

From: SEAN P MC*COY [seanpmccoy@msn.com]
Sent: Sunday, August 05, 2007 6:35 AM
To: Jannatpour, Vivienne
Subject: RE: NOTICE OF PUBLIC MEETING for August 6, 2007

After carefully reading the details of this proposal I will vote "YES," to support the purchase of this property. Sean P. McCoy Aug. 5, 2007

From: Richard Schillawski [rschillawski@earthlink.net]
Sent: Sunday, August 05, 2007 10:07 AM
To: Burns, Jan
Cc: Jannatpour, Vivienne (forwarded to POSAC)
Subject: Proposed Echternacht purchase

Jan,

I have the following questions/comments regarding this proposal. They don't seem to be addressed by Mel's memorandum:

What's the big rush? This property has been on and off the market for years, judging by the "For Sale" signs that have been planted along the road. I believe that this is one of the properties that I included in a list of potential open space properties for sale in the Lafayette area for Eric Volgelsberg in January of 2005 (price at that time was \$1.8 million, which apparently included the house and the proposed lot). It appears to me that this property has been available at, or about, this price for years, and that this stampede to get approval for this deal is inappropriate to say the least.

Why isn't Erie participating in a 50%/25%/25% deal? This property is close to Erie developments, and they're a signatory to the IGA designating this property as "rural preservation".

What about TDRs? This property should be eligible.

What about mineral rights? Appears that there is active oil/gas activity on the property.

Last, but not least, I am not in favor of "Public Meetings" via email.

Dick Schillawski

From: Meyer, Christian [cmeyer@ball.com]
Sent: Sunday, August 05, 2007 2:37 PM

To: Jannatpour, Vivienne
Cc: !POSAC; Burns, Jan
Subject: Echternact Acquisition Vote

I vote to approve Staff's recommendation to the BOCC for the division of land and to enter into a joint purchase agreement with the city of Lafayette of the Echternact property for a total price of 1.8 million dollars, the County's being \$900,000.

I support the purchase for the following reasons:

1. It borders significant open space holdings
2. It provides additional buffer between the City of Lafayette and rural lands to the north
3. It add to the land preserving an open corridor along U.S. 287 as outlined in the East County IGA.

I have one question that should be clarified for the commissioners: Who will manage the property and why is that entity the correct choice?

I wish to add another comment as well. This is the second large acquisition that has come to POSAC and the BOCC in the last three months that has had a very short time frame for consideration. I understand that it is sometimes necessary to move quickly. The circumstances were different each time, and the lack of a July POSAC meeting may well have contributed to the situation for the Echternact property. My concern is that these acquisitions fall outside the "usual" public notice process time frame that such matters follow. I do not believe that anything improper has taken place in either case, and that public notice requirements have been met. However I do want to note that the unusual cases do not receive the same level of public scrutiny / awareness that the citizens are used to seeing from the County. I urge the staff, as I am sure they already are, to work to insure that all acquisitions are noted prior to a regular public meeting.

From: jvogel157@gmail.com on behalf of Jason Vogel [jvogel@westernconsensus.com]
Sent: Sunday, August 05, 2007 6:39 PM
To: Jannatpour, Vivienne; POSAC - Christian Meyer; POSAC Chair - Christine Quinlan; POSAC - Janice Moore; POSAC - Lisa Dilling; POSAC - Mary McQuiston; POSAC - Melanie Julian Muckle; POSAC - David Batts; Sean McCoy; Stewart, Ron
Subject: Re: NOTICE OF PUBLIC MEETING for August 6, 2007

I continue to wonder if we are spending money on our highest priority acquisitions or simply on any significant parcel as the opportunity arises. In my opinion, we are making acquisitions under the assumption that we will soon garner additional funds to continue

the acquisitions program (our remaining funds are dwindling very quickly since I joined the board in March). I am hopeful that the citizens of Boulder County will approve another extension of the open space tax that expires in 2009, enabling a continued acquisitions program. At some point in the not-distant future, however, I think we will need to start a discussion about leveraging our remaining money toward the parcels we consider most significant, not just the parcels that happen to come on the market.

So there's my rant. All that said, the Echternacht parcel is clearly significant - it is of substantial size, located adjacent to many POS properties and conservation easements in an area of the county at risk of development, and the transaction leverages our money in cooperation with the City of Lafayette. It is an excellent expenditure of county funds.

In keeping with our Committee's standard practice, I make an electronic motion to approve the division of land and to jointly purchase the Echternacht Property as described in staff's memo. Assuming this motion is seconded and barring any opposition from another POSAC member or the public, you may consider this email a YES vote on the motion.

Thanks,

Jason Vogel

From: Janice Moore [janicemoore@comcast.net]

Sent: Sunday, August 05, 2007 7:54 PM

To: POSAC - Jason Vogel; Jannatpour, Vivienne; POSAC - Christian Meyer; POSAC Chair - Christine Quinlan; POSAC - Lisa Dilling; POSAC - Mary McQuiston; POSAC - Melanie Julian Muckle; POSAC - David Batts; Sean McCoy; Stewart, Ron

Subject: Re: NOTICE OF PUBLIC MEETING for August 6, 2007

I second this motion, and I intend that to be counted as a "yes" vote. It is obviously a desirable property from the county's perspective for all the reasons that Jason has mentioned, and the fact that Lafayette is willing to contribute makes it more attractive. It also seems to extend a buffer and view corridor for Erie and will therefore benefit Erie as well, so their participation at a minor (?) level would seem reasonable to me; if there is time, that might be a useful way to reduce costs to both the County and Lafayette. While I do not believe that this parcel is one of Lafayette's very top priorities, it has attributes that are consistent with the kinds of properties that score well in their open space ranking scheme.

Janice Moore

From: David Batts [david.batts@empfi.com]

Sent: Monday, August 06, 2007 9:12 AM

To: POSAC - Janice Moore; POSAC - Jason Vogel; Jannatpour, Vivienne; POSAC - Christian Meyer; POSAC Chair - Christine Quinlan; POSAC - Lisa Dilling; POSAC -

Mary McQuiston; POSAC - Melanie Julian Muckle; Sean McCoy; Stewart, Ron
Subject: RE: NOTICE OF PUBLIC MEETING for August 6, 2007

I vote "yes" to the motion.

David Batts

From: Lisa Dilling [ldilling@cires.colorado.edu]
Sent: Monday, August 06, 2007 10:02 AM
To: Jannatpour, Vivienne
Subject: Re: FW: Echternacht Vote By Mail

I vote yes on the motion on the table concerning the Echternacht property.
Thanks,
Lisa

From: Christine Quinlan [cq@tcf-colorado.org]
Sent: Monday, August 06, 2007 11:20 AM
To: Jannatpour, Vivienne
Subject: RE: Echternacht Vote By Mail

I vote in favor of the proposed Echternacht acquisition.

Christine Quinlan

From: Burns, Jan
Sent: Monday, August 06, 2007 12:26 PM
To: 'Richard Schillawski'; Christian Meyer (E-mail); Christine Quinlan (E-mail); Janice Moore; Jason Vogel; Lisa Dilling; Mary McQuiston (E-mail); Melanie Julian Muckle (E-mail); POSAC - David Batts; Sean McCoy
Cc: Jannatpour, Vivienne; Stonebraker, Mel; Stewart, Ron
Subject: RE: Proposed Echternacht purchase

Dick,

POS Staff has been making offers and talking to Echternacht for years at about this price, but he was never willing to sell prior to now. However, Echternacht's circumstances have suddenly changed so that he needs to move quickly and staff is trying to accomodate his preference.

We have not talked to Erie about participating in this purchase, but may in the future, and Lafayette has indicated they also intend to talk to Erie about it.

The property is eligible for TDRs, however, there are currently no approved receiving sites for them to be sent to in the Lafayette TDR Area. Staff will discuss the potential TDRs at the BOCC hearing on August 14th, and the BOCC may decide that the eligible TDR Certificates should be created at closing and held in escrow for a possible future sale.

We believe that Echternacht owns all of the mineral rights, but we have not received the title commitment for final confirmation yet (it is expected this afternoon). There is an oil and gas lease on the property, and under the terms of the purchase agreement, Echternacht would be assigned the royalties from the existing wells for a period of 5 years from closing.

Staff does not like votes by email either, but in this case we felt it was the best way to get input from POSAC members prior to the Commissioner's hearing on August 14th at 11 a.m, particularly because we did not have a July POSAC meeting.

Thank you for your comments,

Jan Burns

From: Janice Moore [janicemoore@comcast.net]

Sent: Monday, August 06, 2007 1:45 PM

To: Burns, Jan; Richard Schillawski; POSAC - Christian Meyer; POSAC Chair - Christine Quinlan; POSAC - Jason Vogel; POSAC - Lisa Dilling; POSAC - Mary McQuiston; POSAC - Melanie Julian Muckle; POSAC - David Batts; Sean McCoy

Cc: Jannatpour, Vivienne; Stonebraker, Mel; Stewart, Ron

Subject: Re: Proposed Echternacht purchase

FYI--I've already voted yes, but I mentioned Erie participation in my comments as well. Their massive development plans (if they can be called plans), along with those of Broomfield, will create a lot of grief in East County--the least they can do is pony up some open space cash--if not now, then most certainly later.

Janice

From: MJMuckle@aol.com

Sent: Monday, August 06, 2007 2:23 PM

To: Burns, Jan; rschillawski@earthlink.net; POSAC - Christian Meyer; POSAC Chair - Christine Quinlan; POSAC - Janice Moore; POSAC - Jason Vogel; POSAC - Lisa Dilling; POSAC - Mary McQuiston; POSAC - David Batts; seanpmccoy@msn.com

Cc: Jannatpour, Vivienne; Stonebraker, Mel; Stewart, Ron

Subject: Re: Proposed Echternacht purchase

Thanks everyone for the e-mail comments, and especially to Jan for addressing Dick's concerns about the oil & gas royalties and TDRs (which I share).

It's expensive (especially carving off a large house and outbuildings). However, it is an excellent buffer and important adjacent piece of the existing O.S., and the wetland is of value.

On balance, I vote yes.

Melanie Julian Muckle

PHONE Messages:

Ellen and Stuart Readio (and three voting-aged children),
12695 Oxford Rd Longmont, CO 80504:

“In support of a vote for acquisition of this property—thumbs up all around.”

Dirk Arnold, 303-415-3625:

“How can the public comment on this matter without the details?”

(Jan Burns returned call and directed Mr. Arnold to the web site with memos and map).