

BY AUTHORITY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

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 35th 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:**
9

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 35th 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 publicly accessible parks and open space,**
23 **commercial and residential uses, including affordable housing, community-**
24 **serving retail, and other purposes.**
25

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

32 **Section 4.** The ballots cast at such election shall be canvassed and the results ascertained,
33 determined, and certified in accordance with the requirements of the Constitution and laws of the
34 State of Colorado and the Charter and ordinances of the City and County of Denver.
35

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.

4

5

6

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

COMMITTEE APPROVAL DATE:

MAYOR-COUNCIL DATE:

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

PREPARED BY: John G. McGrath, Assistant City Attorney DATE: _____

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

Kerry Tipper, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____