

DISTRICT COURT, DENVER COUNTY, COLORADO
Court Address: 1437 Bannock Street
Denver, CO 80202

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 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

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Case No.: 2013CV032444

Courtroom 376

Honorable
Herbert L. Stern, III

MOTION FOR INJUNCTION DURING PENDENCY OF APPEAL

Plaintiffs/ Appellants Friends of Denver Parks, Inc., Steve Waldstein and Zelda Hawkins, through counsel BENSON & CASE, LLP, submit this Motion for Injunction During Pendency of Appeal pursuant to CRCP 62 (c), which states:

(c) Injunction Pending Appeal. When an appeal is taken from an interlocutory or final judgment granting, dissolving, or denying an injunction, the trial court in its discretion may suspend, modify, or grant an injunction during pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party.

In support of this motion, Plaintiffs show the court:

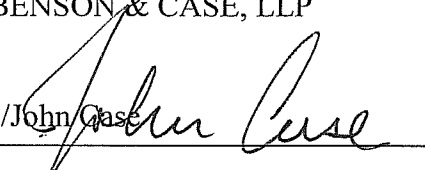
1. Plaintiffs filed notice of appeal in the Colorado Court of Appeals seeking review of this Court's order denying the Motion for Preliminary Injunction.
2. Plaintiffs respectfully request that this court grant an injunction during the pendency of the appeal, enjoining the Defendant City and County of Denver ("the City") from transferring 10.771 acres of Hampden Heights North Park to the Defendant Denver Public School District Number 1 ("DPS"), and enjoining the defendant DPS from developing the property.

3. A legal description of the property is attached as Appendix 1.
4. Plaintiffs and the citizens of Denver will suffer irreparable harm if a stay is not granted: namely, city park land will be traded to defendant DPS and lost forever as a park. Development of the land by DPS will adversely impact property values of residents Steve Waldstein, Zelda Hawkins, and members of Friends of Denver Parks, Inc.
5. A stay of this court's order will preserve the status quo of Hampden Heights North Park pending appellate review of important legal issues.
6. Plaintiffs request that, pursuant to CRCP 65(c), the Court allow the Plaintiffs to give security in the amount of \$100.

Respectfully submitted July 5, 2013.

BENSON & CASE, LLP

s/John Case


John Case, # 2431

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2013 a true and correct copy of the foregoing **MOTION FOR INJUNCTION DURING PENDENCY OF APPEAL** was served on the following:

Denver County District Court
1437 Bannock Street
Denver, CO 80202

Via ICCES

David W. Broadwell, Esq.
Mitchel T. Behr, Esq.
Patrick Wheeler, Esq.
Assistant Denver City Attorneys
1437 Bannock St. R#353
Denver CO 80202

Via ICCES

Attorneys for City and County of Denver and Debra Johnson

John H. Kechriotis, Esq.
Michael J. Hickman, Esq.
Jerome Deherrera, Esq.
Denver Public Schools
900 Grant St. #401
Denver CO 80203-2996

Via ICCES

Attorneys for Denver Public School District Number 1


s/Russell W. Jones

Russell W. Jones

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.

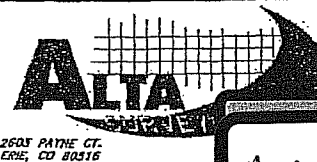
Containing an area of 469,181 Square Feet, or 10.771 Acres, more or less

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
SCALE: 1" = 200'
DATE: 3/20/13
SURVEYOR: JD
DRAWN BY: JD

NE 1/4 & SE 1/4
 SEC. 34, T-4-S, R-67-W
 CITY & COUNTY OF DENVER



2603 PAYNE CT.
 ERIE, CO 80516

