



Sam Weaver, Mayor  
Rachel Friend, Council Member  
City of Boulder

January 16, 2020

Dear Mayor Weaver and Council Member Friend:

At the annexation process committee meeting on January 10, 2020, you asked for CU to provide its position on Variant I and how/why that has changed. Per your request, we are sending you this letter to clarify our position as well as other key factors in our annexation application. Much of this was addressed in the presentation we made to Council last August as well.

The university remains committed to working with the city to achieve flood mitigation on South Boulder Creek and has offered different options to allow for the implementation of Variant I. However, the Variant I concepts will greatly impact the usability of the property. In 2017 we were asked to comment on six options for the flood mitigation project as to which options would be unacceptable. At that early stage, we did not object to Variant I 100-year as we were focused on the significant impacts from Variant I 500-year. At that time the 500-year level was indicated to be the preferred option to which the city would build the project. We have since realized that any level of Variant I - from 100 to 500 year - will result in an earthen dam which stretches from the east to west property lines close to Table Mesa, effectively severing the developable portion of the property from the community. Consequently, we do not prefer this solution. Having said that, we realize the city may proceed with this option and have offered ways to achieve that.

The option the university offered that is most feasible for the city to be able to proceed with Variant I, and still meet the university's requirement to retain 129 acres for development, is to trade acreage needed for the flood mitigation project in the Public area with equivalent acreage in the contiguous OS-O area on the property.

Impacts of the selection of Variant I to our annexation proposal and to the BVCP Guiding Principles are as follows:

1. The university will consider, but cannot guarantee, that housing for university faculty, staff and students will be built on the site. The feasibility for housing will be evaluated in the future based upon the final flood project constructed, resulting access to the site and the degree to which the university reasonably determines this to be a suitable site for homes behind a dam.
2. If the city proposes and the university agrees to swap acreage in the Public area for acreage in the OS-O area, the university will retain the right to build in the 500-year flood plain within the OS-O area that was exchanged, if any.

Further, as stated in our original annexation application, any incremental costs that relate to the selection of any flood mitigation project, beyond what has been offered by the university, will be paid by the city. For instance: the university would pay to upgrade South Loop Drive into the property from its existing condition into a multi-modal road to provide access to the property at such time as it is developed. However, the incremental cost of elevating and fortifying the road to traverse the dam and clear the detention area will need to be paid by the city with the road constructed at the time of the flood project's completion to ensure access to the property which would otherwise be cut off.

Modifications to our original application cover letter of February 4, 2019 along with detailed amendments to the accompanying annexation application, which reflect these changes and other minor ones, are attached and have been provided to staff.

Again, we feel that all of this is something that can be successfully worked through with our further negotiations. Please contact us with any questions. Thank you for your time and work on this important project.



Frances Draper  
Senior Strategic Advisor  
Public Policy and Community Relations



Derek Silva  
Executive Director  
Real Estate Services

Cc: Phil Kleiser