



[Via Hand Delivery and Email]

January 15, 2020

The Honorable Michael Hancock
Kristin M. Bronson, City Attorney
Laura E. Aldrete, Executive Director, Community Planning and Development Department

Re: Perpetual open space conservation easement dated July 11, 2019 covering the Park Hill Golf Course land and possible 2020 Small Area Plan process for the Park Hill Golf Course land

Mayor Hancock, Ms. Bronson, and Ms. Aldrete:

We are writing following up on our letters of October 22, 2019 and November 11, 2019 to the mayor and City Council members and in response to the January 8, 2020 *Westword* article reporting that the Community Planning and Development Department ("CPD") is planning to initiate a Small Area Plan process for the Park Hill Golf Course land sometime in 2020. We are unaware of any formal public announcement about such a planning process regarding the Park Hill Golf Course land. That said, assuming that there is a factual basis for the *Westword* article, we strenuously oppose initiation of any such planning process.

The Park Hill Golf Course land is protected from development of any kind by the Conservation Easement dated July 11, 2019 between the George W. Clayton Trust and the City ("the Conservation Easement"). The grant of easement states that it is "to maintain the (land's) scenic and open condition and to preserve the (land) for recreational use." The Conservation Easement was created pursuant to and is governed by Title 38, Article 30.5 of the Colorado Revised Statutes and it cannot be terminated, released, extinguished, or abandoned unless a court of competent jurisdiction might determine that conditions on or surrounding the land have changed since July 11, 2019 so that it has become impossible to fulfill its conservation purposes. See C.R.S. Section 38-30.5-107.

If the *Westword* report is incorrect, please advise us. On the other hand, if the report is correct, please provide us a full and clear explanation as to why it would be appropriate for CPD to initiate a planning process regarding this land while it is protected from development by the Conservation Easement. If the City contends that the Colorado conservation easement statute does not apply to the Conservation Easement, please provide a full and clear explanation of the factual and legal bases for such contention. If the City contends that there is a factual and legal bases for securing a court order terminating the Conservation Easement, please provide a full and clear explanation of factual and legal bases for such contention.

As we stated in our earlier letters, we believe that initiation of any CPD planning process regarding the Park Hill Golf Course land while the Conservation Easement prohibits any development of the land would needlessly waste the valuable time and resources of the City and its citizens.

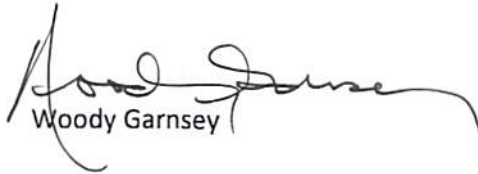
Please respond to us at your earliest convenience to the following email addresses: hgdooby@gmail.com and wgarnsey@ecentral.com.

Thank you for your attention to these critical matters.

Save Open Space Denver

By:


Harry Doby


Woody Garnsey

c: The Honorable Amanda Sandoval
The Honorable Kevin Flynn
The Honorable Jamie Torres
The Honorable Kendra Black
The Honorable Amanda Sawyer
The Honorable Paul Kashmann
The Honorable Jolon Clark
The Honorable Chris Herndon
The Honorable Candi CdeBaca
The Honorable Chris Hinds
The Honorable Stacie Gilmore
The Honorable Robin Kneich
The Honorable Debbie Ortega