

VIA HAND DELIVERY
October 22, 2019

Kristin M. Bronson, Esq.
City Attorney
City and County of Denver
201 West Colfax Avenue
Denver, Colorado 80202

Re: Perpetual open space conservation easement dated July 11, 2019 covering the Park Hill Golf Course land

Dear Ms. Bronson:

As we believe you are aware, Save Open Space Denver submitted a letter to Mayor Hancock and the City Council members dated today addressing issues regarding the perpetual open space conservation easement dated July 11, 2019 covering the Park Hill Golf Course land. The attachment to that letter is a legal opinion letter from Jessica E. Jay, Esq. dated October 13, 2019 explaining certain provisions of Title 38, Article 30.5 of the Colorado Revised Statutes as they are applicable to the conservation easement. Of primary significance, Ms. Jay states her opinion that the current provisions of C.R.S. Section 38-30.5-107 mandate that the conservation easement cannot be terminated, released, extinguished, or abandoned unless—upon the request of the City and the landowner—a court of competent jurisdiction determines that “conditions on or surrounding” the Park Hill Golf Course land have changed since July 11, 2019 so that it has become “impossible to fulfill (the) conservation purposes that are defined in the conservation easement.”

The Park Hill Golf Course land is currently owned by a subsidiary of Westside Investment Partners, Inc. (“Westside”). Since Westside has publicly announced that it plans to develop the Park Hill Golf Course land contrary to the plain language of the conservation easement, we request that you provide City Council with an opinion letter regarding the power of the City and Westside to terminate, release, extinguish, or abandon the conservation easement in whole or in part and the legal and/or administrative role of City Council in connection with any such action regarding the conservation easement. We need this legal input for reasons including the fact that our constituents have expressed strong interest in the conservation easement and the fact that issues could soon arise regarding the Park Hill Golf Course land in connection with the Large Development Review process of the Community Planning and Development Department.

We look forward to hearing from you regarding this matter at your earliest convenience.

Sincerely,



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City Council District 9



Deborah Ortega
City Council At-Large

c: Mayor Michael Hancock and other City Council members