

OPINION: Park Hill Golf Course Open Space in Jeopardy - Greater Park Hill Community, Inc. (GPHC), est. 1961

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Hold Mayor and Council Candidates Accountable On May 7

By Woody Garnsey and Sandy Robnett

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The open space future of the 155-acre Park Hill Golf Course land is in jeopardy and needs an outpouring of public support to save it. The land is the last sizeable parcel of core Denver open space that could someday become a public park.

The land, currently a golf course at 35th and Colorado Boulevard and stretching east and north, is zoned Open Space-Recreation (OS-B). It has been open space forever, and, since 1997 has been explicitly protected by the perpetual open space conservation easement that Denver taxpayers paid \$2 million for.

Pursuant to an October 2000 agency agreement between the George W. Clayton Trust (Clayton) and the City, Clayton now holds title to the land "as agent of the City, to hold for the benefit of the citizens of the City and the general public." Clayton currently leases the land for golf operations to Arcis, a Texas-based golf operator and commercial development company. The lease includes a right of first refusal for Arcis to purchase the land. Arcis' current lease term expires at the end of 2023, and it has one more 5-year option to renew through 2028.

So, what could possibly go wrong for protection of this invaluable open space? The short answer is: Clayton wants to sell the land to support its early childhood learning programs. Arcis wants to buy the land. And, the current City administration and many City Council members have demonstrated both a desire to have the land developed for mixed residential and commercial use and also a willingness to tear up the perpetual open space conservation easement.

With this dynamic in play, the open space could become part of what Denver Post reporter Bruce Finley recently described as Denver's "Concrete Metropolis."

The current situation

A bit of recent history is helpful for understanding the current threat. The City negotiated with Clayton in 2017 for a possible purchase of the land for approximately \$24 million.

Such an agreement would have included the City's agreement to terminate the perpetual open space conservation easement. The acquisition would have had the City paying Clayton many millions of dollars more than the market value of the land as encumbered by the conservation easement. The City would have recouped its investment by reselling significant portions of the land for development.

In late 2017, the City elected not to finalize a purchase offer due to uncertainty about whether Arcis

would exercise its first 5-year option to renew its lease beyond 2018. Arcis then sued Clayton. Alleging that the City's negotiations with Clayton constituted a bona fide purchase offer that triggered its right of first refusal, Arcis seeks a court judgment that it is entitled to purchase the land based on the terms that were being negotiated between Clayton and the City.

Here's the current situation:

1. As part of its Platte-to-Park Hill stormwater flood control project, the City secured a permanent stormwater detention easement and a temporary construction easement over a portion of the northeast corner of the land. The City is obligated, among other things, to restore the land to operate again as an 18-hole golf course or to pay Clayton sufficient funds to allow Clayton to restore the golf course. The City began construction work in early January.
2. The golf course closed as of Dec. 31, and likely cannot reopen until mid-2020.
3. Clayton and the City are presumably engaged in negotiations regarding the compensation that the City will pay Clayton in connection with the stormwater detention project.
4. Arcis' lawsuit against Clayton goes to trial on Oct. 21.

A perfect storm?

Against the backdrop of the City's 2017 negotiations with Clayton for a possible land development deal, this current situation presents the ominous "perfect storm" prospect of a three-way agreement. In such an agreement, Clayton could sell the land to Arcis and the City could open the door to development by rezoning the land and terminating the perpetual open space conservation easement.

None of this makes sense for the citizens of Denver. After all, we Denver taxpayers already paid \$2 million in 1997 for the perpetual open space conservation easement by which Clayton relinquished its development rights. Furthermore, Mayor Michael B. Hancock himself stated on Oct. 3, 2017, "(i)n a city nearing 700,000 people it's never been more important to protect, preserve and grow our parks and recreational opportunities."

Additionally, the current draft Denveright documents are replete with discussion of the critical health and environmental need to preserve Denver's open space. Parks and Recreation Department Manager Happy Haynes is quoted: "Cities can no longer plan for or describe parks, open spaces, urban forests, and recreation centers as singular amenities—the 'nice-to-haves'.... Rather, they are essential factors of community-building that have demonstrated their transformative value on the health and vitality of communities across American."

Denver drops from 13th to 26th

Meanwhile, Denver has dropped from 13th in 2012 to 26th in 2017 in the Trust for Public Land's "park score" rankings of the 100 largest U.S. cities.

In the upcoming City elections, voters need to speak up by electing candidates who will support preservation of the Park Hill Golf Course perpetual open space conservation easement and possible future acquisition of the land for a new dedicated park.

Ask the candidates where they stand on this issue. And, be on the lookout for the results of the questionnaire being submitted to the candidates on these issues by the new citizens' group Save Open Space Denver!. For more in-depth information, visit sosdenver.net.

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