

**TOWN OF NEDERLAND  
Boulder County, Colorado**

**RESOLUTION 2011 - 30**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND  
ADOPTING A POLICY CONCERNING THE DISPOSAL OF PUBLIC LANDS**

**WHEREAS**, pursuant to C.R.S. § 31-15-713, the Town of Nederland (“Town”) Board of Trustees (“Board”) possesses the authority to sell and otherwise dispose of Town-owned real estate, subject to certain terms and conditions as set forth therein; and

**WHEREAS**, to guide its decision-making in this context, the Board adopted a policy addressing the disposal of public lands on August 1, 2006; and

**WHEREAS**, the Board now wishes to adopt a new policy to reflect its current views and philosophies regarding public land disposal, consistent with state law.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF NEDERLAND, COLORADO:**

Section 1. The Town of Nederland Policy on the Disposal of Public Lands, a copy of which is attached to this Resolution, is hereby adopted. Any and all previous policies and guidelines adopted by the Board concerning the disposal of public lands are hereby repealed.

Section 2. This Resolution shall take effect immediately upon adoption.

**RESOLVED, APPROVED and ADOPTED this 6<sup>th</sup> day of December, 2011.**

TOWN OF NEDERLAND

By:   
Joc Gierlach, Mayor

ATTEST:

  
Teresa Myers, Town Clerk





# TOWN OF NEDERLAND POLICY

## **SUBJECT: Disposal of Public Lands**

**Adopted August 1, 2006**

1. It is the policy of the Town of Nederland that the Board of Trustees shall consider any vacation of public land owned by a municipality, such as easements, rights of way, streets and alleys, on a case-by-case basis.
2. Public lands should be disposed of only under very limited circumstances, and then only if there is a substantial benefit to the public resulting from such disposition.
3. Public benefit may include direct benefits, such as providing parks, open space, recreational facilities, public parking, potential tax benefits, or municipal buildings, as well as indirect benefits, such as facilitating the construction of affordable housing, stimulating economic growth, or providing aesthetic enhancement of the Town.
4. Public lands should not be disposed of solely for the benefit of a private individual or entity.
5. Public lands currently being used for a public purpose can only be disposed of through a municipal election seeking approval of such sale or other disposition.
6. Public land that is currently not being used for a public purpose should not be disposed of unless the following factors have been considered:
  - The value of the land;
  - The current use of the land;
  - Any potential future use of the land, including the ability at some future time to exchange or dispose of the land in a manner that might benefit the public;
  - The public benefit in retaining the land;
  - The public benefit in disposing of the land in the manner proposed;
  - Whether the proposed disposition is consistent with the Town's Comprehensive Plan;
  - Input from adjacent property owners.
  - Non-conforming lot that can not be developed otherwise because of unique circumstances or to create a buildable lot
  - The Board will consider if the land could ever be used for a utility right-of-way or if it could be a trail corridor

7. Any sale of public lands must be pursuant to C.R.S 31-15-713 (a) and (b), and shall be based on a current appraisal completed within three months of the application. If the Town can confirm that the land is not being held for “governmental purposes,” then an election is not necessary. If the land is being held for “governmental purposes,” then an election is required. Any lease of public lands may occur by ordinance, and does not require an election.

8. The Town may accept compensation in connection with the process to vacate public streets and rights of way.

9. If a decision is made to vacate, sell, or lease public land, then the following conditions must be met through an application:

- Willingness to pay all costs associated with the land vacation, sale or lease, including any applicable application fee;
- Allowance for the Town to retain easements on the land for future use;
- Written statement describing the public benefit(s) to the Town ;
- Notification to all adjacent property owners of the proposed vacation, sale or lease;
- A recent survey of the land;
- A current appraisal of the land completed within three months of the application;
- A formal plan for development of the lots;
- Agree to development within three years of the date the land is vacated or be subject to a \$500 per year fee until the development is complete.

10. The Board of Trustees would consider vacating land in exchange for land of equal value or a parcel that could be used to serve the public interest.

References: Memorandum dated May 30, 2006, regarding Land Vacation Policy, and June 19, 2006, regarding Sale of Public Rights of Way, by Scott P. Krob, Attorney, Town of Nederland. Policy updated December 6, 2011, by Resolution 2011-30.