

CHAPTER 347

GOVERNMENT - STATE

SENATE BILL 00-204

BY SENATORS Wham, Arnold, Phillips, Anderson, Congrove, Feeley, Hernandez, Perlmutter, Powers, and Teck;
also REPRESENTATIVES Lawrence, Larson, Veiga, George, Hoppe, Mace, Paschall, Scott, and Windels.

AN ACT

CONCERNING THE WHEAT RIDGE REGIONAL CENTER MAIN CAMPUS IN JEFFERSON COUNTY, COLORADO,
AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Senate Bill 94-102 - act supersedes. This act shall amend and supersede Senate Bill 94-102, enacted at the second regular session of the fifty-ninth general assembly, and, to the extent that any provision of Senate Bill 94-102 conflicts with this act, it is hereby superseded by this act.

SECTION 2. Definitions. As used in this act, unless the context otherwise requires:

(1) "Account" means the Wheat Ridge main campus special revenue account created pursuant to Senate Bill 94-102, enacted at the second regular session of the fifty-ninth general assembly.

(2) "Board" means the state board of land commissioners created by section 9 of article IX of the Colorado constitution.

(3) "Campus" means the right-of-way land and the transferred land owned by the state and collectively known as the "Wheat Ridge Regional Center main campus" in Jefferson county, Colorado.

(4) "Department" means the department formerly known as the department of institutions and the successor department of human services created by section 24-1-120, Colorado Revised Statutes.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(5) "Environmental remediation" means the asbestos abatement, removal and disposal of polychlorinated biphenyl containing equipment, removal and disposal of other hazardous and nonhazardous waste materials, closure of petroleum storage systems, and preparation of the vacant structures on the right-of-way land at the campus for demolition.

(6) "Executive director" means the executive director of the department of human services.

(7) "Kipling Village parcel" means the parcel described in section 4 (1) of this act.

(8) "Right-of-way land" means the Zier and Therapy Pool building parcel and the right-of-way parcel described in section 5 of this act that are held in trust by the board for the state's public schools, and the structures and improvements thereon, located on the campus in Jefferson county, Colorado, that the board in 1916 granted the department a right-of-way to use for a specified purpose under right-of-way grant no. 1645.

(9) "Right-of-way parcel" means the parcel described in section 5 of this act.

(10) "Transferred land" means the Kipling Village parcel and the transferred parcel described in section 4 of this act and the structures and improvements thereon located at the campus in Jefferson county, Colorado, that the department transferred to the board pursuant to Senate Bill 94-102, enacted at the second regular session of the fifty-ninth general assembly.

(11) "Transferred parcel" means the parcel described in section 4 (3) of this act.

(12) "Zier and Therapy Pool parcel" means the parcel described in section 5 (1) of this act.

SECTION 3. Legislative declaration. (1) The general assembly hereby finds and declares it beneficial to clarify and provide a common understanding of the historical events surrounding the Wheat Ridge Regional Center and the legal effect of the consequence of those events, to the best of the general assembly's understanding. The general assembly further finds it necessary to effect an expeditious resolution of those conditions that are a matter of public interest, policy, and concern at Wheat Ridge Regional Center and that such a resolution is a matter of public health, safety, and welfare.

(2) The general assembly finds and declares that:

(a) In 1916, the board granted the department a right-of-way to use three hundred three acres of school lands in Jefferson county for the purpose of constructing a residential campus and operating training programs for persons with developmental disabilities on the campus that became known as the "Ridge Home and Training School" and later as the "Wheat Ridge Regional Center";

(b) In order to supplement the department's operations on the campus, the department purchased and held title to approximately eighty-five acres of land adjacent to the right-of-way land, described hereinafter as the "transferred land";

(c) Utilizing state funds appropriated by the general assembly, the department built buildings and other facilities on the right-of-way land, including the Zier and Therapy Pool buildings, and on the transferred land, including five buildings known as "Kipling Village" and seven buildings known as "Summit Village";

(d) Prior to 1994, certain portions of the campus reverted to the board pursuant to a written agreement between the board and the department following the department's discontinuance of use of such portions of the campus and the general assembly authorized the department to release, abandon, or otherwise convey additional portions of the campus land to the board;

(e) The department discontinued its use of a portion of the right-of-way land and the structures thereon as the number of campus residents was reduced over time and those structures became vacant and fell into disrepair;

(f) In 1994, the general assembly enacted Senate Bill 94-102 at the second regular session of the fifty-ninth general assembly, which:

(I) Recognized that the interests of the clients served by the department on the campus would be better served if the department vacated the campus and relocated its clients to state-operated community-based homes;

(II) Authorized the department to transfer and convey to the board all rights, claims, and title held by the department to the transferred land consisting of approximately eighty-five acres of land adjacent to the right-of-way land, including the structures and improvements comprising Kipling Village and Summit Village;

(III) Authorized the board to transmit the proceeds from the disposition of the transferred land to the state treasurer for placement in the Wheat Ridge Regional Center main campus special revenue account for continuous appropriation to the board and gave the board the duty, utilizing such proceeds, to conduct an environmental audit of the campus lands and structures to determine the cost of the environmental remediation and to demolish, rehabilitate, maintain, and protect the campus lands and structures once they were fully vacated by the department; and

(IV) Directed that any proceeds remaining after the completion of such duties were to be deposited in the general fund and if the proceeds were inadequate for the board to perform such duties, such duties could be curtailed or eliminated until other revenue sources were identified.

(3) The general assembly further finds and declares that following the enactment of Senate Bill 94-102, enacted at the second regular session of the fifty-ninth general assembly:

(a) The department conveyed title to the transferred land, including the Kipling Village and Summit Village structures and improvements, to the board, and the board sold a portion of the transferred land and deposited the proceeds in the account, but has not sold any of the remaining transferred land, including Kipling Village;

(b) The department did not vacate, continued to occupy and utilize, and currently occupies and utilizes portions of the transferred land and improvements to which the

board holds title, including Kipling Village, without payment of rent or other compensation to the board for such occupancy;

(c) The department provided no formal written request to abandon or deed to the board for any of such right-of-way land or vacant structures including the Zier and Therapy Pool buildings;

(d) The department did not vacate, continued to occupy and utilize, and currently occupies and utilizes the Zier and Therapy Pool buildings and that portion of the right-of-way land containing such buildings without payment of rent or other compensation to the board for such occupancy for the purposes authorized under the original right-of-way grant from the board.

(4) The general assembly further finds and declares that:

(a) The department is unable at this time to transfer the residents of Kipling Village into group homes operated by the state or community center boards;

(b) The department's inability to transfer the residents of Kipling Village and other changed circumstances since the enactment of Senate Bill 94-102, enacted at the second regular session of the fifty-ninth general assembly, necessitate the department's continued occupancy of Kipling Village;

(c) The department's operations necessitate its continued utilization and occupancy of the Zier and Therapy Pool buildings;

(d) The right, title, and interest of the department and of the board to the right-of-way land is unclear at this time since the department has vacated portions of such land and structures thereon, continues to utilize a portion of such land containing the Zier and Therapy Pool buildings for the purposes specified in the original grant, and has provided no formal writing to the board under which the department released, abandoned, or otherwise conveyed the department's right, title, or interest in the right-of-way land;

(e) Vacant structures on the right-of-way land remain in need of environmental remediation and that, pursuant to Senate Bill 94-102, the board should remain responsible for such environmental remediation;

(f) The proceeds currently held in the account are insufficient to cover the estimated expense of the board's undertaking to conduct and complete the environmental remediation of the vacant structures on the right-of-way land.

(5) The general assembly further finds and declares that it is in the best interests of the state for:

(a) The department to enter into an agreement with the board, or the board's successor in interest, for the department's purchase of the Kipling Village parcel, which is comprised of those structures and improvements known as Kipling Village and Summit Village and that portion of the transferred land containing such structures and improvements, and for capital construction funds to be appropriated to the department for such purchase;

(b) The board or the board's successor in interest, in furtherance of Senate Bill 94-102, enacted at the second regular session of the fifty-ninth general assembly, to continue its efforts to dispose of the transferred parcel, which consists of that portion of the transferred land remaining after such purchase of Kipling Village, and to utilize the proceeds currently held in the account and any future proceeds from the disposition of the transferred parcel for the environmental remediation of the vacant structures on the right-of-way land;

(c) The department to enter into an agreement with the board or the board's successor in interest for the department's purchase of the Zier and Therapy Pool parcel, which is comprised of the Zier and Therapy Pool buildings and that portion of the right-of-way land containing such buildings, and for capital construction funds to be appropriated to the department for such purchase;

(d) The department to release, abandon, or otherwise convey to the board all of the department's right and interest in the right-of-way parcel, which is comprised of the right-of-way land and improvements remaining after such purchase of the Zier and Therapy Pool parcel;

(e) Capital construction funds to be appropriated to the board for the environmental remediation of the vacant structures on the right-of-way parcel;

(f) The board to deposit the proceeds from the disposition of the right-of-way parcel into the public buildings trust, established pursuant to section 8 of the Enabling Act of Colorado, as such proceeds become available.

(6) The general assembly further finds and declares that in order to effectuate the environmental remediation of the vacant structures on the right-of-way parcel and the deposit of the proceeds from the disposition of the right-of-way parcel into the public buildings trust, it is appropriate for the board to transfer the right-of-way parcel from the school trust into the public buildings trust and to simultaneously transfer other land or lands of equal value from the public buildings trust into the school trust since:

(a) Pursuant to the Enabling Act of Colorado and section 9 of article IX of the Colorado constitution, the board has the duty to manage, control, and dispose of the right-of-way parcel, as school trust land, for the purpose of benefitting the public schools of the state and subject to the terms and conditions prescribed by law that are consistent with that purpose;

(b) Pursuant to section 10 of article IX of the Colorado constitution, the economic productivity of school lands, including the right-of-way parcel is dependent on the sound stewardship and prudent management by the board of such lands;

(c) In its current condition, the right-of-way parcel does not benefit the public schools of the state since it is economically unproductive, generates no income for the public school fund, and, due to the physical and environmental hazards present, constitutes a potential economic liability to the state;

(d) The transfer of land in the public buildings trust to the school trust is an act of sound stewardship and prudent management by the board since such transfer will result in the replacement of the right-of-way parcel with economically productive

land, thereby benefitting the state's public schools;

(e) Pursuant to section 8 of the Enabling Act of Colorado, the board serves as trustee for the public buildings trust lands, which lands are held "for the purpose of erecting public buildings at the capital of the state, for legislative and judicial purposes, in such manner as the legislature shall prescribe";

(f) The transfer of the right-of-way parcel from the school trust to the public buildings trust will facilitate the board's use of capital construction funds for the environmental remediation of the vacant structures on the right-of-way parcel and other costs of sale that may not otherwise be available to the board, thereby enabling the board to sell the right-of-way parcel and deposit the proceeds into the public buildings trust for the uses and purposes of such trust;

(g) The board's deposit of the proceeds from the disposition of the right-of-way parcel allows the general assembly to use such proceeds for future appropriations for capital projects and specifically for the purpose of erecting public buildings at the capital as directed by section 8 of the Enabling Act of Colorado.

SECTION 4. Transferred land - department's purchase of Kipling Village parcel - board agreement. (1) (a) The executive director is authorized to enter into a written agreement with the board or the board's successor in interest for the department's purchase of all right, title, and interest of the board or the board's successor in interest to that portion of the transferred land consisting of approximately sixteen and seventy-two one-hundredths acres and all of those structures and improvements commonly known as Kipling Village and Summit Village, which land, structures, and improvements are hereby collectively designated as the "Kipling Village parcel" and described as follows:

Parcel 3 (Book 1492 Page 38) - Lying West of Miller Street:

That portion of the W1/2 of the E1/2 of the SW1/4 of the NE1/4 of Section 16, Township 3 South, Range 69 West of the 6th P.M., more particularly described as follows: Beginning at the Northwest corner of the E1/2 of the SW1/4 of the NE1/4 of said Section 16; thence N89°35'34"E along the North line of said SW1/4 of the NE1/4 a distance of 332.53 feet to the Northwest corner of the E1/2 of the E1/2 of the SW1/4 of the NE1/4 of said Section 16; thence S00°12'53"E along the West line of the E1/2 of the E1/2 of the SW1/4 of the NE1/4 of said Section 16 a distance of 1145.35 feet to the southwesterly extension of the southerly line of the 100 foot Burlington Northern Railroad right-of-way per Colorado State Board of Land Commissioners R.O.W. No. 1062; thence S74°38'30"W along said southwesterly right-of-way line extension a distance of 344.45 feet to the East line of the W1/2 of the SW1/4 of the NE1/4 of said Section 16; thence N00°12'59"W along said East line of the W1/2 of the SW1/4 of the NE1/4 a distance of 1234.22 feet to the Point of Beginning, City of Wheat Ridge, County of Jefferson, State of Colorado, containing 395,617 square feet or 9.0821 acres more or less.

Parcel 4 (Book 1417 Page 505) - Lying West of Miller Street:

The E1/2 of the E1/2 of the SW1/4 of the NE1/4 of Section 16, Township 3 South, Range 69 West of the 6th P.M., excepting that part lying South of the right-of-way of

the Colorado and Southern Railway; the portion of the E1/2 of the E1/2 of the SW1/4 of the NE1/4 of said Section 16 lying North of the said right-of-way being more particularly described as follows: Beginning at the Northeast corner of the SW1/4 of the NE1/4 of said Section 16; thence S00° 12'47"E along the East line of the said SW1/4 of the NE1/4 a distance of 952.89 feet to the northerly right-of-way line of the Colorado and Southern Railway; thence S74° 38'30" W along said Northerly right-of-way line a distance of 344.46 feet to the West line of the E1/2 of the E1/2 of the SW1/4 of the NE1/4 of said Section 16; thence N00° 12'53"W along said West line a distance of 1041.76 feet to the northwest corner of the E1/2 of the E1/2 of the SW1/4 of the NE1/4 of said Section 16; thence N89° 35'34"E along the North line of the SW1/4 of the NE1/4 of said Section 16 a distance of 332.53 feet to the Point of Beginning, City of Wheat Ridge, County of Jefferson, State of Colorado, containing 331,623 square feet or 7.613 acres more or less.

(b) The department shall utilize the appropriation of capital construction funds described in section 8 of this act for the purchase of the Kipling Village parcel.

(c) If at any time after acquiring all right, title, and interest to the Kipling Village parcel, the department sells, transfers, or exchanges the Kipling Village parcel, the proceeds from such disposition shall be paid by the department to the capital construction fund.

(2) The board or the board's successor in interest and the department shall submit the proposed written agreement described in subsection (1) of this section to the capital development committee and the joint budget committee for review and approval no later than August 1, 2000. In the event no such proposed agreement is completed by that date, the department and board shall jointly report in writing to the capital development committee and the joint budget committee on or before such date on the efforts of the parties to complete such agreement. No moneys from the appropriation described in section 8 (2) of this act shall become available until such agreement is approved by the capital development committee and the joint budget committee.

(3) (a) The board or the board's successor in interest shall continue its efforts to sell, exchange, lease, or dispose of the portion of the transferred land and the structures and improvements thereon remaining after the sale of the Kipling Village parcel, which land, structures, and improvements are hereby collectively designated as the "transferred parcel" and described as follows:

Parcel 1 (Portion of Book 821 Page 179):

That part of the SE1/4 of the NW1/4 of Section 16, Township 3 South, Range 69 West of the 6th P.M. described as follows: Beginning at the NE corner of the SE1/4 of the NW1/4 of said Section 16, thence S00° 13'11"E along the East line of said SE1/4, NW1/4 a distance of 522.50 feet, more or less, to the Northeast corner of property described in Reception No. 86158519 of the Jefferson County records; thence S89° 37'11"W parallel with the North line of the SE1/4 of the NW1/4 of said Section 16 and along the North line of said property described in Reception No. 86158519 a distance of 859.27 feet to the Northwest corner of said property, said corner is on the West line of the East 26 Acres of the SE1/4 of the NW1/4 of said Section 16; thence N00° 13'11"W parallel with said East line of the SE1/4 of the

NW1/4 and along said West line of the East 26 Acres a distance of 522.50 feet, more or less, to the North line of the SE1/4 of the NW1/4 of said Section 16; thence N89° 37'11"E along said North line a distance of 859.27 feet to the Point of Beginning, City of Arvada, County of Jefferson, State of Colorado, containing 448,976 square feet or 10.3069 acres more or less.

Parcel 2 (Reception No. 86158518):

All that part of the W1/2 of the SW1/4 of the NE1/4 of Section 16, Township 3 South, Range 69 West of the 6th P.M., lying North of the County Road known as West 52nd Avenue (Ridge Road), more particularly described as follows: Commencing at the SW corner of the NE1/4 of said Section 16; thence N00° 13'11"W on and along the West line of said NE1/4 a distance of 71.25 feet to a point on the Northerly right-of-way line of Ridge Road, said point also being the Point of Beginning; thence N00° 13'11"W on and along said West line of the NE1/4 a distance of 1246.20 feet to the NW corner of said SW1/4 of the NE1/4; thence N89° 34'34"E on and along the North line of said SW1/4 of the NE1/4 a distance of 665.06 feet to the NE corner of said W1/2 of the SW1/4 of the NE1/4; thence S00° 12'59"E on and along the East line of said W1/2 of the SW1/4 of the NE1/4 a distance of 1068.47 feet to a point on said Northerly right-of-way line of Ridge Road; thence S74° 38'30"W on and along said right-of-way line a distance of 688.90 feet, more or less, to the Point of Beginning, City of Wheat Ridge, County of Jefferson, State of Colorado, containing 769,643 square feet or 17.6688 acres more or less.

(b) The proceeds from any such sale, exchange, or disposition of the transferred parcel shall be utilized to repay the appropriation of capital construction funds described in section 8 of this act.

(4) The board shall utilize the proceeds currently held in the Wheat Ridge main campus special revenue account for the environmental remediation of the vacant structures on the right-of-way land.

SECTION 5. Right-of-way land - department release of right-of-way land authorized - department purchase of the Zier and Therapy Pool buildings - board agreement. (1) (a) The executive director is authorized to enter into a written agreement with the board or the board's successor in interest for the department's purchase of all right, title, and interest of the board or the board's successor in interest to that portion of the right-of-way land consisting of approximately ten acres and those structures and improvements commonly known as the Zier and Therapy Pool buildings, which land, structures, and improvements are hereby collectively designated as the "Zier and Therapy Pool parcel" and described as follows:

Parcel 3:

That part of the NE1/4 of Section 16, Township 3 South, Range 69 West of the 6th Principal Meridian, City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows: For the purpose of this description the bearings are based on the North line of the NE1/4 of said Section 16, monumented by a 3-1/4" brass cap in a Range Box stamped by a PLS 13212 at the NE corner and the N1/4 corner of said Section 16, as bearing S89° 38'33"W. Commencing at the NE corner

of said Section 16; thence S89°38'33"W along the North line of the NE1/4 of said Section 16 a distance of 665.13 feet to the NW corner of the NE1/4 of the NE1/4 of the NE1/4 of said Section 16; thence S00°12'34"E along the West line of said NE1/4 of the NE1/4 of the NE1/4 of Section 16 a distance of 350.00 feet; thence S89°38'33"W a distance of 285.68 feet to the intersection with the westerly right-of-way line of Kipling Street, as described in State Board of Land Commissioners Book 25, R.O.W. No. 2550 and Recorded under Reception No. 84075705 of the Jefferson County Records; thence continuing S89°38'33"W a distance of 673.02 feet; thence S00°24'26"E a distance of 533.65 feet; thence S73°47'51"E a distance of 57.61 feet; thence southeasterly along a Curve to the right having a Central Angle of 73°34'56", a Radius of 386 feet, an Arc Length of 495.72 feet, the Chord of which bears S37°00'25"E a distance of 462.35 feet; thence S00°12'58"E a distance of 207.48 feet to the Point of Beginning; thence N89°36'07"E a distance of 588.50 feet; thence S17°48'39"W a distance of 159.97 feet; thence southeasterly along a Curve to the left having a Central Angle of 28°20'18", a Radius of 200.00 feet, an Arc Length of 98.92 feet, the Chord of which bears S03°38'30"W a distance of 97.91 feet; thence S10°31'39"E a distance of 375.69 feet to the northerly right-of-way line of the Burlington Northern Railroad (Colorado & Southern), as described in Colorado State Board of Land Commissioners R.O.W. No. 1062; thence S74°38'30"W along said northerly right-of-way line a distance of 663.16 feet to the East line of the SW1/4 of the NE1/4 of said Section 16; thence N00°12'47"W along said East line of the SW1/4 of the NE1/4 of Section 16 a distance of 790.66 feet; thence N89°36'07"E a distance of 40.44 feet to the Point of Beginning, containing 426,782 square feet or 9.7976 acres, more or less.

(b) The department shall utilize the appropriation of capital construction funds described in section 8 of this act for the purchase of the Zier and Therapy Pool parcel.

(c) If at any time after acquiring all right, title, and interest to the Zier and Therapy Pool parcel, the department sells, transfers, or exchanges such parcel, the proceeds from such disposition shall be paid by the department to the capital construction fund.

(2) The executive director of the department shall, by written document to the board, release, abandon, or otherwise convey to the board any and all right and interest of the department in the right-of-way land, which right-of-way land, structures, and improvements are hereby designated as the "right-of-way parcel" and described as follows:

Township Three South (T3S), Range Sixty-Nine West (R69W)
of the Sixth Principal Meridian (6th PM), Jefferson County
North Campus Property

Section Sixteen (Sec. 16): A parcel of land in the northeast one-quarter (NE ¼), more particularly described as follows:

Commencing at the northeast corner of said Section 16;

Thence South 89°38'33" West along the north line of said NE ¼ a distance of 718.06 feet to the easterly right-of-way line of Kipling Street as described in State Board of Land Commissioners R.O.W. No. 2550, Book 25;

Thence continuing South 89°38'33" West along said north line a distance of 200.30 feet to the westerly right-of-way line of said Kipling Street;

Thence South 14°59'28" West along said westerly right-of-way line a distance of

85.80 feet to a point of curve;

Thence southerly along a curve to the left having a central angle of $16^{\circ}55'48''$, a radius of 908.50 feet an arc length of 268.45 feet, the chord of which bears South $01^{\circ}55'20''$ West, 267.47 feet to the **Point of Beginning**;

Thence continuing along said westerly right-of-way line of Kipling Street the following six (6) courses:

(1) Continuing southerly along a curve to the left having a central angle of $41^{\circ}53'14''$, a radius of 908.50 feet, an arc length of 664.18 feet, the chord of which bears South $27^{\circ}29'11''$ East 649.49 feet to a point of tangent;

(2) South $53^{\circ}02'02''$ East a distance of 210.90 feet;

(3) South $55^{\circ}25'47''$ East a distance of 104.60 feet;

(4) South $53^{\circ}09'52''$ East a distance of 188.90 feet to a point of curve;

(5) Southeasterly along a curve to the right having a central angle of $28^{\circ}02'38''$, a radius of 728.50 feet an arc length of 356.57 feet, the chord of which bears South $34^{\circ}24'32''$ East 353.02 feet;

(6) South $01^{\circ}12'22''$ East and parallel with the east line of the NE $\frac{1}{4}$ of said Section 16 a distance of 407.20 feet to the northerly right-of-way line of the Burlington Northern Railroad (Colorado and Southern) as described in Colorado State Board of Land Commissioners R.O.W. No. 1062;

Thence along said northerly railroad right-of-way line the following two (2) courses:

(1) Southwesterly along a curve to the left having a central angle of $02^{\circ}57'51''$, a radius of 3325.00 feet, an arc length of 172.02 feet, the chord of which bears South $75^{\circ}03'47''$ West 172.01 feet to a point of tangent;

(2) South $74^{\circ}38'30''$ West along said northerly railroad right-of-way line a distance of 1153.70 feet to the east line of the SWNE of said Section 16;

Thence North $00^{\circ}12'47''$ West along said SWNE a distance of 952.89 feet to the northeast corner of the SWNW of said Section 16;

Thence South $89^{\circ}35'34''$ West along the north line of said SWNW a distance of 290.29 feet;

Thence North $00^{\circ}24'26''$ West a distance of 966.55 feet;

Thence North $89^{\circ}38'33''$ East a distance of 673.02 feet to the **Point of Beginning**.

Containing 43.911 acres, more or less, according to the survey prepared by David L. Forde P.L.S. # 27601 date 2/13/1998.

and

South Campus Property

Section Sixteen (Sec. 16): A parcel of land being all of the northeast one-quarter of the southeast one-quarter, NE $\frac{1}{4}$ SE $\frac{1}{4}$) and portions of the southeast one-quarter, of the northeast one-quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) being more particularly described as follows:

Beginning at the northeast corner of said northeast one-quarter of the southeast one-quarter;

Thence, South $00^{\circ}12'37''$ East, along the east line of said southeast one-quarter, 1316.31 feet, to the southeast corner of said northeast one-quarter of the southeast one-quarter;

Thence South $89^{\circ}29'47''$ West along the south line of said northeast one-quarter of the southeast one-quarter, 1329.87 feet to the southwest corner of said northeast one-quarter of the southeast one-quarter;

Thence North $00^{\circ}12'54''$ West, along the west line of said northeast one-quarter of the southeast one-quarter 1317.39 feet, to the northwest corner of said northeast one-quarter of the southeast one-quarter;

Thence North $00^{\circ}12'47''$ West, along the west line of said southeast one-quarter of the northeast one-quarter, 363.72 feet to the north right-of-way line of the Burlington

Northern Railroad;

Thence, North 73 °40' 13" East along said north right-of-way line 1374.71 feet, to the east line of said southeast one-quarter of the northeast one-quarter;

Thence, south 00 °12' 22" East, along said east line 739.48 feet to the **Point of Beginning**.

Containing a total of 56.77 acres, more or less.

Basis of Bearings: Bearings are based on the east line of said northeast one-quarter of the southeast one-quarter as monumented on each end by a 3 1/4" brass cap, marked City of Westminster, PLS # 13212 and bearing South 00 °12'37" East.

Note: This legal description was prepared from information supplied to Kirkham Michael by the State Land Board and as directed by the State Land Board.

Both North Campus and South Campus containing, in all, 100.61 acres, more or less.

(3) The board or the board's successor in interest and the department shall submit the proposed written agreement described in subsection (1) of this section to the capital development committee and the joint budget committee for review and approval no later than August 1, 2000. In the event no such proposed agreement is completed by that date, the department and board shall jointly report in writing to the capital development committee and the joint budget committee on or before such date on the efforts of the parties to complete such agreement.

(4) The board is authorized to transfer the right-of-way parcel from the school trust to the public buildings trust in exchange for land from the public buildings trust that, in the board's determination, is of equal value to the right-of-way parcel, which valuation shall take into consideration any existing agreements that may establish such value. The board is further authorized to sell such right-of-way parcel held by the public buildings trust for the purposes described in this act and to deposit all of the proceeds from such sale into the public buildings trust.

SECTION 6. Environmental remediation - appropriation from capital construction fund - proceeds from right-of-way parcel - public buildings trust.

(1) An appropriation of capital construction funds for the fiscal year beginning July 1, 2000, described in section 8 of this act shall be made to the board for the environmental remediation of the vacant structures on the right-of-way parcel. Such environmental remediation shall be completed on or before May 1, 2001. In the event such environmental remediation has not been completed by that date, the board shall report in writing to the capital development committee on or before June 1, 2001, on the board's efforts to complete such remediation.

(2) The board shall deposit all of the proceeds from the sale of the right-of-way parcel, as such proceeds become available, into the public buildings trust.

SECTION 7. Review of agreements - reporting. (1) The department and the board shall report to the capital development committee on or before December 1, 2000, and on or before June 1, 2001, on the progress of the environmental remediation of the vacant structures on the right-of-way parcel, any sale or disposition of the transferred parcel, and any sale or disposition of the right-of-way parcel. The department and the board shall report not less frequently than once every six months after June 1, 2001, on such matters until all of the transferred parcel has been sold and the proceeds repaid to the capital construction fund and all of the

right-of-way parcel has been sold and the proceeds deposited into the public buildings trust by the board.

(2) For purposes of assisting the capital development committee with the review of an agreement or agreements described in section 4 or 5 of this act or any report described in subsection (1) of this section, the capital development committee may request staff assistance from the office of legislative legal services pursuant to section 2-3-1306, Colorado Revised Statutes, or appoint an advisory committee from among the private sector professionals as provided in section 2-3-1303, Colorado Revised Statutes. In addition, the general assembly may contract with a consultant to provide assistance to the capital development committee with the review of such agreement, agreements, or reports.

SECTION 8. Capital construction appropriation - adjustment to the 2000 long bill. (1) The moneys appropriated by this section shall become available upon the approval of the capital development committee and the joint budget committee of the agreements described in section 4 and 5 of this act.

(2) For the implementation of this act, the appropriation made in the general appropriation act for capital construction to the department of human services, direct services, capital construction projects, Wheat Ridge Regional Center, Kipling Village improvements is hereby decreased by three million nine hundred twenty-one thousand eight hundred fifty-seven dollars (\$3,921,857).

(3) In addition to any other appropriation, for the fiscal year beginning July 1, 2000, there is hereby appropriated out of moneys in the capital construction fund not otherwise appropriated, the sum of one million six hundred eighty-five thousand nine hundred eleven dollars (\$1,685,911) to the state board of land commissioners for the implementation of section 6 of this act and specifically for conducting and completing the environmental remediation of the vacant structures on the right-of-way parcel at the campus. Except as provided in subsection (1) of this section, the appropriation made by this subsection (2) shall become available to the state board of land commissioners upon passage of this act and shall remain available until completion of the environmental remediation or for a period of three years, whichever comes first, at which time the unexpended and unencumbered balance shall revert to the capital construction fund.

(4) (a) In addition to any other appropriation, for the fiscal year beginning July 1, 2000, there is hereby appropriated, out of moneys in the capital construction fund not otherwise appropriated, the sum of two million two hundred thirty-five thousand nine hundred forty-six dollars (\$2,235,946), to the department of human services, or so much as may be necessary, to be allocated as follows:

(I) Seven hundred sixty-six thousand seven hundred ten dollars (\$766,710) for the implementation of section 4 of this act and specifically for the purchase of the Kipling Village parcel;

(II) Seven hundred ninety-four thousand four hundred ten dollars (\$794,410) for the department's pro rata share of the off-site development costs associated with the Kipling Village parcel.

(III) One dollar (\$1) for the implementation of section 5 of this act and specifically for the purchase of the Zier and Therapy Pool parcel.

(IV) Four hundred sixty-five thousand three hundred seventy-five dollars (\$465,375) for the department's pro rata share of the off-site development costs associated with the Zier and Therapy Pool parcel.

(V) Fifty-nine thousand seven hundred fifty dollars (\$59,750) for modifications to Kipling Village including landscaping and fencing.

(VI) One hundred fifty thousand dollars (\$150,000) for modifications to Summit Village including the mothballing of Summit Village and landscaping and fencing.

(b) Except as provided in subsection (1) of this section, the appropriation made by this subsection (3) shall become available to the department of human services upon passage of this act and shall remain available for a period of three years, at which time the unexpended and unencumbered balance shall revert to the capital construction fund.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2000