

CIP DESIGN AND ENGINEERING MEMORANDUM

#08-17

May 22, 2008

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: A.J. Krieger, City Manager *K*
Kurt Kowar, CIP Design and Engineering Manager *KK*
Joliette Woodson, Civil Engineer II *JW*

SUBJECT: CR-89 Croke Reservoir Nature Area Improvement Project, Grant Agreement

RECOMMENDATION:

Attached to this memorandum is a Resolution, which, if approved, would authorize the Mayor to execute the Grant Agreement between the City of Northglenn and Adams County Open Space to provide funding for the Croke Reservoir Nature Area Improvement Project in the amount of \$772,391.00. Staff recommends approval of the Resolution.

BACKGROUND:

The Croke Reservoir Nature Area Improvement project is a great opportunity for the City of Northglenn to meet a City Council goal of a clean and beautiful city and meets one of the Adams County Open Space tax goals. The planned amenities will provide better access for all ages and abilities, increased fishing opportunities, greater wildlife viewing and enjoyment. The improvement to the Croke Reservoir Nature Area was seen as an ideal project to receive grant funding from Adams County Open Space for a portion of the work. The grant has been awarded for improvements and expenditures associated with several items included in the shoreline extension and node construction.

Adams County Open Space previously awarded \$470,500.00 to the Croke Reservoir Project. Staff recently reapplied and received an additional \$772,391.00 in grant funds for a total of \$1,242,891.00. The cost for the construction of the entire project is approximately \$3,350,000. Therefore, the grant support for this project would be approximately 37% of the construction cost.

POTENTIAL OBJECTION:

City Staff is not aware of any specific opposition to this Grant Agreement for funding support.

BUDGET/TIME IMPLICATIONS:

There are sufficient funds in the Huron Street and Croke Shoreline Reconstruction budget for the requirement of secured matching funds.

STAFF REFERENCE:

Please contact Kurt Kowar, CIP Design and Engineering Manager at kkowar@northglenn.org or 303.450.8774.

February 2008 Open Space Projects

Jurisdiction	Project	Previously Awarded Funds	Active Request	Active Recommended Funding	Passive Request	Passive Recommended Funding	OSAB Recommendation By Project	% of Funding
Adams	Riverdale Road Agricultural CE - Novak	\$ 600,000			\$ 2,158,180	\$ 1,735,655	\$ 1,735,655	24%
Adams	Riverdale Road Agricultural CE - Larson	\$ 800,000						
Adams	Big Dry Creek Floodplain Buffer				\$ 270,060	\$ 270,060	\$ 270,060	
Aurora	Star K Ranch Shelter				\$ 48,625	\$ 33,500	\$ 33,500	50%
Adams/Barr	2008 Barr Lake Appreciation				\$ 2,553	\$ 2,553	\$ 2,553	
Adams/Barr	Gazebo Scope				\$ 1,410	\$ 1,410	\$ 1,410	
Bennett	Community Trail				\$ 109,103	\$ 109,103	\$ 109,103	
Dist.	Regional Recreational Facility		\$ 2,696,581	\$ 2,419,192			\$ 2,419,192	51%
Brighton	2nd submittal - Campbell Park Acquisition	\$ 200,000	\$ 126,834	\$ -			\$ -	
Brighton	Benedict Park Disc Golf Course		\$ 5,000	\$ 5,000			\$ 5,000	
Brighton	Ken Mitchell Fishing Pier/Boardwalk				\$ 131,640	\$ 131,640	\$ 131,640	
Commerce City	North-South Trail				\$ 504,800	\$ 504,800	\$ 504,800	
Commerce City	Leyden Park Improvements		\$ 9,890	\$ 9,890			\$ 9,890	
Northglenn	2nd submittal - Croke Reservoir Nature Area Improvements Project	\$ 470,500			\$ 936,291	\$ 772,391	\$ 772,391	22%
Brighton/RMBO	Wonders of Wildlife Camp 2008				\$ 4,460	\$ 4,460	\$ 4,460	
Thornton	2nd submittal - Recreation Center Pond and Trails		\$ 932,821	\$ -			\$ -	
Westminster	2nd submittal - Doulos Ministries Acquisition	\$ 600,000			\$ 655,000	\$ 350,000	\$ 350,000	38%
Total		\$ 2,670,500	\$ 3,771,126	\$ 2,434,082	\$ 4,822,122	\$ 3,915,572	\$ 6,349,654	

2007 Carryover	\$	1,702,908
2007	\$	4,010,363
Finance Adjustment + Interest	\$	1,543,724
Total Funds Available	\$	7,256,994

Grant Fund Balance \$ 907,340

		Active %	Passive %
Grant Requests	\$ 8,593,248	44%	56%
Recommendation	\$ 6,349,654	38%	62%
Over (Under) Requested	\$ (1,336,254)		

SPONSORED BY: COUNCIL MEMBER MONROE

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-89
Series of 2008

Series of 2008

A RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND THE ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE CROKE RESERVOIR NATURE AREA IMPROVEMENT PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Adams County Open Space Grant Agreement between the City of Northglenn and the Adams County Board of County Commissioners, attached hereto, for the Croke Reservoir Nature Area Improvement Project is hereby approved and the Mayor is authorized to execute same on behalf of the City of Northglenn.

DATED at Northglenn, Colorado, this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
Acting City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

Adams County Open Space
Grant Agreement

By and Between

Grant Applicant
and

Adams County Board of County Commissioners



THIS AGREEMENT is between the City of Northglenn hereinafter called “Applicant,” and the County of Adams acting through the Board of County Commissioners, hereinafter called “Adams County,” regarding:

Project Name: Croke Reservoir Nature Area

Amount Awarded is no more than 36% of the funded project up to \$1,242,891, inclusive of funds in the amount of \$772,391 awarded on May 19, 2008 and funds in the amount of \$470,500 previously awarded towards this project on July 25, 2007.

Applicant’s Responsibilities

- The Applicant agrees that any sums received from the Adams County Open Space Sales Tax will be used in accordance with the Open Space Sales Tax Issue passed in November, 1999, and reauthorized in November, 2004 to be extended until December 31, 2026, (“Tax Issue”) and in accordance with the submitted Grant Application by the Applicant (Attachment A).
- The Applicant understands that Adams County reserves all rights to reassess the grant award if the grant is found not to be in compliance with the Tax Issue (Attachment B), the Adams County Open Space Policy and Procedures (Attachment C), or the Grant Application as may be amended from time to time.
- All documents and records including but not limited to copies of invoices, checks, and land documents requested for the above project shall be kept in accordance with generally accepted accounting principles and available upon request for review by Adams County.
- The Applicant understands that it is responsible for securing the matching or leveraged funds required for completion of the project, and that failure to obtain

the required funds for completion of the project will nullify the award of Adams County Open Space funds.

Extent of Agreement

- The terms of this Agreement shall begin upon the date of the grant award, which is the date first set forth below.
- The Applicant agrees not to sell or convey any lands purchased fully or in part with Open Space grant funds, without the written approval of Adams County.
- Land acquisitions must be protected by conservation easements granted to Adams County, or an alternate qualified party as approved by Adams County, as the holder.
- This Agreement may be amended only by written instrument signed by both Adams County and the Applicant.
- Prior to the distribution of Open Space funds, this Agreement may be terminated by the Applicant upon written notice to Adams County.
- An Adams County Open Space Sign will be posted in a prominent place at the project site, unless the project will not have public access.
- In all press releases regarding this project the following statement must be included: “This project was funded in part with proceeds from the Adams County Open Space Sales Tax. The Adams County Open Space Sales Tax was passed by Adams County voters in 1999, and reauthorized in November, 2004 to be extended until December 31, 2026.”

IN WITNESS WHEREOF, the parties by signature below of their authorized representatives execute this Agreement effective as of the ____ day of _____, 2008.

ADAMS COUNTY BOARD OF
COUNTY COMMISSIONERS

APPLICANT:

Chair

By: Kathleen M. Novak

Mayor

Title:

Witness: Johanna Small, Acting City Clerk

SPONSORING JURISDICTION:

By:

Title:

Witness:

Adams County Open Space Grants
Passive Use Application

Part I Eligibility Criteria

Sponsoring Jurisdiction: City of Northglenn
 Applicant Name: City of Northglenn
 Application Due: February 4, 2008
 Name of Project: Croke Reservoir Nature Area Improvement Project



This project priority is 1 of 1 project(s) submitted. Prioritize projects separately if you are submitting joint projects with another jurisdiction or non-profit organization.

Request for Adams County Open Space Fund	\$1,406,791
Additional Sources	\$2,042,855
Total Project	\$3,449,646
If the sponsoring jurisdiction is using its 30% distributions collected from the Open Space Sales Tax as leverage for this project, please include that amount.	\$0
Grant request % of Total Project Cost	41%

Handwritten notes:
 470,500 previous award
 \$ 772,391
 30%

Project Description (summary not to exceed 100 words):
 Croke Reservoir is maintained and managed as an urban fishery and waterfowl/wildlife nature area. The project includes the removal of sediment to deepen the lake to improve fishery and wildlife habitat. The eastern shoreline will be stabilized and extended 40 feet from the existing shoreline. Additional amenities include: construction of perimeter trail on eastern shore with linkage to existing loop trail, landscaping, construction of overlook node, construction of a second node for fishing that will provide increased access for angling, and greater handicapped accessibility.

Parcel ID # 171909410017
 Will the applicant have sole ownership and responsibility for the management of this project?
 Yes No
 If no, please explain:

Cost per acre	\$	Number of Acres	
Buyer's appraised cost per acre *	\$		
If the land cost is above the amount shown on the buyer's appraisal, please provide an explanation:			
* Appraisals (see definition in the Adams County Open Space Grant Guidelines). Attach a copy of the buyer's appraisal summary and label as Attachment H .			
Are there any existing easements on this project site? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, attach copies and label as Attachment I .			
Check here: <input type="checkbox"/> I understand that conservation easements are required for all open space land acquisitions.			

Adams County Open Space Grants Passive Use Application

Contact Information:		
Applicant:	City of Northglenn	
Contact:	Joliette Woodson	
Address:	11701 Community Center Drive	
City:	Northglenn	State: CO Zip: 80233 Phone: 303-450-8835
Email:	jwoodson@northglenn.org	
Contact will be used for all official correspondence. If contact is not available please list additional contact(s) for this project.		
Name	Phone Number	Email Address
Kurt Kowar	303-450-8774	kkowar@northglenn.org

PART II (Please note - All criteria listed below will be ranked by the Open Space Advisory Board)

Grant Fund Use Category (Maximum 50 Points)
<p>1. Is the proposal part of a larger or regional plan involving two or more entities, or does this project link to other applicants' or other entities' trails or plans?</p> <p>Local project. Northglenn's "Greenway Trail System" has 33 miles of trails that wander through the city, ultimately connecting to Standley Lake on the west and to South Platte River on the east. Linkages include Big Dry Creek, Church Ranch/104th Avenue and the Farmers' Highline Canal Trail in Westminster and Northglenn on the west and the Grange Hall Creek Trail in Northglenn, Thornton and unincorporated Adams County on the east. The new shoreline trail will connect with the existing trail loop currently at Croke which connects with trails at nearby Hugh Danahy Park, and ties into the city's Greenway Trail System.</p>
<p>2. How does this project fulfill the needs of the community?</p> <p>Two public hearings were conducted in 2006 to get citizen input regarding the proposed improvements to Croke Reservoir. Citizen requests included improvements on all levels including pedestrian safety, access, usability and aesthetics. City Council believes that parks and recreational facilities are important to the quality of life for Northglenn citizens. However, because of funding constraints, the Croke Reservoir area has not received any capital improvements or enhancements in recent years and has begun to decline. As a result it can not fulfill its promise to the community. The proposed project will restore and establish Croke Reservoir as a true urban oasis. In December 2006, City Council designated Croke Reservoir and its surrounding area as a nature area. This ensures that the area is protected and preserved from future development. The planned project will improve water quality and fish populations, stabilize and restore the eastern shoreline so that a new connecting trail can be constructed, an overlook node will provide mountain views and wildlife viewing opportunities, and the construction of a new fishing pier will not only increase angling opportunities but also provide increased handicapped accessibility for fishing and trail connection. The improvements and enhancements to the area will bring nature and outdoor activities such as fishing, birding or wildlife viewing to the doorsteps of the residents of Northglenn and other nearby communities.</p>
<p>3. How does this project meet the Adams County Open Space Sales Tax goals?</p> <p>This project fulfills passive open space tax goals: protection and renovation of wildlife areas, trail installation and linkage, improvement and protection of wildlife habitat.</p>
<p>4. Will this project be accessible by the public?</p> <p>Yes. There are no limitations for access to the property by the public. However, fishing in the lake is allowed only from April to mid-October to protect the aquatic life.</p>
<p>5. What wildlife is present on the project site and what will be done to preserve the existing habitat?</p> <p>Northern flickers, red tail hawks, mallards and geese are commonly seen. Migratory birds can also be seen at times in the open water and surrounding trees. In December 2006, City Council designated Croke Reservoir and its surrounding area as a nature area. This ensures that the area is protected and preserved from future development.</p>

Adams County Open Space Grants Passive Use Application

6. Will this project create or enhance natural resources or protect existing wildlife corridors?
Please explain: The project will enhance natural resources. The quality of the lake and its surrounding habitat has deteriorated over the years, resulting in poor fishing conditions and fish populations. The first phase of the project will consist of de-watering and then dredging portions of the lake to remove sediment. This will improve the water quality and create a diversity of fish habitat structure along the lake bottom to improve sustainability of the fish population. The project will improve the over-all ecosystem in the area which will lead to an enhanced environment for the aquatic life, the plant species and wildlife.

Project Funding and Quality of Leverage Summary

7. Project Funding and Quality of Leverage Summary:

Total Grant Request	\$1,406,791
Total Project Cost	\$3,449,646
Grant Request % of Total Project Cost	41%

	Cash \$	In-kind \$	Matching \$	Remarks:
Applicant	1,548,210			2007 & 2008 CIP Budget
Partner(s)			199,925	Great Outdoors Colorado Grant
Other(s): specify		294,720		FRICO
Grant Request	1,406,791			
Total	3,449,646			

Partnership Information:

Partner:	Northglenn Parks and Recreation Advisory Board
Contact Name:	Dwight W. Kimsey, President
Phone:	303-452-1125
Explain Partner Role:	City Council appointed citizen group that provides advice to staff and Council about park plans, facilities and programs. They make recommendations to Council on contracts and expenditures for projects and hold public hearings for capital improvements projects and recreation services. They also assist in budget and Master Plan development.
Partner:	Colorado Division of Wildlife (DOW)
Contact Name:	Vickie Vargas-Madrid
Phone:	303-291-7135
Explain Partner Role:	DOW assisted during the de-watering of the lake with the fish salvage and will restock the lake with fish after the project is completed. The completed project will provide increased and greater accessible recreation angling. This partnership will help to achieve DOW goals of increased urban fishing access.
Partner:	Great Outdoors Colorado (GOCO)
Contact Name:	Aimee Wesley - Program Coordinator
Phone:	303-226-4523
Explain Partner Role:	Northglenn has received a GOCO grant to provide additional funding for the project. This collaboration will facilitate our participation in GOCO's mission (for Adams County residents): to help the people of Colorado preserve, protect, enhance, appreciate and enjoy our parks, wildlife, trails, rivers and open space through strategic grants, partnerships and leadership.

7. Project Support: Demonstrate support by attaching letters from partners, conservation groups, and/or community surveys. Letters must be written within the last 12 months. Form letters are not accepted. Please label as **Attachment G**.
8. Project Budget: Please provide a detailed itemization for all expenditures being requested for this project using the application budget form **Attachment A**.

Adams County Open Space Grants Passive Use Application

9. Estimated Project Timeline: Please provide a good faith estimate of the date of commencement and completion for your project using the application project timeline form Attachment B.

Project Management and Applicant's Past Performance of Awarded Projects (Maximum 50 Points)

10. Long-term Maintenance: Who will be providing operation and maintenance for this project?
Croke Reservoir is part of the parks and recreation system of the City of Northglenn. It is operated and maintained by the City under the 2005 Parks and Recreation Master Plan. Croke Reservoir is managed as an urban fishery and waterfowl/wildlife area with the following ongoing and future maintenance: pathway mowing, treatment of noxious weed infestations, maintenance of aeration system, assessment of trees for liability hazards with trimming as needed, maintenance to ensure viable and healthy fishing stock. In 2006 Croke Reservoir was designated by the City as a nature area in order to preserve and protect the area from development.

11. Is there a written agreement or Inter-governmental Agreement for this project, such as for access or maintenance? Yes No If yes, please provide a copy and label as Attachment E.

12. Project Management and Performance:

Project Name	Manager	Award Date	Completion Date
E. B. Rains Jr. Memorial Park/Webster Lake Improvement	Nestor Fedak	2000	2001
Tot Lot & Outdoor Learning Center Project	Nestor Fedak	2001	2002
E. B. Rains Jr. Memorial Park Sensory Playground Improvements Phase 1	Nestor Fedak	2002	2003
Veterans Memorial Project	Nestor Fedak	2003	2005
Niver Canal Greenway Trail Replacement	Nestor Fedak	2001	2002
Grange Hall Creek Trail Connection Project	Curt Childress	2004	2006
Trail Replacement Program	Nick DiFrank	2005	2007

13. List projects that have received open space funding that are not complete:

Project Name	Amount Awarded	Due Date	Explain:
Sensory Playground Phase II	\$45,000		money returned - project was delayed
Northwest Open Space	\$87,500		money returned - project has been delayed for further public input for final design
Croke Reservoir Nature Area Improvement Project	\$470,550	2009	Project is in progress and additional funds are being requested as part of this application.

14. Is the Applicant aware of any opposition to this project? Please explain: Yes No
There is strong public support for the project. Two public hearing (February 9, 2006 and May 5, 2006) were conducted. Several hundred people attended each meeting. These included discussions regarding the reasons for the improvements, the solutions and design considerations. Almost all citizen comments were favorable. Some residents that live near the reservoir raised some concerns regarding the possible impact to them if the use of the area increased. There is also strong political support for the project as City Council has made the Croke Reservoir Project one of the city's highest capital improvement projects priorities.

**Adams County Open Space Grants
Passive Use Application**

All information on the Grant Application must be complete and contain the following attachments or the application will be denied.

Please provide 12 sets containing copies of this application with the following attachments:

- Attachment A – Project Budget
- Attachment B – Project Timeline
- Attachment C - Project Site Plan
- Attachment D – Location Map – Project location, including written directions to the site.
- Attachment E – Access or Maintenance Agreements (IGA's if applicable)
- Attachment F – Approved Parks/Open Space Plan, (limit 3 pages)
- Attachment G – Support for the Project

If this request is to acquire land, please include the following additional attachments:

- Attachment H – Buyer's Appraisal – Provide **one complete copy** of the buyer's appraisal and if applicable, any other appraisals obtained by the applicant. Include only a copy of the buyer's appraisal summary with each of the 12 copies of the application.
- Attachment I – Easements (if applicable)

Attachments not to exceed 11 X 17 inches.

- Attachment J – Copy of City Council Resolution designating Croke Reservoir as a Nature Area
- Attachment K – Artist's rendition of completed project


**Adams County Open Space Grants
Passive Use Application**

All facilities or land must be accessible to the public except for conservation easements for agriculture and wildlife habitat preservation. All accessible facilities and land must be in compliance with the Americans with Disabilities Act (ADA) and any applicable state or local disability regulations.

The Applicant understands that no land or interests acquired with the revenue of the Open Space Sales Tax may be sold, leased, traded or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given, without the approval of such action by the BoCC; refer to Resolution 99-1, Section 8C(iv).

I, the undersigned, having the authority to act on behalf of City of Northglenn, acknowledge receipt of the Adams County Open Space Guidelines, Policies and Procedures and agree to abide by same.

Upon award of Open Space Sales Tax Funds all participants are required to enter into a Grant Agreement with Adams County Open Space and in the case of land acquisitions, a Conservation Easement will be required upon closing.



Applicant's Signature

2/4/08

Date

**Print name: A. J. Krieger
Print title: City Manager**

Revised Project Budget for the 2nd submittal - Attachment A

Project Name: **Croke Reservoir**
 Previous Award(s) \$ 470,500
 Award Date(s) 7/25/2007

Date: **05/19/08**

Please identify all budget items in detail.

All organizations or individuals providing in-kind contributions are required to provide a letter of commitment outlining their contribution(s) as stated in the Project Budget.

Description of Item/Expense	Quantity	Unit Rate (\$)	Unit Type (ft., acres, etc.)	Total Cost (\$)	In-Kind (\$)	Matching Funds (\$)	Grant Request (\$)
Surveying Allowance Croke Work - American West Surveying	1	\$ 15,000.00	LS	15,000.00		7,500.00	7,500.00
Dewatering Allowance of Reservoir	1	\$ 45,000.00	LS	45,000.00		22,500.00	22,500.00
Permits Stormwater Discharge/ Monitoring Allowance	1	\$ 3,425.00	LS	3,425.00		3,425.00	
Fish Removal Allowance - Aqua Sierra	1	\$ 20,000.00	LS	20,000.00		10,000.00	10,000.00
Removal of Asphalt Trail - Naiad to Tuck Lateral	1,465	\$ 5.49	SY	8,050.00		4,025.00	4,025.00
Removal of existing chain link fence	1,440	\$ 5.65	LF	8,135.00		4,067.50	4,067.50
Tree Removal/ Stump Removal/ Clearing	1	\$ 28,540.00	LS	28,540.00		14,270.00	14,270.00
Stump Removal/ Clearing and Grubbing Allowance	1	\$ 25,000.00	LS	25,000.00		12,500.00	12,500.00
Erosion Control VTC and Inlet Protection	1	\$ 1,820.00	LS	1,820.00		910.00	910.00
Utility Sub Bonds and Mobilization	1	\$ 13,730.00	LS	13,730.00		\$13,730.00	
Removal of Concrete Outlet Structure/	1	\$ 1,800.00	LS	1,800.00		\$1,800.00	
Removal of 60" CMP Outlet Pipe (Patching)	1	\$ 10,450.00	LS	10,450.00		\$10,450.00	
4 ft Manhole (STMH 5) (Going in place of the removed 60")	1	\$ 5,000.00	EA	5,000.00		\$5,000.00	
24" RCP 106th Ave Storm Sewer Connection	65	\$ 221.00	LF	14,365.00		\$14,365.00	
4 ft Manhole (STMH 4)	1	\$ 5,200.00	EA	5,200.00		\$5,200.00	
Concrete Outlet Structure (Overflow Weir and Trash Rack)	1	\$ 39,800.00	LS	39,800.00		\$39,800.00	
42" RCP Outlet Pipe (To STMH 2) (Flowfilled)	86	\$ 429.94	LF	36,975.00		\$36,975.00	
54" RCP Outlet Pipe (Flashfilled)	68	\$ 590.00	LF	40,120.00		\$40,120.00	
7 ft Manhole (STMH 2)	1	\$ 15,950.00	EA	15,950.00		\$15,950.00	
7 ft Manhole (STMH 3)	1	\$ 16,500.00	EA	16,500.00		\$16,500.00	
Extension of Tuck Lateral Box Culvert (3'x7')/ Wing Walls	1	\$ 17,450.00	LF	17,450.00		\$17,450.00	
Traffic Control/ Patching	1	\$ 19,240.00	LS	19,240.00		\$19,240.00	
Irrigation POC	1	\$ 13,600.00	LS	13,600.00		6,800.00	\$6,800.00
Allowance for Utilities/ Earthwork/ Grading	1	\$ 50,000.00	LS	50,000.00		25,000.00	\$25,000.00
Mobilization/ General Conditions GMP #1 (2 Months)	2	\$ 32,150.00	MO	64,300.00		64,300.00	
Bonds/ Insurance 2 Year Warranty GMP #1	519,450	2.00%	LS	10,393.00		10,393.00	
ECI Fee on Cost of the work	455,150	7.75%		35,274.13		17,637.06	\$17,637.06
Balance of Surveying Allowance Croke Work - American West	1	\$ 6,855.00	LS	6,855.00		\$3,427.50	3,427.50
As-built Survey Work - American West Surveying	1	\$ 3,350.00	LS	3,350.00		\$1,675.00	1,675.00
Water Control/ Maintenance of stormwater/ groundwater (Allowance for earthwork/ riprap work)	4	\$ 15,000.00	Mo	60,000.00		\$30,000.00	30,000.00

Reservoir Embankment Muck Over-Excavation under riprap 1' depth	3,790	\$ 1.50	CY	5,685.00		\$2,842.50	2,842.50
Reservoir Embankment Fill (Zone II Material)	11,050	\$ 11.00	CY	121,550.00		\$60,775.00	60,775.00
Riprap Shoreline Protection 3:1 Slopes	2,960	\$ 45.00	CY	133,200.00		\$66,600.00	66,600.00
Rock piles, Bass Condo, Woody Debris, Spawning Bed	1	\$ 5,000.00	LS	5,000.00		\$2,500.00	2,500.00
Install new Pole Bases at 106th Ave/Reset Poles WL Cont.	2	\$ 11,030.00	EA	22,060.00		\$22,060.00	
Install Approx. 960 LF 12" Underdrain and 11 Nyloplast Inlets	960	\$ 33.50	LF	32,160.00		\$16,080.00	16,080.00
Subgrade Prep for Concrete/ C. fines	36,800	\$ 0.50	SF	18,400.00		\$9,200.00	9,200.00
Incidental Subgrade prep/ backfill/ landscape grading	21	\$ 780.00	DAYS	16,380.00		\$8,190.00	8,190.00
8'-10' Concrete Trail (W.W.F. along Huron) 6" Thick	11,000	\$ 4.08	SF	44,880.00		\$44,880.00	
Temporary Handicapped Ramp at South Node	1	\$ 1,110.00	EA	1,110.00		\$555.00	555.00
Concrete Bench Pads 4" Thick	3	\$ 182.00	EA	546.00		\$273.00	273.00
6" Concrete Flatwork along Ret. Walls (W.W.F.) San Diego Buff	4,200	\$ 5.30	SF	22,260.00		\$11,130.00	11,130.00
Crusher Fines Trails (6" thick)	11,300	\$ 2.50	SF	28,250.00		\$14,125.00	14,125.00
6" Light Colored Concrete around Nodes with Rebar 12" O.C. along reservoir and plaza "San Diego Buff"	6,865	\$ 6.87	SF	47,162.55		\$34,000.00	13,162.55
Southern Plaza Concrete Steps at Elevated Stamped Colored Plaza 106th Ave (3 Sets)	1	\$ 9,557.10	LS	9,557.10		\$4,778.55	4,778.55
Northern Plaza Concrete Steps Stamped Colored Plaza (1 Set)	1	\$ 5,439.00	LS	5,439.00		\$2,719.50	2,719.50
Stamped Colored Plaza w/ rebar 12" O.C. Both Nodes	4,310	\$ 9.43	SF	40,643.30		\$20,321.65	20,321.65
Northern Lake Plaza and Concrete Steps at Lake Access Area (#5 Rebar on 12" O.C.) San Diego Buff	1	\$ 54,100.00	LS	54,100.00		\$27,050.00	27,050.00
Temporary Walk Connections 4" Thick (Remove Later)	1,652	\$ 3.10	SF	5,121.20		\$2,560.60	2,560.60
Joint Sealant Allowance	1	\$ 7,000.00	LS	7,000.00		\$3,500.00	3,500.00
Unclassified Excavation (Stacked Rock Retaining Wall)	1,500	\$ 3.40	CY	5,100.00		\$2,500.00	2,600.00
Stacked Rock Retaining Wall Elevated Sitting Area (W of 106th Intersection) (Plaza)	1,270	\$ 18.38	SF Face	23,342.60		\$5,425.00	17,917.60
Access Area Along Walks Stacked Rock Retaining Wall East of walks and Crusher Fines	2,960	\$ 17.49	SF Face	51,770.40		\$30,000.00	21,770.40
Stacked Rock Retaining Wall Between Nodes and along Lake Front	3,765	\$ 19.90	SF Face	74,923.50		\$37,461.75	37,461.75
Select Backfill Behind Lake Retaining Walls (Squeeze for 3' behind walls to finish grade)	430	\$ 31.00	TN	13,330.00		\$6,665.00	6,665.00
Select Backfill Behind Remaining Retaining Walls (Squeeze for 3' behind walls to finish grade)	315	\$ 31.00	TN	9,765.00		\$4,882.50	4,882.50
Add for Shear Key	4,688	\$ 30.00	SF	140,640.00		\$70,320.00	70,320.00
Wrought Iron Fence 6' Tall (Flatiron Mall Type)	782	\$ 78.00	LF	60,996.00		\$48,000.00	12,996.00
Wrought Iron Fence 42' Tall (Flatiron Mall Type)	368	\$ 75.00	LF	27,600.00		\$13,800.00	13,800.00
Wrought Iron Vehicle Fence Gate	1	\$ 2,000.00	EA	2,000.00		\$1,000.00	1,000.00
Guard Railings (42") - Similar to REI (6" Posts)	659	\$ 100.00	LF	65,900.00		\$32,950.00	32,950.00

Hand Railings at Stairs Similar to REI (4 EA)	50	\$ 45.00	LF	2,250.00		\$1,125.00	1,125.00
Removable Bollards per Landscape Plans	2	\$ 900.00	EA	1,800.00		\$900.00	900.00
Landscaping - Deciduous Tree (3" Cal.)	51	\$ 382.46	EA	19,505.27		\$10,000.00	9,505.27
Landscaping - Ornamental Tree (2.5" Cal./7 Gal)	51	\$ 205.29	EA	10,469.91		\$5,234.96	5,234.96
Landscaping - Deciduous Shrub (5 Gal)	576	\$ 21.60	EA	12,441.78		\$6,220.89	6,220.89
Landscaping - Evergreen Shrub (5 Gal)	31	\$ 32.08	EA	994.48		\$497.24	497.24
Landscaping - Grass (1 Gal)	758	\$ 10.76	EA	8,156.08		\$4,078.04	4,078.04
Landscaping - Perennials (1 Gal)	1,043	\$ 8.96	EA	9,345.28		\$4,672.64	4,672.64
Landscaping - Steel Edger	945	\$ 4.47	LF	4,224.15		\$2,112.08	2,112.08
Landscaping - 16"X4" Wood Mulch Mow Strip	790	\$ 2.88	LF	2,275.20		\$1,137.60	1,137.60
Landscaping - Shrub Bed Area (Prep/ Mulch)	1	\$ 11,273.27	LS	11,273.27		\$5,636.64	5,636.64
Landscaping - Sod (Revielle Sod)	20,448	\$ 0.64	SF	13,086.72		\$6,543.36	6,543.36
Landscaping - Native "Turfmaster Turf"	69,118	\$ 0.58	SF	40,088.44		\$20,000.00	20,088.44
Landscaping - Soil Prep and Fine Grade	1	\$ 13,413.00	LS	13,413.00		\$6,706.50	6,706.50
Landscaping - SL Boulders Small (1'6" - 2 ft)	113	\$ 137.75	EA	15,565.75		\$7,782.88	7,782.88
Landscaping - SL Boulders Medium (2- 3 ft)	76	\$ 264.80	EA	20,124.80		\$10,062.40	10,062.40
Landscaping - SL Boulders Large (4 5 ft)	54	\$ 285.00	EA	15,390.00		\$7,695.00	7,695.00
Purchase 1/3 Riprap material for Stanley Lake	172	\$ 18.50	TN	3,182.00		\$1,591.00	1,591.00
Landscaping - Sandstone Steps - 6" (200 SF)	1	\$ 10,000.00	LS	10,000.00		\$5,000.00	5,000.00
Landscaping - Boulders (6' - 7' Granite Polished)	6	\$ 5,000.00	EA	30,000.00		\$15,000.00	15,000.00
Landscaping - Sandstone Seat Slabs 4'x2"x18"	15	\$ 500.00	EA	7,500.00		\$3,750.00	3,750.00
Benches Lakeside Grass Pattern	3	\$ 2,000.00	EA	6,000.00		\$3,000.00	3,000.00
Benches Leda Bench w/ arms and back	6	\$ 1,600.00	EA	9,600.00		\$4,800.00	4,800.00
Benches Leda Bench/ Backless	4	\$ 1,300.00	EA	5,200.00		\$2,600.00	2,600.00
Bike Racks - Landscape Form Ring Bike Rack	10	\$ 545.00	EA	5,450.00		\$2,725.00	2,725.00
Trash Receptacles - Lakeside silver/ grass pattern	6	\$ 1,100.00	EA	6,600.00		\$3,405.47	3,194.53
Landscaping - Irrigation System	1	\$ 59,317.00	LS	59,317.00		\$29,658.50	29,658.50
Electrical Lighting (Basic Conduits/ Sign lights)	1	\$ 50,000.00	LS	50,000.00		\$25,000.00	25,000.00
RTD Shelter	1	\$ 7,500.00	EA	7,500.00		\$7,500.00	
RTD Bench	1	\$ 500.00	EA	500.00		\$500.00	
Signage Allowance (Entry Sign boulders/ plasma cut steel)	1	\$ 15,000.00	LS	15,000.00		\$7,500.00	7,500.00
Landscaping - Trellis (Inc. \$7,500 for Foundations)	1	\$ 42,715.00	LS	42,715.00		\$21,357.50	21,357.50
Mobilization/ General Conditions (4.5 mo)	1.0	\$ 136,912.50	MO	136,912.50		\$136,912.50	
Bonds and Insurance (GMP #2)	1,980,000	2.00%	LS	39,615.25		\$39,615.25	
Erosion Control and SWMP	1	\$ 17,180.00	LS	17,180.00		\$8,590.00	8,590.00
Traffic Control/ Patching	1	\$ 15,000.00	LS	15,000.00		\$15,000.00	
Concrete Sub Mobilization and Bond	1	\$ 13,799.00	LS	13,799.00		\$13,799.00	
Landscape Sub Mobilization and Bond	1	\$ 3,083.00	LS	3,083.00		\$3,083.00	
Earthworker Sub Mobilization and Bond	1	\$ 19,000.00	LS	19,000.00		\$19,000.00	
ECI Fee on Cost of the work	1,673,107	7.75%		129,665.78		\$64,832.89	64,832.89
Materials Testing	1	\$ 38,000.00	LS	38,000.00		\$19,000.00	19,000.00
Construction Contingency	1	\$ 165,000.00	LS	165,000.00		\$82,500.00	82,500.00

Grade Balance of Pond Bottom - Hauloff to WW Ponds	20,432	\$ 12.75	CY	260,508.00		\$130,254.00	130,254.00
Landscaping - Water Features	1	\$ 55,000.00	LS	55,000.00		\$27,500.00	27,500.00
Add for Complete Electrical work	1	\$ 67,000.00	LS	67,000.00		\$33,500.00	33,500.00
Add Informational Kiosk Allowance	1	\$ 5,000.00	LS	5,000.00		\$2,500.00	2,500.00
FRICO INKIND					\$294,720.00		
Budget Total				\$3,154,925.43	\$294,720.00	\$1,912,034.43	\$1,242,891.00

STATE OF COLORADO)
 COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton on WEDNESDAY the 1ST day of SEPTEMBER, 1999 there were present:

Ted L. Strickland _____	Chairman
Elaine T. Valente _____	Commissioner
Martin J. Flaum _____	Commissioner
Rita Connerly _____	County Attorney
Sylvia Puebla, Deputy _____	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

RESOLUTION 99-1

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 2, 1999 TO AUTHORIZE THE IMPOSITION OF A ONE-FIFTH OF ONE PERCENT COUNTYWIDE SALES TAX FOR THE PURPOSE OF PRESERVING OPEN SPACE AND CREATING AND MAINTAINING PARKS AND RECREATION FACILITIES; SETTING THE BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION; AND, PROVIDING THE EFFECTIVE DATE OF SUCH RESOLUTION

WHEREAS, the Board of County Commissioners (the "Board") of Adams County, Colorado (the "County"), has determined that it is in the public interest and desirable to the residents of the County to preserve open space in order to limit sprawl, to preserve farmland, to protect wildlife areas, wetlands, rivers and streams, and for creating, improving and maintaining parks and recreational facilities; and,

WHEREAS, there are not sufficient funds in the treasury of the County and the Board does not anticipate that existing sources of revenue will be sufficient to generate the moneys necessary to preserve open space and create and maintain parks and recreational facilities; and,

WHEREAS, the County is authorized by law to impose a sales tax on the sale of tangible personal property at retail and the furnishing of services, subject to approval of the registered electors of the County; and,

WHEREAS, the Board has determined that it is in the interests of the residents of the County to impose a Countywide sales tax at the rate of one-fifth of one percent for the period beginning January 1, 2000 through December 31, 2006, the receipts from which shall be restricted in application to the Open Space Program; and,

WHEREAS, the Board has determined that a question regarding the imposition of a sales tax for the purposes enunciated herein should be submitted by the Board to the eligible electors of the County; and,

WHEREAS, the Board has determined to set the ballot title and ballot question for the issues to be submitted at the election called by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF COLORADO:

1. An election shall be held on Tuesday, November 2, 1999, at which there shall be submitted to the eligible electors of the County one question authorizing the imposition of an additional one-fifth of one percent sales tax (the "Open Space Sales Tax") on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended ("C.R.S."). The question to be submitted to the registered electors shall be as follows:

ISSUE _____

SHALL ADAMS COUNTY TAXES BE INCREASED \$5.5 MILLION, AND WHATEVER AMOUNTS ARE RAISED ANNUALLY THERAFTER, BY A COUNTYWIDE SALES TAX OF ONE FIFTH OF ONE PERCENT (20 CENTS ON A \$100 PURCHASE), EFFECTIVE JANUARY 1, 2000 AND AUTOMATICALLY EXPIRING AFTER 7 YEARS, WITH THE PROCEEDS TO BE USED SOLELY TO PRESERVE OPEN SPACE IN ORDER TO LIMIT SPRAWL, TO PRESERVE FARMLAND, TO PROTECT WILDLIFE AREAS, WETLANDS, RIVERS AND STREAMS, AND FOR CREATING, IMPROVING AND MAINTAINING PARKS AND RECREATION FACILITIES, IN ACCORDANCE WITH RESOLUTION 99-1, WITH ALL EXPENDITURES BASED ON RECOMMENDATIONS OF A CITIZEN ADVISORY COMMISSION AND SUBJECT TO AN ANNUAL INDEPENDENT AUDIT AND SHALL ALL REVENUES FROM SUCH TAX AND ANY EARNINGS THEREON, CONSTITUTE A VOTER APPROVED REVENUE CHANGE.

YES _____

NO _____

2. The election shall be conducted by the County Clerk and Recorder in accordance with the Uniform Election Code and other laws of the State of Colorado, including without limitation, the requirements of Article X, Section 20 of the Colorado Constitution (hereinafter "TABOR").
3. All acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots shall be performed by the County Clerk and Recorder.
4. The County Clerk and Recorder shall cause a Notice of Election to be published in accordance with the laws of the State of Colorado, including but not limited to, the Uniform Election Code and TABOR.
5. Pursuant to Section 29-2-104(5), Colorado Revised Statutes, the County Clerk and Recorder is directed to publish the text of this Resolution four separate times, a week apart, in the official newspaper of the county and each city and incorporated town within the County.
6. No later than October 1, 1999, the County Clerk and Recorder shall mail the Notice of Election required by Article X, Section 20(3)(b) of the Colorado Constitution.
7. If a majority of the votes cast on the question of imposing the Open Space Sales Tax shall be in favor of such question, the Open Space Sales Tax shall be imposed and shall apply to all taxable transactions, unless exempt, occurring on or after January 1, 2000, and shall be collected and administered in accordance with this Resolution and the schedules set forth in the rules and regulations promulgated by the Colorado Department of Revenue.
 - (a) *Imposition of Tax.* There is hereby imposed on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended, a tax equal to one-half of one percent of the gross receipts (the "Sales Tax").
 - (b) *Transactions Subject to the Sales Tax.*
 - (i) The tangible personal property and services taxable hereunder shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., and shall be subject to the same exemptions as those specified in Section 39-26-114, C.R.S., including specifically the exemption provided by Section 39-26-114(11), C.R.S., for purchases of machinery or machine tools; the exemption provided by Section 39-26-114(1)(a)(XXI), C.R.S., for the sales and purchases of electricity, coal, wood, gas (including natural, manufactured and liquefied petroleum gas), fuel oil or coke sold, but not for resale, to occupants of residences, whether owned, leased or rented by said occupants, for the purpose of operating residential fixtures and appliances which provide light, heat and power for such residences; the exemption provided by Section 39-26-114(1)(a)(XX), C.R.S.,

for the sales of food (as defined in Section 39-26-102(4.5), C.R.S.); the exemption for occasional sales by a charitable organization as set forth in Section 39-26-114(18), C.R.S.; and, the exemption for sales and purchases of farm equipment under lease or contract specified in Section 39-26-114(20), C.R.S.

- (ii) The Sales Tax shall not be imposed on the sale of construction and building materials if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other acceptable documentation that a local use tax has been paid or is required to be paid on the value thereof.
 - (iii) The Sales Tax shall not be imposed on the sale of personal property on which a specific ownership tax has been paid or is payable if: (I) the purchaser is a nonresident of, or has its principal place of business outside the County, and (II) such personal property is registered or required to be registered outside the limits of the County under the laws of the State of Colorado.
 - (iv) The Sales Tax shall not be imposed on the sale of tangible personal property at retail or the furnishing of services if the transaction has been previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of the amount imposed by Section 7(a) hereof. A credit shall be granted against the Sales Tax payable with respect to such transaction equal in amount to the lawfully imposed sales or use tax previously paid by the purchaser or user to such other statutory or home rule county, provided that such credit shall not exceed the amount of the Sales Tax imposed by Section 7(a) hereof.
- (c) *Determination of Place at Which Sales are Consummated.* For the purpose of this Resolution, all retail sales shall be considered consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the County or to a common carrier for delivery to a destination outside the limits of the County. The gross taxable sales shall include delivery charges, when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, C.R.S., regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the County, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of this Sales Tax shall be determined by the provisions of Article 26 of Title 39, C.R.S., and by the rules and regulations promulgated by the Colorado Department of Revenue. The amount subject to the Sales Tax shall not include the amount of any state sales and use tax imposed by Title 39, Article 26, C.R.S.
- (d) *Collection, Administration and Enforcement.* The collection, administration and enforcement of the Sales Tax shall be performed by the Executive Director of the Colorado Department of Revenue (the "Executive Director") in the same manner as the collection, administration and enforcement of the Colorado state sales tax. The provisions of Article 26 of Title 39, C.R.S. and all rules and regulations promulgated thereunder by the Executive Director shall govern the collection, administration and enforcement of the Sales Tax.
- (e) *Vendor Fee.* No vendor fee shall be permitted or withheld with respect to the collection and remittance of the Sales Tax.
- (f) *Application of Section 29-2-108, C.R.S.* The imposition of the Sales Tax will result in the 7% limitation on the total sales tax imposed by the State of Colorado, any county and city or town in any locality in the State of Colorado as provided in Section 29-2-108, C.R.S. being exceeded. Such notwithstanding, the rate of Sales Tax does not exceed the rate permitted to be imposed by the County pursuant to Section 29-2-108, C.R.S.

8. **Distribution of Sales Tax Revenue.** The proceeds from the collection of the Open Space Sales Tax shall be administered in the following manner:
- (a) ***Open Space Advisory Board.*** An Open Space Advisory Board shall be appointed by the Board of County Commissioners within ninety (90) days following approval of the election question.
 - (i) The Open Space Advisory Board shall consist of seven members, four of whom shall be residents of unincorporated Adams County and three of whom shall be residents of cities or towns located in Adams County.
 - (ii) Members shall serve four-year terms of office, except the initial term of two members from the unincorporated area of Adams County and two members from cities and towns shall be six years. Members may be re-appointed to successive terms.
 - (iii) Members shall serve at the pleasure of the Board.
 - (iv) The Board of County Commissioners shall develop a system to rotate the jurisdictions represented on the Open Space Advisory Board in a systematic fashion.
 - (v) Members shall not be compensated for their services, but may be reimbursed for reasonable expenses actually incurred in the performance of their duties in accordance with this Resolution and County policy.
 - (vi) Members shall act in accordance with law, including Colorado conflict of interest law applicable to public bodies. No member shall vote or participate in the application process regarding an acquisition or expenditure in which he or she has a financial or ownership interest, or where he or she has an ownership interest in adjacent property.
 - (vii) The Open Space Advisory Board will meet quarterly, beginning in the first quarter of 2000, or as necessary to review proposed projects. All meetings shall be held in accordance with the Open Meetings Law.
 - (viii) The Open Space Advisory Board will make recommendations to the Board of County Commissioners regarding the distribution of proceeds from the collection of the Open Space Sales Tax, substantially in accordance with the guidelines set forth in this Resolution.
 - (b) ***Deposit and Expenditure of Revenue.***
 - (i) The County shall establish an Open Space Fund within which all revenues and expenditures from the Open Space Sales Tax shall be accounted for.
 - (ii) Two percent (2%) of the Open Space Sales Tax collected shall be used by the Open Space Advisory Board for administrative purposes, i.e. consultants, studies, site reviews, etc.
 - (iii) After payment of the administrative fee, thirty percent (30%) of the remaining Open Space Sales Tax collected shall be automatically returned to the cities, towns and unincorporated area of Adams County in the same proportion as is the ratio of Open Space Sales Tax collected within the city, town or unincorporated area to the total County sales tax collections, as computed from information provided by the Colorado Department of Revenue. This money may be used by the jurisdiction for either active or passive uses but shall not be used to augment existing parks and open space budgets.
 - (iv) After payment of the administrative expenses and distribution of the thirty percent, moneys remaining in the Open Space Fund shall be used as directed by the Board of County Commissioners, substantially in accordance with the following guidelines:

- (1) Grant applications may be submitted to the Open Space Advisory Board by those jurisdictions having an approved open space and/or recreation plan.
- (2) The Open Space Advisory Board shall review the application and make recommendations to the Board of County Commissioners regarding approval or denial of the application. Fund distributions may be attributable to both active and passive open space uses, so long as:
 - (a) no less than forty percent (40%) shall be expended for passive open space uses, to include the purchase, construction and maintenance of: horse, bike or running trails; natural areas with limited development for fishing, hiking, walking or biking; wildlife preserves; lakes for fishing with accessible walks, docks, picnic areas and restrooms; conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; wetlands; preservation of cemeteries; and picnic facilities.
 - (b) no more than twenty eight percent (28%) shall be expended for active uses, to include the purchase, construction, equipping and maintenance of: sports fields, golf courses, and recreation centers.
- (v) Any funds received from the disposition of assets acquired or constructed with revenues for the Open Space Sales Tax shall be used in accordance with the above guidelines.

C. *Authorized Projects and Uses of Funds.*

- (i) Revenues collected from the Open Space Sales Tax may be used in the following manner:
 - (A) To acquire fee title interest in real property for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks and trails;
 - (B) To acquire less than fee interests in real property such as easements (including conservation and agricultural), leases, options, future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis, for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks and trails purposes;
 - (C) To acquire water rights and water storage rights for use in connection with the aforementioned purposes;
 - (D) To acquire rights-of-way and easements for trails and access to public lands, and to build and improve such trails and accessways;
 - (E) To allow expenditure of funds for joint projects between counties and municipalities, recreation districts, or other governmental entities in the County;
 - (F) To improve and protect open space, natural areas, wildlife habitats, agricultural and ranch lands, historical amenities, parks and trails;
 - (G) To manage, patrol and maintain open space, natural areas, wildlife habitats, agricultural and ranch lands, historical amenities, parks and trails;

- (H) To pay for related acquisition, construction, equipment, operation and maintenance costs;
 - (I) To implement and effectuate the purposes of the Open Space Program.
 - (ii) Passive open space lands may be acquired and maintained and may include:
 - (A) Lands with significant natural resource, scenic and wildlife habitat values;
 - (B) Lands that are buffers maintaining community identity;
 - (C) Lands that are to be used for trails and/or wildlife migration routes;
 - (D) Lands that will be preserved for agricultural or ranch purposes;
 - (E) Lands for outdoor recreation purposes limited to passive recreational use, including but not limited to hiking, hunting, fishing, photography, nature studies, and if specifically designated, bicycling or horseback riding;
 - (F) Lands with other important values such as scenic and historic sites that contribute to the County's and County municipalities' natural and cultural heritage.
 - (iii) Active open space lands may include lands for park purposes and other recreational uses such as sports fields, golf courses and recreation centers. Park purposes shall be defined as the construction, equipping, acquisition and maintenance of park and recreational improvements and facilities for the use and benefit of the public.
 - (iv) No land or interests acquired with the revenues of the Open Space Sales Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given, without the approval of such action by the Board.
- 9. If a majority of the votes cast on the question of imposing the Open Space Sales Tax shall be in favor of such question, the County Clerk and Recorder is hereby directed to provide a notice of adoption of this Resolution, together with a certified copy of this Resolution, to the Executive Director of the Colorado Department of Revenue at least forty-five (45) days prior to January 1, 2000.
- 10. This Resolution shall serve to set the ballot title and the ballot question for the question set forth herein and the ballot title for such question shall be the text of the question itself.
- 11. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
- 12. The rate of the Open Space Sales Tax and the deposit of revenues collected for the Open Space Sales Tax as set forth in this Resolution shall not be amended, altered or otherwise changed unless first submitted to a vote of the registered electors of the County for their approval or rejection. Other provisions of this Resolution may be amended as necessary to effectuate the purposes of this Resolution by resolution adopted by the Board of County Commissioners in accordance with law.
- 13. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
- 14. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this resolution are hereby repealed, except that this repealer shall not be

construed to revive any act, order or resolution, or part thereof, heretofore repealed.

15. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.
16. The cost of the election shall be paid from the County's general fund.
17. This Resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Strickland _____	Aye
Valente _____	Aye
Flaum _____	Aye
Commissioners	

STATE OF COLORADO)
County of Adams)

I, Carol Snyder, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 1st day of SEPTEMBER, A.D. 1999.

County Clerk and ex-officio Clerk of the Board of County
Commissioners
Carol Snyder:

By *J. W. Stuebel*
Deputy



STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 25th day of August, 2004 there were present:

Elaine T. Valente _____	Chairman
Larry W. Pace _____	Commissioner
Ted L. Strickland _____	Commissioner
James D. Robinson _____	County Attorney
Lucy Trujillo, Deputy _____	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

RESOLUTION NO. 2004-1

RESOLUTION CALLING AN ELECTION ON NOVEMBER 2, 2004 TO AUTHORIZE AN INCREASE IN AN EXISTING COUNTYWIDE SALES TAX FROM ONE-FIFTH OF ONE PERCENT TO ONE-FOURTH OF ONE PERCENT, AND EXTENDING THE SALES TAX THROUGH DECEMBER 31, 2026, FOR THE PURPOSE OF PRESERVING OPEN SPACE AND CREATING AND MAINTAINING PARKS AND RECREATION FACILITIES; SETTING THE BALLOT TITLE AND TEXT FOR THE ELECTION; AND PROVIDING THE EFFECTIVE DATE OF SUCH RESOLUTION

WHEREAS, pursuant to Resolution No. 99-1 of the Board of County Commissioners (Board), County of Adams, Colorado (County), the issue of whether to impose a fifth of one percent (20 cents on a 100 dollar purchase) countywide sales tax (Open Space Sales Tax) to preserve open space in order to limit sprawl, to preserve farmland, to protect wildlife areas, wetlands, rivers and streams, and for creating, improving, and maintaining parks and recreational facilities was referred to County voters at the November 2, 1999 election; and,

WHEREAS, at the November 2, 1999 election, the voters approved the Open Space Sales Tax to be imposed beginning January 1, 2000 and extending through December 31, 2006; and,

WHEREAS, pursuant to Resolution 99-1, such tax has been imposed on sales of tangible personal property at retail or the furnishing of services in the County, as provided in section 29-2-105(1)(d), Colorado Revised Statutes (C.R.S.), as amended; and,

WHEREAS, the Board has determined that, as a result of the increase in growth in the County, the need to preserve open space has become increasingly urgent; and,

WHEREAS, the Board has further determined that the revenue currently generated by the Open Space Sales Tax is insufficient to preserve open space and protect water quality, wildlife areas, and wetlands, and to create, improve, and maintain parks and trails in the face of increasing growth; and,

WHEREAS, the Board has therefore concluded that it is in the best interests of the residents of and quality of life in the County to increase the existing Open Space Sales Tax from one-fifth of one percent (20 cents on a 100 dollar purchase) to one-fourth of one percent (25 cents on a 100 dollar purchase) beginning on January 1, 2007 and continuing through December 31, 2026, the receipts from which shall be restricted in application to the Open Space Program, as enumerated in Resolution 99-1; and,

WHEREAS, the Board has determined that a ballot issue regarding an increase and extension of the Open Space Sales Tax for the purposes enunciated herein and in Resolution 99-1 should be submitted to the eligible electors of the County at the November 2, 2004 general election; and,

WHEREAS, the Board has determined to set the ballot title and text for the ballot issue to be submitted at the election.

Now, Therefore, Be It Resolved By The Board Of County Commissioners Of The County Of Adams, State Of Colorado:

1. An election shall be held on Tuesday, November 2, 2004, at which there shall be submitted to the eligible electors of the County a ballot issue authorizing a increase in and extension of the Open Space Sales Tax originally imposed pursuant to Resolution No. 99-1, a copy of which is attached hereto and fully incorporated herein by this reference, which ballot issue shall be in substantially the following form:

ISSUE _____

SHALL THE EXISTING ADAMS COUNTY OPEN SPACE SALES TAX BE INCREASED BY \$8,651,882 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE), AND BY WHATEVER AMOUNTS ARE RAISED THEREAFTER, BY AN INCREASE FROM ONE-FIFTH OF ONE PERCENT (20 CENTS ON EVERY 100 DOLLARS) TO ONE-FOURTH OF ONE PERCENT (25 CENTS ON EVERY 100 DOLLARS (NOT COLLECTED ON THE SALE OF FOOD OR PRESCRIPTION DRUGS)), AND EXTENDED FROM DECEMBER 31, 2006 TO AUTOMATICALLY EXPIRE ON DECEMBER 31, 2026, WITH THE PROCEEDS BEING USED SOLELY TO:

PRESERVE LAND THAT PROTECTS WATER QUALITY;
PROTECT WILDLIFE AREAS, WETLANDS, RIVERS, AND STREAMS;
PRESERVE FARMLAND;
PROTECT OPEN SPACE TO LIMIT SPRAWL; AND
FOR CREATING, IMPROVING, AND MAINTAINING PARKS, TRAILS, AND RECREATION FACILITIES; AND

WITH ALL EXPENDITURES BASED ON THE RECOMMENDATIONS OF A CITIZEN ADVISORY COMMISSION AND SUBJECT TO AN ANNUAL AUDIT, WHICH TAX SHALL BE IMPOSED, COLLECTED, ADMINISTERED AND ENFORCED AS PROVIDED IN RESOLUTION 99-1, AND SHALL ALL REVENUES FROM SUCH TAX AND ANY EARNINGS THEREON, INCLUDING REVENUES SHARED WITH THE INCORPORATED CITIES AND TOWNS IN ADAMS COUNTY, FOR THE DURATION OF THE TAX, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE FOR THE PURPOSES OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND ANY OTHER REVENUE LIMITS IMPOSED BY THE LAWS OF THE STATE OF COLORADO?

YES _____

NO _____

2. The election shall be conducted by the Adams County Clerk and Recorder (Clerk and Recorder) in accordance with the Uniform Election Code, section 1-1-101, *et seq.*, C.R.S., as amended, and other laws of the State of Colorado, including without limitation, the requirements of article X, section 20, of the Colorado Constitution (hereinafter "TABOR").

3. All acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots, emergency absentee ballots, and provisional ballots shall be performed by the Clerk and Recorder.
4. The Clerk and Recorder shall cause a Notice of Election to be published in accordance with the laws of the State of Colorado, including but not limited to the Uniform Election Code and TABOR.
5. Pursuant to section 29-2-104(5), C.R.S., as amended, the Clerk and Recorder is directed to publish the text of this Resolution four separate times, a week apart, in the official newspaper of the County and each city and incorporated town within the County.
6. No later than October 1, 2004, the Clerk and Recorder shall mail the notice of election required by TABOR, article 1, section 20(3)(b) of the Colorado Constitution.
7. If a majority of the votes cast on the ballot issue of increasing and extending the Open Space Sales Tax shall be in favor of such issue, the sales tax shall be increased and extended and shall apply to all taxable transactions, unless exempt, occurring on or after January 1, 2007 and shall be imposed, collected, administered, and enforced in accordance with Resolution 99-1 and the schedules set forth in the rules and regulations promulgated by the Colorado Department of Revenue.
8. If a majority of the votes cast on the ballot issue of increasing and extending the Open Space Sales Tax shall be in favor of such issue, the Clerk and Recorder is hereby directed to provide a notice of adoption of this Resolution, together with a certified copy of this resolution and Resolution 99-1, to the Executive Director of the Colorado Department of Revenue at least forty-five (45) days prior to January 1, 2007.
9. This Resolution shall serve to set the ballot title and text for the ballot issue set forth herein, and the ballot title for such issue shall be the text of the issue itself.
10. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
11. The rate of the Open Space Sales Tax and the deposit of revenues collected for the Open Space Sales Tax, as set forth in this Resolution and Resolution 99-1, shall not be amended, altered, or otherwise changed unless first submitted to a vote of the registered electors of the County for their approval or rejection. Other provisions of this Resolution and/or Resolution 99-1 may be amended as necessary to effectuate the purposes thereof by resolution adopted by the Board in accordance with law.
12. All actions not inconsistent with the provisions of this Resolution and/or Resolution 99-1 heretofore taken by the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved, and confirmed.
13. All prior acts, orders, or resolutions, or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order, or resolution, or parts thereof, heretofore repealed.

- 14. If any section, paragraph, clause, or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Resolution, it being the intention that the various parts hereof are severable.
- 15. The cost of the election shall be paid from the County's general fund.
- 16. This Resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Valente _____ Aye
 Pace _____ Aye
 Strickland _____ Aye
Commissioners

STATE OF COLORADO)
 County of Adams)

I, Carol Snyder, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 25th day of August, A.D. 2004.

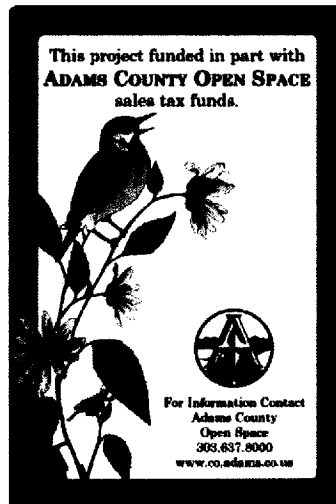
County Clerk and ex-officio Clerk of the Board of County Commissioners
 Carol Snyder:

By:



Adams County Open Space

Policy and Procedures



December 2007

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Attachments:

Exhibit A – Resolution 99-1

Exhibit B – Open Space Sales Tax 30% Distribution Form

Exhibit C – Passive Use Application

Exhibit D – Active Use Application

Exhibit E – Grant Agreement

Exhibit F – Conservation Easement

Exhibit G – Modification Form

Exhibit H – Extension Form

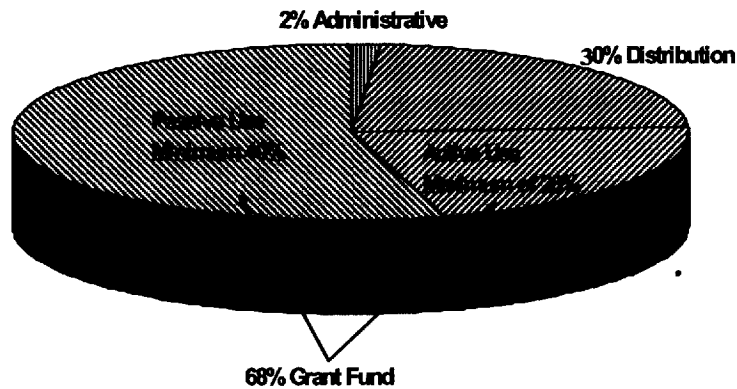
Exhibit I – Budget Form

Exhibit J – Project Timeline

I. Introduction

Adams County citizens passed an Open Space Tax on November 2, 1999, and reauthorized it on November 2, 2004, to be extended until December 31, 2026. The voter approved issue called for 68% of the proceeds from the tax to be distributed to eligible jurisdictions by a grant process. The Open Space "Tax Issue" also provides for 30% of the funds to be returned to the Cities and County based on a formula of where the tax is collected. Two percent may be used for administrative purposes. Adams County Open Space Sales Tax funds are subject to an annual independent audit.

Open Space Sales Tax Pie Chart



II. Open Space Definitions

PASSIVE USE: The definition of passive use includes: the purchase, construction and maintenance of: horse, bike or running trails; natural areas with limited development for fishing, hiking, walking or biking; wildlife preserves; lakes for fishing with accessible walks, docks, picnic areas and restrooms; conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; wetlands; preservation of cemeteries; and picnic facilities. (Source: Resolution 99-1, Section C, item ii) Exhibit A

There are no limitations to funding of passive uses as defined in Resolution 99-1.

ACTIVE USE: The definition for active use: lands for park purposes and other recreational uses such as sports fields, golf courses and recreation centers. Park purposes shall be defined as the construction, equipping, acquisition and maintenance of park and recreational improvements and facilities for the use and benefit of the public. (Source: Resolution 99-1, Section C, Item iii) Exhibit A

QUALIFIED APPRAISAL:

- commissioned by the purchaser, another project partner that does not have an ownership interest in the property being acquired, or jointly by the seller and the purchaser;
- prepared by an experienced independent appraiser and in accordance with the IRS definitions of a qualified appraisal and of highest and best use, as defined in Treas. Reg. 1.170A-13(c)(3); and
- based upon the sales comparison method, which determines the value of the subject property by comparing sale prices of comparative properties. Adjustments are made to the sale price of each comparative property to reflect the differences between the comparison property and the subject property.
- specific about the easement value of the property, and the value of the property before and after an easement is placed on it. Information about these values is necessary to determine ability to fund the project. (If funding is for a fee acquisition, only the full fee fair market value is needed; the after and easement values are not required.)
- effective within one year prior to closing, the grantee will be required to have an appraiser update the appraisal.

III. 30% Distribution

Source: Resolution 99-1

Section 8, b (iii) – “After payment of the administrative fee, thirty percent (30%) of the remaining Open Space Sales Tax collected shall be automatically returned to the cities, towns and unincorporated area of Adams County in the same proportion as is the ratio of Open Space Sales Tax collected within the city, town or unincorporated area to the total County sales tax collections, as computed from information provided by the Colorado Department of Revenue. This money may be used by the jurisdiction for either active or passive uses but shall not be used to augment existing parks and open space budgets”.

Policy: The 30% monies collected from the Open Space Sales Tax are distributed twice annually to qualified jurisdictions. Jurisdictions will receive an Open Space Sales Tax Distribution Form (Exhibit B) 30 days prior to the release of funds. Jurisdictions are required to report to Adams County on how they used their previous fund distributions.

Procedure: Adams County Open Space staff will send out a reporting form to all qualified jurisdictions requesting information on how previous funds received had been used. Information acquired through this process will be included in the Adams County Annual Report to the Public.

IV. Open Space Grant Program (68% Grant Fund)

Grant Cycles

There are two grant cycles each year. Typically, applications for grants are due on February 1st and August 1st. Qualified jurisdictions will be notified in the event that a grant cycle is delayed. Staff will hold grant-training sessions with interested cities and other parties.

Eligibility

Staff will review the application and project for conformance with the voter-approved "Tax" and the Open Space Policy and Procedures.

Clarification of Eligibility Criteria:

1. Qualifying Jurisdictions:

Aurora*
Arvada*
Bennett*
Brighton*
Commerce City
Federal Heights
Northglenn
Thornton
Unincorporated Adams County
Westminster*

Others that Partner with above Jurisdictions:

Parks and Recreation Districts**
Other Governmental Entities**

* Must be project within Adams County

** Must be in conformance with City or County Adopted Parks or Open Space Plan and sponsored by qualifying jurisdictions. Applicants that are sponsored by qualifying jurisdictions are limited to one project per grant cycle, per sponsor.

2. Qualifying jurisdictions must have an adopted Parks and/or Open Space Plan. Note: only provide paragraph(s) describing how this project fits within the scope of your adopted plan and/or an 8 ½ X 11 map, not to exceed 3 pages.
3. Applications and required attachments must be complete and received in the Open Space Office by 4:00 p.m. of the established deadline for that grant cycle.
4. Contact person(s) identified in the Open Space Application will be used for all official contact for each submitted project.
5. Sponsoring jurisdictions are responsible for compliance with Tax Issue requirements. For jurisdictions partnering with districts or other governmental entities, the sponsoring jurisdiction is responsible for a written final report.
6. For real estate transactions, sponsoring jurisdictions should obtain a qualified buyer's appraisal. When the applicant is seeking to buy property for a price that exceeds the buyer's appraised value, the OSAB will make recommendations on a case by case basis to the BoCC for final approval.
7. Facilities, including but not limited to parks, sports fields, golf courses, and recreation centers, or land must be accessible to the public, inclusive of those with disabilities, except for conservation easements for agricultural preservation and habitat preservation.

8. Applicant must not have any unresolved compliance issues. The applicant must be in compliance on projects previously funded with Adams County Open Space Sales Tax Funds, including funds received from the 30% Open Space Sales Tax distributions. Compliance includes but is not limited to completion of projects as funded and provision of information when requested or due.

Grant Application Types:

- Passive Project applications are for uses defined in Resolution 99-1, Section C, (ii), see Policy and Procedures, Section II Open Space Definitions for Passive and Active Use.
- Active Project applications are for uses defined in Resolution 99-1, Section C, (iii), see Policy and Procedures, Section II Open Space Definitions for Passive and Active Use.
- Mini Grant applications are for uses defined in either of the above sections but are geared towards smaller communities, neighborhoods and joint projects with youth and non-profit organizations. A Passive or Active grant application is determined to be a Mini-Grant if the total amount of the grant request does not exceed \$5,000. Funding for mini-grants is limited to \$50,000 per year. The Mini Grant is also limited to two applications per applicant, per grant cycle. Mini Grants are subject to the same requirements as with both the Active and Passive Grants.

Process for Applying for Adams County Open Space Grants (Active/Passive/Mini):

1. Applications must be made on the applicable Application Form, Exhibits C & D. **Twelve (12) unbound copies** of the completed application and required attachments are required at the time of submittal. Mail application to: Adams County Open Space Dept., 9755 Henderson Road, Brighton, Colorado 80601. Applications must arrive no later than 4:00 p.m. of the specified grant application deadline date.
2. No material will be accepted after the deadline date with the exception of additional materials or documentation requested by the Open Space staff, the OSAB or the BoCC.
3. If you have multiple documents in an attachment, provide headers and footers containing the applicant name, project name, date, and page number on each page of the document.
4. All Applications must be in accordance with Resolution 99-1, which accompanies the distribution of all open space grant packets.
5. Jurisdictions must prioritize each project they submit. Jurisdictions sponsoring projects with other entities (community groups, non-profit organizations, etc.) must prioritize joint projects separately. Sponsored applicants are limited to one project per grant cycle.
6. Part I of an Application will be reviewed by staff for conformance with the Tax Issue, and approved Adams County Open Space Policies and Procedures.
7. Part II of an Application will be scored by the OSAB to be included with their recommendations to the BoCC.

8. OSAB will request presentations by applicants. Presentations will not be scored and are for informational purposes only.
9. Funding is limited for each grant cycle. The OSAB can elect to recommend a project be funded in full, part, or may choose not to recommend funding for the project.
10. The BoCC will review the recommendations of the OSAB and award in full, modify the amount, or deny grant funds to specific projects.
11. All projects must be completed within two years of the grant award date.
12. Applications for specific projects or phases of projects which were previously awarded Adams County Open Space Sales Tax Grant funds are strongly discouraged.

Criteria/Rating

For use by the OSAB in making recommendations for funding to the BoCC.

The OSAB will review projects and make funding recommendations to the BoCC based on criteria and information provided by the applicant in Part II of the Passive or Active Applications in the following three categories:

- Grant Fund Use
- Project Funding and Support
- Project Management and Applicant's Past Performance of Awarded Projects

OSAB Recommendations

The OSAB will make a determination to fund a project in full, in part, or choose to not fund any submitted projects. The OSAB recommendations are forwarded to the BoCC for final approval.

Notification of Grant Award by Commissioners

The BoCC will notify all applicants of grant awards, at which time the Adams County Open Space Grant Agreement (Exhibit E) will be signed by the applicant and representatives from Adams County. In the case of land acquisitions an execution of a conservation easement (Exhibit F) will also be required. The BoCC reserves the right to add specific conditions as part of the Grant Agreement and/or Conservation Easement. A revised budget sheet shall be requested if awarded funds differ from the original grant request.

Within 30 days of receiving the award from the BoCC, the following must occur.

Issue a press release that must include the following information:

Funds were awarded from proceeds of the Adams County Open Space Sales Tax which was passed by Adams County voters in 1999, and reauthorized in November, 2004 to be extended until December 31, 2026.”

- Amount of the Award.
- Date of the Award
- Project Name and description of the project.
- Name of your organization (City, Town, Rec. District, etc.)

Post Open Space Sign

An Adams County Open Space Sign provided or approved by Adams County will be posted in a prominent place at the project site once project is awarded. This does not apply to projects that will not have public access (i.e. conservation easement projects).

Distribution of Funds

Funds will be dispersed:

1. Once the project has been completed as funded.
2. The documentation requested in the reimbursement process has been received and verified by staff.

IV. Grant Compliance Policy

The Grantee understands that Adams County reserves all rights to reassess the grant award if the Grantee is found not to be in compliance with the Tax Issue, the Open Space Policies and Procedures and/or the Grant Agreement.

If the Grantee is found to be non-compliant on a previously awarded project, the BoCC may suspend the Grantee (for a time period determined by the BoCC) from participating in the Adams County Open Space Grant program as an applicant, partner or sponsor.

Failure to comply with approved Adams County Policies and Procedures shall result in non-compliance.

Examples of non-compliance include but are not limited to:

1. Failure to provide complete information or documentation, on applications, grant close-out reporting, modification requests, extension requests, 30% distribution reports, etc..
2. Failure to complete the project as represented.
3. Failure to complete the project within the approved time frame.
4. Modification of the project without prior approval. This includes modification of a project after funds have been received.
5. The uses and/or appearances of an awarded project have changed.
6. Failure to comply with the Open Space Program signage requirements.

VI. Open Space Grant Reimbursement Process

The amount of funds disbursed will correspond to the final project budget. The amount of disbursement will be adjusted as necessary to maintain the level of funding originally awarded and specified in the Grant Agreement. Unused grant funds will be returned to the grant fund. For example, if an item is excluded from a project, the funds allocated for that item will be deducted from the final reimbursement amount and/or if a project is under budget the leverage amount will be based on the final cost of the awarded project. Under no circumstances will the amount of funds or the percent leveraged by Adams County Open Space Sales Tax increase over the awarded amount represented in the Grant Agreement.

Failure to provide requested documents shall create a compliance issue for the Grantee that could effect participation in future grant cycles (See Grant Compliance Policy, page 11).

Land Acquisition/Conservation Easement Reimbursement Process

The awarded funds can be disbursed to the Grantee after closing or directly to the title company at the time of closing. The Grantee will need to provide Adams County Open Space with copies of the following documents within 30 days of the scheduled closing:

- All Easements/Encumbrances
- Final Contract
- Appraisal Summary (required at application)
- Preliminary Buyers/Sellers Settlement Agreement
- Fully executed Conservation Easement
- Revised Budget Sheet, if applicable

It is the applicant's responsibility to ensure that the open space staff is kept informed of any changes to the date, time or location of the closing. Adams County Open Space must have a minimum of 7 business days notice in order to place a request with the treasurers office to wire funds to a closing.

Within six weeks after the closing, copies of the following documents must be forwarded to the Open Space Office.

- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- Title Policy
- Associated invoices and checks
- Other applicable items

Reimbursement Process

At the time of completion the applicant must submit to the Open Space Office copies of the following documentation:

- All invoices
- Cancelled checks (front and back)
- Supportive documentation for all in-kind matches (this includes invoices for both materials and labor).
- Revised Budget Sheet, if applicable

VII. Modification Policy

If it is necessary for a Grantee to modify an awarded project prior to completion of the project and distribution of funds, the Grantee must submit a Modification Request Form (Exhibit G) to Adams County Open Space staff.

Based on the information provided by the Grantee at that time, staff will determine whether or not the modification request can be facilitated through an Administrative Review. Listed below is the minimum qualifying criteria used for the Administrative Review:

1. The request for modification is received a minimum of 90 days prior to the project completion due date.
2. The documentation provided by the Grantee must include a completed request form and shows evidence of progress on the project.
3. The percentage of the project that is Active Use cannot increase. (See Section II, Open Space Definitions for Passive and Active Use.)
4. The amount of funds and/or the percentage of the project funded by Adams County Open Space does not increase over the funds and/or the percentage originally awarded.
5. The Grantee Has No Unresolved Compliance Issues. (See Section V. Compliance Policy.)

If a material change occurs to a project as a result of construction by adding or removing features and the modification requested does not meet the above criteria and is ineligible for an Administrative Review, the Grantee will be asked to submit additional information as directed by staff regarding the modification. This information will be forwarded to the BoCC along with a full staff report containing comments from the OSAB for the BoCC's consideration.

In reviewing a request for modification, the BoCC will consider whether the use, appearance and funding of the modified project is similar to the use, appearance and funding for the project as originally awarded. The BoCC will also consider whether the percentage of Active use in the modified project has increased.

If the BoCC determines that the modified project has materially changed in use, appearance or funding, the BoCC may reject the modification request and direct the Grantee to return the awarded funds, or approve the request with such conditions as may be determined by the BoCC. If the modification request is rejected, and the requested funds are returned, the Grantee may submit a new application for the revised project for consideration in future grant cycles.

Failure to notify Adams County Open Space staff of material changes to an awarded project may result in a violation of the Grant Agreement.

VIII. Reporting Requirements

Active Use Projects:

For a period of 10 years from the date of the award, Grantees are required to notify Adams County Open Space Staff in writing in the event material changes are proposed or made to a project for which Grantee has received Adams County Open Space Sales Tax Grant Funds. A material change to a project is any change that is inconsistent with the original intended use of the project as set forth in the grant application. If the new change is found to be inconsistent with the original intended use, the Grantee may be asked to return all funds awarded to this project.

Passive Use Projects:

Passive projects for acquisition of land are subject to conservation easements and must remain in compliance with all terms and conditions as set forth in the conservation easement. Grantees of projects not subject to conservation easements, such as projects for trails and fishing amenities, are required to notify Adams county Open Space Staff in writing of any material changes to such passive projects. A material change to a project is any change that is inconsistent with the original intended use of the project as set forth in the grant application.

IX. Extension Policy

Requests for Extension must be received a minimum of 90 days prior to the project due date. Requests for a one time Extension of 90 days or less will be approved or denied by staff. Requests for longer than 90 days up to 6 months must be approved by the BoCC. Requests for Extensions of more than 6 months will not be allowed. (See Exhibit H)

If a Request for Extension does not meet all of the eligibility requirements, it will be returned to the Grantee along with a Notice of Denial outlining the eligibility criteria that was not met. Upon receiving the Notice of Denial, the Grantee will have 30 days to respond in writing to Adams County Open Space as to whether or not they will complete the project as originally funded. If the Grantee is unable to complete the project as originally funded, a termination of Grant Agreement will be executed by Adams County and the Grantee will be required to return all previously awarded funds for that project along with accrued interest and applicable market value adjustment within 30 days of receiving the Termination of Grant Agreement. Failure to respond to a Notice of Denial will result in an automatic de-authorization of the grant and will result in suspension of eligibility for that applicant in any pending or future grant cycles as determined by the BoCC.

Eligibility Requirements for Extension of a Project:

1. **Received by Deadline** – Requests for Extension should be received a minimum of 90 days prior to the project due date.
2. **Documentation is Complete** – Documentation provided by the Grantee must include a completed request form, budget, original and revised timeline and evidence of progress. (Copies of: invoices, cancelled checks, in-kind documentation, photos, etc.)
3. **Request for Extension is for an Allowable Time Period** – Extension requests cannot be for a period of more than 6 months from the due date.
4. **Grantee Has No Unresolved Compliance Issues** – The Grantee must be in compliance on the project they are requesting an extension for, or any other project that has received funding from Adams County Open Space Sales Tax, including funds received from the 30% Open Space Sales Tax distributions, if applicable.

X. Reporting on Grants

Annual Report:

An annual report describing projects funded with the open space funds will be made available to the residents of Adams County in the County's annual "Report to the Public". The County will compile information based upon reporting they receive from each jurisdiction describing how open space funds were used. Jurisdictions will be asked to report on money spent to date, project timelines, activities associated with the project, project records, community benefit along with digital images and a brief description of all projects funded by the Open Space Tax Issue.

Annual Audits:

All expenditures of Open Space Sales Tax funds are subject to an annual audit. This includes projects awarded grant funds as well as funds disbursed from the 30% portion of the Sales Tax Fund.

STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 3rd day of December, 2007 there were present:

W.R. "Skip" Fischer _____	Chairman
Alice J. Nichol _____	Commissioner
Larry W. Pace _____	Commissioner
Hal B. Warren _____	County Attorney
Kristen Hood, Deputy _____	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

RESOLUTION ADOPTING THE ADAMS COUNTY OPEN SPACE POLICIES AND PROCEDURES

WHEREAS, Adams County voters approved an Open Space Sales Tax on November 2, 1999 to be used in accordance with Resolution 99-1 placing the Open Space Sales Tax on the ballot; and

WHEREAS, Adams County voters authorized an increase in an existing countywide sales tax from one-fifth of one percent to one-fourth of one percent, and extending the sales tax through December 31, 2026, in accordance with Resolution 99-1 and 2004-1; and

WHEREAS, Resolution 99-1 specifies that officers and employees of the county are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution; and

WHEREAS, the Adams County Open Space Advisory Board has reviewed the Adams County Open Space Policy and Procedures; and

WHEREAS, the Adams County Open Space Advisory Board recommended to the Board of County Commissioners that the attached "Adams County Open Space Policy and Procedures – November 2007" be adopted; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations by the Adams County Open Space Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Adams County Open Space Policy and Procedures – November 2007, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is approved and adopted.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Fischer _____ Aye
Nichol _____ Aye
Pace _____ Aye
Commissioners

STATE OF COLORADO)
County of Adams)

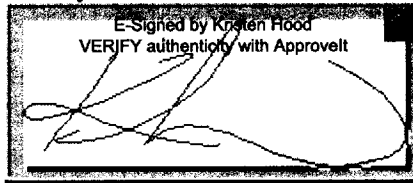
I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 3rd day of December, A.D. 2007.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Karen Long:



By:



Deputy

RESOLUTION AMENDING THE ADAMS COUNTY OPEN SPACE POLICIES AND PROCEDURES

WHEREAS, Adams County voters approved an Open Space Sales Tax on November 2, 1999 to be used in accordance with Resolution 99-1 placing the Open Space Sales Tax on the ballot; and

WHEREAS, Adams County voters authorized an increase in an existing countywide sales tax from one-fifth of one percent to one-fourth of one percent, and extending the sales tax through December 31, 2026, in accordance with Resolution 99-1 and 2004-1; and

WHEREAS, Resolution 99-1 specifies that officers and employees of the county are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution; and

WHEREAS, on December 3, 2007, the Board of County Commissioners adopted the Adams County Open Space Policies and Procedures, which set forth the process and policies governing the administration of the Open Space Sales Tax program; and

WHEREAS, the Board of County Commissioners would like to amend paragraph 12 of Section IV, page 7, of the adopted Adams County Open Space Policies and Procedures as follows:

Applicants for projects or phases of projects that were not awarded Open Space Sales Tax funds in the full amount requested in the initial grant proposal are encouraged to reapply for up to two additional grant cycles following the initial submittal, in the event the applicant deems the project worthwhile of additional funding.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the paragraph 12 of Section IV, page 7, of the Adams County Open Space Policies and Procedures be amended as set forth above.

Certificate of Award

Adams County

Hereby Awards

The City of Northglenn

\$772,391

From The Open Space Sales Tax Fund


For The Croke Reservoir Nature Area Improvements Project

Presented This 19th Day of May, 2008

*"Nature and Books belong to the eyes
that see them."*

Emerson




Alice J. Nichol, Chairman
Board of County Commissioners