

# August 14, 2014 -- Property Transaction Proposal

## Colorado Parks and Wildlife

### *Cheyenne Mountain State Park Permanent Right-of-Way Easement*

El Paso County

7 acres

Cheyenne Mountain State Park, southwest of Colorado Springs

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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 sale of a permanent utility right-of-way easement for underground water and sewer lines along seven acres of road in Cheyenne Mountain State Park ((\$11,000)).

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#### **CDC Staff Questions**

None.

# Capital Development Committee

## August, 2014—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 dispose of a permanent right-of-way easement.
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<b>General Information</b>	
Name	Cheyenne Mountain State Park - Mientka - Utility Easement
Number of acres	7
Location	Cheyenne Mountain State Park (J.L. Ranch parcel)
County	El Paso

<b>Costs / Source of Funding</b>			
Purchase Price	\$0.00	Funding Source	N/A
	<i>Spending authority has already been approved for this project in the Long Bill.</i>		
	Fiscal Year		
	Line Item		
	Appropriation		
	Remaining Unexpended Balance		
Annual Monitoring and Operation Costs	\$0.00		
Development Costs	\$0.00		

**Summary of Proposal:**

CPW will grant a permanent right-of-way easement for underground utility lines (water and sewer) to an adjacent private landowner so that he may connect to public utilities located on the Park managed by Colorado Springs Utilities. The landowner will pay \$11,000 to CPW for the easement, and construction and maintenance of the utility lines will be at the landowner’s expense. The easement will require the landowner to adhere to conditions established by CPW, including mitigation efforts for disruption of the Park during construction, and proper reclamation of disturbed areas afterwards. The easement will also allow CPW to connect to the lines and use potable water and wastewater at a nearby archery range for drinking, restroom and fire protection purposes.

**Current Use of Property:**

The utility lines will be buried underneath an existing unpaved road located on the J.L. Ranch parcel which lies on the eastern end of the Park. The road is used by Park staff and is not open to the public.

**Proposed Future Use of Property:**

There are no specific plans for future use of the road at this time.

**Date Landowner Purchased the Property:** CPW acquired the J.L. Ranch parcel in 2000.

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.

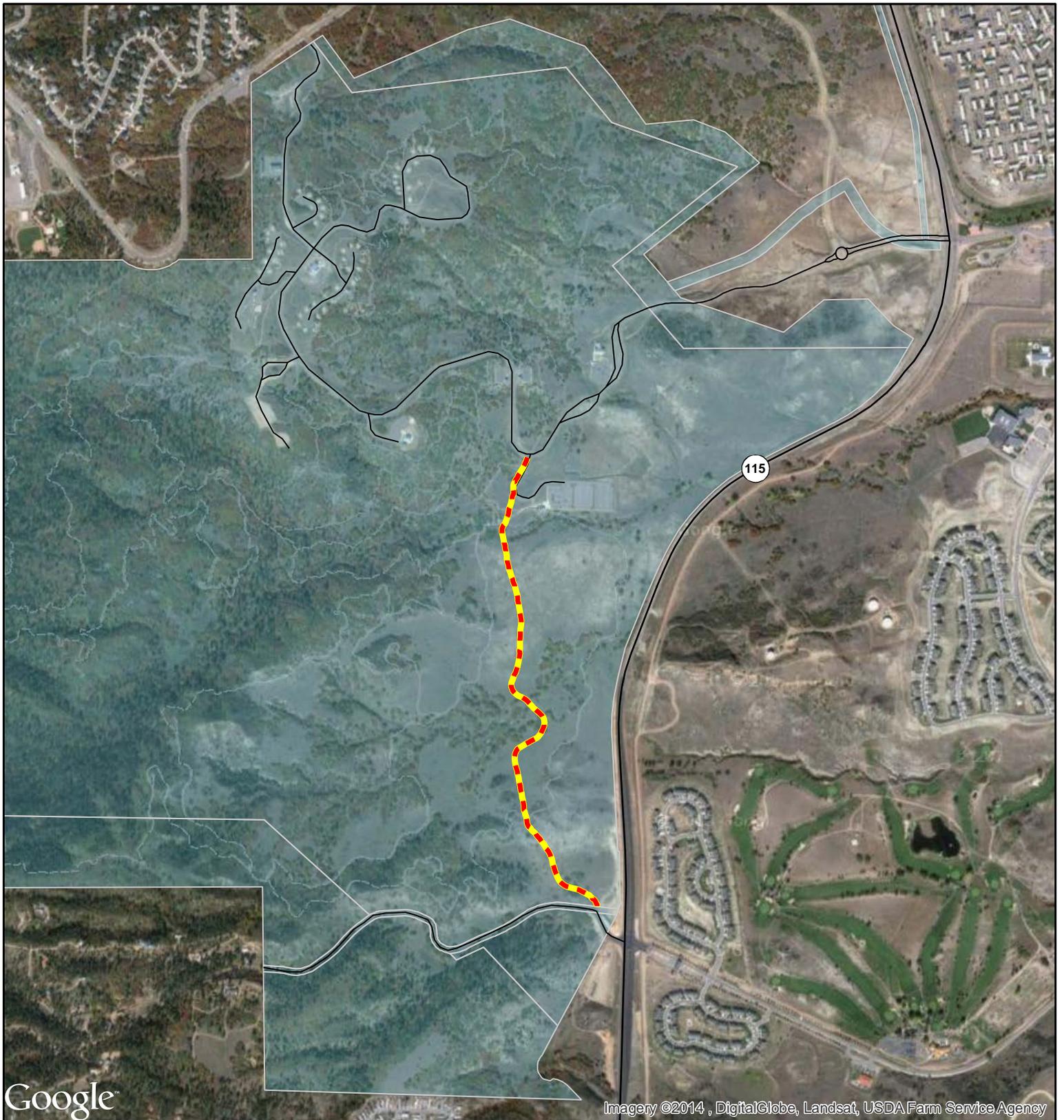
Wind and Solar: A map entitled “SB07-91 Renewable Resource Generation Development Areas” from “Renewable Energy Development Structure,” a report of the Colorado Governor’s Energy Office dated December 2009.

Mineral Interest Ownership:

N/A

Attachments:

- Map
- Concurrence letters



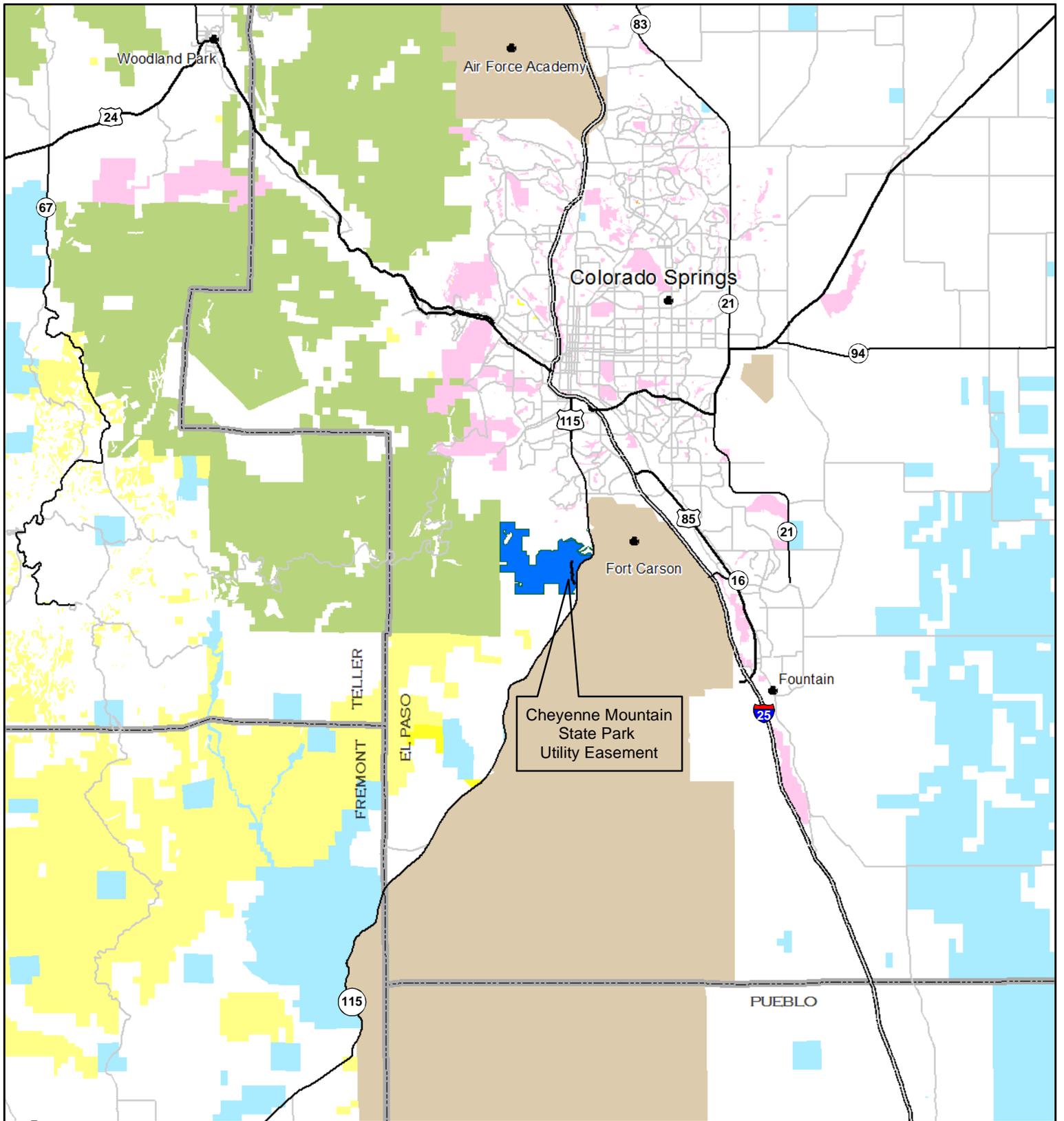
Google™

Imagery ©2014, DigitalGlobe, Landsat, USDA Farm Service Agency

## Cheyenne Mountain State Park Equity Group (Mientka) Utility Easement SE-13-079 | El Paso County

-  Utility Easement
-  Cheyenne Mountain State Park
-  CPW Parcel Boundaries
-  Roads
-  Trails





### Cheyenne Mountain State Park Equity Group (Mientka) Utility Easement SE-13-079 | El Paso County

- |                  |               |            |
|------------------|---------------|------------|
| Utility Easement | USFS          | Tribe      |
| Cheyenne Mtn. SP | Other Federal | Local      |
| State            | NPS           | Land Trust |
| BLM              | USFS          | NGO        |





# COLORADO

## Parks and Wildlife

Department of Natural Resources

Cheyenne Mountain State Park  
410 JL Ranch Heights  
Colorado Springs, CO 80926  
P 719.576.2016 | F 719.576.9099

July 7, 2014

Senator Bill Cadman

Colorado Senate District #12

200 East Colfax

Denver, CO 80203

RE: State Disposition of Utility Easement

Dear Senator Cadman,

The purpose of this letter is to notify you of a proposed real estate transaction between Colorado Parks and Wildlife (CPW) and the Equity Holding Group (EHG) involving property at Cheyenne Mountain State Park in El Paso County. EHG owns property adjacent to the southeast corner of the Park on the west side of Highway 115.

CPW wishes to grant a permanent utility easement to EHG that would allow EHG to construct, operate, and maintain underground water and sewer pipelines on a small portion (approximately 7 acres) of the Park. The pipelines will be buried underneath an existing dirt road that is currently only used by Park staff.

CPW is amenable to granting this easement for several reasons: 1) the pipelines will not negatively impact public recreation at the Park due to their location within the Park and the fact that they will be buried; 2) the pipelines will not harm any of the Park's natural resources as the easement will require EHG to remediate any disturbance to the ground or vegetation caused during installation; and 3) CPW will have permission from EHG to tap into the pipelines and use them to provide water and sewer service to our nearby archery range.





# COLORADO

## Parks and Wildlife

Department of Natural Resources

Cheyenne Mountain State Park  
410 JL Ranch Heights  
Colorado Springs, CO 80926  
P 719.576.2016 | F 719.576.9099

You are receiving this letter because CPW is required by state statute to present this project to the Capital Development Committee of the Colorado General Assembly for their review, and as part of that process, CPW must 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 your earliest convenience. If you have questions or need additional information, please do not hesitate to contact me at (719)540-5562 or via email at [mitch.martin@state.co.us](mailto:mitch.martin@state.co.us). Thank you for your time and consideration.

Sincerely,

Mitch Martin

Park Manager

Cheyenne Mountain State Park

Approved by:

Senator Bill Cadman

Date: July 14, 2014





# COLORADO

## Parks and Wildlife

Department of Natural Resources

Cheyenne Mountain State Park  
410 JL Ranch Heights Road  
Colorado Springs, CO 80926  
Phone (719) 576-2016 • Fax (719) 576-9099

June 27, 2014

Representative Bob Gardner  
Colorado House District #20  
P.O. Box 1082  
Colorado Springs, Colorado 80901

RE: State Disposition of Utility Easement

Dear Representative Gardner,

The purpose of this letter is to notify you of a proposed real estate transaction between Colorado Parks and Wildlife (CPW) and the Equity Holding Group (EHG) involving property at Cheyenne Mountain State Park in El Paso County. EHG owns property adjacent to the southeast corner of the Park on the west side of Highway 115.

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Sincerely,

Mitchell L. Martin  
Park Manager  
Cheyenne Mountain State Park

Approved by:

Representative Bob Gardner

Date: 7/1/2014



# EL PASO COUNTY

COLORADO

COMMISSIONERS  
DENNIS HISEY (CHAIR)  
AMY LATHEN (VICE CHAIR)

SALLIE CLARK  
DARRYL GLENN  
PEGGY LITTLETON

July 29, 2014

Mr. Mitchell L. Martin, Park Manager  
Cheyenne Mountain State Park  
410 JL Ranch Heights Road  
Colorado Springs, CO 80926

Re: *State Disposition of Utility Easement – Cheyenne Mountain State Park*

Dear Mr. Martin:

The Board of County Commissioners of El Paso County is in receipt of your letter dated June 27, 2014, in which you advised the Board of a proposed real estate transaction regarding Colorado Parks and Wildlife's (CPW) intent to grant a permanent utility easement to Equity Holding Group (EHG) for water and sewer pipelines, and your request for the Board's concurrence.

Our legal counsel has reviewed your letter and the relevant Colorado Revised Statutes regarding this matter and discussed this with your staff. Upon review, the County Attorney's Office has not located any specific statutory provisions that would require the Board to provide concurrence regarding this transaction. Your staff agreed and advised that the concurrence is required by the Capital Development Committee policies. Therefore, to the extent it may be helpful, our Board does not object to the granting of the easement, which you describe as a permanent utility easement that would allow EHG to construct, operate, and maintain underground water and sewer pipelines on a small portion of Cheyenne Mountain State Park.

Although we have no objection to the easement, please note that either CPW or EHG or both may be required to comply with El Paso County's 1041 permit requirements, depending on the specific location of the water and sewer pipelines, particularly if they extend into the unincorporated area of the County. Please see *El Paso County Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest* and refer to Chapters 3 and 4, which can be viewed at the Development Services Department website at [www.elpasoco.com](http://www.elpasoco.com).

Sincerely,



Dennis Hisey, Chair  
Board of County Commissioners

200 S. CASCADE AVENUE, SUITE 100  
OFFICE: (719) 520-6414  
WWW.ELPASOCO.COM



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6397  
DENNISHISEY@ELPASOCO.COM

ATTEST:

  
County Clerk & Recorder