

1 **BY AUTHORITY**

2
3
4 ORDINANCE NO. _____
5 SERIES OF 2023

COUNCIL BILL NO. CB 22-1635

COMMITTEE OF REFERENCE:

6 Land Use, Transportation and Infrastructure
7

8 **A BILL**

9 **For an ordinance submitting to a vote of the qualified and registered electors of**
10 **the City and County of Denver at the general municipal election to be held on**
11 **April 4, 2023, the extinguishment of a City-owned conservation easement on the**
12 **land known as the Park Hill Golf Course.**
13

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

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

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

23 **WHEREAS**, a broad consensus has been reached on an alternative plan for the future use
24 and development of the Land as reflected and defined in (1) the Small Area Plan, Ordinance Number
25 22-1430, (2) the official map amendment which rezones the land (the “Zone Map Amendment),
26 Ordinance Number 22-1629, and (3) the Development Agreement, Ordinance Number 22-1634;

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

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

34 **WHEREAS**, Section 39-193 of the Denver Revised Municipal Code requires approval of a

1 majority of registered electors in the City for the extinguishment of a conservation easement and the
2 construction of commercial or residential building on land protected by a conservation easement.

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

4 **Section 1.** There is hereby submitted to the qualified and registered electors of the City and
5 County of Denver at a general municipal election to be held in the City and County of Denver on
6 April 4, 2023, for their approval or rejection, the authorization to extinguish a city-owned conservation
7 easement and construct commercial or residential buildings on land generally located at 4141 East
8 35th Avenue, Denver, Colorado, and commonly known as the Park Hill Golf Course.

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

11 **REFERRED QUESTION _____**

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

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 referred question 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 Colorado
22 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.

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

1 COMMITTEE APPROVAL DATE: December 20, 2022
2 MAYOR-COUNCIL DATE: December 27, 2022 by Consent
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 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____
10 PREPARED BY: John G. McGrath, Assistant City Attorney DATE: January 12, 2023
11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.
15 Kerry Tipper, Denver City Attorney
16 BY: _____, Assistant City Attorney DATE: _____