

EX: CATEGORIES

- Main Page
- Home
- News
- Cherry Creek News
- Colorado Media
- Sports
- Motosports
- Sports Table

EX: BLOGROLL

- Advertise
- News
- Home
- Links

ARCHIVES

- May 2020
- April 2020
- March 2020
- February 2020
- January 2020
- December 2019
- November 2019
- October 2019
- September 2019
- August 2019
- July 2019
- June 2019

# Former Mayor Webb raises storm of complaint over fate of Park Hill Golf Course

MAY 18, 2020 by STAFF in LATEST

Former Denver Wellington Webb sent an open letter to the Denver City Council, demanding a public vote on the future of the Park Hill Golf Course, a Denver treasure and rare open space clearly in the sights of a developer:

Good evening. First I would like to commend the Hancock administration, the Denver City Council and the voters for the passage of 2A and the dedication to our city parks. As you know, parks and open space have always been a core value for me my entire life, including my public career during which Colorado Open Space Council gave me a

RECENT POSTS

5 Things You Can Do to Reduce the Spread of COVID-19 #COVID19Colorado

Former Mayor Webb raises storm of complaint over fate of Park Hill Golf Course

Five Points Jazz Fest takes flight virtually, tonight Saturday May 16

Denver's Hamilton run postponed

Scientist, whistleblower testimony damns Trump administration pandemic response

TAGS

- #trump
- africa
- barack obama
- bernie sanders
- bonus and review
- bonus ecom subscription pro
- bonuses for ecom subscription pro
- climate change
- colorado
- coronavirus
- covid-19
- covid19colorado

100 percent rating as a Colorado state representative.

I believe it is important to briefly recap that commitment so you can fully understand why the issue at hand and the council's actions are vital to the city's future. The history of preserving, expanding and protecting Denver's parks and open space included many hours of blood, sweat and tears. The outcome is that Denver has a vital park system, which unfortunately is shrinking at a drastic rate.

In 1987, after being elected Denver Auditor, I supported a community group that opposed the use of the City Park Pavilion for use as a general city office building. This followed a previous precedent set by Auditor William McNichols who took the position that parks are suppose to be used for parks and not city agencies. This position was also supported by Colorado District Court Judge Clifford Flowers, who ruled by injunction that the city could not locate general offices in city parks.

Once I became Mayor we bought land in Jefferson County to preserve the open space on the road to the Red Rocks Amphitheater, except for the three mini-mansions already on the land which would be preserved in perpetuity. We then moved to acquire approximately 75 acres of park land, a skate board park and roads and infrastructure behind Union Station. I would once again thank Councilwoman Kendra Black for initiating the recognition for me and former Denver City Councilwoman Joyce Foster on the development of the skate board park.

- democratic party (united states)
- denver
- denver public schools
- donald trump
- dps ducati
- facebook fitness
- global warming
- hillary clinton
- honda i-70
- marc marquez
- marijuana
- motogp
- news ecom subscription pro
- obesity peak oil
- politics putin
- republican party united states
- review ecom subscription pro
- reviews ecom subscription pro
- russia
- south sudan
- sport superbike
- susan shepherd
- suzuki
- tom boasberg
- twitter ukraine
- united states

My administration also redeveloped the decommissioned Lowry Air Force base, including 800 acres of new park land. We followed with completing the negotiations with Forest City Enterprises on the amount of park and open space at Stapleton, which concluded with the addition of another 1,100 acres to the city's park space.

Now to the issue at hand. Below you will see the timeline concerning the conservation easement agreement, which I signed in 1997. Please consider the time numerous Denver residents and officials put into this effort, including voters citywide approving \$2 million to seal the deal.

There is no question the issue of affordable housing is important but the city has achieved some success in having new affordable housing units within a few miles of the Park Hill Golf Course. The city has taken other steps to address low-income housing and to help house the homeless. As each of you know, the building south of the City and County Building is space I leased to the Colorado Coalition for the Homeless for apartments for \$1 a year for 30 years.

While affordable housing will continue to be a challenge, there are other alternatives. What can never be replaced is the invaluable 155 acres of open space. This is the last large tract

of open space in the city.

I do not believe this council wants its legacy to include allowing this precious land to be developed. I urge you to put this issue before the voters.

Let the people decide. Let the people decide. Yours truly,

signed, Wellington E. Webb

#### A HISTORY OF THE PARK HILL GOLF COURSE PERPETUAL CONSERVATION EASEMENT

[denverinc.org/a-history-of-the-park-hill-golf-course-perpetual-conservation-easement](http://denverinc.org/a-history-of-the-park-hill-golf-course-perpetual-conservation-easement)

1982 – The Colorado Attorney General’s Office files a lawsuit to remove the City and County of Denver as the Trustee of the George W. Clayton Trust for the City’s alleged self-dealing with the Trust’s assets, including the Park Hill Golf Course. The City resigns as the Trustee and University of Denver Chancellor Chester Alter is named as interim Trustee.

1984 – The Clayton Foundation is created and becomes the permanent Trustee of the George W. Clayton Trust. The Clayton Foundation is governed by a volunteer Board of Trustees.

1986 — The Clayton Foundation hires a real estate firm to market the Park Hill Golf Course property for sale. In November of 1986, Clayton enters into an agreement to sell the property to L.C. Fulenwider, Inc. for \$10.6 million. Fulenwider’s purchase of the property is contingent upon the successful rezoning of the property for a mixed-use development that includes retail

and light-industrial uses.

1988 — As a result of the economic and real estate downturn in Denver during the late 1980's and resistance to the rezoning from surrounding neighborhood groups such as Greater Park Hill, North Park Hill and City Park North, L.C. Fulenwider terminates the purchase and sale agreement in 1988. Rather than remarket the property for sale in an unsupportive economic and political environment, Clayton's Board of Trustees decides to hold the property and renegotiate the golf lease to increase the rental payment to a "market" rate.

1989 — In an effort to save the Park Hill Golf Course from development once the market improved, then Denver City Councilperson Cathy Reynolds includes a line item in the City's \$300 million Bond Referendum that earmarked "\$2 million towards the purchase of the Park Hill Golf Course." Councilperson Reynolds was an avid golfer who played regularly at the Park Hill Golf Course. The \$300 million Bond Referendum passes.

1994 — Mayor Wellington Webb's director of special projects, Andrew Wallach, approaches Clayton about the \$2 million earmarked for the course. He asks whether Clayton would grant the City a perpetual Conservation Easement on the course in exchange for the \$2 million. The Conservation Easement would allow Clayton to continue to operate the property as a golf course or open space, but would preclude development of the property. To determine if the \$2 million was sufficient compensation for the potential

development rights it would be giving up, Clayton goes through an appraisal process and the appraiser concludes that the value of the property as a golf course is \$6 million and the value under a highest and best use scenario is \$8 million. Essentially, the appraiser concludes that the value of the potential development rights at that time was \$2 million.

1997 — Based upon that conclusion, Clayton grants a perpetual Conservation Easement on the golf course property to the City and County of Denver in exchange for payment from the City of \$2 million. The perpetual Conservation Easement limits the use of the property to open space in general and a golf course in particular.

1998 – Clayton issues a request for proposal to prospective lessees of the course, including American Golf Corporation and Arnold Palmer Golf. In late 1998, Clayton enters into the current 20-year lease with American Golf Corporation. AGC agreed to pay Clayton \$500,000 in year one, \$550,000 in year two, \$650,000 in year three and \$700,000 in years four through 20.

2000 – The Office of the Assessor for the City and County of Denver informs Clayton that even though the owner of the course, The George W. Clayton Trust, is a tax-exempt entity, the lessee of the course is not. As a result, American Golf Corporation is subject to a Possessory Interest Tax. Because American Golf entered into the Lease with the understanding that the property was tax-exempt and that Clayton would be responsible for any real estate taxes, Clayton would be

required to reimburse American Golf for the Possessory Interest Tax. This was a significant unforeseen expense to Clayton.

To address this unforeseen expense, Clayton submits a proposal to the City whereby the City would release the Conservation Easement, Clayton would convey fee simple title to the City but would retain control of the beneficial use of the property under an Agency Agreement similar to the one that was in place at the time in Winter Park. Because the City would hold legal title to the property, the property would once again be tax exempt. Clayton and the City enter into the Agreement provided that Clayton may terminate the Agency Agreement at any time and the City would convey legal title back to Clayton. If that occurs, however, the Agency Agreement requires that the Conservation Easement must be put back in place and the lessee would once again become subject to the Possessory Interest Tax.

2008 – American Golf Corporation assigns the lease to EAGLE Golf.

2015 – EAGLE Golf assigns the lease to Arcis Golf. The lease expires at the end of 2018. In summary, the golf course property is currently encumbered by an Agency Agreement and perpetual Conservation Easement that limits the use of the property to open space in general and a golf course in particular – separate and apart from the underlying zoning of the property.