



[Via Hand Delivery and Email]

February 3, 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 have received Ms. Aldrete's letter dated January 31 in response to our letter dated January 15 in which she confirms that the Community Planning and Development Department does, in fact, intend to initiate a planning process for the Park Hill Golf Course land. Apparently, CPD is prepared to initiate this process despite the fact that the Park Hill Golf Course land is legally protected from any development by the Conservation Easement dated July 11, 2019 that cannot be terminated, released, extinguished, or abandoned without a court order pursuant to Section 38-30.5-107 of the Colorado conservation easement statute. Such a court order would require a judicial determination that conditions on or surrounding the Park Hill Golf Course land have changed since July 11, 2019 so that it has become "impossible to fulfill any of the conservation purposes" of the Conservation Easement.

We are extremely disappointed that Ms. Aldrete's letter entirely fails to address the following requests that we made in our January 15 letter:

- (1) 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.
- (2) 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.
- (3) 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.

Contrary to Ms. Aldrete's assertion in the last paragraph of her letter, the City administration has been totally non-transparent regarding these critical questions. The administration's only public explanation to date about the impact of the Colorado conservation easement statute on possible development of the Park Hill Golf Course land has been that the City has "a clear legal path." This is not a meaningful explanation.

We and the general public are entitled to complete responses to these requests before CPD embarks on any development planning process while the Conservation Easement prohibits development on the land. As we have stated earlier, such a planning process at this time would needlessly waste the valuable time and resources of the City and its citizens.

It appears that the City administration is doing everything possible to facilitate and advocate for the plans of real estate developer and speculator Westside Investment Partners to develop the protected Park Hill Golf Course land. Why else would the City be proposing a planning process for only the 155 acres of the Park Hill Golf Course land excluding the interconnected surrounding neighborhoods on all sides of the land?

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

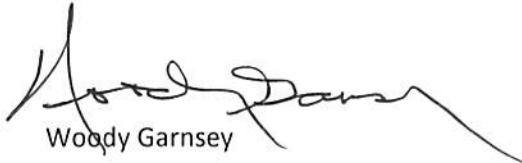
Thank you for your attention to these critical matters.

Save Open Space Denver

By:



Harry Doby



Woody Garnsey

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