

**Nov. 18, 2013 -- Property Transaction Proposal**  
**Colorado Parks and Wildlife**

*Lake Pueblo State Park Right-of-Way Road Access Easements Exchange*

Pueblo County

1 acre

About 8.5 miles west of Pueblo

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Section 33-1-105 (3)(a), C.R.S. states:

In the event that the [Parks and Wildlife] Commission plans to acquire the fee title to any real property 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 the fee title to any real property which has a market value in excess of \$100,000, the Commission 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 Commission and make recommendations to the Commission concerning the proposed land transaction within 30 days from the day on which the report is received. The Commission shall not complete such transactions without considering the recommendations of the CDC, if such recommendations are timely made.

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

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**Action Required**

Recommend support for the exchange of right-of-way road access easements between the division and Steven Eller at Lake Pueblo State Park (\$0 for 1 acre).

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## Capital Development Committee November 2013—Property Transaction Proposal

Department of Natural Resources  
Division of Parks and Wildlife

<b>Action Required</b>	Pursuant to C.R.S. 33-1-105(3)(a) and C.R.S. 33-10-107(2) recommend to the Colorado Parks and Wildlife Commission support for the Division of Parks and Wildlife's proposal to exchange road right of way easements with adjoining owner on property in, and adjacent to, Lake Pueblo State Park.		
<b>General Information</b>			
<b>Name</b>	Lake Pueblo State Park – Eller – Easement Exchange		
<b>Number of acres</b>	1		
<b>Location</b>	Lake Pueblo State Park lies south of Hwy 50 and west of Interstate 25 and the City of Pueblo. The Eller parcel is located on the southern end of the Honor Farm portion of the Park, on the north side of the Arkansas River		
<b>County</b>	Pueblo		
<b>Costs / Source of Funding</b> N.A. – consideration is exchange of real property easements			
<b>Purchase Price</b>	N.A.	<b>Funding Source*</b>	N.A.
	<b>Fiscal Year</b>		
	<b>Line Item</b>		
	<b>Appropriation</b>		
	<b>Remaining Unexpended Balance</b>		
<b>Annual Monitoring and Operation Costs</b>	None		
<b>Development Costs</b>	None. Existing roads.		

Acquisition and disposition of reciprocal perpetual right-of-way access easements between CPW and Steven Eller, the owner of a private inholding within the Park. Recent property ownership research, with verbal confirmation from Eller, has verified that Eller crosses over (trespasses upon) CPW property in order to access a portion of his property, so he needs an access easement from CPW. In return, he will grant CPW an access easement across his property so that Park staff can more easily access areas of the Park that lie north and west of his property. CPW currently has no legal vehicle access to those areas of the Park due to the existing railroad to the north and rough topography to the west and south.

According to a review of the first map referenced below, the Property lies outside the scope of regions of known or potential geothermal resources. Also, according to a review of the second

map referenced below, the Property lies outside the Central Solar Power and the Wind Resource Generation Development areas.

Geothermal: November, 2003 US Department of Energy, Office of Energy Efficiency and Renewable Energy, Geothermal Technologies Program.

Wind and Solar: A map entitled “SB07-91 Renewable Resource Generation Development Areas” from “Renewable Energy Development Structure,” a report of the Colorado Governor’s Energy Office dated December 2009.

Attachments:

- Map and Vicinity Map
- Concurrence letters



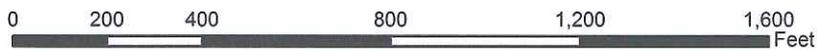
Lake Pueblo SP

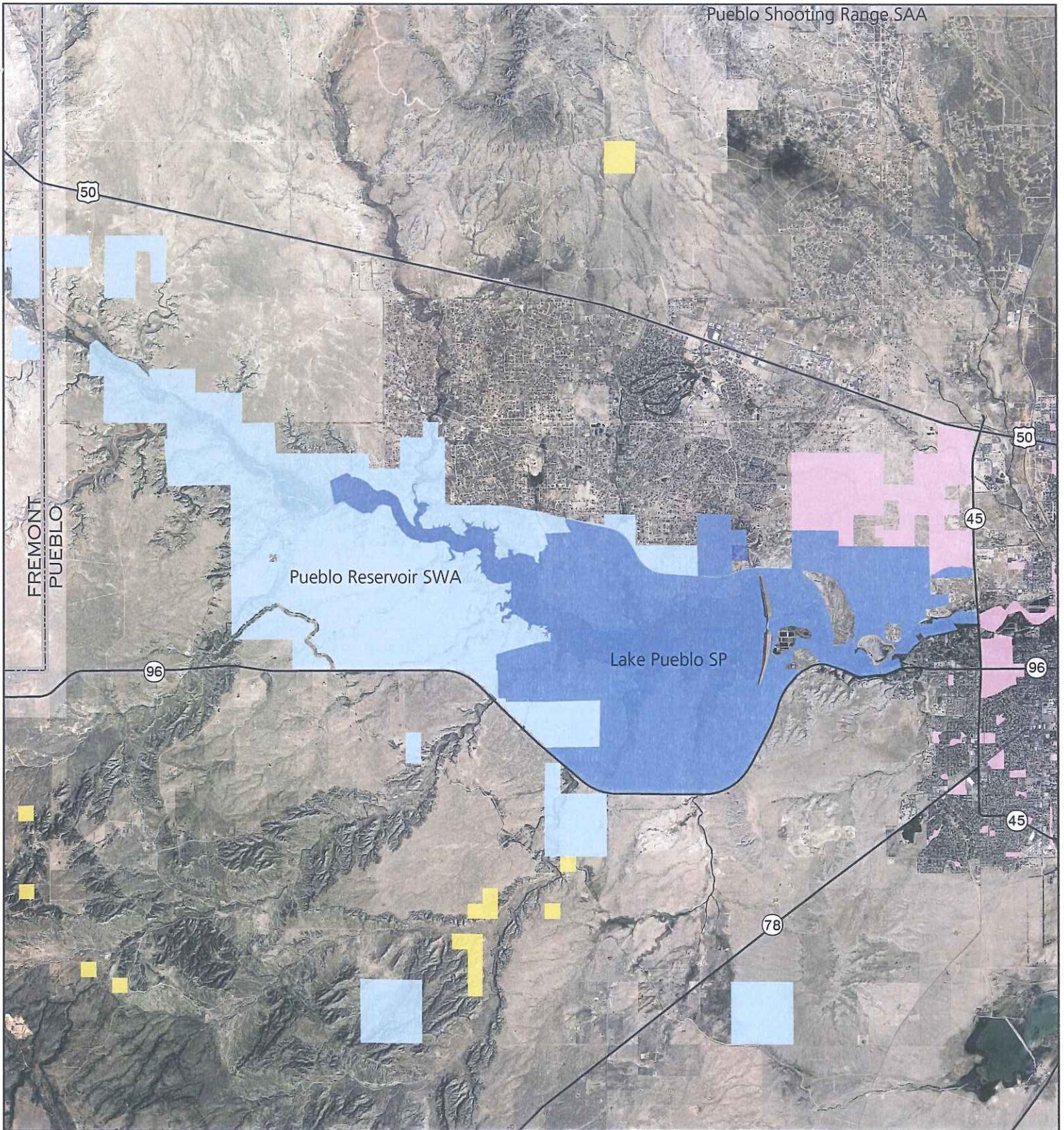
Eller Parcel



### Eller ROW Exchange - Lake Pueblo State Park Pueblo County

- ROW to Eller from CPW
- ROW to CPW From Eller
- Lake Pueblo SP





## Eller ROW Exchange - Lake Pueblo State Park Pueblo County



- Lake Pueblo SP
- Bureau of Land Management
- State
- Local - City/County





## COLORADO PARKS & WILDLIFE

4255 Sinton Road • Colorado Springs, Colorado 80907  
719-227-5200 • 719-227-5264  
wildlife.state.co.us • parks.state.co.us

September 26, 2013

Senator Larry Crowder  
Colorado Senate District 35  
200 East Colfax Ave.  
Denver, CO 80203

RE: State Acquisition of Access Easement

Dear Senator Crowder,

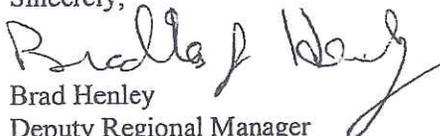
The purpose of this letter is to notify you of a proposed real estate transaction between Colorado Parks and Wildlife (CPW) and Mr./Mrs. Steven & Gloria Eller who own a private in-holding within Lake Pueblo State Park. The parties wish to convey permanent, reciprocal right-of-way easements to one another in order to allow each party to cross the other's property. The Eller's property consists of three contiguous parcels located due west of the Nature & Raptor Center of Pueblo, on the north side of the Arkansas River.

The easement from CPW to the Eller's is approximately 3,000 feet in length and will allow the Eller's to use a portion of an existing access road in order to reach the southern boundary of their property. The easement from the Eller's to CPW is approximately 2,000 feet in length and will allow CPW to use a two-track road running north and south across the Eller property. The latter easement will only grant administrative access to CPW so that Park staff may easily and quickly reach areas of the Park that lie north and west of the Eller property; it will not be used by the general public. CPW currently has no legal vehicle access to those areas of the Park due to an existing railroad to the north and rough topography to the west and south.

Prior to closing, CPW must present the project to the Capital Development Committee of the Colorado General Assembly for their review, and obtain concurrence letters from the State Senator, State Representative, and Board of County Commissioners in the county in which the property is located.

As such, we respectfully request your support of this project. If you approve, please sign and return to me at the above address or fax number. If you have questions or need additional information, please do not hesitate to contact me at 719-227-5266 (office) or 719-660-5586 (cell) or via email at [brad.henley@state.co.us](mailto:brad.henley@state.co.us). Thank you for your time and consideration.

Sincerely,

  
Brad Henley  
Deputy Regional Manager  
Southeast Region

Approved by:

  
Senator Larry Crowder

Date:

9/27/2013

cc: Steven & Gloria Eller at [sce4447@gmail.com](mailto:sce4447@gmail.com)



## COLORADO PARKS & WILDLIFE

4255 Sinton Road • Colorado Springs, Colorado 80907  
719-227-5200 • 719-227-5264  
wildlife.state.co.us • parks.state.co.us

September 26, 2013

Representative Leroy Garcia  
State Representative - District 46  
200 East Colfax  
Denver, CO 80203

RE: State Acquisition of Access Easement

Dear Representative Garcia,

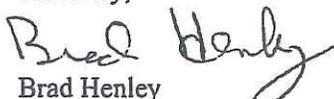
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Sincerely,

  
Brad Henley  
Deputy Regional Manager  
Southeast Region

Approved by:

  
Representative Leroy Garcia

Date: 10/24/2013

cc: Steven & Gloria Eller at [sce4447@gmail.com](mailto:sce4447@gmail.com)

TERRY A. HART  
CHAIRMAN  
DISTRICT 1

LIANE "BUFFIE" MCFADYEN  
CHAIR PRO TEM  
DISTRICT 2



SAL PACE  
COMMISSIONER  
DISTRICT 3

GREGORY J. STYDUHAR  
COUNTY ATTORNEY

BOARD OF PUEBLO COUNTY COMMISSIONERS

October 21, 2013

Colorado Parks & Wildlife  
ATTN: Brad Henley, Deputy Regional Manager  
Southeast Region  
4255 Sinton Road  
Colorado Springs, Colorado 80907

RE: Your letter of September 26, 2013

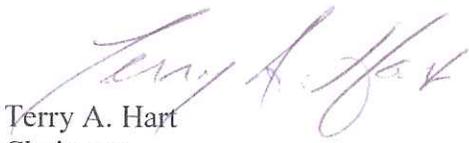
Dear Mr. Henley:

This letter follows your request that the Pueblo County Board of County Commissioners support the proposed real estate transaction between Colorado Parks and Wildlife and Mr. and Mrs. Eller related to property within Lake Pueblo State Park. Our understanding is that the two parties wish to convey permanent, reciprocal right-of-way easements to one another in order to allow each party to cross the other's property.

As we understand that both parties wish to proceed with this transaction and indicate it is within their best interests to do so, the project should move forward.

Sincerely,

THE PUEBLO COUNTY BOARD OF COUNTY COMMISSIONERS

  
Terry A. Hart  
Chairman