



Board Summary Report

File #: 23-673

Agenda Date: 11/14/2023

Agenda #: 7.1.

To: Board of County Commissioners

Through: Shannon Carter, Open Spaces Director

Prepared By:

John Christofferson, Deputy County Attorney

Subject:

High Line Canal Purchase and Sale Agreement

Purpose and Request:

The Board is requested to consider adoption of a resolution authorizing the Chair of the Board of County Commissioners or the Open Spaces Director to sign the Purchase and Sale Agreement with the City and County of Denver acting through its Board of Water Commissioners for the High Line Canal.

Background and Discussion:

On October 30, 2023, the Board held a study session to discuss the status of the negotiations for the potential transfer of the High Line Canal to Arapahoe County, and to provide an opportunity for the Board to discuss the deed transfer with representatives from Denver Water and the High Line Canal Conservancy.

The County and Denver Water have been working to negotiate and finalize a purchase and sale agreement for the deed transfer of the High Line Canal property. The Purchase and Sale Agreement includes inspections, contingencies, and deadlines that must be met in order for the transfer to get to closing. Additionally, the County and Denver Water have the ability to terminate the Purchase and Sale Agreement.

Due to the timing of the retirement of the Open Spaces Director and the Board's schedule for business meetings, the Board is requested to provide signature authority for the Purchase and Sale Agreement. In the event that negotiations, as directed by the Board, are finalized prior to the retirement of Shannon Carter, Open Spaces Director, then Mr. Carter would be authorized to sign the Purchase and Sale Agreement. In the event negotiations are not finalized prior to the retirement of Mr. Carter, then the Board Chair would be authorized to

sign the Purchase and Sale Agreement.

Alternatives: The Board could decide not to provide signature authority at this time.

Fiscal Impact: Although the deed transfer will not have a direct cost, the County will be assuming additional costs for maintaining and improving the canal property. This cost will be covered by the maintenance portion of the Open Space Sales and Use Tax along with other sources of dedicated park, trail, and open space funding (Recreation District, Cash in Lieu, and/or Grant Funding).

Alignment with Strategic Plan:

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

Concurrence: The County Attorney's Office has been involved in the drafting and review of the relevant documents and agreement.

Resolution: Attached is a copy of the draft resolution.