

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street Denver, CO 80202	RECEIVED CLERK & RECORDER CITY & COUNTY DENVER 2013 MAY 30 AM 8:07 ▲ COURT USE ONLY ▲ Case No.: 2013CV032444 Div.: Ctrm.:
Plaintiff: FRIENDS OF DENVER PARKS, INC., a Colorado non-profit corporation. Defendants: CITY & COUNTY OF DENVER, a municipal corporation; and SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF DENVER, a public entity, and DEBRA JOHNSON, in her official capacity as clerk and recorder of the City and County of Denver.	
Plaintiff's Attorneys: John Case, Esq. Atty reg. # 2431 Benson & Case, LLP 1660 So. Albion Street, Suite 1100 Denver, Colorado 80222 Phone Number: (303) 757-8300 FAX Number: (303) 753-0444 E-mail: case@bensoncase.com	
NOTICE OF LIS PENDENS	

FRIENDS OF DENVER PARKS, INC., a Colorado non-profit corporation, (“Plaintiff”) files this **NOTICE** that an action has been commenced and is pending in the District Court for the County of Denver, City of Denver, Colorado, the caption and case number of which are shown above, in which Plaintiff brought a civil action against certain Defendants, including the **CITY AND COUNTY OF DENVER** (“Denver”) and **SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF DENVER** (“DPS”) and **DEBRA JOHNSON**, in her official capacity as clerk and recorder of the City and County of Denver. (collectively “Defendants”).

The action concerns the disputed status and title of certain real property located at the Northwest corner of South Havana Street and East Girard Avenue in the City and County of Denver, more particularly described in Exhibit A attached hereto and incorporated herein by reference (“the Property”). The Property adjoins Paul A. Hentzell Park, and is commonly referred to as Hampden Heights North Park. The Property is part of the “Hentzell Park Designated Natural Area.”

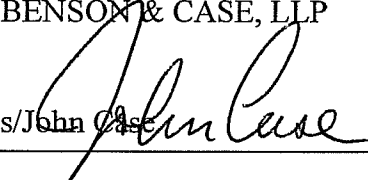
Plaintiff claims that the subject property was dedicated as a park by common law dedication, and is dedicated park land, subject to the protection of Denver Charter Section 2.4.5, and subject to the full protections given to dedicated parks under the Denver City Charter and the Denver Revised Municipal Code. Plaintiff claims that at all times relevant the Defendant City and County of Denver owned and owns the Property as Trustee in Trust for the citizens of the City and County of Denver. Plaintiff claims that the Property has been designated as a Natural Area and Open Space subject to

the protection accorded Natural Areas by Denver Municipal Code and the Department of Parks and Recreation. Plaintiff claims that Defendants secretly agreed to change de facto zoning and use of the Property without public notice and public hearing. Plaintiff claims that in 2011 the Defendants entered into a secret oral agreement to trade the Property for an office building at 1330 Fox St. without notice to the public or other interested parties including the Parks and Recreation Advisory Board. Plaintiff claims that the secret oral agreement culminated in a written contract executed by DPS March 21, 2013 and executed by Denver April 10, 2013, which calls for Denver to transfer title to DPS on or before June 30, 2013. Plaintiff claims that Plaintiff, its members, and the citizens and wildlife of Denver will suffer irreparable harm if DPS takes title to the Property and begins construction of improvements that forever change the character of the land. Plaintiff seeks, among other things, Declaratory Judgment that the Property is a Denver Park, Natural Area, and Open Space. Plaintiff seeks injunctive relief enjoining the transfer of title to DPS, enjoining DPS from developing the Property, and commanding all defendants to restore the Property to its natural state.

Respectfully submitted May 29, 2013.

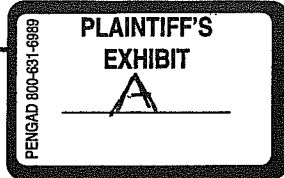
BENSON & CASE, LLP

s/John Case



John Case, # 2431

LEGAL DESCRIPTION



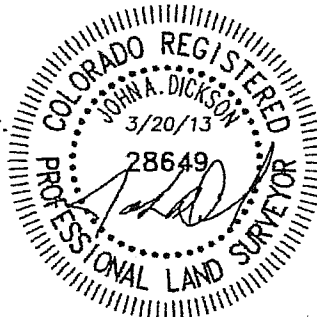
A parcel of land in the Northeast Quarter and Southeast Quarter of Section 34, Township 4 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

For the purposes of this description the bearings are based on the City and County of Denver map projection, with the easterly line of the Northeast Quarter of Section 34, Township 4 South, Range 67 West, bearing North 00°26'41" East, a distance of 2639.69 feet, monumented by a 1" Iron Rod in a Denver Range Box at the Southeast Corner of said Northeast Quarter and a 3" Brass Cap in a City of Aurora monument box at the Northeast Corner of said Northeast Quarter.

- Commencing at the Northeast Corner of the Southeast Quarter of Section 34;
- THENCE North 89°37'07" West, a distance of 166.51 feet, along the northerly line of the Southeast Quarter of said Section 34;
- THENCE South 01°12'19" West, a distance of 350.48 feet, along the westerly right of way line of Havana Street, also being State Highway 30 to the POINT OF BEGINNING;
- THENCE South 01°12'19" West, a distance of 799.81 feet, along said westerly right of way line to a point of curvature;
- THENCE along a curve to the right, with a radius of 15.04 feet, an arc length of 23.62 feet, having a delta angle of 89°58'08", with a chord bearing of South 46°11'23" West, and a chord length of 21.26 feet, being the northerly right of way line of Girard Avenue, as describe in Ordinance No. 81, Series of 1972, to a point of reverse curvature;
- THENCE along a reverse curve to the left, with a radius of 430.00 feet, an arc length of 117.75 feet, having a delta angle of 15°41'21", with a chord bearing of South 83°19'46" West, and a chord length of 117.38 feet, continuing along said northerly right of way;
- THENCE North 28°29'23" West, a distance of 1379.40 feet, along the northeasterly line of Cherry Creek Greens, P.B.G and along the northeasterly line of Block 21, Hampden Heights Third Filing;
- THENCE North 61°32'58" East, a distance of 263.38 feet;
- THENCE South 28°29'23" East, a distance of 363.47 feet;
- THENCE North 66°30'43" East, a distance of 118.88 feet;
- THENCE South 27°01'58" East, a distance of 180.00 feet;
- THENCE South 69°50'26" East, a distance of 224.70 feet, to the POINT OF BEGINNING.

Containing an area of 469,181 Square Feet, or 10.771 Acres, more or less

ASI JOB NO.: 2306-019.1
 DATED: March 20, 2013
 For and on Behalf of ALTA SURVEYING, Inc.
 2603 Payne Ct
 Erie CO 80516
 303-726-3939
 John A. Dickson, PLS 28649



JOB NO.: 2306-022	NE 1/4 & SE 1/4 SEC. 34, T-4-S, R-67-W CITY & COUNTY OF DENVER	 2603 PAYNE CT. ERIE, CO 80516 PH. 303-726-3939 FAX 720-208-9469
SCALE: 1" = 200'		
DATE: 3/20/13		
SURVEYOR: JD		
DRAWN BY: JD		