

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2020

COUNCIL BILL NO. 20-0851
COMMITTEE OF REFERENCE:
Direct File - CdeBaca

A BILL

For an ordinance submitting to a vote of the registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the coordinated election on November 3, 2020 a proposed amendment to the Charter of the City and County of Denver to prohibit the following without the approval of voters in a regularly scheduled municipal or special election: any commercial or residential development on land protected by a City-owned conservation easement except where consistent with the conservation easement purposes and any partial or complete cancellation of a City-owned conservation easement unless for the purpose of creating a new park.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. There is hereby submitted to the registered electors of the City and County of Denver for their approval or rejection at a special municipal election held in conjunction with the coordinated election on November 3, 2020 a proposed amendment to the Charter of the City and County of Denver titled "Open Space Preservation" as follows:

Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the Charter of the City and County of Denver is amended by the addition of the following new section to read as follows:

§ 2.4.8 – Open Space Preservation.

(a) Without the approval of a majority of the registered electors voting in a regularly scheduled or special municipal election, the following actions are prohibited:

(1) Construction of any commercial or residential building on land protected by a City-owned conservation easement, and

(2) any partial or complete termination, release, extinguishment, or abandonment of a City-owned conservation easement.

(b) The prohibitions of this section 2.4.8 do not apply to:

(1) construction of and/or improvements to infrastructure on land protected by a City-owned

1 conservation easement for limited commercial or cultural facility purposes consistent with the
2 conservation easement purposes, and

3 (2) conservation easement cancellation related to the City's acquisition of the protected land for
4 designated park purposes.

5 **Section 2.** The ballot shall contain the following title and submission clause:

6

7 **REFERRED QUESTION _____**

8

9 Shall the Charter of the City and County of Denver be amended to prohibit the following
10 without the approval of the voters in a regularly scheduled municipal or special election:

- 11 • any commercial or residential development on land protected by a City-owned
12 conservation easement except where consistent with conservation easement
13 purposes, and
- 14 • any partial or complete cancellation of a City-owned conservation easement
15 unless for the purpose of creating a new park?

16

17 **Section 3.** The proper officials of the City and County of Denver as are charged with duties
18 relating to the election shall, before the election, issue such calls, make such certifications and
19 publications, give such notices, make such appointments, and do all such other acts and things in
20 connection with the submission of this Charter amendment to the registered electors of the City and
21 County of Denver at the election as are required by the Constitution and laws of the State of
22 Colorado and the Charter and ordinances of the City and County of Denver.

23 **Section 4.** The ballots cast at such election shall be canvassed and the results ascertained,
24 determined, and certified in accordance with the requirements of the Constitution and laws of the
25 State of Colorado and the Charter and ordinances of the City and County of Denver.

26 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is held to be
27 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall
28 not be affected.

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30 [BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

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1 COMMITTEE APPROVAL DATE: N/A

2 MAYOR-COUNCIL DATE: N/A

3 PASSED BY THE COUNCIL _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

11

12 PREPARED BY: Jonathan Griffin, Assistant City Attorney; DATE: August 17, 2020

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14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
15 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
16 ordinance. The proposed ordinance is **not** submitted to the City Council for approval pursuant to §
17 3.2.6 of the Charter.
18

19 Kristin M. Bronson, Denver City Attorney

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21 BY:  _____, Assistant City Attorney DATE: Aug 20, 2020 _____