

Signature Page
Gateway Subdivision Rules and Regulations
Adopted by the Planning Board, February 19, 2020

Approved for Legality

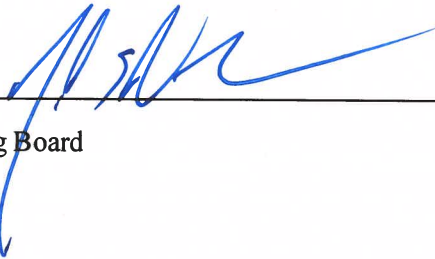


City Attorney's Office

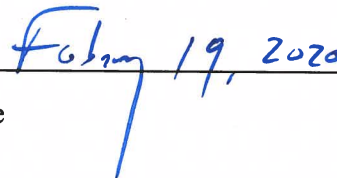


Date

Approved and Adopted



Chair, Planning Board



Date

Rules and Regulations

CITY CLERK
CITY & COUNTY OF DENVER

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5. Land Dedication

A. Land dedication for rights of way. The applicant should contact the **Transportation Division** to determine if right-of-way dedication will be required for new streets or for the widening of existing streets or right-of-way. If access to the site is from a designated State Highway, also contact the Colorado Department of Transportation for the same determination.

5.1. Land Dedication for Parks, Trails, Open Space and Schools

A. Dedication. The applicant or landowner shall consult with the Planning Office staff to determine if land must be dedicated for park or school sites, or if the site is affected by an annexation or other agreement that requires land dedication for these purposes.

B. General intent. A comprehensive system of parks, trails and open spaces shall be dedicated and shall include a network of large and small parks, on- and off-street pedestrian and bicycle trails, and specialized open spaces. The park, trail and open space system shall provide a range of recreational opportunities, connect with existing trails and open spaces, and preserve environmentally sensitive areas. The provision for schools in appropriate locations in developing areas of the city is also important to the welfare of the citizens of Denver.

C. Applicability. The Rules and Regulations set forth in this Section 5.1 shall apply to those areas set forth in Exhibit A ("Designated Area"). Designated Areas may be added by amendment to these Rules and Regulations.

D. Park, open space and trail contribution required.

1. Major park, open space and trail system. Unless provided for in a separate agreement, all landowners within a Designated Area whose land is being developed, other than public utilities and Denver School District No. 1 ("DPS"), shall dedicate land for parks, open space and trails in the amount set forth below and in the general location set forth on Exhibit B attached hereto and incorporated herein for such Designated Areas. The exact location of the major park, open space or trail shall be determined by agreement of the land owner and the Manager of Parks and Recreation as part of the subdivision process. If no agreement is reached a plat may not be approved. If a landowner does not own land shown as park, open space or trails on Exhibit B, then such landowner shall pay a fee in lieu of dedication in the amount set forth below.

2. Neighborhood parks and facilities. In addition to contributions to the major park, open space and trail system, unless provided for in a separate agreement, all landowners within the Designated Areas whose land is being developed in any part for residential uses shall either dedicate land to the City for neighborhood parks or create, operate and maintain private neighborhood park and recreational facilities for the benefit of the residents. The Manager of Parks and Recreation shall approve the location of neighborhood parks and approve whether private park and facilities may be counted toward the neighborhood park dedication requirements.

E. Amount of required contributions for major park, open space and trail system.

1. Amount of required contribution. The amount of required contribution for major parks,

open space and trails, either in land or by a payment in lieu of dedication, described in subsection D(1) above shall be calculated as follows ("Required Contribution"):

Residential Development	Required Contribution (Land Area or Equivalent Fee)
Single- or multi-unit dwelling up to and including 7 units per acre	.0153 acre per unit
Single- or multi-unit dwelling from 8 units and including 18 units per net acre	.0183 acre per unit
Multi-unit dwelling above 18 units per net acre	.0122 acre per unit
Nonresidential development	2% of net site plan area

2. Dedication or payment in lieu of dedication. Each landowner within a Designated Area shall dedicate land to the City for major parks, open space and trails in the amount calculated pursuant to section E(1) above. If such landowner does not own any or sufficient land designated for major parks, open space and trails to complete the Required Contribution, then such landowner shall make up the difference by making a payment in lieu of dedication pursuant to section E(3) below. If a landowner owns more land designated for major park, open space and trails than that landowner's Required Contribution, such landowner shall dedicate all designated land and shall be reimbursed for any excess dedication in accordance with the payment in lieu of dedication process described in subsections E(3) and (4) below. The fair market value of such excess dedication to be calculated as provided in subsection 3 below, shall be determined at the time of dedication. The City shall not be responsible for funding the payments for excess dedications. All such payments shall be made out of the funds described in subsection 3 below.

3. Payment in lieu of dedication. Each landowner who has not made the Required Contribution by dedicating land for major parks, open space and trails shall pay to the City a fee equal to the product of (i) the landowner's Required Contribution and (ii) the value of the land per acre as set forth in Exhibit D attached hereto and incorporated herein, with a 5% annual increase recalculated every three (3) years.

4. Use of payments in lieu of dedication. Payments made pursuant to subsection E(3) above shall be deposited into an interest bearing City account designated for the Designated Area's major park, open space, and trail system and shall be expended within a reasonable period of time after such deposit. Funds from such account shall be used to acquire portions of the major park, open space and trail system that benefit properties whose owners have paid such fees or to repay any landowner for an excess dedication made pursuant to section E(2). Repayment of any landowner for excess dedications shall be made annually out of such funds, if any are available.

5. Timing of required contributions. Dedications required by subsection E(2) shall be made at the time of subdivision approval of land including or adjacent to a required major park, open space or trail. Payments in lieu of dedication required by subsection E(3) shall be made at the time of the first site plan approval of land including or relating to the site.

F. Amount of required contributions for neighborhood parks.

1. Amount of neighborhood park contribution. In addition to the Required Contributions

for the major park, open space and trail system set forth above, all landowners whose site plans include residential uses shall dedicate land for one or more neighborhood park except as set forth below. The amount of land to be dedicated for neighborhood parks shall be calculated as follows ("Neighborhood Park Contribution"):

Type of Residential Unit	Neighborhood Park Contribution (Land Area)
Single- or multi-unit dwelling up to and including 18 units per net acre	.0042 acre per unit
Multi-unit dwelling above 18 units per net acre	.0028 acre per unit

2. Contribution specifications. Some portion of each neighborhood park shall be located within one-half (1/2) mile of the residential uses included in the calculation for Neighborhood Park Contribution. Neighborhood parks dedicated to the City shall be at least eight (8) acres in size and shall be contiguous with and visible from a public street.

3. Credit for land in flood plains. Land located within the 100-year floodplain may be included in a neighborhood park provided that such park complies with applicable regulations regarding the design and use of such areas. Each acre of land located in the 100-year floodplain and incorporated in a neighborhood park shall be treated as the equivalent of one-half (1/2) acre of land for purposes of fulfilling the Neighborhood Park Contribution set forth in subsection F(1).

4. Joint design with public school facility. If a site plan incorporates a neighborhood park facility located contiguous with that portion of a public school site designed for outdoor recreation, then the Neighborhood Park Contribution set forth in subsection F(1) above shall be reduced by forty (40) percent.

5. Credit for private facilities. Private parks or recreational facilities that are located within one-half (1/2) mile of the residential uses they serve, that fulfill the purpose of a neighborhood park, and that reduce demand for public neighborhood parks shall be eligible for credit against the Neighborhood Park Contribution required by subsection F(1) upon approval of, and in an amount approved by, the Manager of Parks and Recreation.

6. Combined neighborhood parks. Two (2) or more landowners may dedicate a combined neighborhood park to satisfy their Neighborhood Park Contribution under subsection F(1), provided that the resulting neighborhood park is of adequate size to satisfy their combined Neighborhood Park Requirements and some part of the park is located within one-half (1/2) mile of the residential uses included in the size calculation. In addition, a landowner who dedicates and develops a neighborhood park that exceeds the required size may, at its option, allocate credit for the excess acreage to other landowners within one-half (1/2) mile of the neighborhood park who choose to use such credits to satisfy all or a portion of their Neighborhood Park Requirements.

7. Timing of neighborhood park dedication. The Neighborhood Park Contribution shall be made at the time of subdivision approval of land including or adjacent to the neighborhood park.

G. Dedications or payment in lieu of dedication of school sites. In Designated Areas not covered by existing or separate school site dedication agreements, all landowners seeking subdivision approvals within Designated Areas that include residential uses shall dedicate land to the City for public elementary schools,

middle schools and/or high school sites to serve such residential uses. Payments in lieu of dedication of school sites shall be due at the time of the first site plan approval of land including or relating to the school site.

1. Amount of dedication for school sites. Dedication obligations for school sites shall be calculated as follows ("School Contribution"):

Each Unit of this Type	Elementary School Site	Middle School Site	High School Site
Single-Family	.0092 acres	.0025 acres	.0040 acres
Multifamily	.0026 acres	.0011 acres	.0015 acres

2. Dedication or payment in lieu of dedication for School Contribution. Each landowner within a Designated Area shall dedicate land to the City for schools in the amount calculated pursuant to subsection G(1) above. If such landowner does not own any or sufficient land designated as a school site to complete the School Contribution, then such shall make up the difference by making a payment in lieu of dedication pursuant to subsection G(3) below. If a landowner owns more land designated as a school site than the required School Contribution, such landowner shall dedicate all of the designated school site and be reimbursed for such excess dedication in accordance with the payment in lieu of dedication process described below. The City shall not be responsible for funding the payments for excess dedications. The value of such excess dedication shall be determined at the time of dedication.

3. Payment in lieu of dedication. Each landowner who has not made the required School Contribution by dedication of land designated as a school site shall pay to the City a fee equal to the product of (i) the landowner's required School Contribution and (ii) the value of the land per acre as set forth in Exhibit D, with a 5% annual increase recalculated every three (3) years.

4. Use of payments in lieu of dedication. Fees paid pursuant to subsection G(3) above shall be deposited into an interest bearing City account designated for acquisition of school sites and shall be expended within a reasonable period of time after such deposit. Funds from such account shall be first used to repay any landowner for excess dedications. Payments from funds held to repay any landowner for excess dedications made pursuant to subsection G(2) shall be made annually. Any funds remaining in the account after a reasonable time may be used in accordance with Section H below.

5. Size of school sites. School sites shall be of the following minimum size:

Elementary	10 acres
Middle school	15 acres
High school	40 acres

6. Location of school sites. School sites to be dedicated to the City shall be in the general location set forth in Exhibit C attached hereto and incorporated herein or in the Denver Comprehensive Plan for the Designated Areas. The exact location of the school site shall be determined by the Director of Planning and DPS prior to subdivision approval. Land for any school site shall be located outside of any one hundred year flood plane and on soils suitable for school construction. Generally, elementary schools shall be centered in residential areas on local or collector streets surrounded by streets or open space. Middle or high schools shall be centered in residential areas on collector or arterial streets surrounded by streets or open space and

shall not be within one-quarter (1/4) mile of commercial business.

7. **Timing of school contribution.** Dedications of land for the School Contribution required herein shall be made at the time of subdivision approval of land including or relating to the school site. Payments in lieu of dedication shall be made at the time of the first site plan approval of land including or relating to the school site.

H. Expenditure of payments in lieu of dedication for school sites.

1. Except for repayment to any landowner for excess dedications, an application for the use of monies paid in lieu of the dedication of school sites in the Designated Area may be made only by DPS through its duly elected Board of Education.

2. In the application to request expenditure of monies in the Designated Areas paid in lieu of dedication of land for school sites, DPS shall:

- (a) describe the amount of the request and proposed use of such funds;
- (b) certify that the monies requested shall be expended within the area of the development for which the money was paid; and
- (c) certify that the monies requested shall be expended for either (i) acquisition of sites for school purposes; (ii) capital improvement of schools, school sites or other capital outlay purposes; or (iii) for growth related planning functions for educational purposes.

3. The completed application shall be sent to the Denver Planning Office for review.

4. The Director of Planning shall review the application for compliance with the Denver Subdivision Rules and Regulations and shall return the application to DPS if not in compliance therewith.

5. If the application is in compliance with the Denver Subdivision Rules and Regulations, the Director shall review the application and approve, approve with conditions, or deny the application. If the application is approved, the Director shall notify the Manager of Revenue who shall issue a Warrant to DPS in the amount approved.

I. Conveyance of school site to Denver School District No. 1.

1. DPS may make a written request to the Director of Planning for conveyance of any school site dedicated to the City pursuant to these Subdivision Rules and Regulations.

2. The Director of Planning shall review the written request against the comprehensive plan and shall request that the City Council approve the conveyance by quit claim deed with no restrictions except the following right of first refusal, which will be included in the deed if deemed appropriate by the Planning Director:

Grantor hereby reserves and Grantee hereby grants a non-transferable right of first refusal to acquire the Property from Grantee for One Dollar (\$1.00) subject to termination of this right of first refusal as provided for herein. In the event Grantee desires to sell or otherwise transfer the Property and this right of first refusal has not terminated, Grantee shall provide Grantor with written notice of such proposed sale or transfer at least thirty (30) days prior to such sale or transfer. The written notice shall be sent by U.S. certified mail, return receipt requested. The notice shall be effective upon deposit in the U.S. mail (the "Effective Date") addressed to:

Mayor
City and County of Denver
1437 Bannock
Room 350
Denver, Colorado 80202

with copies to: Planning Director
Community Planning
& Development Agency
City and County of Denver
200 West 14th Avenue
Denver, Colorado 80204

City Attorney
City and County of Denver
1437 Bannock
Room 353
Denver, Colorado 80202

In order to exercise the right to acquire the Property as granted by this right of first refusal, Grantor must provide Grantee with written notice within twenty (20) days following the Effective Date. Such notice shall be sent by U.S. certified mail, return receipt requested. The notice exercising the right to acquire the Property shall be effective upon deposit in the U.S. mail addressed to:

Chief Operating Officer
Denver Public Schools
900 Grant Street
Denver, Colorado 80203

with copies to: Asset Manager
Dept. of Facility Management
Denver Public Schools
2800 West 7th Avenue
Denver, Colorado 80204

General Counsel
Denver Public Schools
900 Grant Street
Room 401
Denver, Colorado 80203

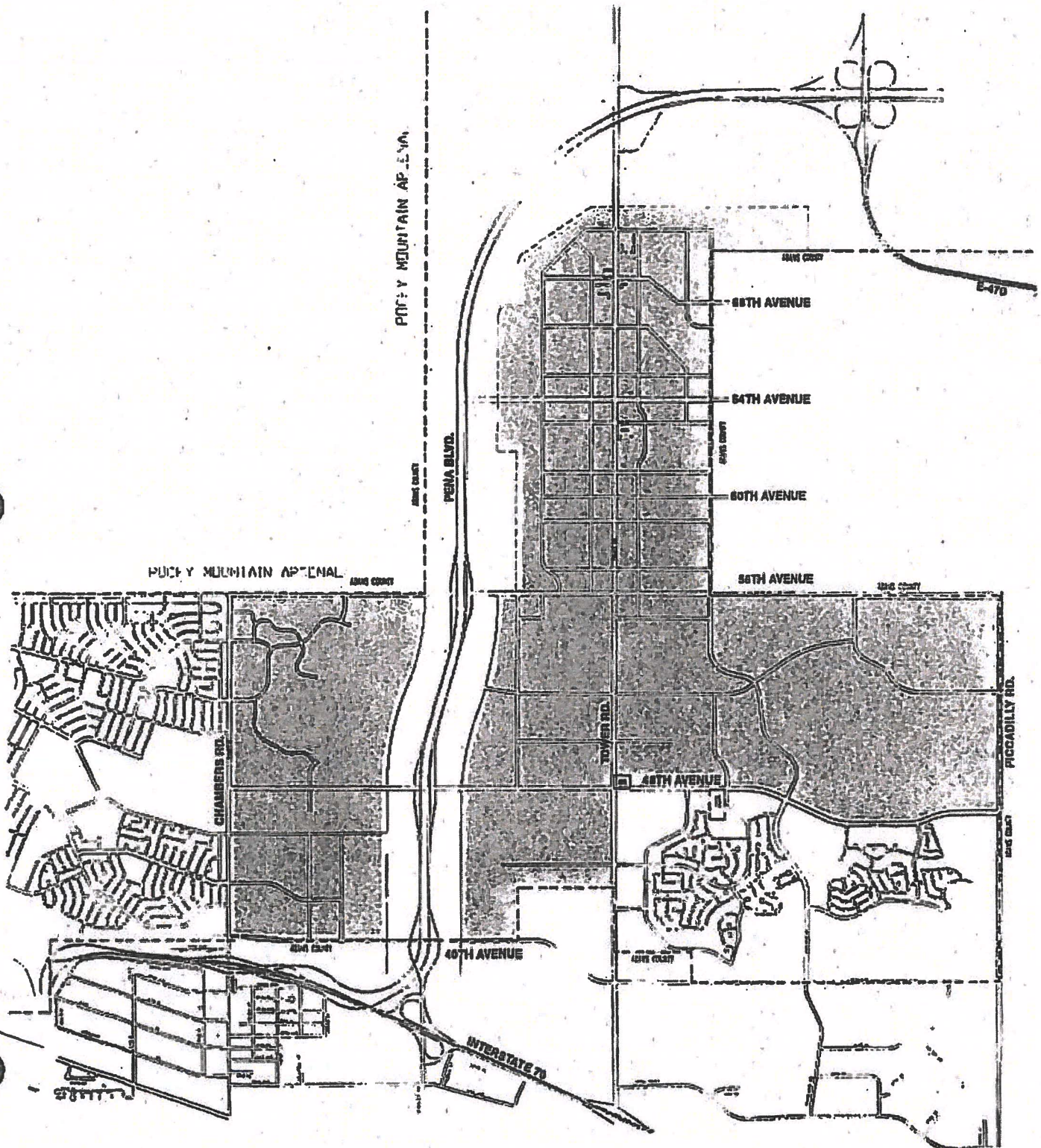
Notwithstanding the foregoing, the right of first refusal granted herein shall be terminable and relinquished as provided below and thereafter have no further effect upon the happening of any of the following events:

1. Grantee constructs a school upon the Property (and obtains a temporary certificate of occupancy or a certificate of occupancy); or
2. Grantee constructs any facility on the Property for school purposes (including, without limitation, construction of playing fields or other school facilities) at a cost of fifty thousand dollars (\$50,000.00) or greater; or
3. Grantee actively uses the Property for school purposes (including, without limitation, using the Property for playing fields or other school use) for a period of three (3) years or longer; or
4. Grantee agrees in writing to Grantor to use the proceeds from the sale of the Property in order to acquire another school site to serve the Designated Area (or to otherwise improve an existing school or school site serving the Designated Area) or for transportation purposes related to schools serving the Designated Area; or
5. Grantor fails to timely exercise the right to acquire the Property as set forth herein.

Upon verification by Grantor that any of the above events have occurred, Grantor shall execute a relinquishment of the right of first refusal in a recordable form that would allow Grantee to sell or otherwise transfer the Property unencumbered by the right of first refusal.

Either party may change its address for notices set forth herein by sending a notice of change of address to the other party at the address of record for such party.

EXHIBIT A: DESIGNATED AREA



GATEWAY

REGIONAL OPEN SPACE PLAN

Exhibit B

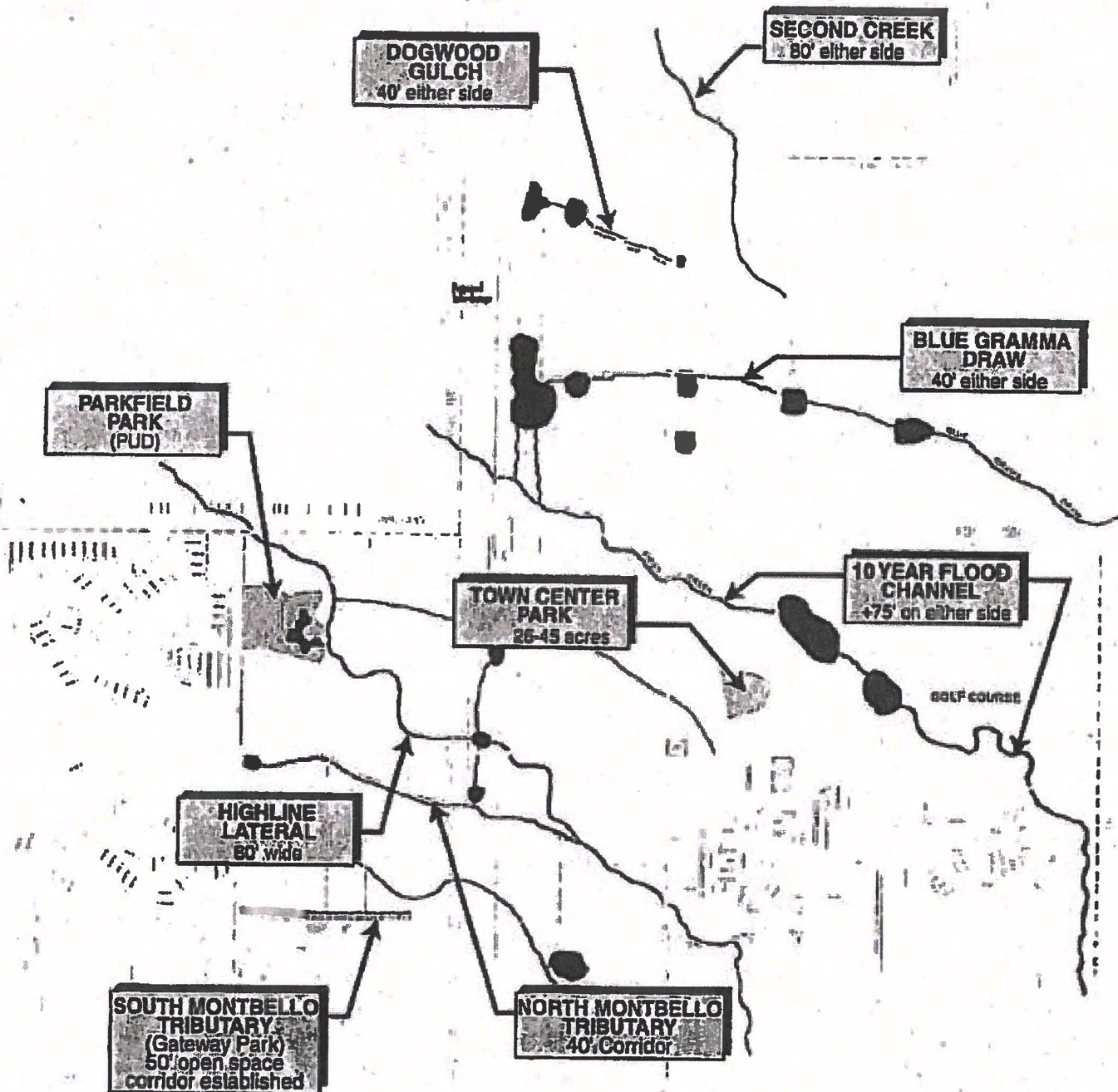


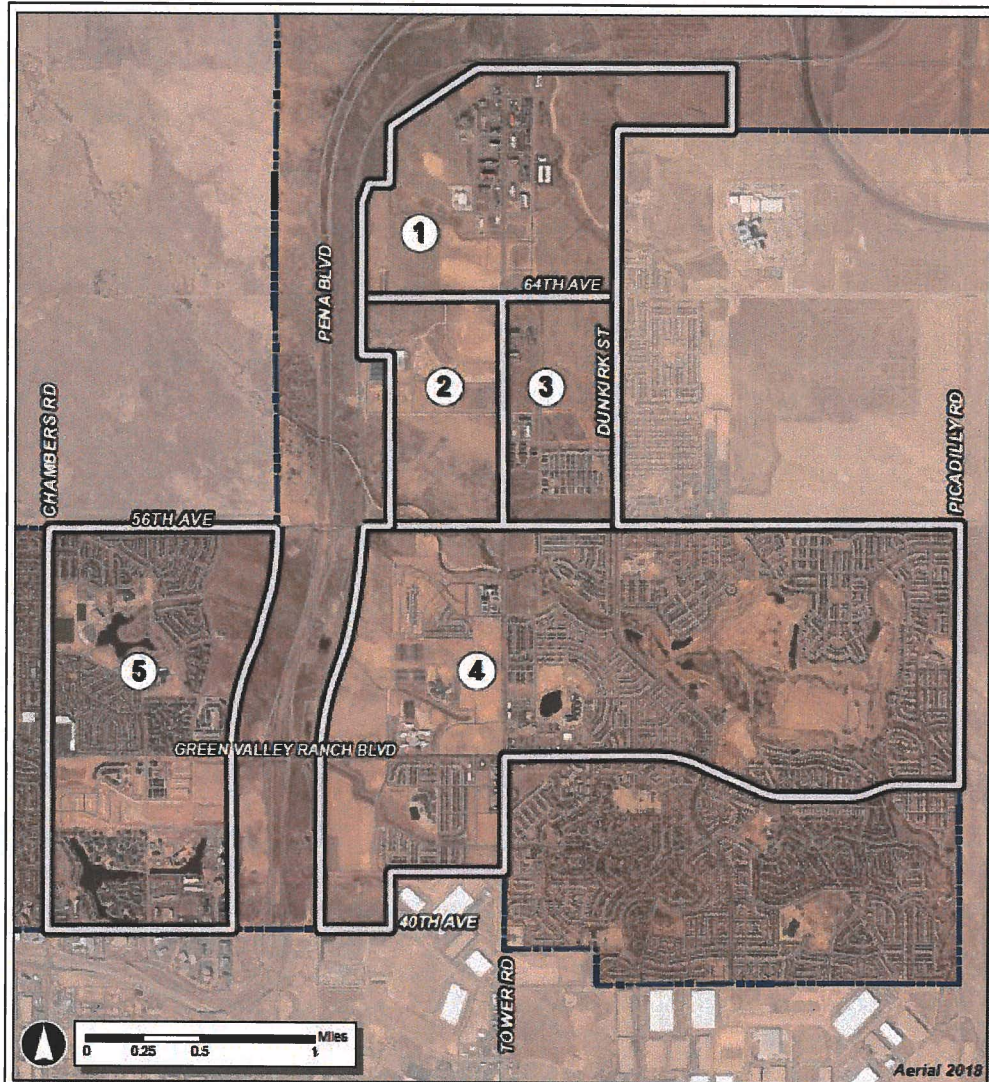
Exhibit C
School Sites

Exhibit D

Value of Land for Each Designated Area

Gateway area land value

Sub Area	\$ Per Acre
Sub Area 1	\$304,920
Sub Area 2	\$413,820
Sub Area 3	\$392,040
Sub Area 4	\$402,930
Sub Area 5	\$261,360



Gateway Sub-Areas

1. East of Pena Blvd, North of 64th Ave
2. East of Pena Blvd, West of Tower Rd, between 56th Ave and 64th Ave
3. East of Tower Rd to city limits, between 56th Ave and 64th Ave
4. East of Pena Blvd, between 40th Ave and 56th Ave
5. West of Pena Blvd

January 2020