

(Ordinance 333, Series of 2010, emphasis added).

5. Appendix 4 attached to this affidavit is a section of the Official Map. It shows the location of HHNP, west of S. Havana St. and north of E. Girard Avenue. It identifies the park by name as Hampden Heights North Park. It shows the designation of HHNP as “OS-A,” which means “Open Space Public Parks District.”
6. Appendix 5 attached to this affidavit is Section 9.3.2 of the Denver Zoning Code. In paragraph 9.3.2.1 it states:

The OS-A district is **intended to protect and preserve public parks** owned, operated or leased by the City and **managed by the City’s Department of Parks and Recreation (“DPR”) for park purposes.**

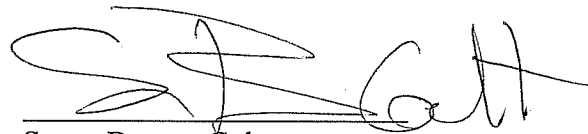
(Zoning Code §9.3.2.1, emphasis added)

7. As a member of the Denver New Zoning Code Task Force, I understood that all parks shown on the Official Map were designated parks protected by section 2.4.5 of the Charter. My understanding was that the parks shown on the Official Map, including HHNP, were to be protected and preserved by the city, managed by DPR, and could not be sold without a vote of the people.
8. Since this controversy began in November of 2012, I have conducted my own investigation of the status of HHNP. My investigation included interviewing current and former parks department employees, including Susan Baird, Ph.D., who served as a planning expert in the Denver Department of Parks and Recreation (“DPR”) from 1990 until 2010. Dr. Baird testified at the hearing on preliminary injunction June 12, 2013. My investigation showed that DPR’s own employees believed that HHNP was a park.
9. I also reviewed the transcript of the testimony of historian Charles Bonniwell at the preliminary injunction hearing. Mr. Bonniwell testified that HHNP was acquired by the city in 1936, and used by Denver citizens as a park between 1936 and 1955. Today I reviewed the affidavits of eyewitnesses Sandra Dennehy, Joan Biggs, and Carolyn Gallagher, all of whom testified that the site where construction of a new school is now underway is the same land they used as a park where they rode horses before 1955.
10. Based on my investigation of the history of HHNP, and my personal knowledge of its status as a Denver park in 1996 and under the 2010 zoning code, I can only conclude that Hampden Heights North Park is, and was, an officially designated city park subject to the protection of §2.4.5.
11. I am concerned that if DPS is allowed to continue building a school in the park while this case is litigated, even if the plaintiffs eventually prevail the court will be reluctant to order remediation of expensive improvements built by DPS. If Denver citizens are eventually allowed to vote on the issue, they will be reluctant to vote against a school that

is already built. For these reasons, I respectfully ask the court to grant an emergency injunction commanding DPS and the City to immediately stop all construction and all work on the property until further order of court.

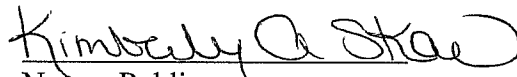
12. I have thoroughly reviewed Game Plan Denver, the master plan for Denver Parks and Recreation, adopted as part of Denver's Comprehensive Plan in 2003, following a two-year public process. The Plan, a 50-year vision and strategic framework for transforming Denver into a City in a Park, is based on the values and priorities identified by Denver residents. The Plan demonstrates projected population growth in southeast Denver; the need for more – not less – parks and open space in the quadrant (underserved with parks and open space in 2000). Further, throughout the Game Plan, the area known as HHNP is identified as "Existing Parks and Natural Areas and Denver Parks Development (p.65).

Further, Affiant sayeth not.



Susan Barnes-Gelt

The foregoing Affidavit was acknowledged before me March 4,
2014 by Susan Barnes-Gelt, known personally to me.



Notary Public

My commission expires: Feb 2, 2015

KIMBERLY A. SKARI
NOTARY PUBLIC
STATE OF COLORADO
My Comm. Expires Feb. 2, 2015