

Webb: Park Hill Golf Course land can and must be preserved under new conservation law

The definition of the word conservation is “prevention of wasteful use of a resource,” and Colorado conservation easements are voluntary, legal agreements that permanently limit uses of land in order to protect its conservation values for future generations. Until June of this year, Colorado conservation easements like the one that preserves the Park Hill Golf Course land open space could be terminated simply with the mutual agreement of the two parties that created them.

In 2017 the Denver city administration and the landowner, Clayton Trust, thought they would be able to terminate the conservation easement between themselves simply with a wink and a nod and city council approval. Had it not been for Arcis Golf, the company that operated the golf course crying foul, termination of that agreement would have flown under the radar, tucked into a measure for a vote by Denver City Council to approve the sale and development of that 155-acre, tree-filled green space.

Then, in July, Westside Investment Partners, Inc., a real estate development company, purchased the Park Hill Golf Course land for a price far in excess of the land’s appraised value, encumbered as the land was with a perpetual conservation easement and “open space-recreation zoning” in place. They speculated that they would be able to terminate the easement and change the open space-recreation zoning easily — but they were wrong.

This year the Colorado General Assembly took action with a dedicated group of conservation-minded nonprofit land trusts — members of the statewide coalition Keep It Colorado — to successfully strengthen the law governing the termination of conservation easements. On June 30, 2019, House Bill 1264 amended the Colorado conservation easement statute. HB 1264 establishes a higher standard for the entire state and puts the true intent of perpetual conservation easements into practice.

Now the Colorado law is clear that an impartial judge’s review of a request to terminate a conservation easement is required to protect the public interest. A conservation easement can only be terminated if it can be proven in court that — due to changes on or surrounding the land — the intent of the easement is impossible to be fulfilled. This important law is intended to protect and conserve millions of acres of open space across the state, including the Park Hill Golf Course land.

The new law augurs well for Denver, a city whose open space to population ratio is shrinking, whose ozone levels and incidences of lung disease are rising, and whose impermeable concrete surfaces are increasing. Protecting and increasing Denver’s open space to protect against the effects of climate change, such as desertification, flooding and the heat island effect, has never been more critical.

Putting aside Denver’s precarious environmental challenges, Westside claims that what Denver needs is more affordable housing. Make no mistake, this proposed real estate development on the golf course land is not about building affordable housing. We need both affordable housing and open space in Denver. There are affordable home projects being planned or already underway around this conservation land. There are more coming to Northeast Park Hill from enlightened developers with the city’s support and guidance. There are industrial and commercial properties bordering the golf course ripe for redevelopment that would not require paving over this open space.

Because of the new law, enacted thanks to the vision and courage of state-wide conservationists and legislators, Denver can protect the 155 acres of precious urban land so critical to the physical and spiritual health of its citizens. The goal of developers should be to build around the open space, not on it.

By preserving this strengthened conservation easement law and the Park Hill Golf Course land with it, we have the power to create a lasting legacy for generations of Denverites. No less than our children's healthy and vibrant future is at stake. Let Denver breathe.



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Wellington Webb was the mayor of Denver for 12 years beginning in 1991.

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Everything to you is con/lib. You lead with a logical fallacy in argumentation...an unsubstantiated opinion.... Liberal Administrators believe they should be able to live the life they wish including \$10 lattes. That doesn't support your thesis. I know professors who make 60k, and not only work 40 hours a week, but also must publish or perish, and bring in money to the university. That endeavor is to further education, science...etc. Do we have a problem with the skyrocketing costs of tuition? Yes we do, but it's not attributable to the content of your partisan, unsupported rants. You offer nothing in the way of an understanding or a solution. If you stopped tripping over your tribalism, you might find that many of us are on the same page in looking at solutions. Just like you made jokes on another article on Sunday about a Steamboat editor who survived cancer, and because she was a Democrat, or not, ...you still had to lead in your post about her weight, and then go onto dismiss her survival of cancer. I noticed you deleted the post. Drop the con/lib schtick! Be solution-focused!
