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Section 1

OPEN SPACE DISPOSITION

14.52.020 Purpose

14.52.010 The City Council finds:

3. Conservation of natural resources including, but not limited to, forest lands, range lands, agricultural land, aquifer recharge areas, and surface

1 water;

2 4. District parks devoted to low-impact recreational uses;

3 5. Implementing greenways and open space policies or strategies of
4 the Longmont Area Comprehensive Plan;

5 6. Urban shaping buffers between or around municipalities or
6 community service areas and buffer zones between residential and non-residential
7 development (Goals).

8 C. There may be instances when these Goals may be furthered
9 through an exchange of interest in city land for property that has a higher open
10 space program value, or by sale of a parcel having limited open space value to
11 another landowner or a city fund, and utilizing the proceeds to obtain land that
12 more clearly meets the Goal without expending additional limited open space
13 funds.

14 D. It is in the interest of the city that the council retain the ability to
15 take advantage of opportunities to expand the open space property inventory and
16 the quality of land preserved.

17 14.52.020 Purpose.

18 The purpose of this chapter is to give the city the flexibility to dispose of
19 open space purchased or otherwise obtained pursuant to the provisions of section
20 4.04.130 of this code where such action will result in the city obtaining greater
21 acreage or land that more directly meets the purposes of that section.

22 14.52.030 Process.

23 A. Disposal of open space should be for a public purpose as

1 determined by city council.

2 1. Public purpose includes, but is not limited to, use of the property
3 for right-of-way and easements for city roads, utilities, and life-essential
4 infrastructure, and the sale or exchange of property interests that result in a net
5 benefit to the open space program.

6 2. The disposal should be sensitive to the integrity of the property
7 features and sensitive habitat, and generally should not adversely affect the
8 remainder of the property.

9 B. Parks and Recreation Advisory Board recommendation.

10 1. Before taking final action on any request to dispose of open space
11 land, the city council shall refer the request to the Parks and Recreation Advisory
12 Board (PRAB), and other advisory boards the city council feels necessary, for their
13 recommendations.

14 2. The PRAB shall schedule a public hearing on the request no later
15 than 60 days from the date of the referral. Notice of the public hearing and
16 request for comments on the request shall be published on the city website and in
17 a newspaper of general circulation following city council referral.

18 3. All comments received from the public shall be included in the
19 material provided to the PRAB prior to its public hearing.

20 4. The PRAB shall forward its recommendations to the city council
21 following the public hearing.

22 C. Compensation.

23 1. Sale or Transfer.

a. The sales price of any open space land to another landowner or the transfer cost to another city department shall be based on its fair market value as determined by the city council. However, in no event shall the sales price or transfer cost be less than the original purchase price.

b. The proceeds of any sale or transfer of open space land shall be placed in the open space fund.

2. Land exchange. The city council may approve an exchange of existing open space land for other property if it determines that the value of any land to be obtained in the exchange is of equivalent value, taking into account the relative size of both parcels, the ecological value of the parcels, and whether the obtained parcel would better meet the purposes of the open space program than the current parcel.

D. The transfer of open space land to another city department shall be by motion approved by majority vote of the city council. Any conveyance of title to open space land must be made by ordinance approved by a two-thirds majority vote of city council pursuant to Section 13.2 of the Longmont Municipal Charter.

Section 2

To the extent only that they conflict with this ordinance, the Council repeals any conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

Introduced this _____ day of _____, 2011.

Passed and adopted this _____ day of _____, 2011.

MAYOR

1 ATTEST:

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4 _____
5 CITY CLERK
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7

8 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
9 7:00 P.M. ON THE _____ DAY OF _____, 2011, IN THE
10 LONGMONT COUNCIL CHAMBERS.
11
12

13 APPROVED AS TO FORM:
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17 _____
18 DEPUTY CITY ATTORNEY

DATE

19
20
21
22 _____
23 PROOF READ

DATE

24
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27 APPROVED AS TO FORM AND SUBSTANCE:
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29
30

31 _____
32 ORIGINATING DEPARTMENT

DATE

33
34 File: 8116