this time.

Background and Discussion: Arapahoe County is working with Denver Water and the High Line Canal Conservancy (Conservancy) to take ownership of approximately 47 miles of the 71-mile canal corridor including sections in Arapahoe, Denver, and Adams Counties. As part of its conveyance, Denver Water will reserve the right to continue to use the canal for water works purposes, and it will protect the property's conservation values through a conservation easement granted to the Conservancy. During the transition period through December 31, 2026, Denver Water will perform certain maintenance work to elevate the condition of the property, and Arapahoe County will begin to take over property management responsibilities from Denver Water.

Closing on the acquisition has been extended to June 13, 2024. As we work toward closing, several negotiations and tasks are in progress, including:

Intergovernmental Agreement (IGA) with Denver Water - This IGA will govern each party's responsibilities

pertaining to use and maintenance of the High Line Canal property acquired by Arapahoe County. This agreement must be approved prior to closing. When it is in final form, we will present it to the BOCC for approval.

Conservation Easement and Stewardship Procedures - We continue to work with the Conservancy and Denver Water to finalize the terms of the conservation easement and to refine the Conservancy's stewardship procedures as holder and enforcer of the conservation easement. The easement and procedures must be finalized before closing.

Legal Description and Mapping of Denver Water Property - We continue to work with Denver Water to finalize the complicated legal description of the property to be acquired by Arapahoe County. Additionally, we are reviewing Denver Water's mapping and GIS files of the property, which County staff will rely on for property management and operational responsibilities as the landowner. The legal description, maps, and GIS files must be completed prior to closing.

Review of Property Records - For several months, staff have been reviewing Denver Water's records concerning the High Line Canal, to familiarize ourselves with the current state of the property and the many existing agreements governing third-party uses of the property. We are working with Denver Water to determine the appropriate agreements to be assigned to Arapahoe County.

Additionally, we are finishing our review of records kept by the Colorado Department of Public Health and Environment (CDPHE) to determine whether there are any areas of environmental concern on or in the vicinity of the High Line Canal. On April 2, Denver Water informed staff of a report submitted to CDPHE concerning oil and other chemicals being dumped into the High Line Canal in Aurora for at least the last six months by the residents of an apartment complex. CDPHE and Denver Water are investigating, and we will provide more information when we have it.

Property Inspections - With assistance from Public Works and Development, the Southeast Metro Stormwater Authority, and the Conservancy, we are conducting inspections of the sections of the canal Arapahoe County will acquire.

Recreation Leases - Denver Water has extended the four recreation leases in Arapahoe County through the end of the transition period, and it will assign the leases to Arapahoe County at closing. During the transition period, Open Spaces will work with those leaseholders to negotiate any future modifications we may want to make to the leases. The City and County of Denver holds a recreation lease covering the Denver and unincorporated Arapahoe County sections of the property; the lease expires January 1, 2025, and will be assigned to Arapahoe County at closing. One of our immediate needs during the transition period will be to work with the City and County of Denver to extend or renegotiate that lease before it expires. Lastly, we are working with Denver Water to understand the responsibilities for recreation maintenance in Adams County and will provide more information at a later date.

Denver Water Maintenance Authorization - Prior to closing, Arapahoe County will issue an authorization to Denver Water to perform up-front maintenance on the property during the transition period. We are in the process of drafting this agreement.

Fiscal Impact: Denver Water is donating the High Line Canal property to Arapahoe County, and therefore the County will not incur any costs at closing. However, the acquisition will require Open Spaces to incur new costs for property maintenance, additional staff to manage the property, and services provided by Public Works and Development as well as the Conservancy.

Alternatives: Unless Arapahoe County staff become aware of any issues with the property or the transaction that necessitate extending the closing date or terminating our acquisition agreement, there are no anticipated alternatives to closing on the acquisition in June.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Staff Recommendation: N/A

Concurrence: N/A