

Nov. 18, 2013 -- Property Transaction Proposal
Colorado Parks and Wildlife
Boyd Ponds State Wildlife Area Sale

Morgan County

178 acres

2 miles northwest of Fort Morgan

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.

Action Required

Recommend support for the sale of the Boyd Ponds State Wildlife Area (178 acres).

Capital Development Committee

November 2013—Property Transaction Proposal

Department of Natural Resources
Division of Parks and Wildlife

| | | | |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|
| Action Required | 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 dispose of Boyd Ponds State Wildlife Area through a public sale. | | |
| General Information | | | |
| Name | Boyd Ponds State Wildlife Area | | |
| Number of acres | 178 | | |
| Location | On the South Platte River at Log Lane Village two miles northwest of Fort Morgan; I-76 Exit 79. | | |
| County | Morgan | | |
| Costs / Source of Funding | | | |
| Purchase Price | N.A. | Funding Source* | N.A. |
| Annual Monitoring and Operation Costs | N.A. | | |
| Development Costs | N.A. | | |

Summary of Proposal

Pursuant to CRS 33-1-105(1)(b) and 33-1-105(3)(a):

- A. The Parks and Wildlife Commission (“PWC”) must declare the property to be “surplus” property (done at the December 6, 2012 meeting).
- B. The property to be sold must be appraised (Boyd Ponds has been appraised).
- C. The PWC, in Executive Session, must 1) approve a minimum acceptable price (“upset price”) for the property and 2) authorize the Real Estate Unit to engage a real estate agency to list the property for sale (done at the September 12, 2013 meeting).
- D. In the event the real estate agency provides a contract with a qualified buyer for a sales price in excess of the upset price, CPW may enter into the contract and close on the sale for the contract price without the necessity of returning to the PWC for further approval. This methodology was approved by the PWC for Boyd Ponds at its September 12, 2013 meeting.
- E. In the event CPW has followed these procedures and brought the specific disposition and listing proposal to the CDC for review following approval by the PWC, the CDC may approve the sale methodology so that CPW may proceed to sale without returning to the CDC for approval of the specific contract terms.

Boyd Ponds is a small (177 acres) SWA that is contiguous with no other CPW or state or federal lands. It was acquired in 1966 primarily for waterfowl and deer hunting, because at the time it was good habitat for both.

Over the years urban development has impinged on the margins of Boyd Ponds. It is very near I-76 and adjacent to the new settlement of Log Lane Village. It also is bounded on the east by an active gravel pit. The property declined both as habitat and as a hunting opportunity as the years passed and human activity encroached more and more on the SWA boundaries.

In 1993, in an attempt to have the property utilized in some way, DOW leased Boyd Ponds to the City of Fort Morgan for use by the public as a city park. Nothing was ever done by the city to create a park at Boyd Ponds and the lease was terminated by common agreement in 2012.

Finally, the Town of Log Lane Village negotiated an easement from DOW in 2003 for the placement of a sewer pipeline and two waste water settlement ponds in the property.

In short, it has been decades since Boyd Ponds effectively produced either the habitat or hunting that it was purchased for in 1966.

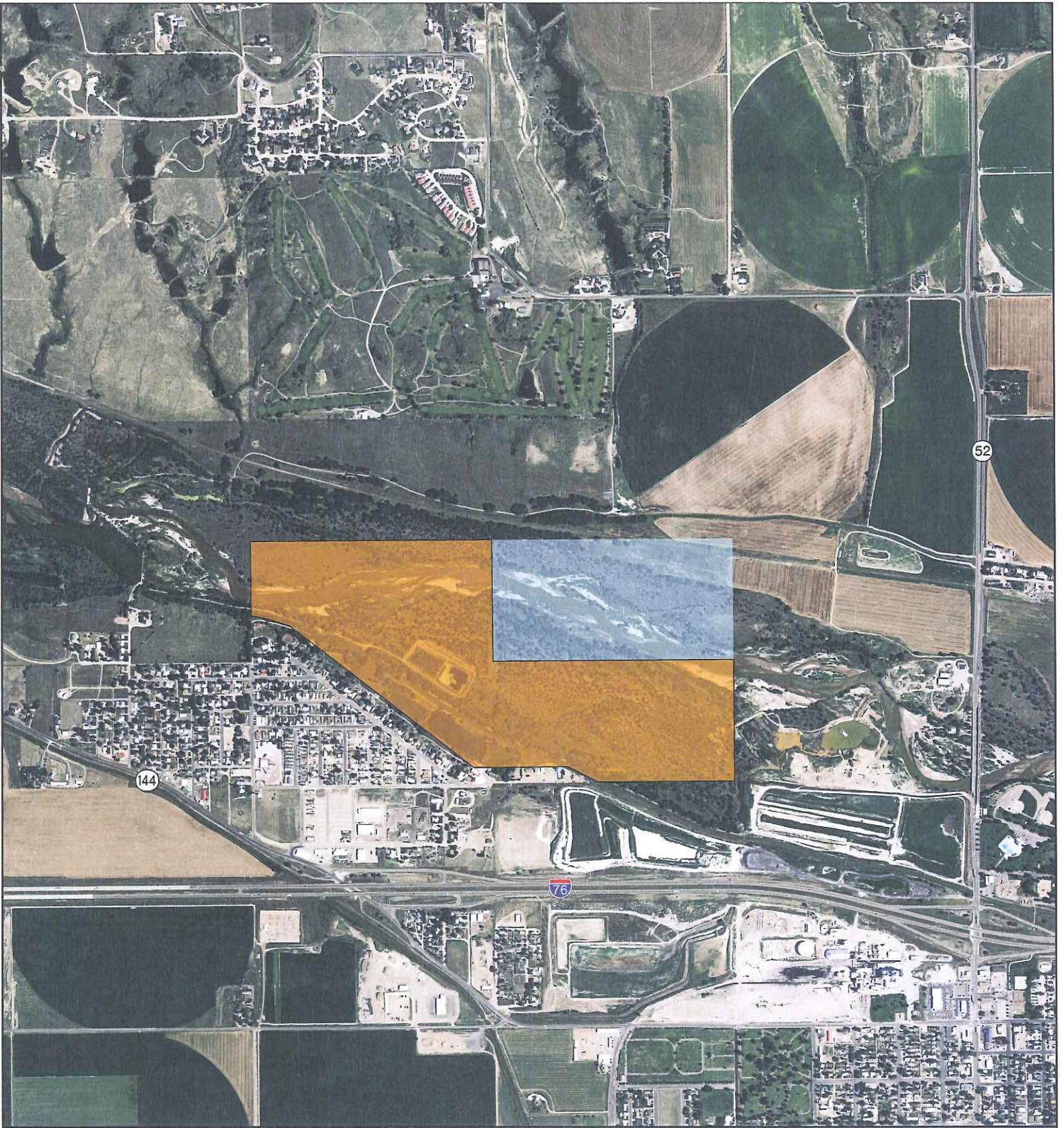
According to a review of the first map referenced below, the Property lies outside the scope of regions of known or potential geothermal resources. Also, according to a review of the second map referenced below, the Property lies outside the Central Solar Power and the Wind Resource Generation Development 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
- Three (3) comparables from appraisal

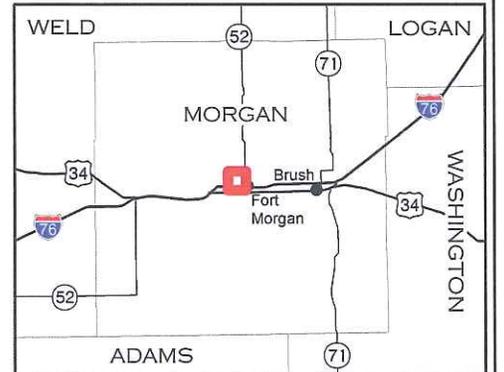


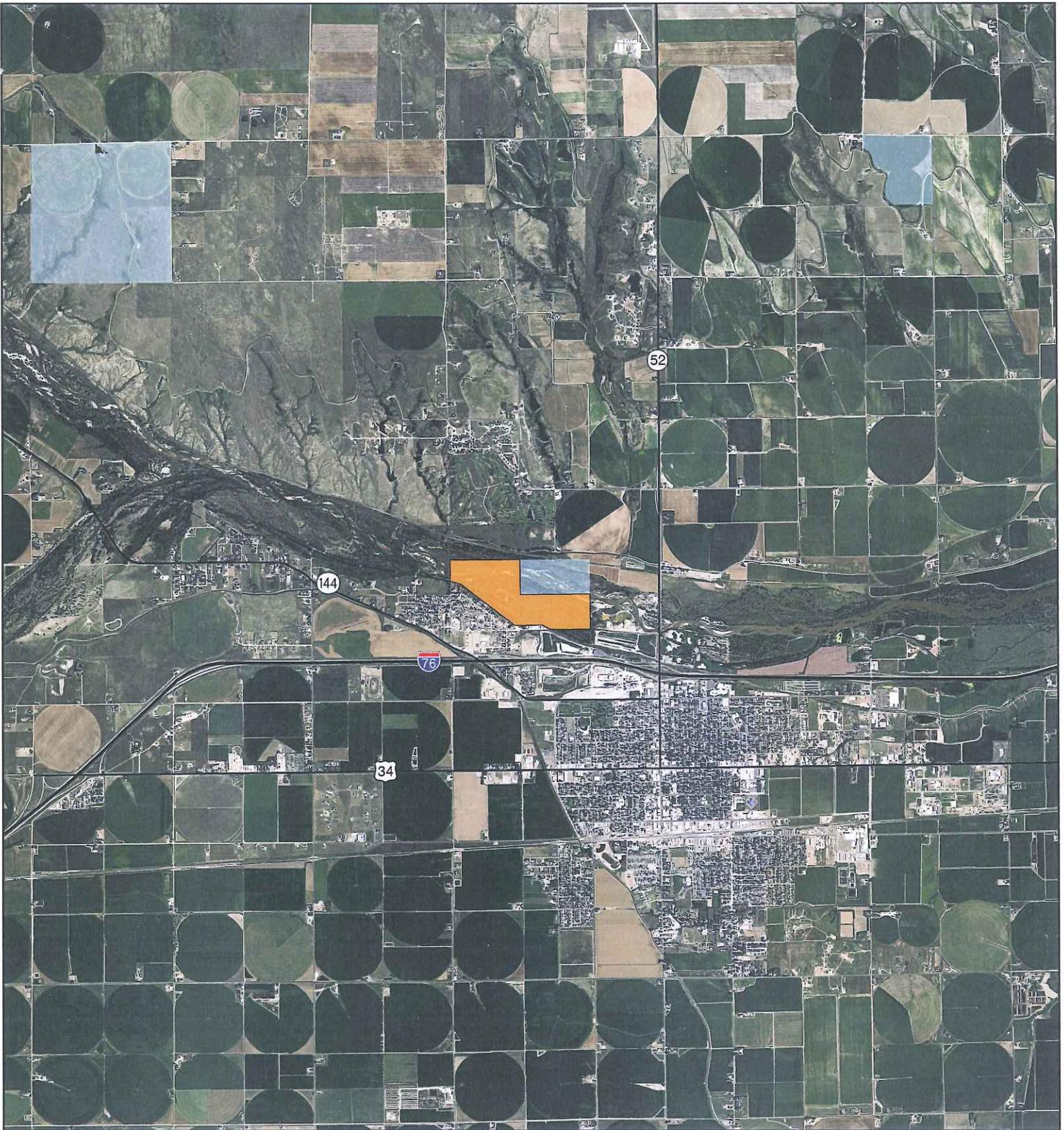
Boyd Ponds SWA Disposition

10-040-NE

Morgan County

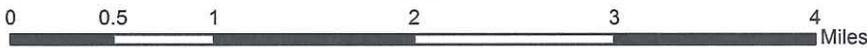
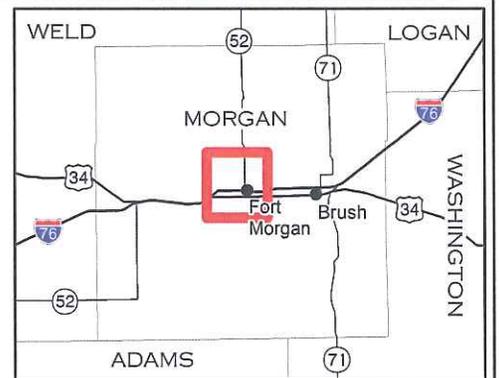
- Boyd Ponds SWA
- State Land Board





Vicinity Map Boyd Ponds SWA Disposition 10-040-NE Morgan County

- Boyd Ponds SWA
- City
- State Land Board



[AWM Tom Kroening's email requesting Senator Brophy's concurrence and Senator Brophy's response.]

From: **Senator Brophy** <greg@plains.net>

Date: Fri, Oct 4, 2013 at 3:14 PM

Subject: Re: Boyd Ponds SWA Concurrence Letter - Disposal

To: "Kroening - DNR, Tom" <tom.kroening@state.co.us>

Cc: Kathi Green - DNR <kathi.green@state.co.us>, Lauren Ris - DNR <lauren.ris@state.co.us>

Thanks for the information Tom. Sounds like you guys are making a rational choice with the property.

Greg B.

Candidate for Governor of a free Colorado

On Oct 4, 2013, at 2:54 PM, "Kroening - DNR, Tom" <tom.kroening@state.co.us> wrote:

> Senator Brophy,
>
> Attached is a letter for your review so you are aware of our most recent proposal that will go before the
> CDC. Please let me know if you have questions or would like any other information.
>
> Thank you!
>
> Tom Kroening
> Area Wildlife Manager
> 122 East Edison Street
> Brush, CO 80723
> [970-842-6311](tel:970-842-6311)
> <Sen Brophy Concurrence Letter 10 2013.pdf>

State Representative
JERRY SONNENBERG
4465 Road 63
Sterling, Colorado 80751-8804
Capitol: 303-866-3706
Cell: 970-581-8648
E-mail: jerry@repsonnenberg.com



Member:
Agriculture, Livestock, &
Natural Resources Committee
Appropriations Committee
Legislative Audit Committee

COLORADO
HOUSE OF REPRESENTATIVES
State Capitol
Denver
80203

October 16, 2013

Tom Kroening
122 East Edison Street
Brush, CO 80723

Dear Mr. Kroening,

Thank you for sharing with me CPW desire to sell Boyd Ponds. I agree and support this action as this property no longer is able to provide the intended benefits to wildlife or those that depend on CPW for hunting, fishing or recreational activities. I applaud the efforts to liquidate properties that don't meet the goals of the organization, to better utilize the value of this asset for other priorities within CPW.

I appreciate CPW continuing to evaluate and prioritize their holdings to better manage and provide for sportsmen and those that enjoy the states parks and wildlife.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Sonnenberg". The signature is stylized with a large, sweeping initial "J" and a long, horizontal flourish at the end.

Jerry Sonnenberg
State Representative



COLORADO PARKS & WILDLIFE

122 East Edison • Brush, Colorado 80723
 970-842-6300 • 970-842-6329 Fax
 wildlife.state.co.us • parks.state.co.us

October 3, 2013

Board of Morgan County Commissioners
 218 W. Kiowa
 Fort Morgan, CO 80701

RE: Proposed Disposal of Boyd Ponds SWA

Dear Morgan County Commissioners,

Colorado Parks and Wildlife (CPW) is planning to dispose of Boyd Ponds State Wildlife Area (SWA) located north of Log Lane Village in Morgan County. CPW has hired a local real estate company, Plains Realty, to assist in selling the property and returning it to the private sector. This property has been deemed surplus property by the Colorado Parks and Wildlife Commission, and has approved of its sale.

Boyd Ponds SWA has changed over the years since it was purchased in the early 1960's. At that time, it had two small fishing ponds and 177 acres for hunting access. In the 1965 flood, the ponds were filled with silt, and have been too shallow to keep fish alive.

In addition, over the years, development has virtually surrounded the State Wildlife Area. The Town of Log Lane has built up along the southern boundary of the property, and has an easement to operate two settling ponds for their sewer treatment in the middle of the SWA. The Western Sugar Company has its waste piles to the east of the property, a gravel pit is located to the northeast, and the Fort Morgan Municipal Golf course is located on the north side of the property.

Increased development has made hunting on the property very difficult. Even though hunting has been restricted to the north side of the property, and rifles are not allowed, CPW continues to get complaints from neighbors about hunters shooting near or toward their property. Because the northern property boundary does not extend to both banks of the South Platte River on the east side of the property, CPW has received complaints about hunters trespassing on neighboring lands.

In 1992, the Division of Wildlife leased the property to the City of Ft. Morgan; however, Ft. Morgan was never able to develop the land into a park the way they planned when they entered into the lease. In March of 2012, CPW ended the lease and took responsibility for managing the property.

This SWA is relatively small, yet has high costs relative to the wildlife and recreational benefits. The property's close proximity to a small town has attracted numerous non-

STATE OF COLORADO

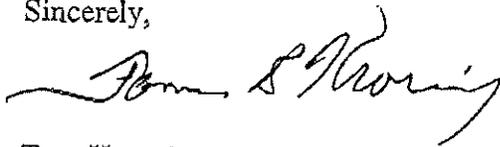
John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
 Steven M. Yamashita, Acting Director, Colorado Parks and Wildlife
 Parks and Wildlife Commission: Robert W. Bray • Chris Castilian • Jeanne Horne
 Bill Kane, Vice-Chair • Gaspar Perricone • James Pribyl • John Singletary, Chair
 Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
 Ex Officio Members: Mike King and John Salazar

wildlife related activities, including vandalism, off-road motor vehicles, parties, late night parking, and illegal fires. In addition, as mentioned above, the property does not provide good hunting and fishing experiences, and the wildlife habitat has been diminished by development and fragmentation. It is for these reasons that CPW has proposed to dispose of this parcel through a public sale.

This letter will be included in the real estate package to be sent to members of the Capital Development Committee for their consideration. I am sending a similar request to Senator Brophy and Representative Sonnenberg. If you support or do not oppose the disposal of Boyd Ponds SWA, please forward a copy of this letter with your signatures below to me by October 15, 2013.

Thank you for your consideration of this land disposal. If you have any questions, please do not hesitate to contact me at (970)842-6311.

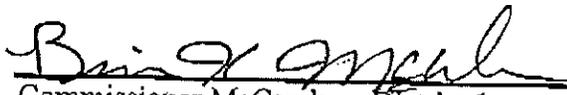
Sincerely,



Tom Kroening
Area Wildlife Manager—Brush
122 East Edison
Brush, CO 80723

Cc: S. Yamashita, K. Green, M. Taylor, D. Robinson, M. Allen, J. Mekelburg

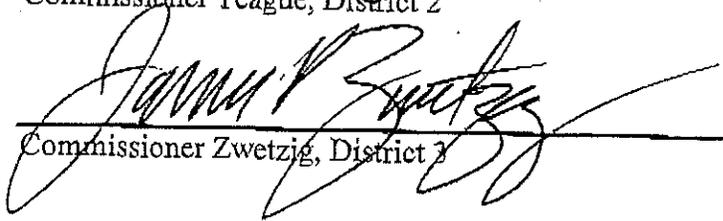
I support/do not oppose the above referenced disposal of Boyd Ponds SWA in Morgan County by Colorado Parks and Wildlife.



Commissioner McCracken, District 1 10-11-13
Date



Commissioner Teague, District 2 10-11-13
Date



Commissioner Zwetzig, District 3 10-11-13
Date

Boyd Ponds State Wildlife Area Disposition
10-040-NE
Morgan County

Three Comparables from May 2, 2013 Appraisal

Comparable No. 1

Date: 11/16/12

Size: 413 acres

Location: 2 miles southwest of Merino

Fee Title Value: \$1,200,000

Fee Per Acre Value: \$2,906

Comparable No. 2

Date: 10/26/12

Size: 226 acres

Location: 2 miles southwest of Sedgwick

Fee Title Value: \$650,000

Fee Per Acre Value: \$2,743

Comparable No. 3

Date: 09/25/12

Size: 309 acres

Location: 1 mile southeast of Julesburg

Fee Title Value: \$805,000

Fee Per Acre Value: \$2,605