

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 26

DATE: November 2, 1999

STAFF: Tom Shoemaker

SUBJECT:

Resolution 99-133 Authorizing the Acquisition of Approximately One-Hundred Sixty-Eight Acres of Land and Associated Water Rights.

RECOMMENDATION:

Staff recommends adoption of the Resolution.

FINANCIAL IMPACT:

Acquisition of the property would cost \$1,876,840. Of this, the land cost of \$1,638,400 would be paid from the Natural Areas portion of the Building Community Choices capital project. The remaining \$238,440 for acquisition of three shares of Pleasant Valley and Lake Canal Company water rights would be paid by the Water Utility. Sufficient funds are appropriated for both purchases.

EXECUTIVE SUMMARY:

Staff has negotiated a purchase and sale agreement with Willing Acres Company for the purchase of 168 acres of land and associated water rights. The majority of the land, located at the northeast corner of Trilby Road and Shields Street in southwest Fort Collins, would be incorporated into the City's growing system of public natural areas. Staff has determined that not all of the 168 acres is essential for meeting natural area purposes and has proposed that a portion of the property (approximately 50 acres) be considered for resale for the purposes of meeting the community's need for affordable housing. Resolution 99-133 would authorize the following: (1) purchase of the 168-acre tract of land and associated shares of Pleasant Valley and Lake Canal Company, (2) further investigation of the potential for resale of up to 50 acres of the property within a one-year period for purposes of meeting affordable housing needs, including a right of first refusal to the Fort Collins Housing Authority through February 29, 2000, (3) a lease agreement with Russ Jackson, the existing tenant on the property, for continued residence and farming and ranching operations, and (4) naming of the property as the "Hazaleus Natural Area" in honor of the sellers' family.

BACKGROUND:

Staff has negotiated a purchase and sale agreement with Willing Acres Company for the purchase of approximately 168 acres of land located in southwest Fort Collins at the northeast corner of Trilby Road and Shields Street. The purchase and sale agreement is contingent on approval by the City Council and contains the following provisions: (1) purchase price of \$1,876,840 for 168 acres of land and 3 shares of Pleasant Valley and Lake Canal Company, (2) approval of a lease agreement with Russ Jackson, the existing tenant on the property, for continued farming and ranching for a period of at least six months, (3) naming the area the "Hazaleus Natural Area" in honor of the sellers' family, and (4) satisfactory completion of all physical and environmental inspections of the property. If approved by Council, the transaction would close on December 14, 1999.

The proposed purchase price includes \$1,638,400 for the land and \$238,440 for the water (\$2,000 per acre foot). The price of the water represents current market rates. The price for the land represents a significant bargain sale of the property with a donation value estimated at \$411,600. The Land Management Office has reviewed property values in the area with a local appraiser as well as the City's own data on comparable land sales and estimates the actual value of the land itself at \$2,050,000 (\$12,202 per acre).

The property is located within unincorporated Larimer County, inside the City's growth management area. The site is vacant except for a small farm house and associated farm buildings. It is currently zoned FA-1 within Larimer County. The site is eligible for annexation by the City and in the future would probably be zoned a combination of Public Open Land (POL) on approximately 118 acres and Low Density Mixed Use Neighborhood (LMN) on approximately 50 acres. The City's Structure Plan shows the property as a combination of open lands and low density mixed-use development.

Portions of the site have been included in the City's inventory of Natural Habitats and Features since the inventory was first compiled in 1992. The site contains two small tributaries to Fossil Creek, significant wetland areas, and about 50 acres of land that are generally occupied by prairie dogs. Since much of the site has been used for farming and ranching in the past, much of the vegetation on the site is not native and will require restoration efforts over time. The site is, nevertheless, important for its wildlife habitat values, as a corridor between other natural habitats and features, and for its outstanding scenic and aesthetic qualities.

While the property has been included on the City's list of potential acquisition sites since 1992, it has been considered a lower priority for acquisition until recently. The site assumed a higher priority recently due to several factors, including:

- Successful acquisition of natural area sites both north and south of this property made this property more important in terms of its potential to provide a significant area of contiguous natural habitat and an effective corridor .
- Adoption of the City's prairie dog policy gave a higher priority to acquiring the few remaining unprotected sites with large acreages of prairie dog colonies.
- The Natural Resources Advisory Board urged staff to pursue acquisition of the site.
- Although several developers were interested in the property, the seller approached the City with a strong interest in seeing the property acquired for public purposes.

Based on these factors, staff negotiated the purchase and sale agreement with the Sellers.

Acquisition of the parcel has the potential to meet several City objectives. It will add an important area to the City's system of Natural Areas and provide additional opportunity for both natural area protection and for providing passive recreation opportunities for the community, such as walking, wildlife viewing, bicycling, and horseback riding. The site will also provide right-of-way for a future north-south trail connection to Loveland that is planned in the City's Parks and Recreation Master Plan. The site also offers the opportunity for development of residential housing to help meet the City's affordable housing needs. The latter objective could be met by resale of a portion of the property to an affordable housing developer, either public or private.

The concept for the future sale of a portion of the property for affordable housing emerged from four places. In the past, Councilmembers have expressed support for land purchases that served multiple purposes, including affordable housing and natural area proximity. Second, in evaluating the property for acquisition, Natural Resources staff determined that the entire property was not essential to meet natural area purposes in this area. Staff believes development of a portion of the property adjacent to existing development to be appropriate and that it can be accomplished in a manner that is compatible with the adjacent natural area. Third, as Natural Areas staff were discussing the potential acquisition of the site, Advanced Planning staff were discussing with Council the potential to create a land bank for affordable housing. Together, the two staffs realized that this parcel could help meet both critical needs in the community - affordable housing and natural area protection. Fourth, several affordable housing development interests have expressed interest in the property.

For these reasons, staff has proposed that we continue to evaluate the concept of resale of up to 50 acres of the property to help meet affordable housing needs. The Resolution does not obligate the Council to sell the property at this time. Rather, it directs the City Manager to further investigate the potential for resale and present his recommendation to the Council. The property would first be offered to the Fort Collins Housing Authority. If the Authority declines the property, staff would conduct a public process to select a purchaser before presenting a recommendation to Council. Staff anticipates completing that process within a nine-month time frame.

The purchase and sale agreement for the property also requires that the property be named the "Hazaleus Natural Area". Staff agrees with this proposal and believes it is consistent with the current policy in place for naming natural areas. That policy places a priority on names that evoke the natural character of the land (e.g., Coyote Ridge), but allows properties to be named after people if there is a significant donation involved and the seller wishes it, or if the name has some historic or geographic significance, or recognizes someone who has made significant contributions to the community. Staff believes these criteria are met in this instance (see attachment).

This acquisition has been reviewed extensively by the Natural Resources Advisory Board at several meetings, most recently at its October 20, 1999 meeting (minutes attached). The Board voted to support the acquisition of the site (7 for, 1 against). They also voted to support the further evaluation of resale of a portion of the property for affordable housing purposes (7 for, 0 against, 1 abstention). The NRAB did not support naming the site "Hazaleus Natural Area", instead recommending that the family be recognized and honored in another mutually agreeable way (5 for, 3 against). The Board believes that the current policy that allows naming natural areas for families or people is too vague and needs to be revised to provide greater clarity regarding what is a "significant" donation, and the nature of the contributions to the community. The Board believes that the donation value should be

a very substantial portion of the total value and that those who are honored should have made significant contributions in the area of natural area or environmental protection. The board voted unanimously to recommend immediate review of the policy regarding naming natural areas.

Attachments

Location Map

Natural Resources Advisory Board Minutes of September 29, 1999

Natural Resources Advisory Board Minutes of October 20, 1999

Memo from Ron Mills on Land Value

Letter from Susan Hazaleus Regarding her Parents' Accomplishments

Letter from Albert C. Yates

Letter from John and Margaret Batson

Natural Areas Naming Policy

RESOLUTION 99-133
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION OF APPROXIMATELY
ONE HUNDRED SIXTY EIGHT ACRES OF LAND
AND ASSOCIATED WATER RIGHTS

WHEREAS, Willing Acres Company is the owner of approximately 168 acres of land located north of Trilby Road on the east side of Shields Street in Fort Collins, more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference, together with 3 shares of Pleasant Valley Lake Canal Company irrigation water (totaling 119.22 acre feet), referred to collectively as the "Property"; and

WHEREAS, Willing Acres Company has agreed to sell the Property to the City for the net amount of \$9,752 per acre and \$2,000 per acre foot for the associated water rights; and

WHEREAS, the land purchase price is substantially below the estimated market value of the property; and

WHEREAS, among the objectives of the Natural Areas Policy Plan as adopted by the City Council is to establish a system of publicly owned natural areas to protect the integrity of critical conservation sites, protect corridors between natural areas, preserve outstanding examples of Fort Collins' diverse natural heritage and provide a broad range of opportunities for educational, interpretive and recreational programs to meet community needs; and

WHEREAS, City staff and the Natural Resources Advisory Board have reviewed the resource, natural heritage and open space values of the Property, and have determined that a substantial portion of the Property (the "Natural Areas Parcel") would provide a valuable opportunity to advance the objectives of the Natural Areas Policy Plan; and

WHEREAS, a portion of the Property, approximately fifty (50) acres in size (the "Development Parcel"), may not be essential for natural area purposes and may be more suitable for future private development; and

WHEREAS, Willing Acres Company is unwilling to divide the Property into natural area and development parcels; and

WHEREAS, on February 2, 1999, the City Council adopted Resolution 99-16, approving the City's Priority Affordable Housing Needs and Strategies Report, dated February 2, 1999, which sets forth the City's priorities and strategies for the development and enhancement of affordable housing resources in Fort Collins; and

WHEREAS, the acquisition of the Development Parcel provides an opportunity to advance the goals and objectives of the Priority Affordable Housing Needs and Strategies Report; and

WHEREAS, the acquisition of the entire Property is desirable as a means of acquiring the Natural Areas Parcel, and staff has begun efforts to investigate the resale of the Development Parcel in a manner that would include the development of affordable housing; and

WHEREAS, sufficient funds are available and appropriated in the natural areas portion of the Building Community Choices Fund for the acquisition of the real property portion of the Property, additional funds are available in that account for maintenance of the Property following acquisition, and sufficient funds are available in the Water Utility Fund for the acquisition of the water rights associated with the Property; and

WHEREAS, the Council has determined that the purchase price and donation of the Property is fair and reasonable and in the best interests of the citizens of the City; and

WHEREAS, the Natural Resources Advisory Board has recommended to the Council that the acquisition of the Property be completed; and

WHEREAS, the Council has determined that it is appropriate to name the Natural Areas Parcel the "Hazaleus Natural Area".

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Manager be, and hereby is, authorized to execute such documents as are necessary for the City to acquire the Property consisting of approximately one hundred sixty eight (168) acres of land, as described on Exhibit "A", together with 3 shares of Pleasant Valley Lake Canal Company (totaling 119.22 acre feet) for an amount not to exceed \$1.9 million.

Section 2. That the City Manager is hereby authorized to execute a lease agreement with Russ Jackson for a period of two (2) years for the continued use of the property as a residence and for farming and ranching operations.

Section 3. That the Natural Areas Parcel shall be known as the "Hazaleus Natural Area".

Section 4. That the Property, while owned by the City, shall be used solely as a public natural area, and that in the event that the City Council subsequently determines that it is in the best interests of the City to sell or otherwise dispose of all or any portion of the Property, the proceeds of such sale shall be dedicated to the acquisition or maintenance of other public natural areas.

Section 5. The Fort Collins Housing Authority shall be granted a first right of refusal through February 29, 2000, to acquire the Development Parcel for an amount equal to the proportional share of the total acquisition cost attributable to the Development Parcel, together with interest thereupon from the date of the acquisition for a period of 60 days.

Section 6. That if the Housing Authority declines to purchase the Development Parcel, the City Manager shall conduct a process to select a purchaser of the Development Parcel, which process shall emphasize the affordable housing benefits to be generated by the proposals received, and shall make a recommendation to the Council regarding the sale of the Development Parcel for development, including the terms and conditions of the sale.

Section 7. That if the sale of the Development Parcel is not completed within one year of the date upon which the City acquires the same, the City Manager shall present to the Council an ordinance authorizing the transfer of appropriations from such funds as shall be determined to be appropriate at that time, to the natural areas portion of the Building Community Choices Fund, in an amount equal to the proportional share of the total acquisition cost attributable to the Development Parcel, together with interest thereupon from the date of the acquisition.

Passed and adopted at a regular meeting of the City Council held this 2nd day of November, A.D. 1999.

Mayor

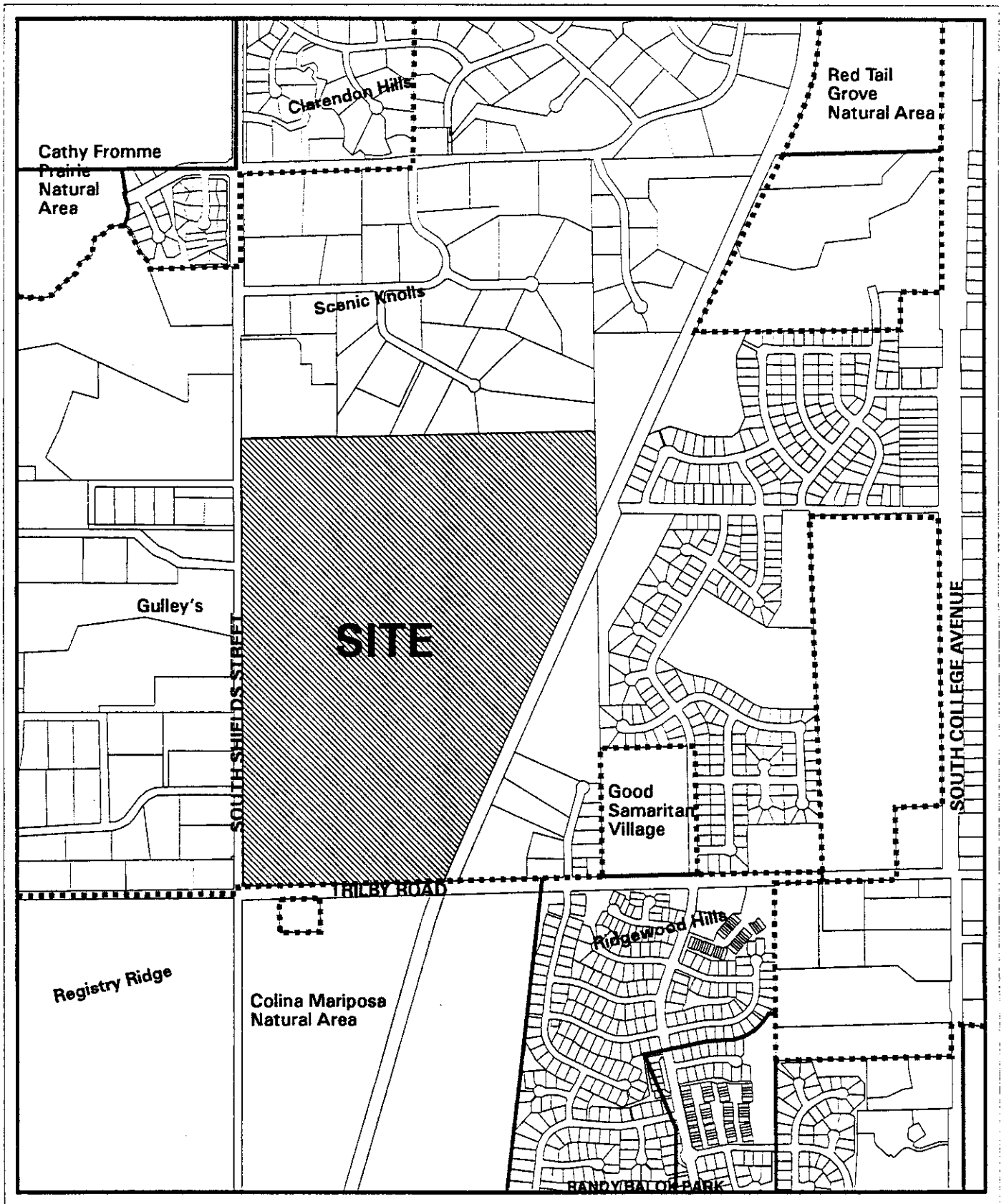
ATTEST:

City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

SW $\frac{1}{4}$ and S $\frac{1}{2}$ of S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 11, Township 6 N, Range 69 W of the 6th P.M., less 3 acre road and 3 acre RR and less Book 1267 at Page 444.



VICINITY MAP

10/27/99

Proposed Natural Area Acquisition

Excerpt of
DRAFT MINUTES
CITY OF FORT COLLINS
NATURAL RESOURCES ADVISORY BOARD
REGULAR MEETING
281 N. COLLEGE
SEPTEMBER 29, 1999

For Reference: Randy Fischer, NRAB Chair - 226-5383
Bill Bertschy, Council Liaison - 484-0181
Susie Gordon, Staff Liaison - 221-6265

Board Members Present

Reagan Waskom, Randy Fischer, Nate Donovan, Jan Rastall, Don Rodriguez and Kelly Ohlson

Board Members Absent

Bill Miller, Rick Harness and Phil Murphy

Staff Present

Natural Resources Dept: Tom Shoemaker, Mark Sears and Sally Maggart

Hazaleus Acquisition: Tom Shoemaker, Natural Resources Director

Shoemaker said that there is a signed contract on 168 acres located at Shields and Trilby that is owned by the Hazaleus family. He explained that this has been rated as a low priority acquisition, but there are prairie dogs on the property. Shoemaker said that the sellers are donating some of the value of the land for a natural area or other public use and there is an affordable housing component to the acquisition.

Shoemaker said that, while acquisitions normally do not have to be approved by Council, there is a lease involving irrigated pasture and Council approval is necessary when naming a natural area for a family. Shoemaker said that he will take the acquisition to Council on October 19.

Shoemaker explained that the Hazaleus family has owned the property for about 50 years. Mrs. Hazaleus passed away last year. He noted that because she made a significant contribution to the community and was active at CSU, it is appropriate to name the natural area in her honor.

Shoemaker said that 50 acres in the northwestern corner would be made available for affordable housing in the future. He added that at least three affordable housing providers have expressed interest in the project. Shoemaker said that Susan Hazaleus is an affordable housing planner in Denver, but there are no contractual obligations on the property regarding affordable housing.

Shoemaker said that the City is paying market value and not taking restrictions on the property. He noted that the property is contiguous with Colina Mariposa on the south and provides drainage protection. Staff feels it is appropriate to define the boundaries and sell some of the land for appropriate purposes. This would recoup approximately \$750,000 and would happen within a year from the purchase. Shoemaker added that the resolution to Council would identify this as a potential but would not be asking for a definite yes or no. He would come back in six months with that recommendation.

Don Rodriguez asked if the water shares would be sold. Shoemaker said that the City's Water Utility is interested in buying the water and the Natural Resources Department would lease the water from them for the timeframe needed to convert the non-native pasture to grasses.

Kelly Ohlson said that he will pull this item at Council and will speak publicly against the naming. He said that there are people who have given their lives to preserving open space and then somebody donates a small amount of land and wants it named after them. He said it is appalling and insulting to those who get nothing out of their work for open space and then because someone owns a farm 50 years ago, it is named after them with a donation of three percent of the price of the land. Ohlson said that it is a sad state of affairs if that is what we are going to. He said that the majority of the people supporting open space are not buying having affordable housing on an open space chunk. Shoemaker said that they will be opposed if Ohlson does not participate in telling the real story. Ohlson said that the naming is appalling and is not the right thing to do on any level.

Shoemaker asked "what is the priority?" Ohlson said that it is "fairness and decency". Shoemaker said that he thought the priority is to protect the land. He noted that he is dealing with a willing seller and the deal is fair to taxpayers, the city and the landowners. Shoemaker said that the naming meets the criteria of the administrative policy.

Rodriguez said that he philosophically agrees with Kelly. He suggested doing some other things to give the person recognition other than the naming of the natural area. Rodriguez said that nobody will be able to pronounce the name. He suggested naming the affordable housing Hazaleus Farms and produce a brochure that highlights the history of the farm. Rodriguez said that he understands where the daughter is coming from and understands that the mother and father both made viable contributions but this sets a bad precedent. He said that the citizens are contributing to this, not one family, and the area should be named to reflect the ecology through a nominating process.

Reagan Waskom asked if a three percent contribution would set a precedent. Shoemaker responded that he would not be recommending it if that was all there was to it. Ohlson

said that if the majority of the Board objected, there will be public disagreement, and staff could go back and offer other options.

Shoemaker said it is necessary to separate out the issues to determine if the Board likes the acquisition, what about the naming, and where are you about affordable housing? He reiterated that the affordable housing would provide approximately \$750,000 to spend on more valuable land. If that is not approved, the land could become a nice natural area but will be expensive to restore.

Ohlson said that affordable housing has potential political damage. He said that he is neutral on the purchase and the affordable housing proposal. The naming thing opens the entire thing up and he said that he will use everything at his disposal because it is not a good use for \$1.7 million.

Randy Fischer said that he is in favor of the purchase because of the resource value. He added that the naming does not mean much to him but trusts Ohlson's judgement on the matter and will support him. Fischer added that he does not have sweat in the issue like Kelly. He suggested going back to the landowner and see if there is a way around it. Fischer asked if the affordable housing piece is a requirement of purchase. Shoemaker said it is not and it would probably have a six month deadline. He noted that the Natural Resources Department tries not to buy more land than what we are going to keep, but sometimes parcels do not lay out that way and the landowners say "take all or none".

Jan Rastall said that she does not know how properties are decided upon for purchase. She added that she does not think the naming is that big of a deal, but she does not know the history. Rastall said that she can support the Board if it is decided that it is not a good move to name a property after somebody because it would alienate people working for the environment

Rodriguez asked if the family is aware of the environmental community feelings. Shoemaker responded, no and added that they would be deeply insulted because they feel their family contributed to the community. He said that he will not take the acquisition to Council if it will publicly embarrass the family.

Ohlson said that there needs to be a more definitive guideline, such as, donating more than half of the appraised price in a sale before being named for a person.

Waskom said that he is supportive of the land purchase and the affordable housing component seems to be thought out and a good deal. He said the name is troublesome because of the way Kelly feels about it. Waskom said that he would like staff to go back and work the deal in a different way and recognize the family in another way.

Nate Donovan said that it is a good purchase with a connection to the corridor and the affordable housing component is a good thing. He added that he does not want it divisive. Donovan said that the naming is an appropriate application of the administrative guidelines and flexibility is needed in determining what is a significant donation. He noted that three percent could be significant. Donovan said that there is a need to logically determine how a naming decision is made. He felt that the naming of the area is more important than a ceremony or recognition because it is a permanent thing.

Excerpt of
MINUTES
CITY OF FORT COLLINS
NATURAL RESOURCES ADVISORY BOARD
SPECIAL MEETING
281 N. COLLEGE
OCTOBER 20, 1999

Hazaleus Property Acquisition

Tom Shoemaker said that at the last meeting this was talked about at some length. He told the board he wanted to give an update on the information and also to ask the board to take a formal vote on three questions. The three questions are:

1. Should we proceed with the acquisition? Is this an acquisition that merits our spending natural areas money? Staff recommends strongly that we proceed with the acquisition.
2. We had a lot of discussion about the naming issue at the last meeting. How does the board feel about the issue of naming it the Hazaleus Natural Area. Staff's recommendation is that we should do so.
3. How does the board feel about keeping open the possibility of the resale of approximately 50 acres to an affordable housing project in the not too distant future. The idea being that up to 50 acres of the property would be made available at a fair price for a housing process that has a significant affordable housing component.

The additional information we would like to share is in the materials that were distributed. There are two letters of support regarding the naming issue, one from Dr. Yates at CSU and another from a citizen. The other piece of information we've talked about is there being some donation component. The family knocked \$50,000 off the original price, which was known to be below the market value, but a formal appraisal had not been completed. Shoemaker requested Ron Mills do his own estimate and check with local appraisers. Mills has developed a conservative estimate of 2.05 million, the agreed to purchase price is 1.64 million. The actual donation value he is prepared to defend is \$411,000, or 26% of the overall value of the property.

There has been a lot of discussion about the issue of naming. There may remain some disagreement between staff and some board members. Staff feels the naming is appropriate due to; 1) a significant donation value, and 2) The natural areas naming policy, which has been reviewed by this board, and Parks and Recreation, doesn't restrict the naming of a natural area only to significant donations. There is no clear definition of "significant donation". The other issues are the naming after a historic place, or a member of the community that the community wishes to honor. This discussion will lead to a city-wide review of our naming policies. To the best of our knowledge, we're the only department trying to bring some order to this, but it's not as orderly as it needs to be.

Discussion

- Ohlson: To be fair, those numbers are not the way the deal was made. Now we have a new valuation, it would be very dishonest to show only that to City Council. That other value never surfaced in writing.
- Hazaleus: I've known that value all along, it was a calculation that I made. We could have started at this point.
- Rodriguez: It would be helpful if you had a documented appraisal.
- Shoemaker: Yes, you're correct, that's how we presented it. I've been clear that we thought the actual value was much higher. Based on Ron Mills' and my experience in dealing with lands in this area, we felt that where the owner was starting from was a bargain. The reasons we didn't do an appraisal are, urgency on the part of the seller and the cost of an appraisal.

Susan Hazaleus gave a brief talk about her family and their history. She said that in their day, her parents were stewards of the land and conservationists. Their wishes were for the land to be used in some kind of public way. Hazaleus introduced several guests who gave brief talks about Margaret Hazaleus, saying she touched the lives of thousands of students and made a difference in the community.

- Fischer: Hope you understand that nothing said tonight is intended to say anything about your family, it's obvious they have made tremendous contributions to the community. There are some reservations regarding the naming issue.
- Ohlson: We need to establish this is not about the Hazaleus family. This is not about war records and unfortunate illnesses, that's not the issue. I'm sure they're wonderful people, and wish I'd grown up in that family. But, I don't waver on my position and will take whatever actions are appropriate to make sure this doesn't happen.
 1. Those dollar numbers should have been presented at the beginning of this process. It's a smoke screen, it's a 2-1/2% donation. Even at 20% it's not an adequate figure for the naming process. We've had this issue for a long time, nothing should be considered unless it's at least 50%, but I would prefer 80%.
 2. There are fairness and justice issues. On a scale of 1 to 100, I'm at a 100. I'm not going to budge, it's not fair. It sets a horrible precedent for the future. I don't want to have to do this every three months, but I will, each and every time. We need a policy that's based on common sense and justice, one that's based on rational thought, and not war records.
 3. We should be naming and honoring the land, the topography and the geology. We're not naming them after animals that used to be there, and they shouldn't be named after the people we bought the land from. I know about open space, I was there in 94, 95, 97 and now in 99. I don't want to name natural areas and open spaces after the people we buy from. It shouldn't be a popularity contest, we can't get caught up in the emotion of the moment. We need to focus on fairness, justice and common sense.
- Rodriguez: In the three years I've member of this board this is one of the most difficult topics I've dealt with. The family has made incredible contributions to the

university and the community. Often times the naming issue is dealt with in an arbitrary way. That said, I guess I feel fairly strongly about the association with natural areas and contributions to the community. Have you considered the affordable housing unit, that's a much better fit, could that be named the "Hazaleus Farms"?

- Hazaleus: I appreciate your point of view. I entered into a good faith negotiation. When I entered there was no policy that was presented to me. If there had been a policy that said "these are the rules", that would have been a business decision. This is really downstream to say "lets stop this transaction". It feels like bad faith. If a policy had been presented I would have been happy to evaluate it and make a decision.
- Ohlson: I would propose to do a nice interpretive arrangement on the property, talking about the various contributions of the parents and the land there, something as nice as could be done honoring the family. That stretches my comfort zone, and is more than a fair compromise.
- Rodriguez: I would echo that. In the interpretative features, that would be a good opportunity to highlight and make that story.
- Fischer: We need to address the process. We heard about the naming issue after the contract was basically done except for the signatures. We are an advisory board to Council, that doesn't mean the property won't get bought. We're trying to decide what we want to tell City Council. We either agree or disagree with what's happening.
- Ohlson: That's why you have closings in real estate. Things do break down, and staff was well aware that the naming was a potential issue for this board.
- Fischer: There were a couple things missed when the policy was discussed. Part of the process is the public will be involved in the naming process. Also, if a natural area is being named after a person or family it has to go before City Council. In the criteria for naming, the highest priority is that donated land be named after the donor, the second is unique features. The lowest is after people in the community or subdivisions. The devil is in the word donations, the definition. It needs to be decided if the donation is a significant donation.
- Shoemaker: *Frankly, I agree with a lot of the things being said here tonight. I understand the concerns. In my opinion we met the spirit and intent of the policy. We did make it clear that part of it needed to come to this board and City Council. The bottom line is, when you get involved in negotiations the motivation at the time is to do what it takes to get to "yes" in terms of an agreement. My motivation was not to aggravate any members of the board.*
- Miller: What is the reality of the north portion of the property being acquired by another part of the city? Is that a reality? *Yes, with your recommendation on that matter. There is significant interest with those who do affordable housing.*
- Miller: Given the opportunity for affordable housing, we should acquire the property without the Hazaleus name, but when the affordable housing component is acquired it should be named after the family. We don't want to set a bad precedent over the issue of naming.

- Rastall: Personally I don't feel it's the board's position to solve this situation, there's a contractual arrangement. We need to try to establish a policy that is more clear and forthright. I will support what's already in place, but it needs to be cleared up.
- Murphy: There were agreements that need to be respected. For me, the only reason I'm sitting here is for my children. My kids won't care about where the name came from. The policy needs to be changed, but maybe it's not worth going after the policy that exists, it allows some flexibility. I would say agreements were made, we move forward and if we want to come back and take a shot at something more concrete we can do that.
- Ohlson: My understanding is when things are going to be named after a person, they are to be brought back to us, that's part of the process. The contract has been signed, but it's contingent on Council approval. Sometimes you have to lose a battle to win the war, and we've got to focus on the big picture, long term. It's not about affordable housing, and it's not about one spot. I'd be willing to lose that parcel if it's going to impact integrity and justice. Natural history is more important than the one parcel we're going to miss. I'd lose that parcel in a heartbeat. We're focused too much on affordable housing, and on one parcel. I urge you to think in the big picture, not just small pictures.
- Fischer: I have to agree. I didn't join this board to get into problems like this when we're trying to do something good for the environment. This has to be addressed immediately.
- Waskom: I'm not going to support the acquisition or the naming.
- Fischer: Tom wants a direction from this board on 3 issues. I took a stab at the wording of four issues, three for Tom, and one for me. We can vote on them separately or all together.
- Miller: Would prefer to vote separately, that better shows the board's feelings on the whole process.
- Donovan: We can approve the affordable housing component, but not advocate it. This was a unique situation.
- Rodriguez: I think it's a great idea. I like the creative approach to partnering.
- Ohlson: I will be supporting all four proposals before us. This is the worst time I've had at a NRAB meeting. I believe I'm 100% right. I hope we never have to have this kind of discussion again.
- Rastall: I would like to have more explanation of why the board is not supporting the naming. I don't feel comfortable supporting the third motion, and if the board is going to, I would feel more comfortable if it was explained in the third motion.

The following motions were made by Bill Miller:

The NRAB recommends that staff proceed with the acquisition of the parcel known as the Hazaleus property for incorporation into the City's Natural Areas inventory.

The motion carried with seven votes in favor and one vote opposed.

The Board is amenable to the future potential resale of approximately 50 acres of the Hazaleus property adjacent to Scenic Knolls for development that meet the City's criteria for "affordable/attainable housing".

The motion carried with seven votes in favor and one member abstaining.

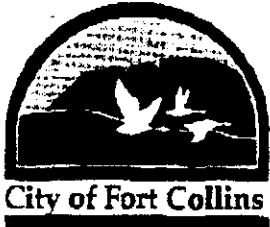
The NRAB recommends appropriately acknowledging the Hazaleus family for their donation to the natural areas program in a manner mutually acceptable to the family, NRD, and the NRAB that does not include naming the natural area of the acquisition after the family.

The motion carried with five votes in favor and three votes opposed.

The NRAB recommends that City staff in conjunction with the NRAB immediately develop a clear, well defined set of criteria for naming City natural areas.

The motion carried unanimously.

- Fischer: You (Susan Hazaleus) have an exceptional family and piece of property. I hope you'll take us up on the idea of doing something to appropriately honor your family.



Administrative Services
Facility Services / Land Office

MEMORANDUM

DATE: October 19, 1999
TO: Tom Shoemaker, Natural Resources Director
FROM: *RW* Ron Mills, Land Office Manager
RE: Value Estimate For Hazaleus Acquisition

Based on your recent request, I provided information on the Hazaleus property to a real estate appraiser we have used in the past and asked him to give us his input on the proposed purchase. It's his opinion that a conservative value for the 168 acre site is \$2,050,000 w/o water rights. Appreciation rates of 1 percent a month in this market are common. Please let me know if you need additional information.

Susan L. Hazaleus
2015 Meade Street
Denver, CO 80211
August 29, 1999

Rick Zier
Attorney at Law
318 Canyon Avenue
Ft. Collins, CO 80521

TRANSMITTED BY FAX: 970-493-1218

Dear Rick,

As we discussed by phone, it may be helpful for City staff and Officials to know more about my parents in regard to the naming of the open space for them. I like "Melvin S. Margaret Hazaleus Open Space" as the name but my brother and I are amenable to some variation of this. The following details some of my parents accomplishments and history.

My father, Melvin Hazaleus, was a college professor at CSU before his death from a brain tumor in 1961. He had served in WW II as a tank commander and received a Silver Star for his service at Iwo Jima.

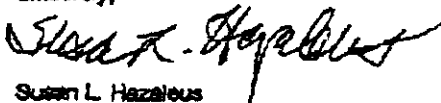
Both my parents had grown up in farming/ranching backgrounds. My father was raised on an Oklahoma wheat farm and my Mother, a third generation Coloradan, grew up in the San Luis valley. Thus it was natural when they had saved enough money after my father returned from the war to buy the farm. They were both keenly interested in preservation and enrichment of the land and its wildlife. After my father's untimely death, my mother made the difficult decision to stay on the farm for several years, despite the notable difficulties of both managing the farm and raising two children as a single parent. Knowing that my father's illness was terminal, my mother had begun her career at CSU as a means to support the family.

She began her career at CSU as the Coordinator of Study programs in the College of Home Economics, completed a Master's degree and for the last 13 years of her tenure at CSU she was the Assistant Dean in the College of Home Economics. She was a strong advocate for students and was a founder of the Women's Studies Program at CSU. She received many honors including the College Outstanding Faculty Member, the University Outstanding Woman Administrator the University Honor Alumni, the University Outstanding Service Award in undergraduate Advising, and the 1994 Henry Award. After retirement, she was honored as the first winner for the Blue Ribbon Award by the College as the graduate who had contributed the most to the College.

She was also active in areas outside the University. An advocate of women's rights throughout her life, she served three terms on the Governor's Commission on the Status of Women and was a member of the Ft. Collins City Council Committee on the Status of Women in Ft. Collins, which commission authored the 1986 report to the City Council. She served on the Ft. Collins United Way, Larimer County 4-H Scholarship Committee, and the Poudre R-1 District Citizen's Committee. A breast cancer survivor herself, she worked as a volunteer for many years for the Cancer Society Reach to Recovery and was a Poudre Valley Hospital Lifeline Volunteer.

I hope this is helpful. I can provide additional details if necessary.

Sincerely,



Susan L. Hazaleus

Office of the President
102 Administration Building
Fort Collins, Colorado 80523-0100
(970) 491-6211
FAX: (970) 491-0501
<http://www.colostate.edu>

October 8, 1999

The Honorable Ray Martinez
Mayor of Fort Collins
City of Fort Collins
P.O. Box 580
Fort Collins, CO 80522

Dear Mayor Martinez,

It has come to my attention that the City of Fort Collins is in the process of purchasing the Margaret and Melvin Hazaleus farm located at Trilby and Shields Street for use as a natural area. I understand there is a proposal before the Natural Resources Board to name the acreage the Hazaleus Natural Area. Please accept my endorsement of this proposal, which would name this open space after two individuals who were strong advocates for preservation and enrichment of land and wildlife. Together, they spent much of their lives farming and ranching in our community. The Hazaleus Natural Area would serve as a tribute to their vision and hard work on behalf of our community.

Margaret and Melvin Hazaleus served their community, state, and nation with distinction. Melvin Hazaleus was a college professor at Colorado State University before his untimely death from a brain tumor in 1961. He received a Silver Star for his service at Iwo Jima during World War II.

Margaret Hazaleus remained on the couple's farm for several years after Melvin's death, raising two children as a single parent. Margaret was a longtime Colorado State University faculty member in consumer sciences and assistant dean of the College of Home Economics (now the College of Applied Human Sciences) at the time of her retirement in 1983.

Margaret personified service over self in every aspect of her life, whether it was mentoring young faculty, advocating for students, or supporting women's issues at a statewide level. In the 1970s she was a co-founder of the Women's Studies Program at the University and served three terms on the Governor's Commission for the Status of Women. She not only taught new faculty about the University, but also instilled a value system in them to understand the importance of providing the highest quality experiences to students.

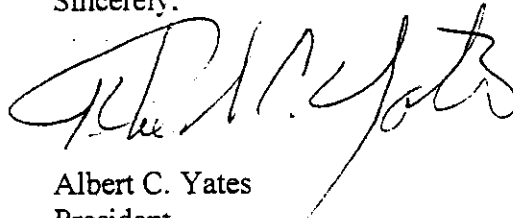
Letter of Endorsement to Mayor Martinez
October 8, 1999
Page two

Margaret's many University awards included the College Outstanding Faculty Member, the University Outstanding Woman Administrator, the University Outstanding Service Award in Undergraduate Advising, and the 1994 Henry Award for her contributions to Colorado State University. After retirement, she served on the first 1870 Dinner Committee and was honored as the first winner of the Blue Ribbon Award by the College of Applied Human Sciences as the graduate who had contributed the most to the college.

Margaret also volunteered for a variety of community organizations, including the Fort Collins Area United Way, Larimer County 4-H Scholarship Committee, and the Poudre R-1 District Citizen's Committee. She was a member of the Fort Collins City Council Committee on the Status of Women in Fort Collins, which authored the 1986 report to the City Council. Margaret, who was a breast cancer survivor, worked as a volunteer for many years for the Cancer Society Reach to Recovery and was a Poudre Valley Hospital Lifeline volunteer.

Both Melvin and Margaret contributed significantly to our community and were committed to preserving open lands for future generations. I urge City Council to approve the proposal to name their former farm the Hazaleus Natural Area. It will be a fitting tribute to a couple who were teachers, leaders, and mentors to many in the Fort Collins community.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert C. Yates". The signature is fluid and cursive, with a large initial "A" and "Y".

Albert C. Yates
President

OCT-19-99 TUE 06:31 AM

FT COLLINS-CITY MANAGER

FAX NO. 970 224 6107

RECEIVED

CC: COUNCIL
JOHN FISCHBACH OCT 18 1999
BYRNE/STORM
FYI
CITY MANAGER

712, Steepwood Drive
Fort Collins, Co. 80525
October 15, 1999

The Honorable Rep. Martineq, Mayor and The
City Council of Fort Collins
P.O. Box 530
Fort Collins, Co. 80522.

Dear Mayor Martineq and City Council

We support naming the land recently
purchased by the City from the
Hazalea Family for use as open
space be named after the family.
We encourage you to do the same.
Thank you

Sincerely,
John and Margaret Bataan

NAMING OF NATURAL AREAS

Executive Summary

Process

To avoid confusion caused by use of informal names, natural areas need to be officially named as soon as possible. The process for naming unnamed natural areas in City ownership or under contract as of January 1, 1995 will begin when this policy is administratively adopted by the Natural Resources Director. Subsequently, the process will begin when a natural area goes under contract. The public will be involved in the naming process.

After prospective names have been submitted, the Natural Areas Team, along with staff from other departments when joint purchases are involved, will select a name. If that name is the name of a person, the name will go before Council for official designation. Otherwise, after Council has been notified of the chosen name, and barring serious concerns expressed after such notification, the name shall become official.

Natural areas obtained through the development review process will be named in the development process.

Criteria

Priority 1 (required): The highest priority is that donated land be named after the donor (at the donor's option) and that acquisitions adjacent to existing natural areas bear the name of the existing natural areas.

Priority 2 (highly desirable): The second priority is that names reflect unique ecological features, that they include the type of natural area (e.g. prairie); that they not create confusion with facilities (e.g., parks) in other parts of the city; and that they acknowledge important historical use of a site.

Priority 3 (less desirable except in certain circumstances): The lowest priority is that natural areas be named after people in the community or after subdivisions. The appropriateness of such names will be decided on a case-by-case basis.

Platting

After a natural area name becomes official, it will be platted.

Documentation

Any brochure about a specific natural area will provide background about the name.

NAMING OF NATURAL AREAS

I. Process

A. Timeliness

To accurately identify natural areas in public discussions, on maps, in brochures, and in other forms of communication, official names should be assigned to natural areas as soon as possible.

For unnamed natural areas in City ownership or under contract as of January 1, 1995, the naming process will begin when this "Naming of Natural Areas" policy is administratively adopted by the Natural Resources Director. Subsequently, the process will begin when each natural area goes under contract.

This "Naming of Natural Areas" administrative policy becomes a part of the "Natural Areas Policy Plan" during the plan's first update after January 1995.

B. Public announcement

When the City signs a contract to purchase a natural area, the public will be invited, via press release, to submit prospective names for that natural area, and the natural area will be put into an appropriate management classification. The press release will acknowledge the fact that this is an in-process acquisition and, while it is unlikely, it is possible that the acquisition will not be finalized. The media, City Council, the Natural Resources Advisory Board, and the Parks and Recreation Board will receive a copy of the press release. When acquisitions are made jointly between Natural Resources and Stormwater, the Storm Drainage Board also will be included in this notification process. As determined on a case-by-case basis, the press release also may be sent to specific groups or individuals who have exhibited a particular interest in a certain natural area.

Deadline for submission of names will be two weeks from the date of the press release.

The press release will refer to the natural area by description, rather than by any informal name (e.g. the seller's name).

C. Administrative Review and Selection

Within two weeks after the closing date for submissions, the Natural Areas Team (a subset of the City of Fort Collins Natural Resources Division) will select a name from the submissions, or if no acceptable submissions have been made, will develop additional proposed names. When the natural area being named is being acquired in conjunction with another City department, staff from that department will be invited to participate in the selection of the name. The selected name will be based on the criteria identified in section II of this administrative document.

Unless the selected name is the name of a person, the name will be provided to City Council for feedback before public announcement. Unless a serious problem is identified during this feedback, the name shall become official.

D. Naming After Persons

If the selected name is the name of a person, the proposal will be taken to City Council for official designation. The process of Council designation shall include advance review by the Natural Resources Advisory Board, the Parks and Recreation Board, and when the natural area is a joint acquisition between Natural Resources and Stormwater, the Storm Drainage Board.

E. Development Acquisitions

Natural areas obtained through the development review process will be named in the development process.

F. Delays

In the unlikely event of a long delay in naming a natural area, the area will be assigned a number by which it will be known until it is officially named. The purpose of this number is to avoid the impression that staff has already decided on a name and to avoid an informal name becoming recognized as an official name. The number will consist of (1) the year the property goes under contract, (2) a two-letter resource area designation*, and (3) a consecutive number representing the number of natural areas being named in that resource area that year, e.g. the first natural area in the Cooper Slough resource area submitted for naming in 1995 (in the event of a delay) would be #95CS01.

Preferably, natural areas will be named in a timely fashion, making this numbering seldom, if ever, used.

* PR = Poudre River; FC = Fossil Creek; SC = Spring Creek; CS = Cooper Slough; BC = Boxelder Creek; DC = Dry Creek; LK = Lake; FH = Foothills; IS = Isolated

G. Eligibility

Anyone (including Fort Collins residents, the Mayor, City Council Members, advisory board members, City staff members, and anyone else not identified in this list) may submit proposed names for natural areas. Names may be submitted anonymously or with the submitter's identification.

II. Criteria

There are three priority levels. There is very little difference between priorities 1 and 2. They are listed as separate criteria because priority 1 are absolutes -- there is no foreseen circumstance

in which they would not be adhered to. For priority 2 criteria, while they are equally as desirable as priority 1, there could conceivably be unusual circumstances in which it would be so difficult to apply them that they would result in an inappropriate or less desirable name. Because it is most desirable to focus on natural aspects, priority 3 criteria are the least desirable and can be expected to be seldom used.

A. Priority 1 -- These are required criteria.

Donations: Any natural area involving significant charitable donations will automatically be named after the donor or given any other name the donor selects. Such name will be submitted to City Council for official designation and will not go through the public process. However, the donor may instead stipulate that a name be selected through the public process.

Contiguous areas: Natural area acquisitions that are contiguous to existing natural areas will not be given new names, but will be known by the name of the existing natural area. Name selection for such contiguous acquisitions will not go through the public process.

B. Priority 2 -- These are highly desirable criteria. They should apply unless there is a compelling reason to override them.

Ecological Features: A natural area name should reflect its unique ecological features, such as the wildlife or vegetation species found on the site, geological features, or physical identifying features. If using a wildlife name, only wildlife that frequent a specific natural area should be used. If using a plant name, the plant should be native and predominant to the site or should be a species found on the site and classified as rare, threatened, or a species of concern. This criterion may be overridden in deference to Priority 1 criteria, or when the use of ecological features would create a cumbersome name.

Habitat Type: When feasible, the name should include the natural area's habitat type, e.g. prairie, wetland, forest, upland, grassland, savanna, riparian area, shrubland, lake, pond, corridor, marsh, hogback, creek, river, etc. This criterion may be overridden in deference to Priority 1 criteria, when it is difficult to isolate a singular habitat type in an area encompassing several types, when including the habitat type would create an awkward name, or in other rare circumstances when the Natural Areas Team agrees that it is not feasible to include the habitat type.

Confusion Avoidance: Attempts should be made to avoid names that create confusion with streets, subdivisions, parks, etc. in other parts of the city. This criterion may be overridden in deference to Priority 1 criteria, when there is only one appropriate name for a specific natural area, or when some other extreme circumstance makes it more appropriate to violate this criterion than to adhere to it. This criterion has several purposes:

- a. Safety -- emergency response personnel should not be faced with a natural area name

that is easily confused with locations in other parts of the city;

b. Ease of access by residents -- e.g., if a natural area on the northwest side of the city was named Park Woods Natural Area, a person might mistakenly look for it near the Parkwood subdivision in the southeast part of the city;

c. Assumption of ownership -- the name should avoid creating an impression of limited access. Natural areas belong to all Fort Collins residents; a name should not create an expectation of priority use by residents of any specific neighborhood.

History: Where appropriate, names may be based on historical use of a site, e.g. stage coach use, settlements of native people, etc. This criterion is the least important of the Priority 2 criteria and should only be used when the historical use is significant.

C. Priority 3 -- Less desirable, but acceptable in certain circumstances

Persons Other Than Donors: In some situations (to be determined on a case-by-case basis), it may be appropriate to name a natural area after a person other than a donor. This may include persons of considerable influence whom the community wishes to honor, persons who have been highly influential in the acquisition of specific natural areas, or persons who have significantly strengthened the field of natural area protection. Such names will be submitted during the public process. If the Natural Areas Team chooses such name, the recommendation will go before City Council for official designation.

Subdivision names: While not generally desirable, in certain situations (to be determined on a case-by-case basis) it may be appropriate to name a natural area after a subdivision.

III. Platting

After a natural area name becomes official, it will be platted.

IV. Documentation

The name selection process for each natural area will be documented, and any brochure about a specific natural area will include a brief explanation of the natural area's name.

This policy is administratively adopted on February 13, 1995.