

FRIENDS OF DENVER PARKS, INC. v. CITY OF DENVER
Case No. 2013CV032444 Denver District Court

This is a simple case. The land involved is part of a park. It always was park land. The city called it Hampden Heights North Park. The Department of Parks and Recreation managed the park.

The law says that our government cannot sell any part of a park without a vote of the people. City officials want to trade this land for a building downtown. So now they are saying it's not a park.

The law is on the side of the people of Denver, not city officials.

City Charter § 2.4.5 - Sale and leasing of parks.

Without the approval of a majority of those registered electors voting in an election held by the City and County of Denver, no park or portion of any park belonging to the City as of December 31, 1955, shall be sold or leased at any time, and no land acquired by the City after December 31, 1955, that is designated a park by ordinance shall be sold or leased at any time, provided, however, that property in parks may be leased for park purposes to concessionaires, to charitable or nonprofit organizations, or to governmental jurisdictions. All such leases shall require the approval of Council as provided for in Article III of this Charter. No land acquired by the City after December 31, 1955, shall be deemed a park unless specifically designated a park by ordinance.

This park was acquired before 1955, and is therefore grandfathered in as a park. No part of it can be transferred without a vote of the people.

The Denver Municipal Code, Sec. 39-191 (2) defines *City park land* as follows:

***City park land.* Any parks, parkways, mountain parks and other recreational facilities, as well as other land, waterways and water bodies, owned, operated or controlled by the department of parks and recreation.**

The park known as Hampden Heights North meets this definition.

The City owns this park property in trust as trustee for the benefit of the people.

For more information, visit www.FriendsOfDenverParks.Org