



Arapahoe County

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Board Summary Report

File #: 25-649

Agenda Date: 11/18/2025

Agenda #:

To: Board of County Commissioners

Through: Ron Carl, County Attorney

Prepared By:
Ben Swartzendruber, Sr. Assistant County Attorney

Subject:
Eighth Amendment to Purchase and Sale Agreement for County Line Landfill

Purpose and Request:

The Board is requested to adopt a resolution authorizing the Chair to execute the “Eighth Amendment to Purchase and Sale Agreement” pertaining to the County Line Landfill, by which the parties will again extend the current “contingency period” and allow additional time to obtain the final necessary Douglas County development approvals before executing the long-term ground lease approved by the parties.

Alignment with Strategic Plan: Sustainable Growth and Infrastructure - Maximize use of County facilities and assets.

Background and Discussion: In April 2020, the County entered a Purchase and Sale Agreement (“PSA”) to sell the County Line Landfill to HRH-470 LLC. Since the PSA was executed, HRH-470 has been diligently working on obtaining approvals from Douglas County that would allow it to develop the property as it deems necessary and has also had conversations with the Colorado Department of Public Health and Environment (“CDPHE”) regarding the monitoring and maintenance obligations that will be required at the landfill moving forward. Based on certain concerns raised by CDPHE, the parties determined it was necessary to convert the pending sale to a long-term ground lease under which HRH-470 will continue its efforts to develop the property while constructing a system that is intended to divert groundwater from infiltrating the landfill waste and lower the leachate level to an elevation acceptable to CDPHE and allow it to then take title to the property. The parties executed a Seventh Amendment to PSA effective June 24, 2025, allowing HRH additional time to obtain Douglas County development approvals. HRH obtained approval of its zoning application and Planned Development from the Douglas Board of County Commissioners on October 8, 2024, and has since developed a site plan seeking the remaining needed approvals. The site plan is currently under review by CDPHE and, once approved by CDPHE, will be submitted to Douglas County for final approval. Because Douglas County has not yet issued the necessary approval on HRH’s final engineering design that is required to allow HRH to obtain permits and begin construction, the Eighth Amendment is necessary to allow HRH the additional time necessary to obtain the final approvals. HRH now anticipates that final approval may be obtained by spring of 2026.

Alternatives: There are no viable alternatives at this time if the Board wants to continue with the disposition of County Line Landfill.

Fiscal Impact: The County is currently paying approximately \$250,000+ per year in monitoring and maintenance costs. Executing the Eighth Amendment to PSA will allow the County to shift those costs to HRH once final Douglas County approvals are obtained and the parties execute the ground lease. Rejecting the Eighth Amendment would cause HRH-470 to terminate the PSA and leave the landfill property and its associated annual monitoring and maintenance costs and environmental liability in the hands of the County.

Alignment with Strategic Implementation Strategies: N/A.

Concurrence: The Facilities and Fleet Management Department concurs with this request.