



PRESS RELEASE

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Open Space advocates claim new state law makes Park Hill Golf Course land off-limits to commercial, residential development.

Individual City Councilmembers look to City Attorney for confirmation.

"In 1997, when I signed the conservation easement into law, the intent was to ensure that this parcel of land would continue as a golf course or was used for recreational purposes. I believed then as I believe now, it is critical for the health and welfare of our community that our children, families and seniors have access to open space. We made a commitment to be good stewards of our land and to ensure we are leaving our children and our children's children a city that values green space. Today, we see that state law agrees with us and that Park Hill Golf Course land is off limits to commercial and residential development." Hon. Wellington E. Webb

"Keep It Colorado stands behind perpetual conservation easements. A perpetual easement is a tool intentionally used to protect land forever, put in place for a purpose and with an expectation from the public that it will be honored in perpetuity. We believe the law is clear on upholding perpetual easements and that terminating an easement requires a judicial process and proof that it is impossible to uphold the conservation values of the easement." Melissa Daruna, Executive Director of Keep It Colorado

The Colorado law known as HB 19-1264, passed and signed by the Governor this year, makes it virtually impossible for the City and the land-owner real estate developer to terminate the Conservation Easement that covers the Park Hill Golf Course land.

New, higher standard set for terminating Conservation Easements. (Court has to approve of any termination of conservation easement, based on a higher standard showing that the original open space and recreational conservation objectives of the easement cannot be met.)

The real estate developer that intends to build a commercial and residential development project on the Park Hill Golf Course land would need both City Council approval and a court order determining that conditions have changed on or surrounding the land making it impossible to fulfill the open space and recreation conservation purposes of the Conservation Easement.

City Council members are asking the Denver City Attorney to clarify the City's position regarding the impact of HB 19-1264 on the ability of the City and the real estate developer to terminate the Conservation Easement and permit residential and commercial development on the land

Summary

In 1997, Denver taxpayers paid \$2 million to the owners of the Park Hill Golf Course land to purchase the Conservation Easement that prevents development on the land and preserves the land's open space and recreational use. The real estate developer that purchased the Park Hill Golf Course land this July hopes to cut a deal with the City to convert the open space

into commercial and residential development. HB 19-1264, signed into law this year, protects Colorado conservation easements by preventing their termination unless a court determines that conditions have changed on or surrounding the protected land making it impossible to fulfill the open space and recreation conservation purposes of the easement. Today open space advocates wrote Mayor Hancock and City Council members about the stringent HB 19-1264 restrictions on conservation easement termination and stated that there would be no legitimate basis for the City to initiate any formal planning process regarding the Park Hill Golf Course land as long as the Conservation Easement prevents real estate development on the land. Additionally, City Council members called on the Denver City Attorney to clarify the City's position regarding the legal impact of HB 19-1264 on the ability of the City and the real estate developer to terminate the Conservation Easement and thereby open the door to commercial and residential development on the land.

Melissa Daruna is the Executive Director of Keep It Colorado, a newly re-launched coalition representing land trusts and conservation partners across the state. Prior to this, Melissa worked in the public parks and recreation sector and focused on community programming and policy for that industry. Melissa is here today on behalf of Keep It Colorado which advocates for and supports conservation easements throughout the state.

Park Hill Golf Course

Timeline Summary.

1931 – Park Hill Golf Course opens

1997 – City of Denver uses \$2 million in taxpayer funds to purchase Conservation Easement from the owner of the Park Hill Golf Course land, The George W. Clayton Trust (Clayton). City now controls future land development and Conservation Easement perpetually preserves open space and recreational land uses.

2000 – City and Clayton enter into Agency Agreement to save Clayton from indirectly paying property taxes related to the Park Hill Golf Course land. Conservation Easement is released but Clayton is required to grant new Conservation Easement if Clayton sells land

2019 –

June 30. New Colorado law takes effect governing Conservation Easements. Termination of conservation easements requires a court order determining that conditions have changed on or surrounding the land making it impossible to fulfill easement conservation purposes.

July 11. Clayton sells Park Hill Golf Course land to real estate developer Westside Investment Partners. Sale immediately triggers Clayton's obligation to grant new Conservation Easement similar to 1997 Conservation Easement prohibiting Westside from developing the land.