

RESOLUTION NO. 2023-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE PURCHASE OF REAL PROPERTY ENCUMBERED WITH A CONSERVATION EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED TRANSACTIONAL DOCUMENTS

WHEREAS, in 1999 and 2004, the electors of Adams County approved an Open Space Sales Tax for the purpose of preserving open space and maintaining parks and recreation facilities and these funds are provided to qualifying jurisdictions through a competitive grant process; and

WHEREAS, the City of Brighton (“City”) applied for the Adams County Open Space Grants for properties within the Historic Splendid Valley, and the City was awarded grants for a property totaling five million three-hundred-twelve-thousand dollars (\$5,312,000); and

WHEREAS, the Planning Commission of the City approved The District Plan in 2016, which is a community-based regional vision for the preservation of agricultural land in an area also known as the Historic Splendid Valley, and the City partners with Adams County on the Plan for this area; and

WHEREAS, the City has been working with Adams County and The Conservation Fund to assess the feasibility, determine the fair market value, and negotiate the purchase of three parcels of land that together are approximately 116 acres and will be referred to as the “Wagner-Mahew Purchase” and which will be preserved for agricultural use through a conservation easement consistent with the goals of the District Plan for preserving the Historic Splendid Valley; and

WHEREAS, The Conservation Fund has completed the Wagner-Mahew Purchase and now seeks to transfer title of the land to the City and the associated conservation easement to Adams County and the City will pay The Conservation Fund \$297,000 for associated transaction fees; and

WHEREAS, the Wagner-Mahew Purchase is primarily agricultural land that is currently leased and farmed and would continue to be used in this manner subject to the conservation easement; and

WHEREAS, the purchase price for the Wagner-Mahew Purchase is two million three-hundred-thirty-one thousand dollars (\$2,331,000), and the City will pay approximately one million seven-hundred-thirteen thousand dollars (\$1,713,000) and Adams County grant funds will pay six-hundred-eighteen thousand dollars (\$618,000) for the purchase, as well as cover a portion of the costs for the conservation easement for a price of approximately five million five-hundred-seventy-five thousand five hundred dollars (\$5,575,500); and

WHEREAS, the City Council finds that the Wagner-Mahew Purchase furthers the goals of The District Plan to support agriculture in this area and maintain the City’s important historical heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON AS FOLLOWS:

Section 1. The City approves the Wagner-Mahew Purchase and understands it is subject to a Conservation Easement.

Section 2. The City Manager is hereby authorized, after consultation with the City Attorney, to execute all transactional documents associated with the Wagner-Mahew Purchase on behalf of the City and to undertake such actions as may be necessary to finalize the transaction, including but not limited to any extensions or amendments.

Section 3. The City Council approves the purchase price of \$2,331,000, of which \$618,000 will be paid by Adams County grant funds, and approves payment of fees to The Conservation Fund for \$297,000.

Section 3. This Resolution is effective as of the date of its adoption.

RESOLVED this 21st Day of February 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney