



Agenda Memorandum

Agenda Item – 11.E.

City Council Meeting
March 17, 2025



Strategic Priority 1: Access to Opportunity

Advance access to opportunity and prosperity for all in Westminster through diverse housing choices, increased mobility options, safe and walkable neighborhoods, and strong social networks.



Strategic Priority 3: Community Health and Safety

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster.

Subject: Woman Creek Reservoir Authority Property Agreement with Jefferson County

Prepared By: Barbara Opie, Deputy City Manager
Greg Graham, Deputy City Attorney

Recommended City Council Action:

1. Authorize the Mayor to execute the Woman Creek Reservoir Authority Property Agreement with Jefferson County in substantially the form attached.
2. Direct Staff to work with Jefferson County to pursue environmental and community protections related to the existing regional social trail along the northern part of the Women Creek Reservoir Authority Property.

Summary Statement:

- The proposed Agreement resolves a dispute between Jefferson County and the City (Parties) related to the Woman Creek Reservoir Authority Property (Property) that is part of the City of Westminster's open space system.
- On September 23, 2024, City Council voted to withdraw from the IGA for Funding of Rocky Mountain Greenway Trail Crossings (RMGT Crossings IGA). On November 12, 2024, Jefferson County recorded a Notice of Title Transfer with the Jefferson County Clerk and Recorder's Office asserting the Reverter in the Deed was triggered and that Jefferson County

now owns the Property. The City does not believe the Reverter was triggered or that title transferred to Jefferson County.

- The proposed agreement will resolve this dispute. Under the proposed agreement, Jefferson County agrees to execute a new Deed for the City, which will include the same reverter language as the deed recorded in 2019. Additionally, the City agrees it will not block public access to the Indiana Street bridge adjacent to the Property, and any regional trail that connects to the Indiana Street bridge will remain on the Property.
- Staff is also seeking direction related to the existing regional social trail along the northern part of the Women Creek Reservoir Authority Property. Based on City Council discussion in public sessions, Staff is seeking direction about pursuing environmental and community protections to this segment of existing regional social trail in concert with Jefferson County.

Fiscal Impact:

The City previously appropriated \$220,000 in Parks, Open Space and Trails (POST) funds for the City's share of the local match portion of the project. In 2020, the City contributed \$33,735 as its share of the original Federal Lands Access Program (FLAP) grant scoping, application, and sampling and analysis plan. In August 2024, the City received an invoice totaling \$198,677.42 for the balance associated with the RMGT Crossings IGA. Upon execution of this agreement, the City would pay its outstanding invoice.

Source of Funds:

POST Fund: Previously allocated \$220,000 for the RMGT Crossings IGA

Policy Issue(s):

Should City Council authorize the Mayor to execute the attached agreement that clarifies the deed for the Woman Creek Reservoir Authority Property, documents that the City will allow for the regional trail to connect to the pedestrian bridge, and will not block access to said bridge?

Should City Council direct Staff to work with Jefferson County on measures that support environmental and community protections related to the regional social trail along the northern part of the Women Creek Reservoir Authority Property?

Alternative(s):

City Council could choose not to approve the proposed agreement and direct Staff instead to negotiate different terms for the agreement. Staff does not recommend this action as the proposed agreement was negotiated in good faith to resolve the dispute between the Parties.

City Council could choose not to approve the proposed agreement and pursue alternative means to resolve the dispute. Staff does not recommend this action as the proposed agreement was negotiated in good faith between the Parties.

City Council could direct Staff to leave the regional social trail as is. Staff recommends utilizing this opportunity to work with Jefferson County to implement environmental and community protections related to the existing regional social trail along the northern part of the Women Creek Reservoir Authority Property as this was discussed by City Council.

Background Information:

In 2019, Westminster and Jefferson County partnered and equally shared the cost of purchasing the 348-acre Property, which is located east of Indiana Street, north of the Woman Creek Reservoir, and west of the existing Westminster Hills Open Space. Jefferson County conveyed the Property to Westminster on August 2, 2019, with a reverter clause requiring that all of the Property remain within Jefferson County boundaries and be used by a public entity for public open space, park or recreational purposes (Reverter).

In 2021, Westminster, Jefferson County, the City of Boulder, the County of Boulder, and the City of Arvada entered into an Intergovernmental Agreement for Funding of Rocky Mountain Greenway Trail Crossings (RMGT Crossings IGA). On September 23, 2024, Westminster City Council voted to withdraw from the RMGT Crossings IGA.

It is the position of Jefferson County that Westminster's action triggered the Reverter and that consequently the Property is now owned by Jefferson County. On November 12, 2024, Jefferson County recorded a Notice of Title Transfer with the Jefferson County Clerk and Recorder's Office, asserting that under the terms of the Reverter, title to the property automatically reverted to and is vested in Jefferson County effective September 23, 2024.

It is the position of Westminster that the Reverter was not violated and therefore not triggered, and, consequently, the Property is still owned by Westminster. The Parties acknowledge that there is a bona fide dispute between them as to the Property's ownership and whether the Reverter was triggered.

The proposed agreement resolves this dispute related to the Woman Creek Reservoir Authority Property.

Per the proposed agreement, Jefferson County will re-deed the property to the City with the original 2019 reverter language. In exchange, the City agrees it will not block public access to the Indiana Street bridge that is adjacent to the Property, and that the regional trail that connects to the Indiana Street bridge will remain on the property. Upon execution of this agreement, the City would pay its outstanding invoice.

In addition to the proposed agreement, guidance related to the existing regional social trail along the northern portion of the Women Creek Reservoir Authority Property is requested. Based on City Council discussion in public meetings, Staff is seeking direction about pursuing environmental and community protection measures in concert with Jefferson County.

Approving the proposed agreement with Jefferson County supports the City's Strategic Priorities of Access to Opportunity and Community Health and Safety. By ensuring that the Property's deed is resolved, the regional mobility network is maintained. It also recognizes and honors the partnership with Jefferson County, one of the City's regional partners working to support the wellbeing of Westminster residents; these efforts also support the City's Guiding Principle of Collaboration and Partnership.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Smith", written in a cursive style.

Jody L. Andrews
City Manager

Attachments:

Attachment A - Woman Creek Reservoir Authority Property Agreement with Jefferson County