

**BY AUTHORITY**

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ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2022

COUNCIL BILL NO. CB 22-XXXX  
COMMITTEE OF REFERENCE:  
Land Use, Transportation and Infrastructure

**A BILL**

**For an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at the general municipal election to be held on April 4, 2023, the extinguishment of a City-owned conservation easement on the land known as the Park Hill Golf Course.**

**WHEREAS**, the City owns and holds a real property interest under a document titled “Conservation Easement” dated July 11, 2019, and recorded in the City and County of Denver real property records on July 12, 2019, under Reception Number 2019090259;

**WHEREAS**, the Conservation Easement affirmatively requires the land generally located at 4141 East 35<sup>th</sup> Avenue, Denver, Colorado, and commonly known as the Park Hill Golf Course (“Land”), to be used, maintained and operated as a regulation-length 18-hole daily fee golf course;

**WHEREAS**, the City has coordinated an extensive community outreach and engagement process to assess community support for continued use of the Land as a fee-based golf course or to evaluate and define a comprehensive plan for alternative uses supported by the community;

**WHEREAS**, a broad consensus has been reached on an alternative plan for the future use and development of the Land as reflected and defined in (1) the Small Area Plan, adopted by City Council on \_\_\_\_\_, Ordinance Number \_\_\_\_\_, (2) the official map amendment which rezones the land (the “Zone Map Amendment), adopted by City Council on \_\_\_\_\_, Ordinance Number \_\_\_\_\_, and (3) the Development Agreement, adopted by City Council on \_\_\_\_\_, Ordinance Number \_\_\_\_\_;

**WHEREAS**, collectively, the Small Area Plan, the Zone Map Amendment and the Development Agreement provide for a publicly accessible regional park and additional public open space, commercial and residential development, including significant affordable housing requirements, public infrastructure improvements, community-serving retail and other purposes;

1           **WHEREAS**, the Development Agreement contemplates a real estate transaction whereby the  
2 City will take title to the regional park land and that transaction will result in the full extinguishment  
3 of the Conservation Easement on the Land; and

4           **WHEREAS**, Section 39-193 of the Denver Revised Municipal Code requires approval of a  
5 majority of registered electors in the City for the extinguishment of a conservation easement and the  
6 construction of commercial or residential building on land protected by a conservation easement.  
7

8     **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**  
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10           **Section 1.** There is hereby submitted to the qualified and registered electors of the City and  
11 County of Denver at a general municipal election to be held in the City and County of Denver on  
12 April 4, 2023, for their approval or rejection, the authorization to extinguish a city-owned conservation  
13 easement and construct commercial or residential buildings on land generally located at 4141 East  
14 35<sup>th</sup> Avenue, Denver, Colorado, and commonly known as the Park Hill Golf Course.

15           **Section 2.** The ballot for said election shall carry the following designation, which shall be the  
16 title and submission clause:

17   **REFERRED QUESTION \_\_\_\_\_**  
18

19           **Shall the voters of the City and County of Denver authorize the release of the**  
20 **City-owned conservation easement on privately owned property known as the**  
21 **Park Hill Golf Course, which requires the land to be used primarily for golf-**  
22 **related purposes, and allow for commercial and residential development,**  
23 **including affordable housing, and public regional park, trail and open space.**  
24

25           **Section 3.** The proper officials of the City and County of Denver as are charged with duties  
26 relating to the election shall, before the election, issue such calls, make such certifications and  
27 publications, give such notices, make such appointments, and do all such other acts and things in  
28 connection with the submission of this referred question to the registered electors of the City and  
29 County of Denver at the election as are required by the Constitution and laws of the State of Colorado  
30 and the Charter and ordinances of the City and County of Denver.

31           **Section 4.** The ballots cast at such election shall be canvassed and the results ascertained,  
32 determined, and certified in accordance with the requirements of the Constitution and laws of the  
33 State of Colorado and the Charter and ordinances of the City and County of Denver.  
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1           **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is held to be  
2 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall  
3 not be affected.

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**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

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2 COMMITTEE APPROVAL DATE:  
3 MAYOR-COUNCIL DATE:  
4 PASSED BY THE COUNCIL: \_\_\_\_\_  
5 \_\_\_\_\_ - PRESIDENT  
6 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
7 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
8 EX-OFFICIO CLERK OF THE  
9 CITY AND COUNTY OF DENVER  
10 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_;  
11  
12 PREPARED BY: John G. McGrath, Assistant City Attorney DATE: \_\_\_\_\_  
13  
14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
15 the 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 Kerry Tipper, Denver City Attorney  
19 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_