



Villages East School Site Reversion

July 6, 2020

Purpose

- Update City Council on the direction to convey the 5 acre site at Villages at Buffalo Run back to the developer
- Obtain Council's final approval to convey the land

Property View



Background

- The Villages at Buffalo Run East PUD Zone Document was approved by City Council in 2000
- A part of this PUD Zone Document called out a future 14-acre tract of land to be a future elementary school and park
- In 2001, property was dedicated to city as school and park via Villages East Filing #1 (parcel is currently under city ownership).

Background Continued

- In 2015, the City platted this tract into one lot for the preparation of the neighborhood park construction. (Villages East Filing #8)
- At that time, the City and School District 27J worked together to plan this site to allow for space for both a school and a park to help maximize space (including ball field location)

Current Site Conditions

- This site is identified in the City's Comprehensive Plan as a school and park site
- The park is constructed and in full use
- School portion is vacant. 27J has identified this site as a future elementary school location through multiple long range studies to serve students in the area, but does not have any funds to construct it.
 - While it is smaller than traditional elementary school sites, 27J does have a concept plan to fit on the property

Reversion Continued

- Staff presented Council with two options:
 - Give five acres back to developer, as outlined in the Development Agreement, to construct single-family homes and 27J could locate, buy, and entitle future land for Elementary School site in the area.
 - Purchase the five acres with funds TBD
- Council's desire was for the City to explore purchasing the five acres

PUD Requirements

- Within the PUD Zone Document and related Development Agreement is a “sunset provision” for this site that reads...

The ES-1 parcel is zoned for a combined elementary school and public park site with the following conditions (which are outlined in the Development Agreement - Commerce City dated July 17, 2000, as recorded Book 6220 at Page 0267-0281 of the Adams County, Colorado records): Although the ES-1 parcel will be dedicated at signing of the final plat, if a permanent elementary school facility has not been constructed or is not then being constructed on the ES-1 parcel by the later of (i) ten (10) years from July 17, 2000, or (ii) a date that 80% or more of the aggregate single family residential structures approved in final plats for the Villages at Buffalo Run East and West have been sold to third party purchasers, then five (5) acres of the ES-1 parcel will revert to the Owner but the remaining nine (9) acres shall continue to be owned, maintained and operated as a park by the City. If such reconveyance is required, Owner shall have the right to rezone the five (5) acre parcel that is reconveyed into SF residential lots pursuant to zoning outlined in SFD 1-2 of this PUD Zone Document.

- It is not clear how or why this original language was negotiated, as there is no paperwork about the topic from 20 years ago

Reversion Discussions

- In August 2019, the developer notified the City that their threshold had been met
- Staff presented this information to the City Council in September 2019
- At the study session, it was determined that:
 - 27J did not want to purchase the land
 - the five acre site would not be large enough for a traditional elementary school
 - the Parks division did not need the land for a neighborhood park

Site Appraisal

- At Council's direction, Staff notified the developer of the City's intent to purchase the land
- Per the terms of the Development Agreement, the City hired an appraiser to examine the site to determine the current market value of the parcel
- The City's appraiser submitted his report on March 4, 2020, and his findings concluded the site is currently worth \$644,000
- At a March Executive Session, Council directed Council to cease purchase efforts and to convey the land back to the developer

Request for Final Approval

- At the July 1, 2000 Planning Commission meeting, the Commissioners approved the reconveyance of land to Northwood
- Staff has prepared a resolution to finalize the approval and is prepared to answer any outstanding questions Council may have



Questions and Discussion
