CU-South Land Use Changes & Annexation

Recommendations
by Boulder resident Ben Binder

Based on CU's past activities, the city should be very skeptical of CU's plans.

- CU developed a strategy to acquire the Flatiron Gravel Pits using backroom deals;
- CU refused to cooperate with the city to solve known downstream flooding, and instead spent millions:
  - Gutting the Gravel Mine Reclamation Plan;
  - Building up the 6,000' berm;
  - Removing 40 acres of ponds;
  - Contouring the land for "maximum future development;"
  - Draining emerging wetlands;
- CU impeded the design of sound cost-effective flood mitigation.

Engineering firms responding to a May 2016 Request for Proposal to perform preliminary engineering for flood mitigation Alternative D, have enumerated NUMEROUS problems with the plan. Until a detailed design has been completed for the 30' dam along US-36, it is premature to discuss land use changes and annexation.

- The city should design safe, environmentally sound cost-effective flood mitigation measures to protect downstream residents, and not to maximize CU's buildable acreage.
- CU would have trouble finding a site with worse access. Table Mesa Drive, Foothills Parkway and US-36 are near capacity, and levels-of-service at intersections are poor. The city needs a competent transportation analysis to determine the maximum allowable transit volumes for the site.
- Only the city can provide water and sewer utilities, which CU needs, and we have a very strong negotiating position.
- Since "relations between the city and CU have never been better", the city should work with CU to define areas of the site for flood detention, city open space, and development.
- The city needs a strong negotiating team to fight for the interests of residents.

DENVER POST 4/30/75

Gravel Project 'to Be Model'

By JANE CRACRAFT
Denver Post Boulder Bureau

BOULDER — City Mgr. Archie Twitchell told the Boulder City Council Tuesday he expects a major gravel-mining project near the U.S. 36 entrance to Boulder to become "a model."

Twitchell said the project — which is to be reclaimed eventually as a 350-acre regional park — will be watched closely by the federal government, the state government, and the entire gravel-mining industry.

Last July, the council voted 5-3 to give Twitchell authorization to negotiate a contract with the Flatiron Companies of Boulder to mine and then reclaim the site, along South Boulder Creek at the main gateway to the city.

Twitchell said he hasn't finished negotiations because he wanted more input from the council before coming up with a formal contract.

"We see this as the entryway to the city and it needs to be dealt with particular care," Twitchell said.

He said the U.S. Bureau of Outdoor Recreation is watching the project, because it may set standards for other mining-and-reclamation projects. Boulder hopes to get a federal grant through the agency to turn the reclaimed area into a park, with a large lake.

State agencies also are interested in the project, he added.

"And I think the gravel industry is looking at Boulder and saying that what is achieved here is likely to be expected by other cities," Twitchell said.

Exceptional Level

The city manager explained that the expectations of Boulder are high, and the achievements of the Flatirons Companies are "at an exceptional level."

The Flatiron companies already have reclaimed a gravel mining area on the east edge of Boulder and converted it to an industrial park. The firms are working on a 10-year plan to mine and reclaim the scenic White Rocks area near 75th St. and Valmont Road as a wildlife habitat, with natural looking ponds and vegetation.

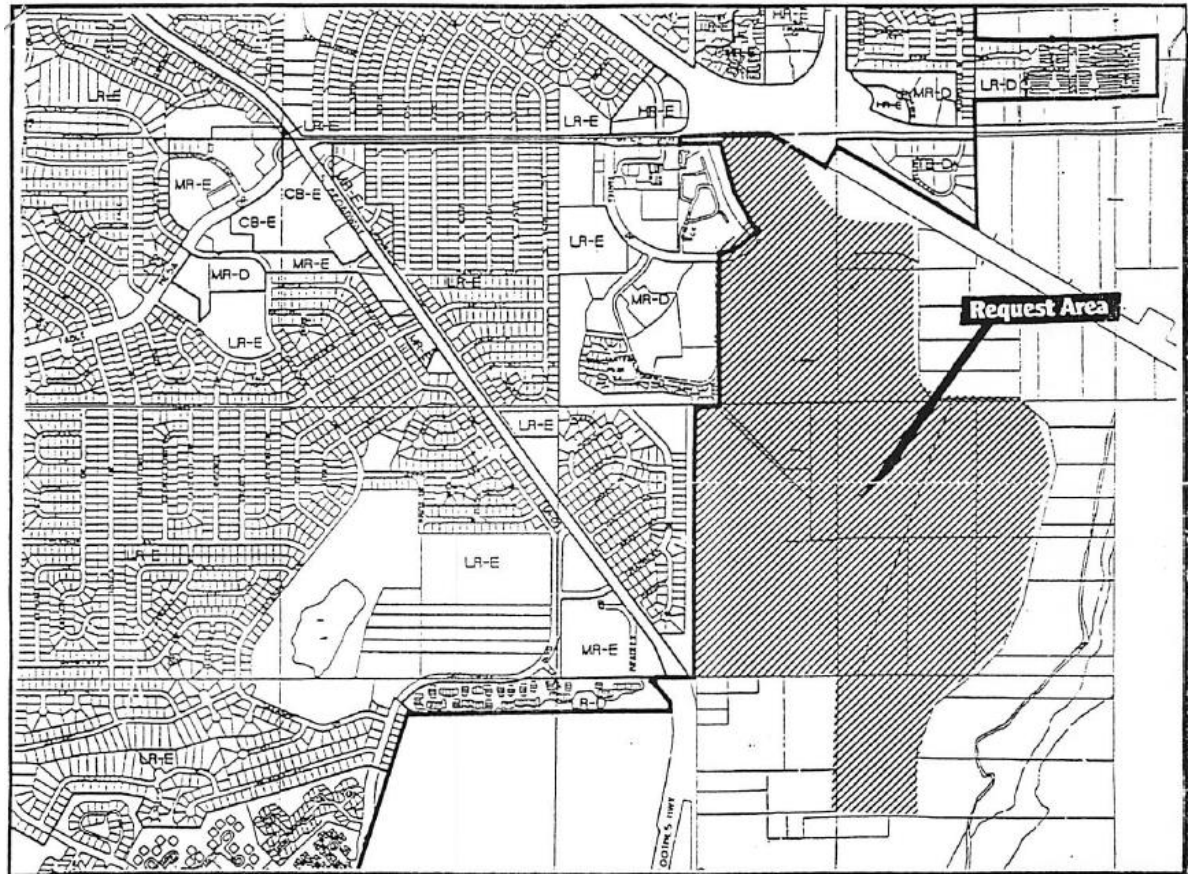
Twitchell said the contract with Flatirons probably will require the companies to restore the area near South Boulder Creek "at the level of open space" and then the city will use matching funds and a federal grant to create a more formal park for all or part of the site.

The city has a major recreation facility north of the city, Boulder Reservoir, but none on the south side of town.

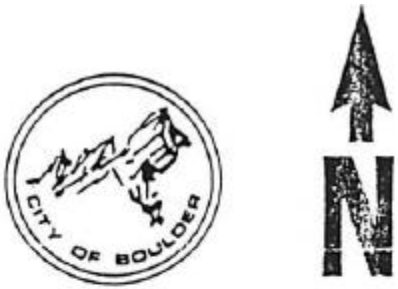
The gravel mining operation is expected to take 20 years so the park is part of the city's long-range recreational planning. The heavy deposits of gravel are expected to meet construction and maintenance needs in the Boulder area for 25 to 30 years, according to Flatirons' estimates.

The 350-acre site is unincorporated now, zoned for agriculture and rural residential use by the county. Flatirons is asking the city to annex and zone the land to permit gravel mining, and, in return, is offering to transfer title to the land to the city after the gravel is extracted.

After 4 million cubic yards of sand and gravel were removed from the Flatiron Gravel Pits, the Flatiron Companies applied to the city to develop the property. The following 1995 map was part of the application. Because of floodplain, poor access, high groundwater, Open Space designation, and other reasons, the city rejected the application. Because no rational developer would touch the troubled property, the owners unloaded the depleted gravel pits on CU.



- **PROJECT NAME:**
  Women of the West/South Boulder Creek Annex.
- **LOCATION:**
  near SW corner of Hwy. 36 and Table Mesa
- **APPLICATION & PROPOSED DEVELOPMENT:**
  AZ-95-2 • ANNEXATION/INITIAL ZONING
- **ZONING:**
  County (Boulder County Zoning)
- **APPLICANT:**
  Flatiron Park Company
- **CASE MANAGER/STAFF CONTACT:**
  Alice Rouyer



LOCATOR MAP

CU's Secret Strategy for the Acquisition of CU South

The following paragraphs are from a 2-page strategy CU developed to acquire the property in a series of secret backroom deals. The city is mistaken if it thinks it can control development on the site after CU annexes the property.

2. University Counsel advised that while legislative approval for the purchase is required, CU can use an expedited review process, i.e. the "Senate Bill 202 process." That requires CCHE staff, Capital Development Committee, and Joint Budget Committee actions.

by the President

3. To date, the CDC and the JBC have been briefed by Linda Pryor and are very supportive. The Executive Director of the CCHE has been briefed and has indicated his willingness to approve the matter and then inform the Commissioners. The President has been attempting to brief the Governor.

5. The CCHE meets on April 11 and the purchase will be an information item on the agenda.

11. If the story "leaks" prior to April 10, a statement has been prepared for Chancellor Park. Given that the CDC, JBC, and CCHE has been briefed, key legislative and higher education leadership has already been informed.

COST/FINANCING POSSIBILITIES

All of the below are estimates. Appraisals will be obtained as necessary.

- The owners are asking $11M.

This letter is from CU's attorney to an attorney for the seller. It states that an appraisal will be performed for a value $5 million higher than the asking price.
Why? Two reasons 1) to give a $5 million tax write-off to some well-connected individuals; and 2) To make the regents think they are getting a deal and convince them to approve the purchase.

February 7, 1996

Dave Packard, Esq.
Hutchinson, Black & Cook
1215 Spruce Street
Boulder, CO 80302

Dear Dave:

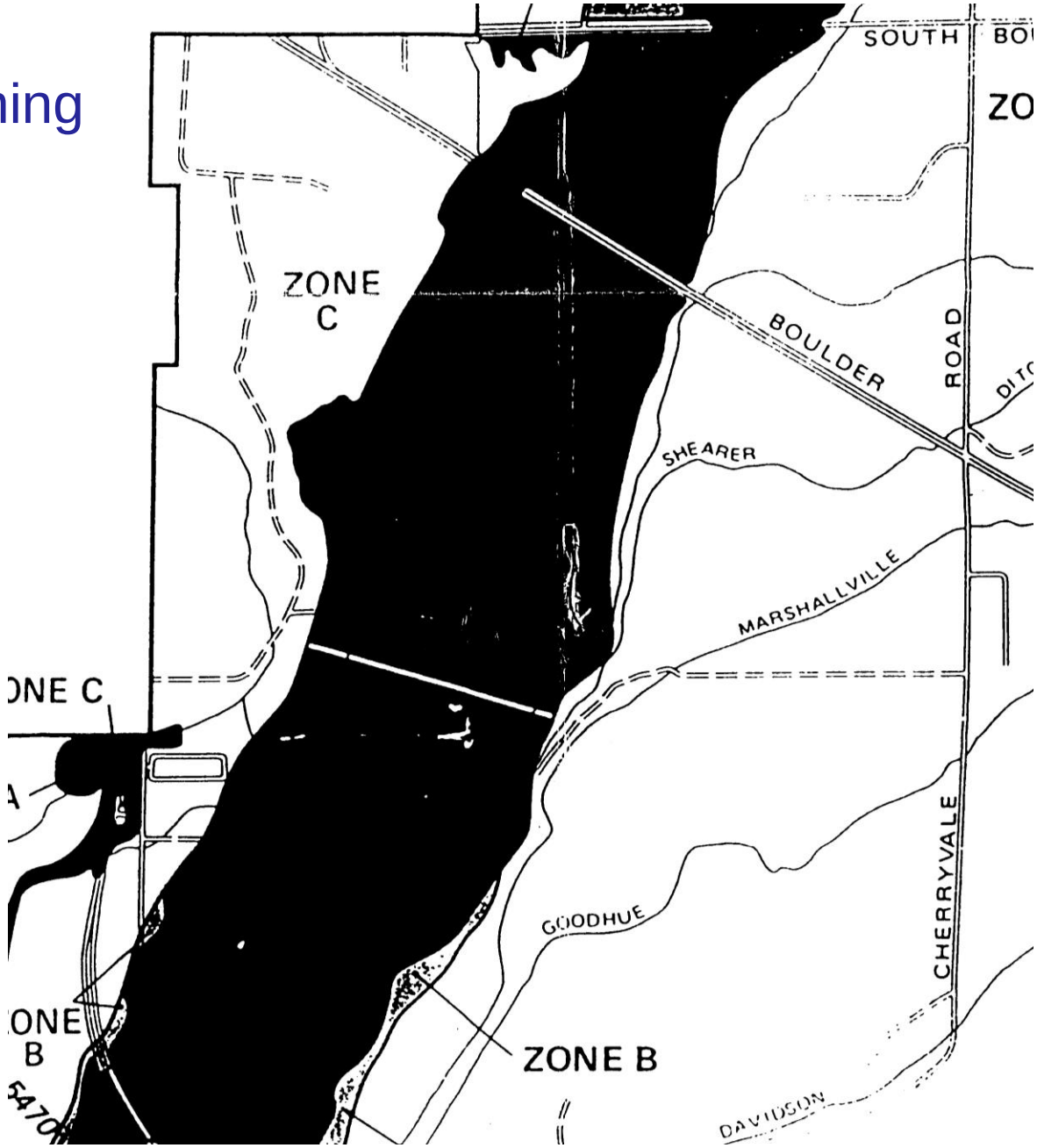
At the request of the UCB Real Estate Strategy Committee, I am writing to set forth our proposed parameters of a letter of intent and contract for sale which the Committee is prepared to recommend to the Board of Regents at its February 15 meeting.

The members of the Committee are: Chancellor Park, Vice Chancellor for Administration and Finance James Fletcher, Budget Director Ric Porreca, Assistant to the Vice Chancellor Bill Herbstreit, Vice President for Budget and Finance Glen Stine, Vice President of Administration Stuart Takeuchi, and myself. This group is prepared to recommend and support the acquisition of this parcel and the payment terms as set forth in this correspondence.

We propose the following:

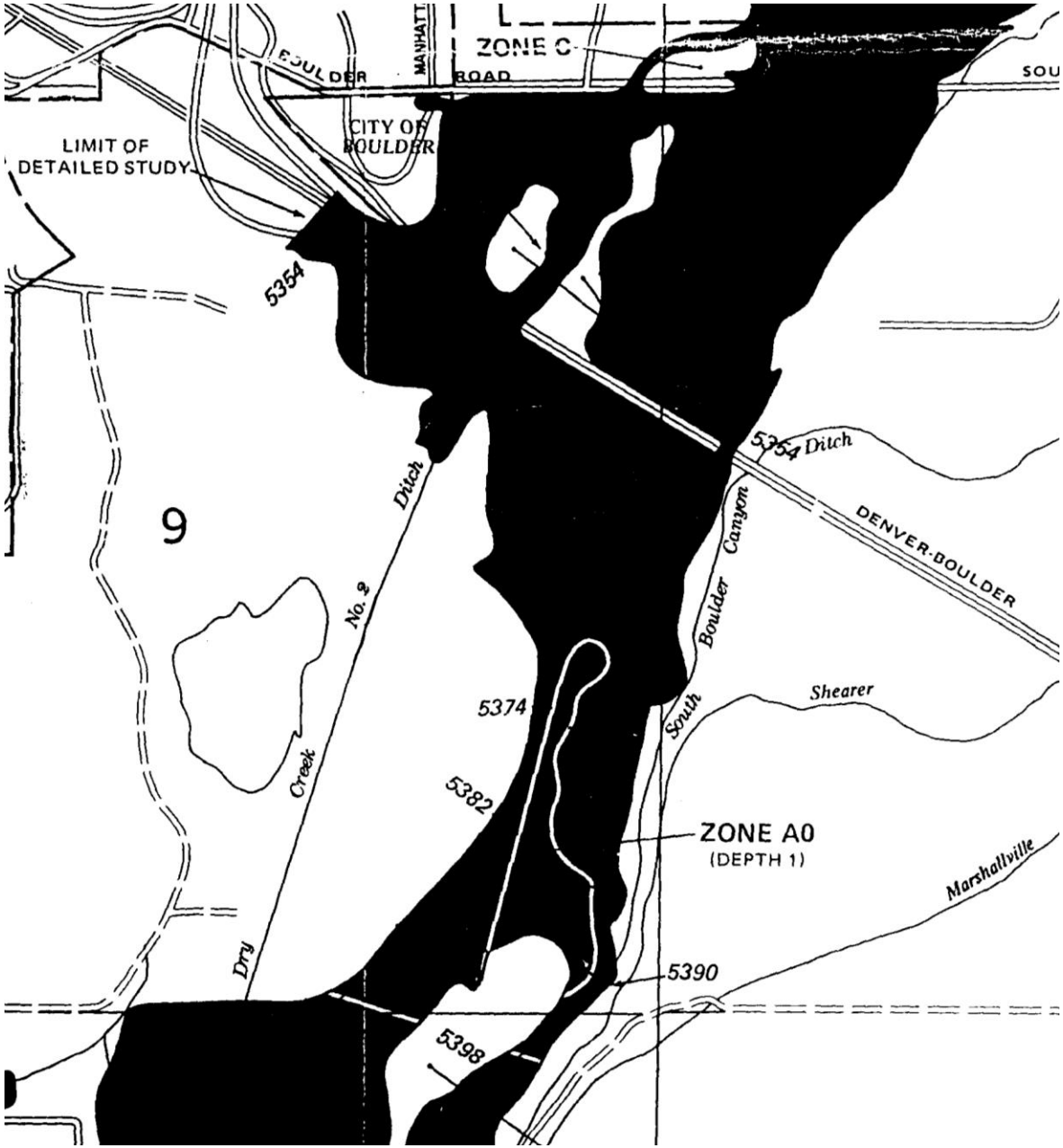
- As soon as possible, but not later than 45 days from the letter of intent, the entire 308-acre parcel shall be re-appraised and together with the water rights and, if appropriate, the existing structures, the appraisal(s) shall indicate an appraised value of a minimum of $16 million. It will be understood and agreed that the University reserves the right to do its own independent appraisal and sellers agree to provide full and complete cooperation to any appraiser selected by the University to provide an independent appraisal.

1979 Pre-Mining FEMA 100-yr Floodplain



1988 Post-Mining FEMA 100-yr Floodplain

After 4 million cubic yards of sand and gravel were mined from the site, the property was magically removed from the 100-year floodplain by a 6,000' berm which was not permitted, not part of the gravel pit reclamation plan, and not built to FEMA specifications.



History of CU's actions on the Flatiron Gravel Pits

- In 1995, paid an attorney to develop a secret strategy to acquire the property, keeping the city, county, and public in the dark;

- Acquired a floodprone mined-out streambed, 220 acres of which, for very good reasons, were designated for Open Space;

- When it was discovered that hundreds of homes downstream of the gravel pits were in the South Boulder Creek 100-year floodplain, CU refused to cooperate with the city to modify the reclamation plan to include detention ponds to address downstream flooding.

- Instead CU used its political influence to gut the reclamation plan and obliterate the natural floodplain and riparian areas. It removed 40 acres of ponds, drained wetlands, and added a 6,000' berm to protect its property. CU ignored the needs and safety of everyone else.

Love & Associates, Inc.
water resource consultants
7996 Centergreen Court South Suite C
Boulder, Colorado 80301-6421
Phone (303) 440-3437
FAX (303) 440-3635

April 25, 1996

Mr. Bill Deno, AIA
Campus Architect
Department of Facilities Management
University of Colorado
Campus Box 53
Boulder, CO 80309-0053

REF: 9627A- LETTER OF AGREEMENT - CONSULTING SERVICES FOR THE GATEWAY PROPERTY

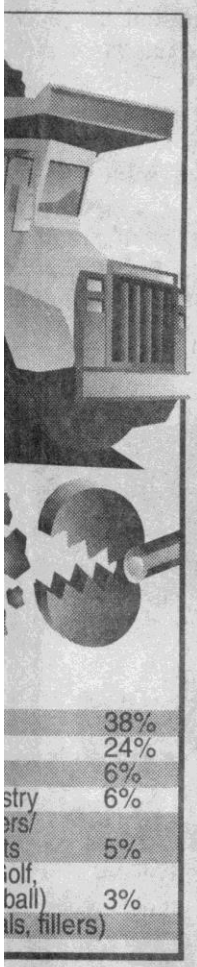
Dear Bill:

Love & Associates, Inc. is pleased to submit this letter of agreement for providing consulting services related to optimization of the Gateway Property in order to accommodate maximum potential development at a future date. We are very excited about being given an opportunity to once again work as a TEAM with the University and Downing, Thorpe, James (Tom Thorpe) on this important project. It is our understanding that the University would like to maximize development, minimize maintenance, and provide a property with the maximum development flexibility. The team generated report will provide the University with recommendations related to the Flatiron Companies and Western Mobile final site reclamation plan.

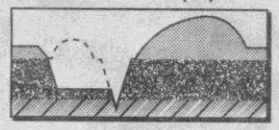
Both the County and the City of Boulder opposed modifying the reclamation plan for the gravel pits to eliminate ponds and wetlands and add a 6,000' levee to divert waters around the gravel pits.

City of Boulder staff indicated that use of a flood protection levee on the Flatiron Property as a permanent measure for mitigating the flood impacts that the Deepe Pit mining operations have created likely would not be in the community's best interest. Further, the City of Boulder has significant concerns about reliance on a flood protection levee to address potential floodplain impacts associated with the Flatiron Property on City of Boulder neighborhoods. City of Boulder staff notes that such levees require ongoing maintenance, monitoring, and funding. Further, as recent nationwide flooding activity indicates, levees may be unreliable as a flood protection device. To this end, the City of Boulder believes that floodplain mitigation for the Flatiron Property likely should entail earthen contouring and land forms, in a natural landscape pattern, that are not subject to the ongoing restrictions and risks associated with a levee. However, City of Boulder staff notes that it, too, awaits the results of the Taggart study before it makes a final determination on the precise flood mitigation measures to adopt for the Flatiron Property.

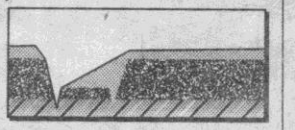
about $106 million. There are currently 900



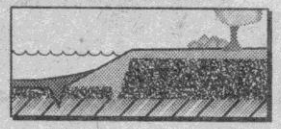
4. Gravel is mined, using regular construction equipment



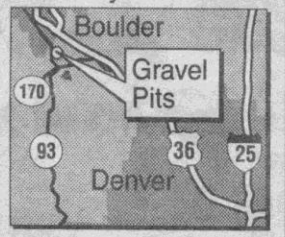
5. Water is drained so pit can be refilled



6. The pit is filled and the land is restored



Flatiron sand and gravel pits
Now owned by the University of Colorado



Special to The Denver Post/**Jonathon Berlin**

The Denver Post / John Epperson

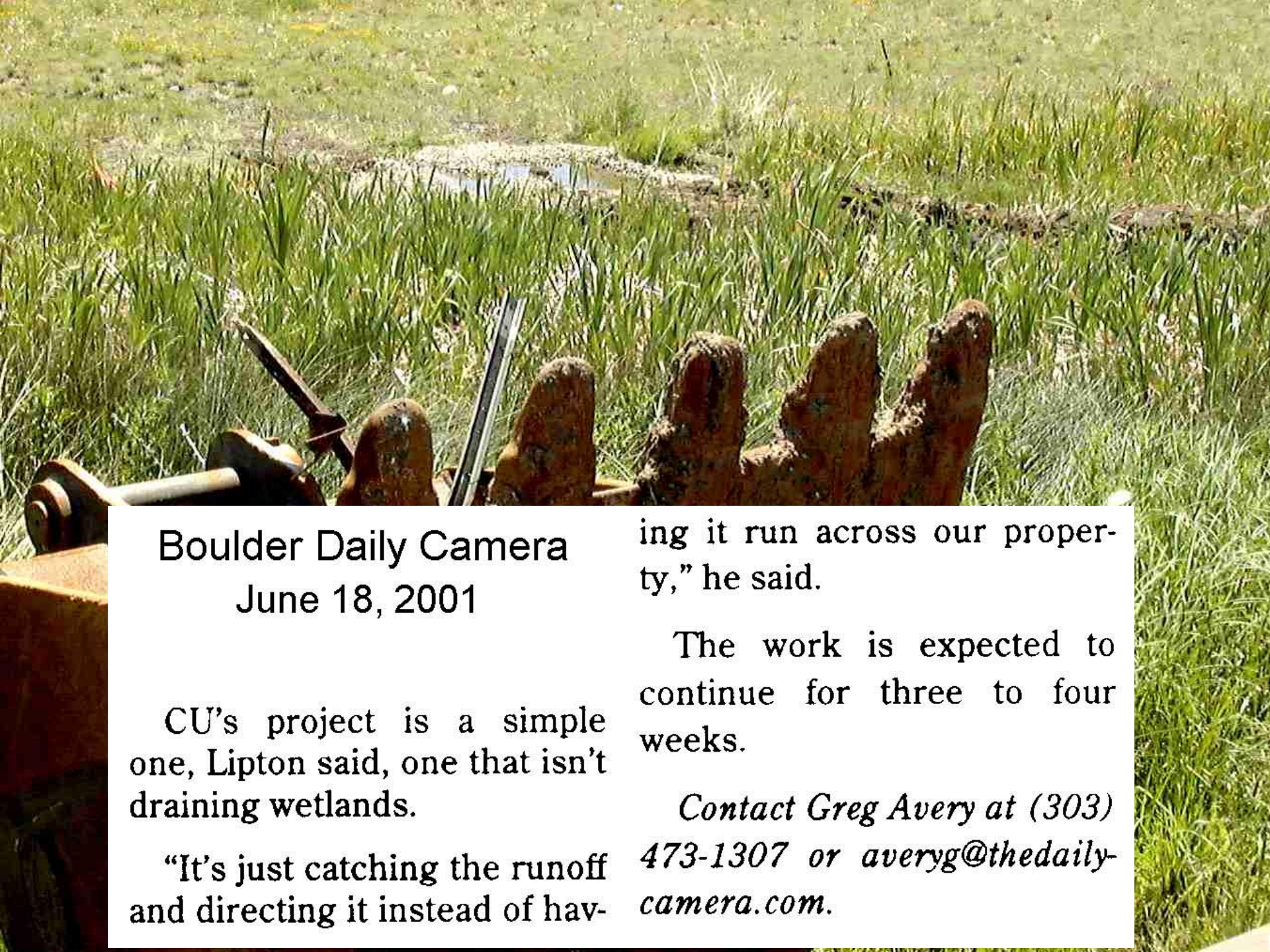
A bulldozer removes hills of earth that were left to support utility poles in a mining area southeast of Boulder, which was worked for 15 years by Flatirons Sand and Gravel.

Destroying the Wetlands

Activities of the University of Colorado on the Flatiron Property - June 2001


Underground aggregate drains are being constructed to lower the water table and dry up existing wetlands.

Aggregate stockpiled for additional underground drains



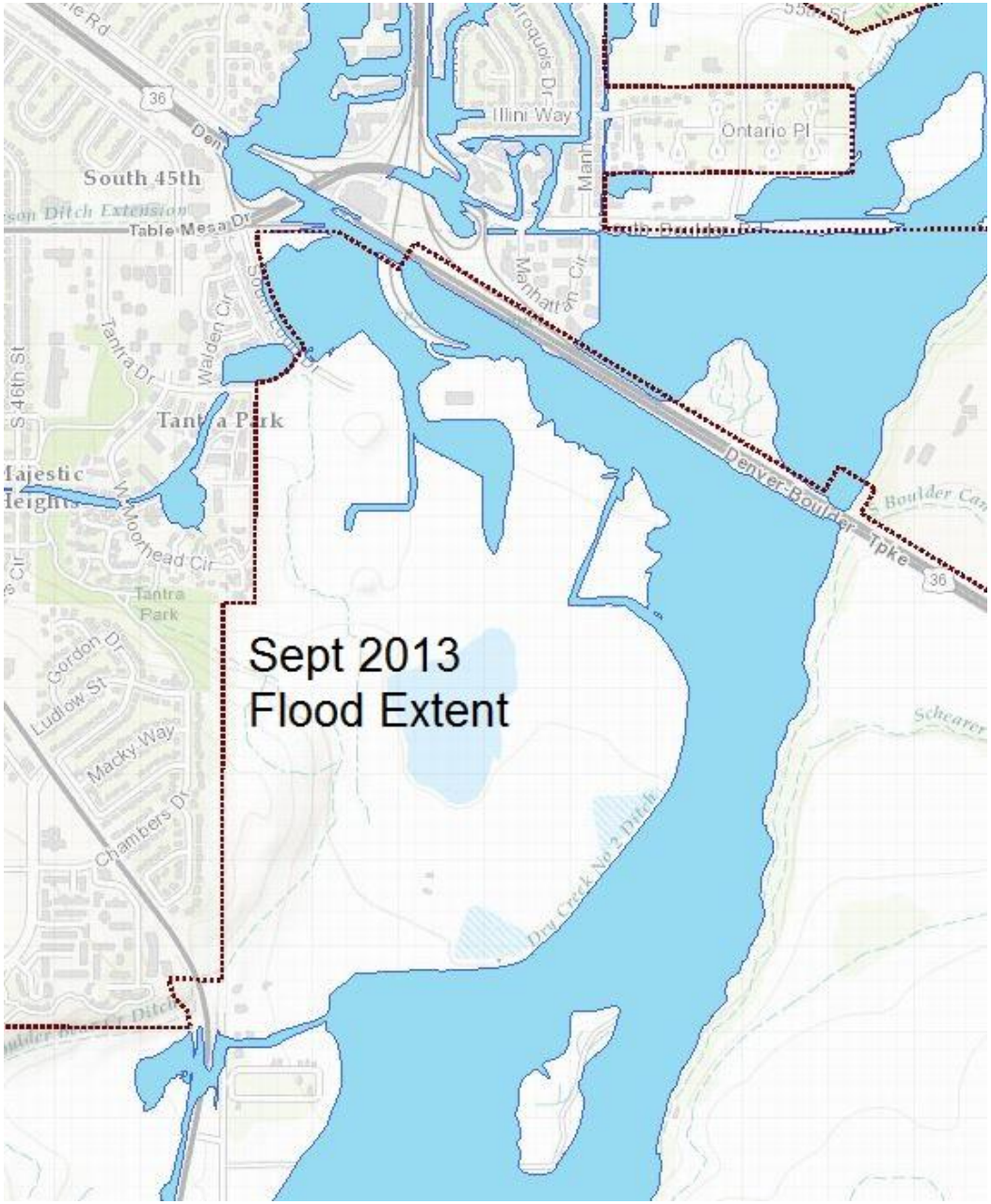
Boulder Daily Camera
June 18, 2001

CU's project is a simple one, Lipton said, one that isn't draining wetlands.

"It's just catching the runoff and directing it instead of having it run across our property," he said.

The work is expected to continue for three to four weeks.

Contact Greg Avery at (303) 473-1307 or averyg@thedailycamera.com.



During the 2013 floods, the barren gravel pits were low and dry, and hundreds of downstream residences were severely flooded.

Mitigating flood hazards of downstream property owners should be the City's primary concern. Not maximizing CU's developable acreage.

The bathtub shaped depleted gravel pit inside CU's berm is the logical location for a large detention pond to mitigate downstream flooding.

Because CU does not want to use this area for detention, this has not been seriously studied.

The Incredible Shrinking Detention Pond

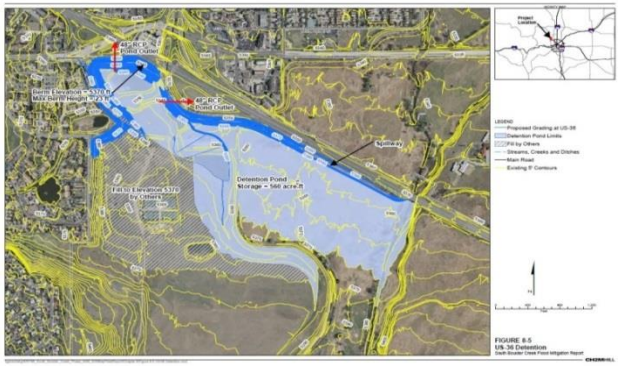
Reducing upstream detention decreases flood protection and requires larger and more expensive Phase 2 & 3 detention downstream.

2000 Taggart Study
1,107 Acre-Feet

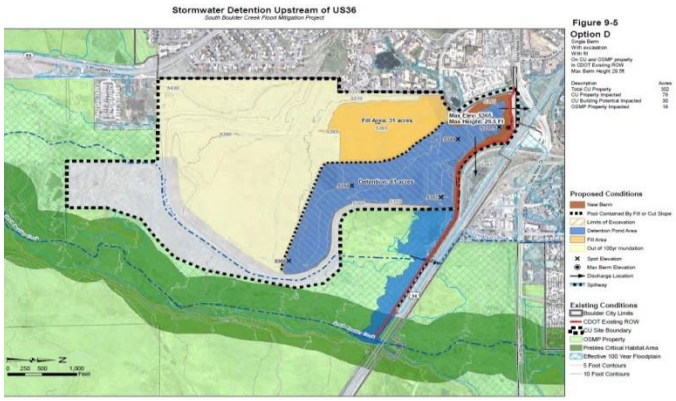
U.S. 36 MODERATE FLOOD STORAGE

- 1107 AC-FT 100-YR STORAGE
- 5364 DAM ELEVATION.
- 5361 SPILLWAY ELEVATION
- TOP OF DAM 3 FT. BELOW LEFT BRIDGE DECK ELEV.
- 20 FT. HIGHEST EMBANKMENT
- 10 FT. MAXIMUM DIFFERENCE BETWEEN ROAD AND DAM ELEVATION.
- 60 ACRE FLOOD EASEMENT ON CU FOR POND, WETLANDS AND SPORTS FIELDS.
- 27 ACRE FLOOD EASEMENT ON OPEN SPACE. (STORAGE AND SPLIT)

2014 CH2M Hill Study
560 Acre-Feet

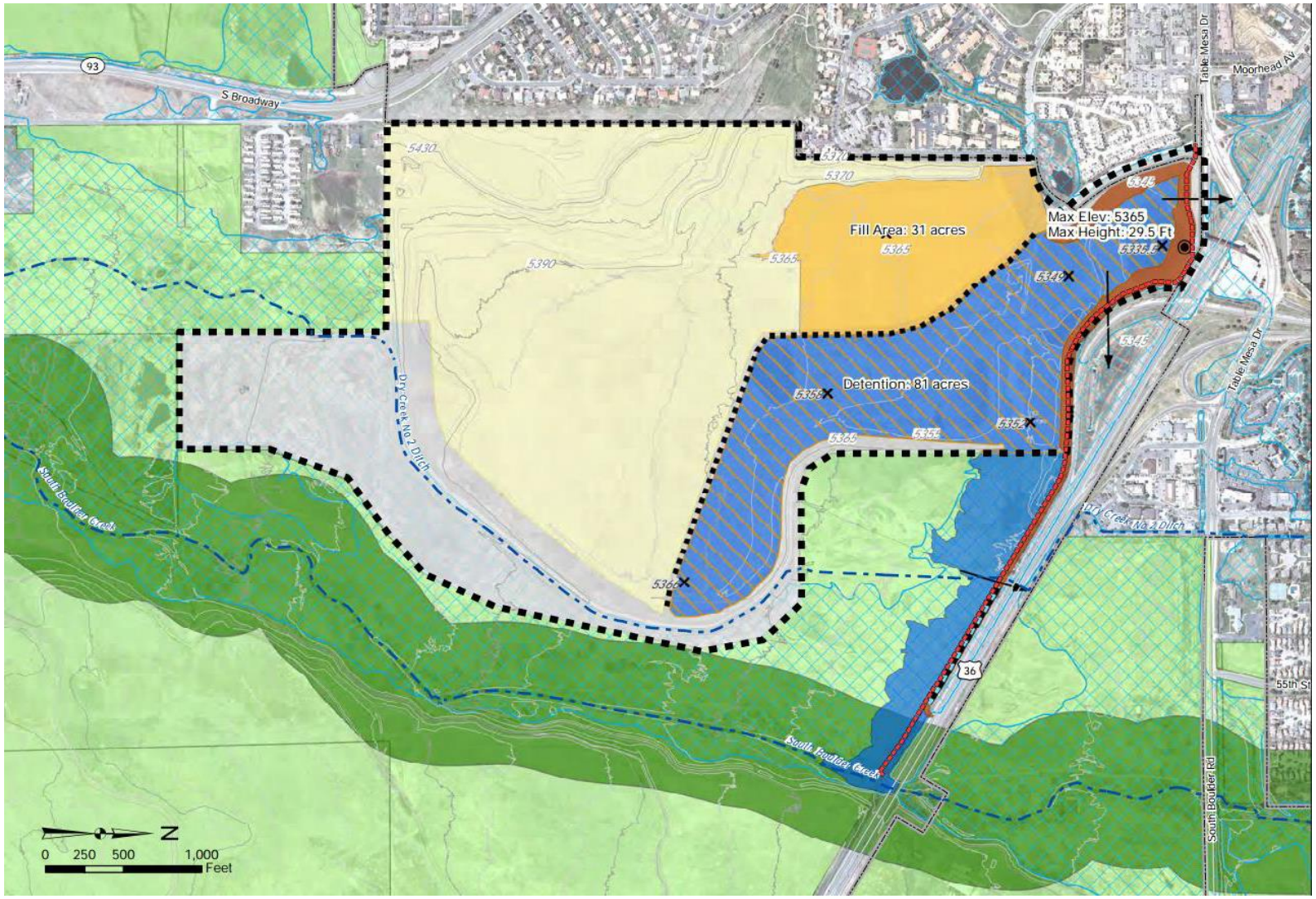


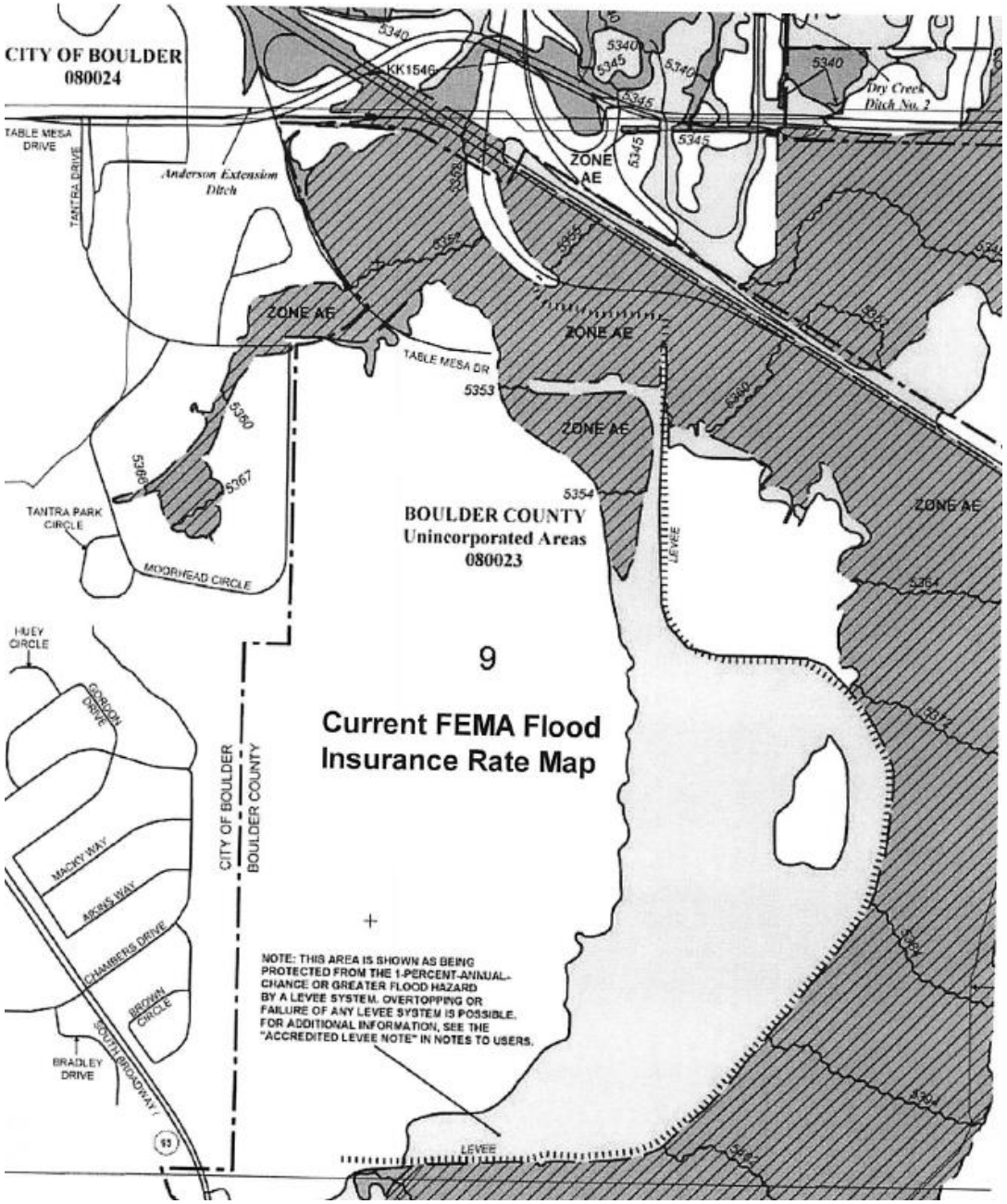
Current Alternative D
371 Acre-Feet
Exactly one-third of the 2000 Recommendation



$22 Million Three-Story Dam along US-36 – Option D

This unwieldly costly solution provides a minimal amount of detention, creates groundwater problems, and subjects residents to the additional risk of a high-hazard dam.





The majority of the land CU is willing to allow the city to use for Alternative D detention is either in the 100-year floodplain or protected from flooding by the 6,000’ earthen levee.

It would be hard to find a less appropriate location for a floodwater detention facility.

Alternative D 29.5’ high-hazard dam is jammed up against three of the most congested roadways in Boulder.

- US-36
- Foothills Parkway
- Table Mesa Drive

The proposed location of the dam will severely limit future options for transportation improvements in South Boulder.

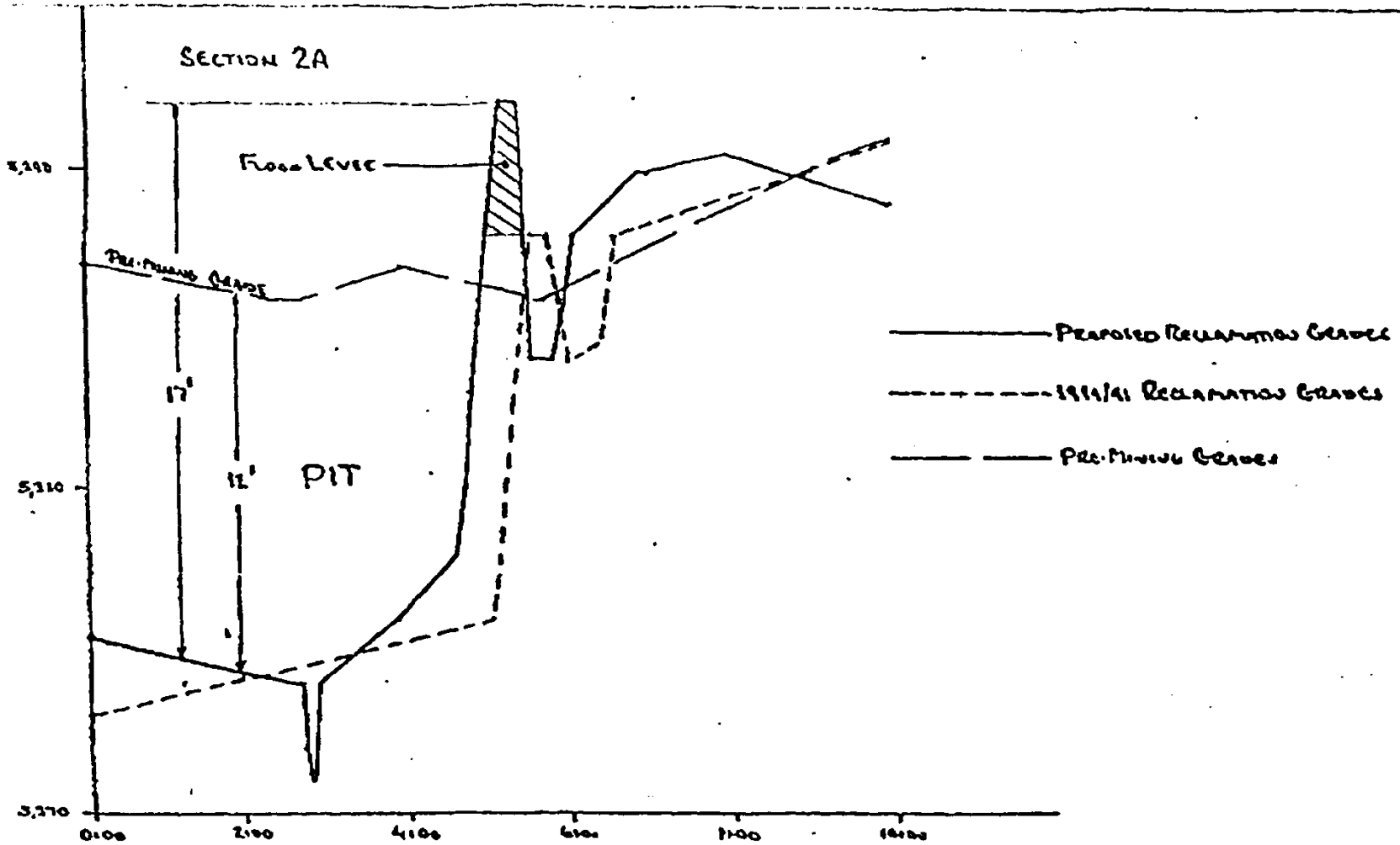
The city hired Fox Tuttle Hernandez to perform a transportation study. Below is their proposed location for a Multi-Modal Transportation Hub.

Location of Alternative "D" Detention Pond Dam

This diagram illustrates approximately 600 ac-ft of detention within the bathtub created by the removal of 2,500 acre-feet of sand and gravel from the Flatiron Gravel Pits. It uses a series of low terraced levees with an average depth of six feet.

In the old gravel pits, sand and gravel alluvial deposits have been removed down to the impervious Pierre Shale bedrock. Therefore, it would not be necessary to construct expensive groundwater cutoff walls.

Detaining floodwaters further upstream provides greater opportunities to channel the waters back to South Boulder Creek.



DEEPE PIT RECLAMATION


S Boul
Boulder-Denver Fwy.
Viele Channel

Email from Jeff Arthur, Director of Public Works for Utilities, 9/11/14

Ben,

We did looked at the concept you identified in more detail and felt like there was enough merit to have CH2MHill do some additional modeling. From a volumetric perspective it seems like the concept could work and we would like to better understand what happens when things are set in motion i.e. with water flowing in and out of the area. The 2D model of the floodplain is time consuming to work with (several days to run once inputs are set) and we have not yet received results back. We hope to have those prior to meeting with Council. If we end up with results that are in a usable format sooner, I'd be happy to meet with you, look them over, and get your thoughts.

Email from Jeff Arthur, Director of Public Works for Utilities, 9/24/14

Kurt,

Do you have an ETA on modeling results from CH2MHill for the mitigation concept on CU South that I had passed along from Ben Binder (copied on this email)? My recollection from our most recent conversation was that they were still working on this, but I'm not remembering whether they had given us a date. Ben has some additional thoughts, but it would be helpful to see what things look like at a conceptual level before getting into more detail.

Thanks, Jeff

In October 2014, I called Kurt Bauer and asked about CH2M Hill's analysis of my concept for inexpensive detention ponds using a series of low terraced berms.

Bauer told me that the land I recommended using is not owned by the city; it is owned by CU, and CU does not want to use that portion of their property for detention. End of discussion.

Apparently Bauer made a unilateral decision not to pursue this idea.

On December 5, 2016 the city held a public meeting to discuss BVCP land use changes on CU-South property.

At that meeting Kurt Bauer said they studied my concept and it was infeasible because it would cost 50% more. He waived some maps in the air.

I asked to see the map which depicted my concept and none of options used a series of low levees at the south end of the CU property.

When I asked “why not?”, Bauer said the land costs were too high.

At a December 15, 2016 Planning Board Meeting ,in response to a question by Crystal Gray, Kurt Bauer stated that it would cost 50% more to use a series of small berms for detention.

The following notes are from the City of Boulder website. It shows that without an appraisal, city negotiators readily agreed to the exorbitant figure of $19 per square foot ($827,640 per acre) for land in the old gravel pits that CU has proposed for building sites. CU paid $36,700 per acre for this property.

The city agreed to $827,640 per acre for land zoned agricultural, with poor access, no utilities, and designated for Open Space in the Boulder Valley Comprehensive Plan.

For this reason, the city project manager stated "***land costs are too high***", and did not consider flood detention options on other portions of CU-South which would be less costly to build, safer, and more environmentally sound.

"One key element is the cost of the land. The team is looking at costs ranging from $36k/acre to $19/SF depending on land use type. The selection of the cost has a profound effect on the viability of an alternative."
SBC Flood Mitigation Study – CU Meeting 6-24-10

SBC Flood Mitigation Study - Progress Meeting #10 Notes
DATE: July 7, 2010
Review of Meeting with CU

Kurt Bauer, Mark Glidden, and Alan Turner met with Jeff Lipton from CU.

Jeff thought that the $36,000 per acre for land acquisition costs was too low for the CU South Campus property. It was agreed upon that the project team would assume the cost for land acquisition would match the undeveloped agricultural cost provided by the City of Boulder for all areas that are not proposed building sites. **For proposed building sites, the project team should assume $19 per square foot for land acquisition costs.**

Email from Ben Binder 12/19/16

Jeff,

At last Friday's PLAN Boulder forum, Kurt Bauer stated that the construction costs for my concept of ponds created by a series of low terraced levees would be 50% greater than the cost of the 30' high dam along US 36.

I would very much like to see the analysis CH2M Hill did on the concept of low east-west levees to detain floodwater inside of the berm.

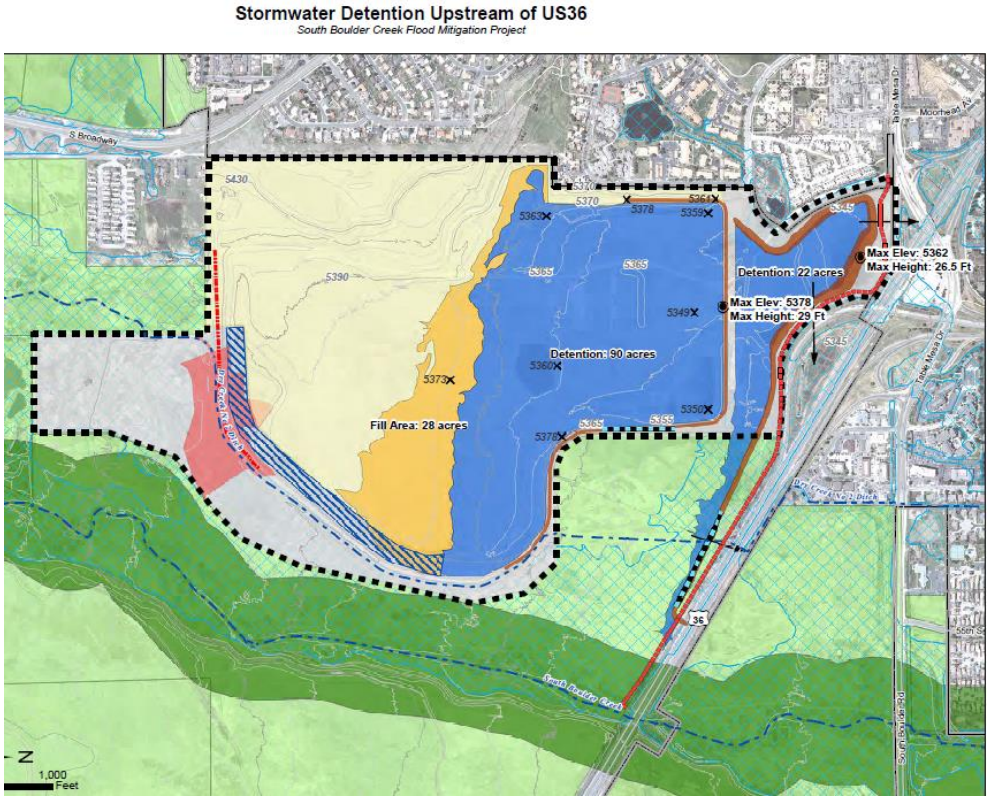
I would like to review the cost estimate spreadsheet used to determine the cost of this proposal.

Email from Jeff Arthur 12/20/16

Ben,

I am not aware of any specific analysis by CH2MHill that would be responsive to your request. CH2MHill was asked to further explore the general concept of breaching the existing levee and providing multiple detention ponds in series. They were not asked to do a detailed engineering analysis or provide a cost estimate for your specific proposal.

2015 FINAL SOUTH BOULDER CREEK MAJOR DRAINAGEWAY PLAN Option E



This is one of the options that city project manager Kurt Bauer used to determine that it would cost 50% more to use a series of low levees inside of the CU berm for detention.

The diagram shows a 29’ dam which is in no way comparable to a low levee.

The detention volumes (the most critical numbers) for the two ponds are not given anywhere in the report.

The area of the larger pond is 90 acres. To obtain a desired detention volume of 371 ac-ft, the average water level would need to be only 4.1 feet high. Why a 29’ high dam? The option makes no sense.

But it does show that it is possible to divert floodwaters into the old gravel pits.

For those who buy the argument that floodwaters would not flow into detention ponds constructed in the pit, please think back to when the City wanted CU’s berm removed and the natural floodplain restored.

City Council was told at that time that the berm was needed because without it, SBC floodwaters would flow into the gravel pit and be directed towards the intersection of Table Mesa and US 36.

On June 17, 2016, over nine months ago, the city received eight proposals to prepare the preliminary design for a 29.5’ high, one-mile-long dam along the west side of US-36 (Alternative D). A contract has yet to be signed.

The vendors, all experienced dam engineers, raised numerous concerns about the project. Several vendors, including the engineering firm selected for the project, suggested looking at alternative solutions to reduce project costs and impacts.

Everyone wants to implement flood mitigation plans as quickly as possible. Since the preliminary design has not been completed, it will not delay the project to have the consultant look at easier-to-build, less expensive, more sensible options.

The consultant should not be constrained from considering the use of the old gravel pit on the CU-South property, from which 2,500 acre-feet of sand and gravel have been removed.

The city needs to make it perfectly clear to CU that we will not consider land use changes and annexation until the needs of downstream residents have been met.

RFP NO. 52-2016

SUBMISSION DEADLINE: 4:00 PM, Thursday, June 9, 2016

PROPOSAL DOCUMENTS
FOR
CONSULTING SERVICES
SOUTH BOULDER CREEK FLOOD MITIGATION
PRELIMINARY DESIGN - REGIONAL DETENTION AT US36

FOR ADDITIONAL INFORMATION CONTACT:

Kurt Bauer
City of Boulder – Utilities Division
BauerK@bouldercolorado.gov

The city has not even entered into a contract to perform a PRELIMINARY design for Option D. In response to concerns expressed by the experienced dam engineers responding to the RFP, it is not too late to look at a safer and less costly option.

The following statements of problems with a dam along US-36 have been copied and pasted from engineering proposals to perform the preliminary design

Based upon our current understanding of the project, the issue that will likely impact cost and schedule to the greatest extent is the probable high hazard rating of the dam that will necessitate:

- A significantly larger spillway than shown for the current conceptual design; and
- The potential enlargement of the flow capacity at the US-36 crossing to pass the higher design flows.

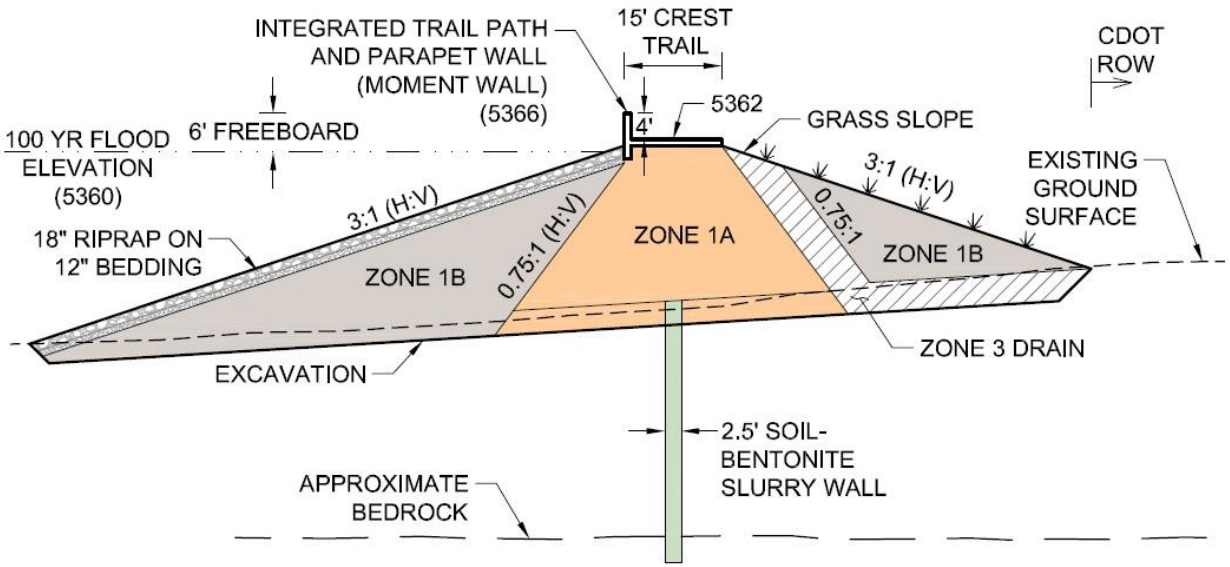
If it is determined that this is a significant or fatal flaw, we would pursue various alternatives that could potentially reduce the hazard rating to significant or low hazard or ideally to a non-jurisdictional dam.

A non-jurisdictional rating could potentially be achieved with multiple smaller dams that would have a maximum hydraulic height that does not exceed 10-feet or storage capacity of 100 acre-feet. This would be a change from the current conceptual design, but may be necessary to achieve the desired construction schedule and budget.

Seepage Control

The site is situated on approximately 30 feet of alluvium, primarily sand/gravel/cobble, with relatively shallow groundwater. The alluvium is underlain by bedrock at approximately 30 feet below ground surface. A cutoff wall from the base of the dam to bedrock would be needed to address seepage and stability issues.

Changes in groundwater levels from an improperly configured barrier wall could present a project risk because it could increase groundwater levels, flood nearby residential basements and/or dry up the existing wetlands and aquatic habitat north of US 36.



Viele Channel

The embankment configuration presented in the MDP would obstruct the existing Viele Channel and backup flows into the residential neighborhood to the southwest unless a bypass channel or an inverted siphon below the dam and reservoir is constructed.

It may not be feasible to construct a bypass channel along the downstream toe of the dam because of space constraints and dam safety concerns. A siphon would add cost to the project, require routine maintenance to remove sediment and debris, and pose a potential public safety risk.

Volume and Configuration

We understand that based on the current configuration and hydrology, the project must provide approximately 370 ac-ft of detention storage to avoid creating downstream floodplain impacts.

Developing a pond configuration to provide 370 ac-ft of detention storage may be challenging because of the multiple surrounding land constraints that include requirements to meet flood inundation limits negotiated with CU, and requirements to avoid permanent impacts to OSMP land.

While a deeper pond with a smaller footprint would better accommodate the land constraints, a pond below the elevation of groundwater will require a barrier wall to bedrock to isolate it from groundwater.

Emergency Spillway Issues

Per the preliminary plan, the emergency spillway is located toward the eastern end of the dam. The water would overtop the spillway and flow onto U.S. 36. The recently constructed glare guard along the center of the highway would prevent overtopping of the westbound lanes, directing water west toward the low point in the highway just west of the Table Mesa Drive overcrossing.

Another significant challenge for the US-36 detention facility would be safely routing the spillway discharge back to the natural channel or drainage. Based on the current configuration the spillway discharge would be directed towards US-36. From previous experience, we assume that spillway discharge over the highway would not be accepted by CDOT or the SEO. Alternatively the flow would need to be routed to another location or a large bridge or culvert structure would need to be constructed to safely convey flow beneath US- 36, which could have a substantial impact on the proposed schedule and costs for the project.

Variances Required from State Engineer's Office

SEO *Rules and Regulations for Dam Safety and Dam Construction* (Rules) require dam owners to own the property or have a permanent access easement for a minimum distance of 50 feet downstream of the toe of their dam. The primary purpose of this requirement is to provide sufficient access for maintenance activities and inspection.

Limited right-of-way along Highway 36

There is approximately 40 feet between the CDOT drainage swale and the OSMP lands that the detention dam will need to be constructed within. The *Alternatives Analysis Report* estimated a berm width of 40 feet in this area, while assuming the freeboard above the spillway crest at 5 feet (the minimum required by the *Rule 5.9.1.8*) and a traditional zoned earthen embankment berm with 2H:1V side slopes, which is steeper than typical without a stability analysis. The height of the dam will likely need to increase to store the additional volume from the long-duration, high-volume 100-year storm, so a traditional zoned earthen berm may not fit within this 40-foot width.

High Groundwater Table

We anticipate the groundwater table in the area is relatively high as evidenced by the pond located north end of the project and geotechnical reports for other structures in the area. The high groundwater table will complicate foundation design, construction of a seepage cutoff and ground water control during construction.

Several vendors suggested examining options that could reduce project costs and/or overall impacts to stakeholder interests.

But vendors were constrained from looking at options using CU's gravel pits. So they looked at options such as placing the entire detention pond on city Open Space property.

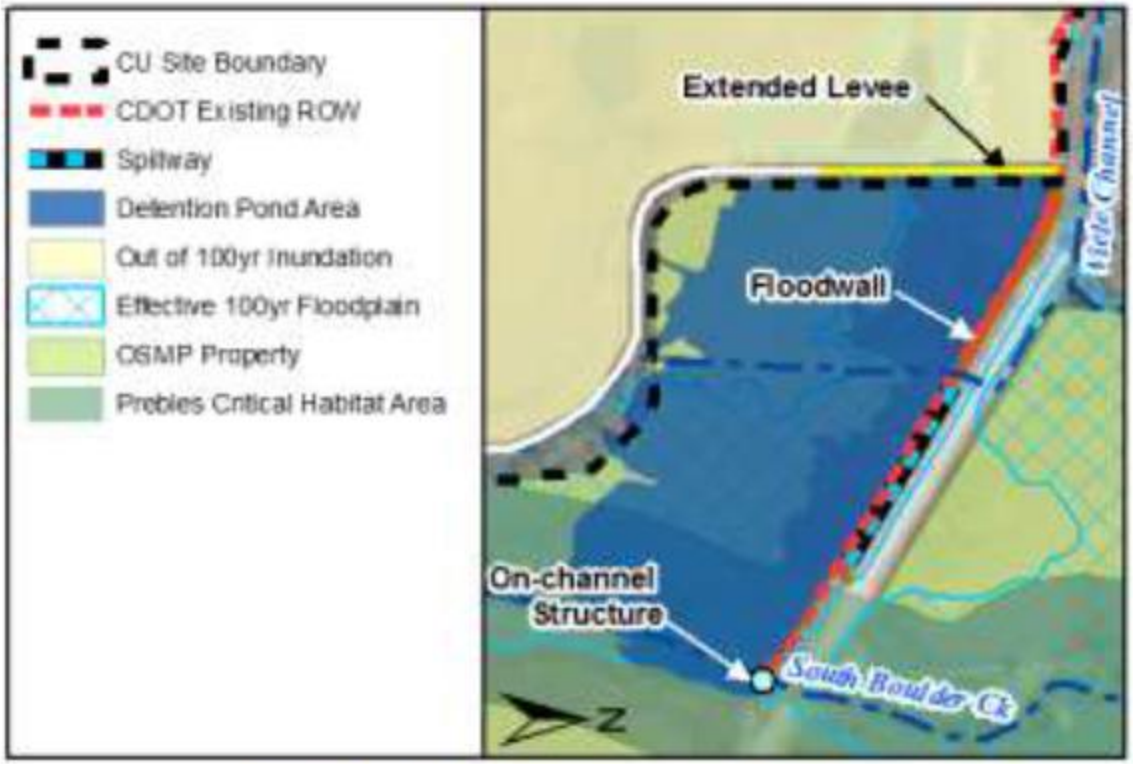


Figure 4. Option 2 – Channel Detention

CU has approved a feasibility study to relocate Potts Field to CU South.

On the next page it states that new bleachers to accommodate 5,800 spectators would be required.

University of Colorado at Boulder

Chancellor's Executive Committee

February 27, 2002

MOTION: To approve the Feasibility Study for the CU-BOULDER SOUTH TRACK RELOCATION to move forward through the Regent's Capital Planning Committee to the Board of Regents with the following conditions:

1. That throughout the process of planning, attention be paid to minimizing construction impacts to the extent feasible.
2. That the feasibility of raising $3.661 million in private contributions should be validated by a representative of the CU Foundation.
3. That in recognition of the possibility that all of the anticipated private contributions may not be available when needed to meet construction obligations, plans should be made to secure short-term borrowing and fund any associated financing costs.
4. That any siting for the construction of the track at CU-Boulder South follow the recommendations of the land use planning studies currently underway.
5. That the site of the existing track (Potts Field) at the Research Park be reverted to the Boulder campus to be developed in a manner consistent with the Research Park Master Plan.
6. That the name of Frank Potts be memorialized at the new site without limiting the potential of naming opportunities and fundraising for a new track stadium
7. That it should be understood that this project must be coordinated with other overall grading activities for CU-Boulder South which may affect the timing and final cost of the project.

The Chancellor's Executive Committee hereby recommends conditional approval of the above described project to move into the Program Plan phase.

Approved this 27th day of February, 2002

BY: _____ **DATE:** 3/6/02

Vice Chancellor Paul Tabolt, Chair
Chancellor's Executive Committee for
Capital Program Discussions

APPROVED: _____ **DATE:** 3-12-02

Richard L. Byyny, M.D., Chancellor
University of Colorado at Boulder

D. Proposed Plan

The proposed location for this new replacement facility is at CU-Boulder South. The track complex will be located generally in the northern half of the site. The final location will be in keeping with the CU-Boulder South land use studies now in progress.

A unique aspect of the proposed track facility is its integration with the proposed topographical modifications to the site. These modifications are for flood water management on the site and are specifically detailed in land use assessment studies now underway by Facilities Management at CU-Boulder. The track and soccer field will be sited in the flood water storage area. In addition, new seating for spectators is proposed. The seating is proposed to take advantage of the new grading plan in such a manner so as to use the east-facing slope, west of the proposed location of the track. The arrangement of the seating in this manner should minimize the required structure for the bleachers. Future seating on the east side of the track may be an option in the future.

Parking and access will be placed in accordance with the ongoing land use studies for the CU-Boulder property.

No lighting for this venue is proposed at this time.

E. Space Needs Analysis

Current NCAA regulations for the track and infield put the size of the track at 400 meters with eight lanes and areas on the infield area or immediately adjacent to the track for field events (pole vault, javelin, high jump, long jump, etc.). The infield will be 225 feet x 360 feet with an additional 10 feet of sideline area. To construct an "in-kind" facility comparable to that found at Potts Field additional items would be required -- new bleachers to accommodate 5,800 spectators (complying with current code and accessibility requirements) and a pressbox with