1	DISTRICT COURT, DENVER COUNTY STATE OF COLORADO	
2	1127 Barrock Street	
3	1437 Bannock Street Denver, Colorado 80202	EXHIBIT
4		Sologo I
5	FRIENDS OF DENVER PARKS, INC., a Colorado non-profit corporation; and STEVE WALDSTEIN, an	
6	individual; ZELDA HAWKINS, an individual; MEMBERS OF THE	
7	PETITIONERS COMMITTEE TO REPEAL DENVER ORDINANCE 170, consisting	
8 9	of JOHN CASE, JUDITH M. CASE, RENEE LEWIS, DAVID HILL and SHAWN SMITH,	
10	Plaintiffs,	
11	v	
12	CITY & COUNTY OF DENVER, a	
13	municipal corporation; and SCHOOL DISTRICT NO. 1 IN THE	
14	CITY AND COUNTY OF DENVER, a public entity; and DEBRA	
15	JOHNSON, in her capacity as clerk and recorder of the City	
16	and County of Denver.	
17	Defendants.	
18	On behalf of Plaintiffs: JOHN CASE, ESQ., Atty Reg # 2431 BENSON & CASE, LLP	 Case No. 2013CV032444
19	1660 So. Albion Street, Suite 1100	Courtroom: 376
20	Denver, Colorado 80222 Phone Number: 303-757-8300	
21	Facsimile: 303-753-0444 E-mail: case@bensoncase.com	
22		
23	VIDEOTAPED 30(b)(6) DEPOS CITY AND COUNTY OF DE	
24	through LAURA J. DANNEMILLE	R
25	March 18, 2014	

DEPOSITION OF: LAURA J. DANNEMILLER 03/18/2014

1 the City Attorney's Office provide to you to lead you by the Social Control of Parks and Recreation and managed. 2 to this conduction? Mil. BIOADVELL: Objection. You do not have to annew the question in torns of any parkies and social control of Parks and Recreation and managed. 5 information given to you by the City Attorney's Office. 6 M.R. OSES: Well, It think this is opin to be represented on it for research, not represented on the City Attorney's Office. 8 legal advice. So we're not talking about research of a representation here. Were talking about research of a second to the City Attorney's Office. 10 fact, and sile relied on the City Attorney's Office. 11 This is not a privileged communication. 12 MR. BOADOVELL: We are going to have to object and whe here not respons to any advice she was provided. 13 disease on the Linds whe here of respons to any advice and the city of the city of the City attorney's Office. 14 MR. BOADOVELL: A distinction without a difference City Attorney's Office. 15 MR. BOADOVELL: A distinction without a mile of the city of	DEPOSITION OF: LAURA J. DANNEMILLER 03/18/2014					
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9 19557 10 fact, and she railed on the City Attorney's Office. 11 This is not a privileged communication. 12 MR. BRCADWELL: We are going to have to 13 disagree on that. Under the rule, The netitled to 13 disagree on that. Under the rule, The netitled to 14 cipiect and have her not respond to any advice she was 15 given from the Deriver City, Attorney's Office. 16 MR. CASE: I'm not asking her about advice. 17 I'm asking her about research she was provided. 18 MR. BRCADWELL: A distinction without a 19 difference. My objection stands. 19 most to answer? 19 most to answer? 20 MR. BRCADWELL: Yes. 21 not to answer? 22 MR. BRCADWELL: Yes. 23 Q. (16) MR. CASE: Are you instructing your witness 24 not to answer? 25 MR. BRCADWELL: Yes. 26 Q. (16) MR. CASE: Are you instructing your witness 27 not to answer? 28 MR. BRCADWELL: Yes. 29 Q. (16) MR. CASE: Are you instructing your witness 29 you have in your possession that informed you whether or not percel 31 was a designated parks that I had be been given from the department when I joined, I had a copy of the deed, I had — 4 Q. You mean the 1936 deed to parcel 31? 4 A. You mean the 1936 deed to parcel 31? 5 A. You, the deed of had — 4 Q. You mean the 1936 deed to parcel 31? 5 A. You have the deed of that we had originally looked at. 7 Q. Any other documents besides park lists and the story of the deed, I had — 5 Q. Any other documents besides park lists and the story our deret to as a mass designation process? 5 A. That all the parcels that were owned by the parks are designated more at the time of the original charter language going in, that was the — 5 that was how I generically was referring to mass ordinances the way the parks are designated now so ordinances the way the parks are designated now so ordinances the way the parks are designated now so ordinances the way the parks are designated now so ordinances the way the parks are designated now so ordinances the way the parks are designated now so ordinances the way the parks are designated now so ordinances the way the	17	2.55PM				
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11 This is not a privileged communication. 12 MR. BROADWELL: We are going to have to diagree on that. Under the rule, I'm entitled to diagree on that. Under the rule, I'm entitled to diagree on that. Under the rule, I'm entitled to diagree on that. Under the rule, I'm entitled to diagree on that. Under the rule, I'm entitled to diagree on that. Under the rule, I'm entitled to diagree on that. Under the rule, I'm entitled to diagree on the Dever City Altomey's Office. MR. ROADWELL: A distinction without a difference. My objection stands. MR. ROADWELL: A distinction without a difference. My objection stands. MR. ROADWELL: A distinction without a difference. My objection stands. MR. ROADWELL: Yes. MR. BROADWELL: A distinction without a difference. My objection stands. MR. CASE: Are you instructing your witness not on answer? MR. BROADWELL: Yes. MR. BROADWELL: A distinction without a difference. My objection stands. MR. CASE: Are you instructing your witness not on answer? MR. BROADWELL: Mr. Broadwell took place with the Charter amendment thus designated park in the twe owned, managed by the City's Public improvements Department at the time. MR. BROADWELL: Mr. Broadwell End took place with the Charter that the process that took place with the Charter was an afficially by file the without a difference. My objection stands. MR. CASE: Are you instructing your witness not one of the Case. Qo (Mr. Por. Reli Sperandeo.) Do you be found that without a difference was not afficially by Mr. Reli Sperandeo. Do you be found took in the Case. MR. BROADWELL: Mr. Are the the process that took place with the first scanner. MR. BROADWELL: Mr. Are the the process that took place with the statement thook conditions of the Case. Lack the Broadwell that the Wr. Reli Sperandeo. Do you agree with the statements that the conditions of the Case. Lack the Single Case. MR. BROADWEL	2	2:55PM				
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16 MR. CASE: I'm not asking her about advice. 17 I'm asking her about research she was provided. 18 MR. BROADWELL: A distinction without a difference. My objection stands. 20 MR. CASE: Are you instructing your witness 21 not to answer? 22 MR. BROADWELL: Yes. 23 Q. (By Mr. Case) Okay. So what documents did you have in your possession that informed you whether or not parcel 31 was a designated parks that 1 had been given from the department when I joined, I had a copy of the deed, I had — 4 Q. You mean the 1936 deed to parcel 31? 5 A. Vash, that's the deed that we had originally looked at. 7 Q. Any other documents besides park lists and the original deed? 9 A. No that I can recall. Advice of the pepartment of Parks and Recreation were at the time of that was how I generically was referring to mass designation process? 10 attorney, I would say. 11 Q. All right. Now, what's your understanding of what you refer to as a mass designation process? 12 what you refer to as a mass designation process? 13 A. That all the parcels that were owned by the Department of Parks and Recreation were at the time of that was how I generically was referring to mass designation because there were a number of parcels. To my knowledge, there weren't any individual designation. 20 When you say "mass designation," you mean when that was heave owned, managed by the City's Public that was mere was promy definite. That the the Charter that the process that took place with the start the time. 19 Introvenment Department at the time. 19 Mr. CASE: Are you instructing your witness. 21 21. That's an affidavit by Mr. Neil Sperandeo. Do you whow Mr. Sperandeo? 22 22. That's an affidavit by Mr. Neil Sperandeo. Do you agree with the start the time. 23 4 Q. Could you look at paragraph number 5, please, and read it out loud. 24 90. Could you look at paragraph number 5 and read it out loud. 25 4 A. "It is my interpretation and understanding of the Department of the designated parks and that there was no requirement to have the designated parks and that th	12	2:56PM				
17 I'm asking her about research she was provided. 18 MR. BROADWELL: A distinction without a difference. My objection stands. 20 MR. CASE: Are you instructing your witness 21 not to answer? 22 MR. BROADWELL: Yes. 23 Q. (By Mr. Case) Clay. So what documents did you have in your possession that informed you whether or not parcel 31 was a designated park? 46 4 A. I had the list of designated parks that I had been given from the department when I joined, I had a copy of the deed, I had - 4 Q. You mean the 1936 deed to parcel 31? 4 A. Yeah, that's the deed that we had originally looked at. 5 A. Not that I can recall. Advice of the original deed? 5 A. Not that I can recall. Advice of the pepartment of Parks and Recreation were at the time of that was how I generically was referring to mass that was how I generically was referring to mass for designation because there were a number of parcels. To my knowledge, there weren't any individual designations Q. When you say "mass designation," you mean when the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on May 17 of 1955, which became the Charter was amended on Ma	12	2:56PM				
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20 MR. CASE: Are you instructing your witness 21 not to answer? 22 MR. BROADWELL: Yes. 23 Q. (By Mr. Case) Okay. So what documents did 24 you have in your possession that informed you whether 25 ornot parcel 31 was a designated park? 46 1 A. I had the list of designated parks that I had 2 been given from the department when I joined, I had a 3 copy of the deed, I had 4 Q. You mean the 1936 deed to parcel 31? 3 A. Yeah, that's the deed that we had originally 4 looked at. 7 Q. Any other documents besides park lists and the 3 original deed? 9 A. Not that I can recall. Advice of the 3 attorney, I would say. 1 Q. All right. Now, what's your understanding of 2 what you refer to as a mass designation process? 1 A. That all the parcels that were owned by the 1 Department of Parks and Recreation were at the time of 2 the original Charter language going in, that was the 4 that was how I generically was referring to mass 2 designation because there were a number of parcels. To 3 my knowledge, there weren't any individual designations 9 or dinances the way the parks are designated now so 10 ordinances the way the parks are designation. Q. When you say "mass designation." you mean when 22 the Charter was amended on May 17 of 1955, which became	12	2:56PM				
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22 MR. BROADWELL: Yes. 23 Q. (By Mr. Case) Okay. So what documents did 24 you have in your possession that informed you whether or not parcel 31 was a designated park? 46 1 A. I had the list of designated parks that I had been given from the department when I joined, I had a copy of the deed, I had — 4 Q. You mean the 1936 deed to parcel 31? A. Yeah, that's the deed that we had originally looked at. 5 A. Yeah, that's the deed that we had originally 6 looked at. 6 original deed? 9 A. No that I can recall. Advice of the attorney, I would say. 10 All right. Now, what's your understanding of what you refer to as a mass designation process? 11 A. That all the parcels that were owned by the Department of Parks and Recreation were at the time of the original Charter language going in, that was the—that was how I generically was referring to mass designation because there were a number of parcels. To my knowledge, there weren't any individual designations Q. When you say "mass designation. Q. Do you agree with the second sentence of pargaph 5?		2:56PM				
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3 copy of the deed, I had — 4 Q. You mean the 1936 deed to parcel 31? 5 A. Yeah, that's the deed that we had originally looked at. 7 Q. Any other documents besides park lists and the original deed? 9 A. Not that I can recall. Advice of the attorney, I would say. 11 Q. All right. Now, what's your understanding of what you refer to as a mass designation process? 13 A. That all the parcels that were owned by the Department of Parks and Recreation were at the time of that was how I generically was referring to mass original charter language going in, that was the— 15 that was how I generically was referring to mass original charter that they be designated by ordinance. The Department has consistently enforced this interpretation, which is in accordance with the 1955 and 1983 Charter amendment to Section A4.5. 9 A. Not that I can recall. Advice of the attorney, I would say. 10 A. Do I agree with his statement? Let's just take it as two sentences. Do you agree with the first sentence? 11 25494 12 12 12 12 12 12 12 12 12 12 12 12 12 1	12	2:57PM				
4 Q. You mean the 1936 deed to parcel 31? 5 A. Yeah, that's the deed that we had originally 6 looked at. 7 Q. Any other documents besides park lists and the 7 Q. Any other documents besides park lists and the 8 original deed? 9 A. Not that I can recall. Advice of the 9 attorney, I would say. 11 Q. All right. Now, what's your understanding of 12 what you refer to as a mass designation process? 13 A. That all the parcels that were owned by the 14 Department of Parks and Recreation were at the time of 15 the original Charter language going in, that was the	12	2:57PM				
5 A. Yeah, that's the deed that we had originally 6 looked at. 7 Q. Any other documents besides park lists and the 9 A. Not that I can recall. Advice of the 1253PM 1253PM 5 in accordance with the 1955 and 1983 Charter amendment to Section A4.5. 8 Q. Okay. Do you agree with the statements that 9 Mr. Sperandeo made under oath in paragraph number 5? 10 attorney, I would say. 11 Q. All right. Now, what's your understanding of 1253PM 1253PM 1 A. That all the parcels that were owned by the 1253PM 1 Department of Parks and Recreation were at the time of that was how I generically was referring to mass 15 the original Charter language going in, that was the 16 that was how I generically was referring to mass 17 designation because there were a number of parcels. To my knowledge, there weren't any individual designations ordinances the way the parks are designated now so 19 that's why I described it as a mass designation. Q. When you say "mass designation," you mean when 22 the Charter was amended on May 17 of 1955, which became 23 the Charter was amended on May 17 of 1955, which became 24 the Charter was amended on May 17 of 1955, which became	12	2:57PM				
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11 Q. All right. Now, what's your understanding of what you refer to as a mass designation process? 12 A. That all the parcels that were owned by the Department of Parks and Recreation were at the time of the original Charter language going in, that was the that was how I generically was referring to mass designation because there were a number of parcels. To my knowledge, there weren't any individual designations ordinances the way the parks are designated now so that's why I described it as a mass designation. Q. When you say "mass designation," you mean when the Charter was amended on May 17 of 1955, which became 12.54PM 13. That parks that were managed and operated as parks prior to 1955 were not designated by ordinance but as a result of the Charter that they became parks, yes. 12.54PM 12.54PM 13. That parks that were managed and operated as parks prior to 1955 were not designated by ordinance but as a result of the Charter that they became parks, yes. 12.54PM 12.54PM 13. That parks that were managed and operated as parks prior to 1955 were not designated by ordinance but as a result of the Charter that they became parks, yes. 12.54PM 14. A. That parks that were managed and operated as parks prior to 1955 were not designated by ordinance but as a result of the Charter that they became parks, yes. 12.54PM 12.54P	- 12	2:57PM				
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ordinances the way the parks are designated now so that's why I described it as a mass designation. Q. When you say "mass designation," you mean when the Charter was amended on May 17 of 1955, which became 12:54PM 21 Q. Do you agree with the second sentence of paragraph 5. True? 20 A. Yes. 21 Q. Do you agree with the second sentence of paragraph 5?	12	2:58PM				
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Q. When you say "mass designation," you mean when 12.54PM 21 Q. Do you agree with the second sentence of 12.54PM 22 paragraph 5?	12	2:58PM				
the Charter was amended on May 17 of 1955, which became 12:54PM 22 paragraph 5?	12	2:58PM				
- Feedback	12:	2:58PM				
23 offsetive language 4 of ICC that decimated all and 1	12:	2:58PM				
effective January 1 of '56, that designated all parks 12:54PM 23 A. I'm not sure how the Department has enforced	12:	2:58PM				
24 that were owned by the City at that time as parks. 24 the interpretation except for under my management.	12:	2:58PM				
25 A. Not owned by the City but owned by the 1255PM 25 Q. Under your management, has the Department	12:	2:58PM				
2 The second of	12:	2:58PM 2:58PM				

DEPOSITION OF: LAURA J. DANNEMILLER 03/18/2014

	DEPOSITION OF: LAUI		ואכ	NEMILLER 03/18/2014	
	57			59	
1	determine if Hampden Heights North Park was a	01:08PM	1	Q. And what you're telling us is that citizens	01:11PM
2	designated park?	01:08PM	2	cannot believe the maps and the lists that your	01:11PM
(A. I recall looking at a map like this but it	01:08PM	3	department publishes to the public because these don't	01:11PM
4	wasn't used because this doesn't delineate between	01:09PM	4	tell us whether the parks are designated or not	01:11PM
5	designated or non-designated parks.	01:09PM	5	designated. True?	01:11PM
6	Q. So how does a member of the public determine	01:09PM	6	A. I didn't say that.	01:11PM
7	whether or not a park on your list and your maps is	01:09PM	7	Q. Well, how could a citizen trust these lists if	01:11PM
8	really a designated park that can't be sold? Is there	01:09PM	8	they don't show whether the park is really legally	01:12PM
9	some way that Joe citizen can find that out?	01:09PM	9	protected?	01:12PM
10	A. I think that the if you were looking for,	01:09PM	10	A. There's nothing on there that says this is a	01:12PM
11	you know, a true legal determination, that you would	01:09PM	11	legal document that shows whether the parks are	01:12PM
12	make a request to the legal department of the City to	01:09PM	12	protected or not. They are serving different purposes	01:12PM
13	provide documentation whether it was designated or not.	01:09PM	13	to provide I explained what the purpose of the map	01:12PM
14	Beyond that, I think there is not anything	01:09PM	14	was. It wasn't to convey legal status of a park. It	01:12PM
15	that I think really indicates whether it's designated	D1:09PM	15	was to convey where the parks were located for	01:12PM
16	or non-designated.	01:09PM	16	accessibility purposes.	01:12PM
17	I think had we been providing maps that said	01:09PM	17	Q. Now, did you consult Charter Section 2.4.5?	01:12PM
18	this is designated and it wasn't designated, that's one	01:10PM	18	A. Yes.	01:12PM
19	thing but, in general, the maps are provided for the	01:10PM	19	Q. And did you do that before you wrote your	01:12РМ
20	purpose of knowing where the parcels are in terms of	01:10PM	20	de-designation letter?	01:12PM
21	locating accessible space, not to provide legal	01:10PM	21	A. Yes.	01:12PM
22	documents to say whether this is a designated or	01:10PM	22	Q. And what's your understanding of 2.4.5?	01:12PM
23	non-designated park.	91:10PM	23	A. That land that was in ownership by the Parks	01:12FW
24	Q. Well, do you believe that the public has an	01:10PM	24	and Recreation Department, or some form of that prior	01:12PM
. –	interest in knowing whether or not a park is designated	01:10PM	25	to 1955, or land that is designated subsequent by an	01:12PM
	58	Ì		60	}
1	58 and whether it can be sold without a vote of the	OU:10PM	1	60 ordinance as a park, cannot be sold without a vote of	01:12PM
1 2		01:10PM	1 2		01:12PM 01:12PM
1	and whether it can be sold without a vote of the		l	ordinance as a park, cannot be sold without a vote of	_/
2	and whether it can be sold without a vote of the people?	01:10RM	2	ordinance as a park, cannot be sold without a vote of the people.	01:12PM
2	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in	01:10RM 01:10PM	3	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at	01:12PM 01:12PM
2 3 4	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that?	01:10RM 01:10PM 01:10PM	3 4	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted?	01:12PM 01:12PM 01:13PM
2 3 4 5	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that? Q. Yes.	01:10RM 01:10PM 01:10PM 01:10PM	2 3 4 5	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted? A. No.	01:12PM 01:12PM 01:13PM 01:13PM
2 3 4 5 6	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that? Q. Yes. A. I would say now there's more of an interest	01:10RM 01:10PM 01:10PM 01:10PM 01:10PM	3 4 5 6	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted? A. No. Q. Let me show it to you.	01:12PM 01:12PM 01:13PM 01:13PM 01:13PM
2 3 4 5 6 7 8	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that? Q. Yes. A. I would say now there's more of an interest but there had never been an activity prior to that had thank you so much that had been given so much interest.	01:10RM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM	2 3 4 5 6 7	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted? A. No. Q. Let me show it to you. MR. CASE: Play that.	01:12PM 01:12PM 01:13PM 01:13PM 01:13PM 01:13PM
2 3 4 5 6 7 8 9	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that? Q. Yes. A. I would say now there's more of an interest but there had never been an activity prior to that had thank you so much that had been given so much interest. Q. Well, this was the first time in the history	01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM	2 3 4 5 6 7 8	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted? A. No. Q. Let me show it to you. MR. CASE: Play that. MR. BROADWELL: Is this an exhibit?	01:12PM 01:12PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM
2 3 4 5 6 7 8 9 10	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that? Q. Yes. A. I would say now there's more of an interest but there had never been an activity prior to that had thank you so much that had been given so much interest. Q. Well, this was the first time in the history of the Denver Parks Department that it had ever	01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM	2 3 4 5 6 7 8 9	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted? A. No. Q. Let me show it to you. MR. CASE: Play that. MR. BROADWELL: Is this an exhibit? MR. CASE: Yes, it's 23. 23-1. We got sound?	01:12PM 01:12PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM
2 3 4 5 6 7 8 9 10 11	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that? Q. Yes. A. I would say now there's more of an interest but there had never been an activity prior to that had thank you so much that had been given so much interest. Q. Well, this was the first time in the history	01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM	2 3 4 5 6 7 8 9	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted? A. No. Q. Let me show it to you. MR. CASE: Play that. MR. BROADWELL: Is this an exhibit? MR. CASE: Yes, it's 23. 23-1. We got sound? MR. FRANCESCHI: I need to turn up the sound	01:12PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM
2 3 4 5 6 7 8 9 10 11 12 13	and whether it can be sold without a vote of the people? A. Do I believe the public has an interest in that? Q. Yes. A. I would say now there's more of an interest but there had never been an activity prior to that had thank you so much that had been given so much interest. Q. Well, this was the first time in the history of the Denver Parks Department that it had ever de-designated a natural area. True? A. That's not a legal status or whether it's a	01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM 01:10PM	2 3 4 5 6 7 8 9 10	ordinance as a park, cannot be sold without a vote of the people. Q. Did you ever watch the City Council vote at which 2.4.5 was adopted? A. No. Q. Let me show it to you. MR. CASE: Play that. MR. BROADWELL: Is this an exhibit? MR. CASE: Yes, it's 23. 23-1. We got sound? MR. FRANCESCHI: I need to turn up the sound on my computer. Take just a moment.	01:12PM 01:12PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM 01:13PM
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CHARTER PROVISIONS REGARDING PARKS BEFORE 1996

1904 – Charter Section 101

Section 101. No portion of Congress Park, or any other park now belonging to or hereafter acquired by the city and county, shall be sold or leased at any time.

1955 - Charter section A4.5

No Park to be Sold or Leased. No portion of any Park now belonging to or hereafter acquired by the City and County shall be sold or leased at any time; provided, however, that no land hereafter acquired by the City and County shall be deemed to be a park unless specifically designated a park by ordinance. (Charter amendment May 17, 1955)

1983 - Charter section A.4.5

Sale and Lease of Parks. No portion of any designated park belonging to the City shall be sold. No portion of any designated park or recreational facility may be leased, except for concession leases and leases to charitable or not-for-profit organizations or other governmental jurisdictions. All such leases and any sub-leases shall require the approval of Council as provided for in Chapter B of this Charter. All designated parks existing at the time this provision is enacted shall continue to be designated as parks. No land now owned or hereafter acquired by the City and County shall be deemed a park unless specifically designated a park by ordinance. (Charter amendment may 17, 1983)

Charter section 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.

(Charter amended August 19, 1996)

EXHIBIT

Separate Sep

BY AUTHORITY

ORDINANCE NO. <u>296</u> SERIES OF 1955 COUNCILMAN'S BILL NO. 219
INTRODUCED BY COUNCILMEN
Ideal and Ideal

A BILL

FOR AN ORDINANCE AUTHORIZING THE MANAGER OF IMPROVEMENTS AND PARKS, WITH THE APPROVAL OF THE MAYOR, TO GRANT AND CONVEY TO THE DEPARTMENT OF HIGHWAYS OF THE STATE OF COLORADO CERTAIN RIGHTS OF WAY AND EASEMENTS OVER TRACTS OR PARCELS OF LAND IN ARAPAHOE COUNTY, COLORADO, IN CONNECTION WITH DEPARTMENT OF HIGHWAYS PROJECT NO. S 0055(2).

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That to improve, and aid in the construction and maintenance of, public roads outside the limits of the City and County of Denver, for the purpose of establishing and improving the system of roads connecting the City and County of Denver and its parks and parkways outside such limits, the Manager of Improvements and Parks, with the approval of the Mayor, shall have power and he is hereby authorized to grant and convey to the Department of Highways of the State of Colorado, for the location, relocation, construction, reconstruction, improvement and maintenance of a portion of State Highway No. 70 rights of way over, along, upon, and across the following described portions, tracts, or parcels of real property:

A. A tract or parcel of land No. 2 Rev. 2 of Department of Highways' Project No. S 0055(2) containing 3.829 acres, more or less, in the SEM of the SEM of Section 27, Township 4 S.,, Range 67 W., of the 6th Principal Meridian, in Arapahoe County, Colorado said tract or parcel being more particularly described as follows:

Beginning at the SE corner of Section 27, T. 45., R. 67W.;

- 1. Thence N. 0° 16' 30" W., along the east line of Sec. 27, a distance of 1196.5 feet to the centerline of Parker Road, State Highway #83;
- 2. Thence N. 43° 41° W., along the center line of Parker Road State Highway #83, a distance of 172.1 feet, to the north line of the SEA of the SEA of Sec. 27;
- 3. Thence west along the north line of the SEM of the SEM of Sec. 27 a distance of 37.5 feet;
- 4. Thence S. 41^{0} 35° W., along the northwest property line, a distance of 104.1 feet;
- 5. Thence S. 23° 38° 30° E., a distance of 287.7 feet;
 - 6. Thence S. Ol^O 12^t W_a, a distance of 700,0 feet;
- 7. Thence S. 10° 06° 30° E., a distance of 102.0 feet;
- 8. Thence S. 01 $^{\rm O}$ 12 $^{\rm I}$ W. a distance of 176.1 feet to the south line of Sec. 27;
- 9. Thence S. 88° 25 E,, along the south line of Sec, 27, a distance of 116.2 feet more or less, to the point of beginning.

The above described tract contains 3.859 acres, more or less, of which 0.239 acres are in the right of way of the present road;

B. A tract or parcel of land No. 5 of Department of Highways' Project No. S 0055(2) containing 10.718 acres, more or less, in the E2 of NB4 and E2 of SE4 of Section 34, Township 4 South, Range 67 West of the Sixth Principal Meridian, in Arapahoe County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east line of Section 34, T. 4S., R. 67W., from which point the SE corner of said Section 34 bears S. 00° 25' 30" W, a distance of 1358.9 feet;

- 1. Thence N. 00° 25° 30" E. along the east line of Section 34 a distance of 2602.9 feet to the north property line;
- 2. Thence N. $88^{\rm O}$ 46' 30" W. along the north property line a distance of 149.0 feet;
- 3. Thence S. 01° 12° W. a distance of 2602.7 feet;
- 4. Thence S. 7° 20° E. a distance of 101.1 feet;
- 5. Thence S. 010 121 W. a distance of 46.1 feet to the south property line;

- 6. Thence S. 28° 07° 30° E. along the south property line a distance of 234.0 feet;
- 7. Thence along the arc of a curve to the left with a radius of 1206.0 feet a distance of 114.4 feet (the chord of which arc bears N. 03° 55. E a distance of 114.3 feet);
 - 8. Thence N. 010 121 E. a distance of 135.9 feet;
- 9. Thence N. 27° 22 E. a distance of 111.4 feet, more or less, to the point of beginning.

The above described tract contains 10,718 acres, more or less;

C. A tract or parcel of land No. 7 of Department of Highways' Project No. S 0055(2) containing 3.056 acres, more or less, in the E½ and NW¼ of Section 3, Township 5 South, Range 67 West, of the Sixth Principal Meridian, in Arapahoe County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the north line of Section 3. T. 55., R. 67W., from which point the NE corner of said Section 3 hears S. 89° 51° E. a distance of 877.0 feet;

- 1. Thence N. 89° 51' W. along the north line of Section 3 a distance of 2365.1 feet to the west property line;
- 2. Thence S. 36° 57' E. along the west property line a distance of 75.2 feet;
- 3. Thence S. 89° 51 te. a distance of 1944.1 feet;
- 4. Thence along the arc of a curve to the left with a radius of 1206.0 feet a distance of 382.0 feet (the chord of which arc bears N. 81° 04¹ 30" E, a distance of 380.4 feet), more or less, to the point of beginning.

The above described tract contains 3.056 acres, more or less, of which 0.115 acres are in the right of way of the present road;

and

D. A tract or parcel of land No. 6-A of Department of Highways' Project No. S 0055(2), containing 6.907 acres, more or less, in the SE corner of the SE4 of Sec. 34, T. 45., R. 67W., of the 6th P.M., in Arapahoe County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at the SE corner of Sec. 34, T. 4S., R_{\bullet} 67W.;

1. Thence N, 0° 25 $^{\circ}$ 30 $^{\circ}$ E., along the east line of Sec. 34, a distance of 900.6 feet, to the NE property line;

2. Thence N. 28° 07' 30" W., along the NE property line, a distance of 124.0 feet;

3. Thence along the arc of a curve to the right with a radius of 1206.0 feet a distance of 1375.9 feet (the chord of which arc bears S. 39° 19' W., a distance of 1302.5 feet) to the south line of Sec. 34;

4. Thence S. 89° 51' E., along the south line of Sec. 34, a distance of 877.0 feet, more or less, to the point of beginning.

The above described tract contains 6.907 acres, more or less:

Section 2. The Council finds this Ordinance is necessary for the immediate preservation of the public health and public safety, and determines that it shall take effect immediately upon its final passage and publication.

PASSED by the Council authority (a) 1955

- President,
- Mayor Sept 1955

ATTEST: PAUL V. HODGES, JR. - Clerk and Recorder,
Ex-Officio Clerk of the
City and County of Denver

By: Manufact - Deputy City Clerk

PUBLISHED IN The Daily Journal Sept 3 1955 and Jan 1955

APPROVED: John Contract - City Attorney

APPROVED: - Manager of Improvements and Parks

TOUR SELLE

CITY AND COUNTY OF DENVER STATE OF COLORADO

Cetification

I, **Debra Johnson**, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, do hereby certify that the attached is a true and correct copy of

Ordinance No. 296, Series of 1955

I hereunto have set my hand and affixed the Seal of the City and County of Denver, State of Colorado. This 10th day of June, A.D. 2013



Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

Deputy

CATHERINE J. DESMET

Friends of Denver Parks et al. vs. City and County of Denver et al. Denver District Court Case No.: 2013CV032444



State of Colorado)
. *) ss
County of Denver)

- 1. My name is John Bennett. I am over the age of 18 years and competent to testify in all respects. This affidavit is based on my personal knowledge.
- 2. I was employed by the City and County of Denver from August 17, 1970 until I retired in 2005. For 22 years of my 35 year career in city government, I worked for City Council. I served as Executive Director of City Council for 17 years, from January 16, 1988 until January 31, 2005. My duties as Executive Director included supervising the staff that administered the Council (they did payroll, prepared agendas, processed bills), and supervising the staff that assisted Council committees. My duties as Executive Director also included analyzing budgets, and I drafted and researched legislation.
- 3. At the Denver City Council meeting August 19, 1996 I read the introduction to Council Bill 677. This was an ordinance that referred to Denver voters a proposed amendment to section A4.5 of the Denver City Charter. My job was to explain to council members what the intent of the Charter amendment was. I knew what the intent of the Charter amendment was from attending city council committee meetings and speaking with assistant city attorney Don Wilson, who drafted the Charter amendment.
- 4. The intent of the Charter Amendment was exactly what I told city council in the transcript attached as Appendix 1. First, the amendment confirmed that parks used as parks prior to 1955 are designated parks. The amendment was necessary to clear up confusion that resulted from a decision of the District Court of Grand County, which is attached as Appendix 2. The amendment also provided for designation of parks after 1955 by ordinance. Finally, the amendment provided that once a park is designated, it cannot be sold without a vote of the electors.

Further, Affiant sayeth not.

2014 by John Bennett, known personally to me.

My commission expires:

JUDITH MYERS CASE NOTARY PUBLIC STATE OF COLORADO NOTARY ID 19874145048 MY COMMISSION EXPIRES SEPTEMBER 7, 2014 Denver City Council Meeting: 8/19/1996

Appendix I

(Discussion regarding C.B. 677 Series of 1996 Amending Section A 4.5)

John Bennett, Staff Director City Council: Madam President, Council Bill 677 refers a charter amendment to the voters at the November 5th election. The amendment confirms that parks used as parks prior to 1955 are designated parks.

The amendment clears up confusion those results from a Grand County Court interpretation of current charter language on parks.

It confirms that parks designated as parks after 199... (Correction) 1955 are still designated as parks. It provides further that designation of pa... (Correction) it provides for further designation of parks in the future. If this amendment is passed, then, once a park is designated it cannot be sold without a vote of the electors.

President: Thank you, John. The public hearing is open. We have no one signed up for the public hearing. At this point in time, are there questions of staff about this amendment? Seeing none, the public hearing is closed. Are there comments from members of Council? Seeing none, a roll call on Council Bill 677:

Clerk:

Barnes-Gelt: Aye

Casey: Aye
Davis: Aye
Flobeck: Aye
Foster: Aye
Gallagher: Aye
Haynes: Aye

Kimmelman: Aye Martinez: Aye Ortega: Aye

Madam President: Aye

Twelve Aye's.

Thomas: Aye

President: Twelve Aye's. Council Bill 677 is adopted

Defendant.

DEMVER CITY ATTORNEY'S OFFICE DEC 8 9 58 AH '95 DISTRICT COURT, GRAND COUNTY, COLORADO Case No. 94CV156 SUMMARY JUDGMENT Appendix 2 WINTER PARK RECREATIONAL ASSOCIATION, Plaintiff, ν. CITY AND COUNTY OF DENVER,

THIS MATTER is before the Court to rule on cross motions for summary judgment. Having reviewed the parties' motions and Joint Stipulation of Facts, and being advised of the record in this case, the Court grants Plaintiff's Motion for Summary Judgment for the reasons stated below.

Plaintiff commenced this action under C.R.C.P. 57 to obtain a declaration that real property belonging to Defendant described in the Complaint as the City Land, and which is the subject of a sale agreement between the parties, is not a park that Defendant is prohibited from selling under Section A4.5 of the City Charter of the City and County of Denver, which states: "[n]o portion of any designated park belonging to the city shall be sold." Section A4.5 also states: "All designated parks existing at the time this provision is enacted shall continue to be designated as parks. No land now owned or hereafter acquired by the city and county shall be deemed a park unless specifically designated a park by ordinance."

Under the plain language of the City Charter, land owned by Defendant is a park only if so designated by ordinance either before or after the effective date of Section A4.5, and only the sale of land so designated is prohibited. There is no dispute that the City Land has never been designated a park by ordinance. Therefore, the City Land is not a designated park that Defendant is barred from selling under Section A4.5. Because there are no genuine issues of material fact, the entry of summary judgment declaring that the City Land is not a designated park under A4.5 is proper. Ginter v. Palmer & Co., 585 P.2d 583 (Colo. 1978).

Post-it Fax Note 7671	Date 2/12/95 pages 2
TO/ 3021 Wilson	From Meria Kauser
PASE	Co.
CALL ME	Phone #
Fax#	Fax A

NOW, THEREFORE, it is

ORDERED that Plaintiff's Motion for Summary Judgment is granted, and summary judgment shall enter declaring the City Land is not a designated park that Defendant is prohibited from selling under Section A4.5 of the City Charter of the City and County of Denver.

DATED this 6th day of December, 1995.

BY THE COURT:

Joel S. Thompson

District Court Judge



1 BY AUTHORITY COUNCIL BILL NO. 677 ORDINANCE NO. 2 3 SERIES OF 1996 COMMITTEE OF REFERENCE: 4 Intergovernmental relations AND ELECTIONS ISSUES 5 6 ABILL 7 FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE QUALIFIED AND 8 REGISTERED ELECTORS OF THE CITY AND COUNTY OF DENVER AT THE SAME TIME AS AND IN CONJUNCTION WITH THE ELECTION TO BE HELD ON NOVEMBER 9 5, 1996, A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY AND COUNTY 10 OF DENVER AMENDING SECTION A4.5 THEREOF REGARDING THE SALE AND 11 12 LEASING OF PARKS. 13 BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER: 14 15 Section 1. There is submitted to the properly registered electors of the City and 16 County of Denver, at the same time as and in conjunction with the election to be held in the City and County of Denver on November 5, 1996, for their approval or rejection, a 17 18 proposed amendment to the Charter of the City and County of Denver, as follows: 19 Effective upon adoption and publication of this amendment and its filing with the Secretary of State pursuant to the Constitution and laws of the State of Colorado, Section 20 21 A4.5, Article IV, Chapter A, of the Charter of the City and County of Denver be and the 22 same is hereby amended to read as follows: 23 A4.5. 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 24 park or portion of any park belonging to the city as of December 31, 1955, shall be 25

sold or leased at any time, and no land acquired by the city after December 31:

26

1955, that is designated a park by ordinance shall be sold or leased at any time, 1 provided, however, that property in parks may be leased for park purposes to 2 3 concessionaires, to charitable or nonprofit organizations, or to governmental 4 jurisdictions. All such leases shall require the approval of council as provided for 5 in Chapter B of this charter. No land acquired by the city after December 31, 1955. 6 shall be deemed a park unless specifically designated a park by ordinance. 7 The voting machines and paper ballot for said election shall carry the 8 following designation, which shall be the submission clause: 9 10 AMENDMENT NO. 11 to the Charter of the City and County of Denver to require the approval of a majority of the 12 registered electors voting in an election conducted by the City to authorize the sale or leasing of parks, with the exception of leases for park purposes approved by City Council 13 14 to concessionaires, to charitable or nonprofit corporations or to governmental entities. YES____ 15 NO_____ 16 17 Each elector voting at the election and desirous of voting for or against Section 3. 18 the amendment shall indicate the elector's choice by depressing the appropriate counter of the voting machine which indicates the word "YES" or the word "NO", or by appropriate 19 20 marking upon paper ballots when used. 21 The proper officials of the City and County of Denver as are charged

with duties relating to the election shall, before the election, issue such calls, make such

22

1	certifications, and publications, give such notices, make such appointments, and do all
2	such other acts and things in connection with the submission of this Charter amendment
3	to the registered electors of the City and County of Denver at the election as are required
4	by the Constitution and laws of the State of Colorado and the Charter and ordinances of
5	the City and County of Denver.
6	Section 5. The ballots cast at such election shall be canvassed and the results
7	ascertained, determined, and certified in accordance with the requirements of the
8	Constitution and laws of the State of Colorado and the Charter and ordinances of the City
9	and County of Denver.
10	Section 6. If any section, paragraph, clause, or other portion of this ordinance is
11	for any reason held to be invalid or unenforceable, the invalidity or unenforceability shall
10	not offset any of the remaining nextions of this endings
12	not affect any of the remaining portions of this ordinance.
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	PASSED BY THE COUNCIL Description 1996 APPROVED: Melly 5 list - MAYOR A 4 GUST 2/ 1996 ATTEST: Ma Recorder, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER PUBLISHED IN THE DENVER POST August 16 1996 August 25 1996
13 14 15 16 17 18 19 20 21 22 23 24 25 26	PASSED BY THE COUNCIL Description 1996 APPROVED: Description - PRESIDENT - MAYOR A 4 GUST 2/ 1996 ATTEST: Abra Recorder, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER PUBLISHED IN THE DENVER POST August 16 1996 August 25 1996

DISTRICT COURT, COUNTY OF GRAND, COLORADO

Case No. 94CV156



AFFIDAVIT OF NEIL SPERANDEO

WINTER PARK RECREATIONAL ASSOCIATION,

Plaintiff,

٧.

CITY AND COUNTY OF DENVER,

Defendant.

- I, Neil Sperandeo, being of lawful age and duly sworn, hereby state as follows:
- 1. My name is Neil Sperandeo and I am employed by the City and County of Denver as the Director of Long Range Planning for the Department of Parks and Recreation.
- 2. I oversee all regulatory and planning functions for the Department which are not funded on a project-specific basis.
 - 3. I have extensive knowledge of the City's park system.
- 4. A majority of the City's parks were acquired prior to 1955, including Washington Park, City Park, Cheeseman Park, and the Mountain Parks.
- 5. It is my interpretation and understanding of the Denver Charter that parks existing prior to 1955 are designated parks, and that there was no requirement that they be designated by ordinance. The Department has consistently enforced this interpretation, which is in accord with the 1955 and 1983 Charter amendments to §A4.5.
- 6. The City Land has always been considered by the Department to be a park within the Mountain Parks system. It is presently included in the inventory of the Mountain Parks, and appears as such on Mountain Parks maps.

7. The Denver parks system consists of 206 parks encompassing 4,000 acres. There are an additional 14,000 acres in the Denver Mountain Parks system. To execute ordinances for all parks existing before 1955 would require an inordinate expenditure of money, time and effort on behalf of the Department. In addition, a reading of the Charter requiring such ordinances would significantly impair the status of these parks prior to the time ordinances could be executed.

1995.	August
NET SPERANDEO	

STATE OF COLORADO)
state of Colorado)
STATE OF COLORADO)
STATE OF COLORADO)

Subscribed and sworn to before me by Neil Sperandeo this $3^{\frac{1}{2}}$ day of August, 1995.

Notary Hublic

My Commission Expires Oct. 28, 1996

My commission expires:



From:
Sent:
To:

EXHIBIT

Cc:
Subject:

Wheeler, Patrick A. - Department of Law < Patrick. Wheeler@denvergov.org > Wednesday, March 19, 2014 3:17 PM

John Case; Broadwell, David W. - Department of Law; Behr, Mitch T. - City Attorney Office; jerome_deherrera@dpsk12.org; 'Ferrer, Molly' (MOLLY_FERRER@dpsk12.org); 'Hickman, Michael' (MICHAEL_HICKMAN@dpsk12.org)

Karen E. Corner; Russ Jones

RE: Friends of Denver Parks v. City and DPS - Letters from John Case to David Broadwell

John:

David Broadwell is currently away from the office. In the interest of time, I will respond to your two letters you sent him by email today. Since your first email is directed towards my involvement in the Grand County litigation and the 1996 Charter Amendment, I can best speak to this.

I was not the attorney who handled the Grand County litigation although I undoubtedly reviewed and commented on the briefing in that action. With respect to your item (1), I don't believe that I prepared the affidavit although I may have talked with Neil Sperandeo about its content. I don't have any specific memory in this regard. With respect to your item (2), I am certain that I did not advise John Bennett nor prepared any text for John Bennett to read at City Council on 8-19-1996. With respect to your item (3), I did assist my supervisors with researching and drafting the content of Council Bill 667, Ordinance No. 704, Series of 1996, but as noted on the bill for ordinance; I did not prepare the ordinance. As for your item (4), I probably was present at the City Council meeting on August 19, 1996, although I don't have any specific memory of that meeting.

With respect to your problem opening maps on the Game Plan as it is appears on the denvergov.org website, I suggest you try right clicking any map contained in the Game Plan and then clicking "marquee zoom". Adobe Reader will zoom in on the map showing the detail of the map. I will check with Parks and Recreation to see if it has an electronic copy that can be copied in pdf format on a disc. I don't believe it has been revised since it was adopted in 2003; however, I will check on that.

Patrick A. Wheeler | Assistant City Attorney



City Attorney's Office | City and County of Denver 720-865-8753 Direct | 720-913-3275 Office patrick.wheeler@denvergov.org

From: John Case [mailto:case@bensoncase.com]
Sent: Wednesday, March 19, 2014 2:28 PM

To: Broadwell, David W. - Department of Law; Wheeler, Patrick A. - Department of Law; Behr, Mitch T. - City Attorney

Office; jerome_deherrera@dpsk12.org; 'Ferrer, Molly' (MOLLY_FERRER@dpsk12.org); 'Hickman, Michael'

(MICHAEL_HICKMAN@dpsk12.org)

Cc: Karen E. Corner; Russ Jones; John Case

Subject: Friends of Denver Parks v. City and DPS - Letters from John Case to David Broadwell

Dear colleagues,

Attached please find copies of letter requests David Broadwell.

1	DISTRICT COURT, DENVER COUNTY STATE OF COLORADO	
2		
3	1437 Bannock Street Denver, Colorado 80202	
4	FRIENDS OF DENVER PARKS, INC., a	
5	Colorado non-profit corporation; and STEVE WALDSTEIN, an	
6	individual; ZELDA HAWKINS, an individual; MEMBERS OF THE	
7	PETITIONERS COMMITTEE TO REPEAL DENVER ORDINANCE 170, consisting	
8 9	of JOHN CASE, JUDITH M. CASE, RENEE LEWIS, DAVID HILL and SHAWN SMITH,	EXHIBIT B B B B B B B B B B B B B B B B B
10	Plaintiffs,	
11	v .	
12	CITY & COUNTY OF DENVER, a	
13	municipal corporation; and SCHOOL DISTRICT NO. 1 IN THE	
14	CITY AND COUNTY OF DENVER, a public entity; and DEBRA	
15	JOHNSON, in her capacity as clerk and recorder of the City and County of Denver.	
16		
17	Defendants.	
18	On behalf of Plaintiffs: JOHN CASE, ESQ., Atty Reg # 2431 BENSON & CASE, LLP	 Case No. 2013CV032444
19	1660 So. Albion Street, Suite 1100	Courtroom: 376
20	Denver, Colorado 80222 Phone Number: 303-757-8300	
21	Facsimile: 303-753-0444 E-mail: case@bensoncase.com	
22	VIDEOTABED CO. (1) (C) STRONG	
23	VIDEOTAPED 30(b)(6) DEPOS: CITY AND COUNTY OF DE	NVER
24	through GREGORY SCOTT NEITZH	(E
25	March 18, 2014	

DEPOSITION OF: GREGORY SCOTT NEITZKE 03/18/2014

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remainder of parcel 31 in addition to Hentzell Park? Were you involved in that? A. Yes. 11:05AM A. Yes. 11:05AM 10:05AM 11:05AM 11:05AM 12:05AM 13:05AM 14:05AM 15:05AM 16: True? 11:05AM 17: A. True. 11:05AM 18: Q. So this would have been published in 1978 or 11:05AM 19:1979 during the McNichols when Mr. McNichols was 11:05AM 20: mayor of Denver? 11:05AM 21: A. I'm not sure when he was manager (sic) but 11:05AM 22: Q in relation to that particular designation? 11:05AM 23: Q. Right. And is the unnamed park at Havana and 11:05AM 24: Cherry Creek, is that on this list also? 11:05AM 25: You were also asked about bridle paths bike.	111111111111111111111111111111111111111	properties that have been managed by Parks and formally now designate them as parks? A. Yes, I am. Q. What is your involvement in that current ongoing process? A. I do the property research, evaluate the deeds, compile the legal descriptions for them, review title commitments, any documentation related to those properties, and then consult the City attorney regarding the appropriate designation or inability to designate. Q. And did you perform those tasks in association	11:04AM 11:04AM 11:04AM 11:04AM 11:04AM 11:05AM 11:05AM 11:05AM 11:05AM	2 3 4 5 6 7 8 9 10 11	 A. Yes, sir. Q. And does it show an unnamed park at Havana and Cornell? See the highlighted circle? A. Yes, it does. Yep. Q. And 27.6 acres? A. Yes. Q. And that's parcel 31, isn't it, after you subtract out the 10 acres for the CDOT easement? A. It would seem so, yes. Q. So here parcel 31 in 1978 is listed on the City's list of parks. True? A. On this list, yes. 	11:07AM 11:07AM 11:07AM 11:07AM 11:07AM 11:07AM 11:07AM 11:07AM 11:07AM
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DEPOSITION OF: GREGORY SCOTT NEITZKE 03/18/2014

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١.	_	33			35	
1	_	And that would be parcel 31, wouldn't it?	11:08AM	1	_	11:11AM
2		It would seem so, yes.	11:08AM	2	A. I believe it would have been the deputy	11:11AM
نوست (And this on page 2 of the appendix 2 it	11:08AM	3		11:11AM
1		ere are 202 parks in the Denver Parks system.	11:08AM	4	Q. Who was it in 1998?	11:11AM
5		see that?	11:09AM	5	A. I think it was Charles Robertson.	11:11AM
6		Yes, I do.	11:09AM	6	Q. And he still works for the Parks Department?	11:11AM
7		And parcel 31 would be one of those 202 parks,	11:09AM	7		11:11AM
8	wouldn		11:09AM	8		11:11AM
9		It appears so, yes.	11:09AM	9	appendix 5. Appendix 5 is a page from the Parks	11:11AM
10		And then when we look at the map on page 2, it	11:09AM	10	Department list published October 8, 1998. True?	11:11AM
11	_	s parcel 31. True?	11:09AM	11	A. True.	11:12AM
12		True.	11:09AM	12	Q. And it includes Hampden Heights Open Space	11:12AM
13		When you look at appendix number 3, this is a	11:09AM	13	North. True?	11:12AM
14		st from 1991. True?	11:09AM	14		11:12AM
15		True.	11:09AM	15	Q. Lists the location at Dartmouth and Havana.	11:12AM
16		And they're showing parcel 31 as an unnamed	11:09AM	16	True?	11:12AM
17		Cornell and Havana. True?	11:09AM	17	A. True.	11:12AM
18		True.	11:09AM	18		11:12AM
19		So parcel 31 is on this list in 1991 of Denver	11:09AM	19		11:12AM
20	parks.		11:09AM	20		11:12AM
21		True.	11:09AM	21	A. It's on the list, yes.	11:12AM
22		And this is part of the official records of	11:09AM	22		11:12AM
23		partment of Parks and Recreation; isn't it?	11:09AM	23		11:12AM
24	_	True.	11:09AM	24		11:12AM
(_	Q.	Could you look at appendix 4, please.	11:09AM	25	Q. Right. It should say 1936. True?	11:12AM
		34		_	36	
1		ix 4 is a page from the parks list that was	11:10AM	1	A. True.	11:12AM
2	publish	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that?	11:10AM 11:10AM	2	A. True.Q. And if it was if it had said 1936, people	11:12AM 11:12AM
3	publishe	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep.		_	A. True.Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park.	
2	publishe A. Q.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver	11:10AM	2 3 4	A. True.Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park.True?	11:12AM
2 3 4 5	publishe A. Q. parks.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True?	11:10AM 11:10AM	2 3 4 5	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. 	11:12AM 11:12AM
2 3 4 5 6	publishe A. Q. parks. A.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True.	11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. 	11:12AM 11:12AM 11:12AM
2 3 4 5 6 7	publishe A. Q. parks. A. Q.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open	11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6 7	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was 	11:12AM 11:12AM 11:12AM 11:12AM
2 3 4 5 6 7 8	published A. Q. parks. A. Q. space le	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of	11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? 	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM
2 3 4 5 6 7 8 9	published A. Q. parks. A. Q. space locity par	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of iks. True?	11:10AM 11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6 7 8 9	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. 	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM
2 3 4 5 6 7 8 9	published A. Q. parks. A. Q. space locity par A.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of ks. True? It's on this list, yes.	11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6 7 8 9	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space 	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM
2 3 4 5 6 7 8 9 10	published A. Q. parks. A. Q. space locity par A. Q.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of iks. True?	11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6 7 8 9 10	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? 	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM
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2 3 4 5 6 7 8 9 10 11 12 13 14	published A. Q. parks. A. Q. space locity park A. Q. there? A. Q.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of eks. True? It's on this list, yes. Now, there's a mistake on this list; isn't From what do you mean? It shows that parcel 31 was acquired in 1981.	11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6 7 8 9 10 11 12 13	A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? A. It's on the list, yes. Q. All right. And it gives it a parcel number 634. True?	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:13AM 11:13AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	published A. Q. parks. A. Q. space locity par A. Q. there? A. Q. Q.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of iks. True? It's on this list, yes. Now, there's a mistake on this list; isn't From what do you mean? It shows that parcel 31 was acquired in 1981. True. That's a mistake, isn't it?	11:10AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? A. It's on the list, yes. Q. All right. And it gives it a parcel number 634. True? A. True. Q. And, again, this is referring to parcel 31, 	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:13AM 11:13AM 11:13AM 11:13AM 11:13AM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	published A. Q. parks. A. Q. space locity park A. Q. there? A. Q. A. Q. A.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of eks. True? It's on this list, yes. Now, there's a mistake on this list; isn't From what do you mean? It shows that parcel 31 was acquired in 1981. True. That's a mistake, isn't it? I would say so, yes.	11:10AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? A. It's on the list, yes. Q. All right. And it gives it a parcel number 634. True? A. True. Q. And, again, this is referring to parcel 31, which is now being called Hampden Heights North. True?	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:13AM 11:13AM 11:13AM 11:13AM 11:13AM 11:13AM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	published A. Q. parks. A. Q. space le city par A. Q. there? A. Q. A. Q. A. Q.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of iks. True? It's on this list, yes. Now, there's a mistake on this list; isn't From what do you mean? It shows that parcel 31 was acquired in 1981. True. That's a mistake, isn't it? I would say so, yes. It should say 1936. True?	11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM 11:10AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? A. It's on the list, yes. Q. All right. And it gives it a parcel number 634. True? A. True. Q. And, again, this is referring to parcel 31, which is now being called Hampden Heights North. True? A. True. 	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:13AM 11:13AM 11:13AM 11:13AM 11:13AM 11:13AM 11:13AM
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	published A. Q. parks. A. Q. space locity park A. Q. there? A. Q. A. Q. A. Q. A. go back	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of iks. True? It's on this list, yes. Now, there's a mistake on this list; isn't From what do you mean? It shows that parcel 31 was acquired in 1981. True. That's a mistake, isn't it? I would say so, yes. It should say 1936. True? When the City first acquired it, it would be Could you look at appendix 5, please. Let me a to appendix 4. I'm sorry. Do you know who	11:10AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? A. It's on the list, yes. Q. All right. And it gives it a parcel number 634. True? A. True. Q. And, again, this is referring to parcel 31, which is now being called Hampden Heights North. True? A. True. Q. All right. Look at appendix 7. Appendix 7 is from a document called location codes 2003. Do you recognize this as part of an official document that was produced from the records of the Department of Parks	11:12AM 11:13AM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 22 23	published A. Q. parks. A. Q. space locity park A. Q. there? A. Q. A. Q. A. 1936. Q. go back actually	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of iks. True? It's on this list, yes. Now, there's a mistake on this list; isn't From what do you mean? It shows that parcel 31 was acquired in 1981. True. That's a mistake, isn't it? I would say so, yes. It should say 1936. True? When the City first acquired it, it would be Could you look at appendix 5, please. Let me a to appendix 4. I'm sorry. Do you know who o physically prepared appendix number 4?	11:10AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? A. It's on the list, yes. Q. All right. And it gives it a parcel number 634. True? A. True. Q. And, again, this is referring to parcel 31, which is now being called Hampden Heights North. True? A. True. Q. All right. Look at appendix 7. Appendix 7 is from a document called location codes 2003. Do you recognize this as part of an official document that was produced from the records of the Department of Parks and Recreation?	11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:12AM 11:13AM
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	published A. Q. parks. A. Q. space locity parks. A. Q. there? A. Q. A. Q. A. Q. A. 1936. Q. go back actually A.	ix 4 is a page from the parks list that was ed April 17, 1998. Do you see that? Yep. This is part of an official list of Denver True? True. And this shows that Hampden Heights North open ocated at Dartmouth and Havana is on the list of iks. True? It's on this list, yes. Now, there's a mistake on this list; isn't From what do you mean? It shows that parcel 31 was acquired in 1981. True. That's a mistake, isn't it? I would say so, yes. It should say 1936. True? When the City first acquired it, it would be Could you look at appendix 5, please. Let me a to appendix 4. I'm sorry. Do you know who	11:10AM	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. True. Q. And if it was if it had said 1936, people would be alerted to the fact that it's a pre-1955 park. True? A. No. Q. Could you look at appendix 6, please. Appendix 6 is a page from the parks list that was printed October 11 of 2000. True? A. True. Q. And it shows Hampden Heights North Open Space as a park. True? A. It's on the list, yes. Q. All right. And it gives it a parcel number 634. True? A. True. Q. And, again, this is referring to parcel 31, which is now being called Hampden Heights North. True? A. True. Q. All right. Look at appendix 7. Appendix 7 is from a document called location codes 2003. Do you recognize this as part of an official document that was produced from the records of the Department of Parks and Recreation? A. Yes.	11:12AM 11:13AM

DEPOSITION OF: GREGORY SCOTT NEITZKE 03/18/2014

1	07				
	37			39	
1	North as being on the list of parks?	11:13AM	1	Q. Let me show you Exhibit 21. Have you seen	11:16AM
2	A. It shows it on the list, yes.	11:13AM	2	that document before today?	11:17AM
(-1)	Q. Could you look at appendix 8, please.	11:13AM	3	(Exhibit 21 was marked for identification.)	11:17AM
-	Appendix 8 is the southeast maintenance district map	11:13AM	4	A. No, I haven't.	11:17AM
5	and parks list published in 2004. True?	11:14AM	5	Q. Well, this is an affidavit signed by Neil	11:17AM
6	A. True.	11:14AM	6	Sperandeo on August 29, 1995. Could you take a few	11:17AM
7	Q. And that shows Hampden Heights North Open	11:14AM	7	minutes to read it, please. You've read it?	11:17AM
8	Space as a park, doesn't it?	11:14AM	8	A. Uh-huh.	11:18AM
9	A. On this map, yes, it would be shown in green	11:14AM	9	Q. Okay. So would you look at paragraph 4. Can	11:18AM
10	as a park.	11:14AM	10	you read out loud what Mr. Sperandeo said here under	11:18AM
11	Q. Right. And it's on the parks list, parcel	11:14AM	11	oath?	11:18AM
12	634. True?	11:14AM	12	A. "The majority of the city parks were acquired	11:18AM
13	A. True.	11:14AM	13	prior to 1955, including Washington Park, City Park,	11:18AM
14	Q. So here again, parcel 31 is shown as a park on	11:14AM	14	Cheeseman Park, and the mountain parks."	11:18AM
15	an official city list. True?	11:14AM	15	Q. Is that a true statement?	11:18AM
16	A. It's shown as management under the parks	11:14AM	16	A. I don't know about majority but the rest of it	11:18AM
17	division, yes.	11:14AM	17	is true.	11:18AM
18	Q. Can you look at appendix 9, please. This is	11:14AM	18	Q. So a lot of Denver parks were acquired prior	11:18AM
19	from the a list of Denver parks published in 2011.	11:14AM	19	to '55. True?	11:18AM
20	True?	11:14AM	20	A. A number of them were, yes.	11:18AM
21	A. Yes.	11:14AM	21	Q. All right. Would you read paragraph 5 out	11:18AM
22	Q. And, once again, it includes parcel 31. Now	11:14AM	22	loud, please.	11:19AM
23	it's listed as parcel 634. True?	11:15AM	23	A. "It is my interpretation and understanding of	11:19AM
24	A. True.	11:15AM	24	the Denver Charter that parks existing prior to 1955	11:19AM
(-	Q. And this is the same land that's referred to	11:15AM	25	are designated parks and that there was no requirement	11:19AM
	20				
	38	·		40	
1	in appendix 9 as we see in green on appendix 8. True?	11:15AM	1	40 that they be designated by ordinance. The Department	11:19ÁM
2			1 2		11:19AM 11:19AM
	in appendix 9 as we see in green on appendix 8. True?	11:15AM	1 2 3	that they be designated by ordinance. The Department	11:19AM
2 3 4	in appendix 9 as we see in green on appendix 8. True? A. True.	11:15AM 11:15AM	_	that they be designated by ordinance. The Department has consistently enforced this interpretation, which is	11:19AM
3	in appendix 9 as we see in green on appendix 8. True? A. True. Q. Then could you look at appendix 10, please.	11:15AM 11:15AM 11:15AM	3	that they be designated by ordinance. The Department has consistently enforced this interpretation, which is in accord with the 1955 and the 1983 Charter amendments	11:19AM 11:19AM
2 3 4	in appendix 9 as we see in green on appendix 8. True? A. True. Q. Then could you look at appendix 10, please. Appendix 10 is part of a can you tell me what it's	11:15AM 11:15AM 11:15AM 11:15AM	3	that they be designated by ordinance. The Department has consistently enforced this interpretation, which is in accord with the 1955 and the 1983 Charter amendments to A4.5."	11:19AM 11:19AM 11:19AM
2 3 4 5	in appendix 9 as we see in green on appendix 8. True? A. True. Q. Then could you look at appendix 10, please. Appendix 10 is part of a can you tell me what it's from? The City provided it to me. I'm not sure where	11:15AM 11:15AM 11:15AM 11:15AM 11:15AM	3 4 5	that they be designated by ordinance. The Department has consistently enforced this interpretation, which is in accord with the 1955 and the 1983 Charter amendments to A4.5." Q. Okay. Is that a true statement?	11:19AM 11:19AM 11:19AM 11:19AM
2 3 4 5 6	in appendix 9 as we see in green on appendix 8. True? A. True. Q. Then could you look at appendix 10, please. Appendix 10 is part of a can you tell me what it's from? The City provided it to me. I'm not sure where the document originated. A. I think this is from our GIS group. Q. GIS group?	11:15AM 11:15AM 11:15AM 11:15AM 11:15AM 11:15AM	3 4 5 6	that they be designated by ordinance. The Department has consistently enforced this interpretation, which is in accord with the 1955 and the 1983 Charter amendments to A4.5." Q. Okay. Is that a true statement? A. I can't speak to that because it's his	11:19AM 11:19AM 11:19AM 11:19AM
2 3 4 5 6 7 8 9	in appendix 9 as we see in green on appendix 8. True? A. True. Q. Then could you look at appendix 10, please. Appendix 10 is part of a can you tell me what it's from? The City provided it to me. I'm not sure where the document originated. A. I think this is from our GIS group.	11:15AM 11:15AM 11:15AM 11:15AM 11:15AM 11:15AM	3 4 5 6 7	that they be designated by ordinance. The Department has consistently enforced this interpretation, which is in accord with the 1955 and the 1983 Charter amendments to A4.5." Q. Okay. Is that a true statement? A. I can't speak to that because it's his interpretation and understanding.	11:19AM 11:19AM 11:19AM 11:19AM 11:19AM
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1	DISTRICT COURT, DENVER COUNTY STATE OF COLORADO	
3	1437 Bannock Street Denver, Colorado 80202	EXHIBIT
4	FRIENDS OF DENVER PARKS, INC., a	EARIDIT
5	Colorado non-profit corporation; and STEVE WALDSTEIN, an	
6	individual; ZELDA HAWKINS, an individual; MEMBERS OF THE	
7	PETITIONERS COMMITTEE TO REPEAL DENVER ORDINANCE 170, consisting	
8	of JOHN CASE, JUDITH M. CASE, RENEE LEWIS, DAVID HILL and SHAWN SMITH,	
10	Plaintiffs,	
11	V .	
12	CITY & COUNTY OF DENVER, a	
13	municipal corporation; and SCHOOL DISTRICT NO. 1 IN THE	
14	CITY AND COUNTY OF DENVER, a public entity; and DEBRA	
15	JOHNSON, in her capacity as clerk and recorder of the City and County of Denver.	
16	Defendants.	
17	On behalf of Plaintiffs:	· · · · · · · · · · · · · · · · · · ·
18	JOHN CASE, ESQ., Atty Reg # 2431 BENSON & CASE, LLP	l Case No. 2013CV032444
19	1660 So. Albion Street, Suite 1100 Denver, Colorado 80222	Courtroom: 376
20	Phone Number: 303-757-8300	
21	Facsimile: 303-753-0444 E-mail: case@bensoncase.com	
22	VIDEOTABED 20/b)/G) DEDOC	TTION OF
23	VIDEOTAPED 30(b)(6) DEPOS CITY AND COUNTY OF DE	
24	through TINA AXELRAD	
25	March 18, 2014	

DEPOSITION OF: TINA AXELRAD 03/18/2014

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1	adopted and approved, incorporated herein and made a	09:15AM	1	Q. May I show you Exhibit 3. Let me represent to	09:18AM
2	part hereof and collectively shall constitute the	09:15AM	2	you this is a map that we pulled off the City's	09:18AM
	official zoning map of the City and County of Denver,	09:15AM	3	official zoning map on March 1, 2014. And when you	09:18AM
4	hereinafter Official Map."	09:15AM	4	click on a particular location, it pulls up the zoning	09:19AM
5	Q. What does that mean exactly?	09:15AM	5	description, the ordinance, and shows you where it is.	09:19AM
6	A. It means that this there was a map that	09:15AM	6	(Exhibit 3 was marked for identification.)	09:19AM
7	applied zone districts that were in the text of the	09:16AM	7	A. Yes, I see that.	09:19AM
8	new of the code being brought together with the map	09:16AM	8	Q. All right. Now, do you see the name Hampden	09:19AM
9	and applied them to all land areas in the city of	09:16AM	9	Heights North Park on Exhibit 3?	09:19AM
10	Denver and that shows you what land is zoned what.	09:16AM	10	A. I do.	09:19AM
11	Q. And could you read the first sentence of	09:16AM	11	Q. And is that same land area shown on Exhibit 2?	09:19AM
12	paragraph (b) please.	09:16AM	12	A. It appears to be. Exhibit 2 is a portion of	09:19AM
13	A. "All land located within the City and County	09:16AM	13	what is shown on Exhibit 3 in terms of the green area.	09:19AM
14	of Denver shown on the Official Map as being zoned to a	09:16AM	14	Q. Right. So	09:19AM
15	zone district in the Denver Zoning Code, is hereby	09:16AM	15	A. Uh-huh.	09:19AM
16	rezoned as designated on the Official Map."	09;16AM	16	Q is it correct that Hampden Heights North	09:19AM
17	Q. All right. So what is hereby rezoned? What's	09:16AM	17	Park is zoned OS-A?	09:19AM
18	your understanding of what that means?	09:16AM	18	A. Yes, it is.	09:19AM
19	A. All land area prior to this ordinance had a	09:16AM	19	Q. Okay. And then to find out what OS-A means,	09:19AM
20	zoning designation on it under the previous code and	09:16AM	20	we look to the zoning code; is that true?	09:19AM
21	with this action, all land area got changed or rezoned	09:16AM	21	A. That's correct.	09:19AM
22	to a different zone district under the new Denver	09:16AM	22	Q. Let me hand you Exhibit 4. Is Exhibit 4 the	09:20AM
23	Zoning Code.	09:17AM	23	section of the zoning code that tells us what OS-A	09:20AM
24	Q. All right. And that was all it says as	09:17AM	24	means?	09:20AM
	designated on the Official Map.	09:17AM	25	(Exhibit 4 was marked for identification.)	09:20AM
	- 14			16	
1	A. As shown on the Official Map.	09:17AM	1	A. Exhibit 4 looks to me to be the purpose	09:20AM
2	Q. The term here is "designated." True?	09:17AM	2	statements for the open space districts established by	09:20AM
3	A. That is the term used, yes.	09:17AM	3	the code, including OS-A.	09:20AM
4	Q. Right. And you understand what designated	09:17AM	4	Q. All right. Would you read out loud, please,	09:20AM
5	means.	09:17AM	5	what OS-A means.	09:20AM
6	A. I would have to look at a dictionary. I have	09:17AM	6	A. I will read what it says here which is the	09:20AM
7	a general understanding of what the word means.	09:17AM	7	purpose of the open space public parks district. And	09;20AM
8	Q. Right. It's not a it's a common term that	09:17AM	8	so in paragraph A it says, "The OS-A district is	09:20AM
9	people use; right?	09:17AM	9	intended to protect and preserve public parks owned,	09:20AM
10	A. I think it was used in its common usage	09:17AM	10	operated or leased by the City and managed by the	09:20AM
11	Q. Right.	09:17AM	11	City's Department of Parks and Recreation, (DPR), for	09:20AM
12	A dictionary term.	09:17AM	12	park purposes."	09:20AM
13	Q. And then if we look at page 4 at the top, the	09:17AM	13	Q. All right. Now, if we look back at Exhibits 2	09:20AM
14	Denver Zoning Code and the Official Map and this	09:17AM	14	and 3, Hampden Heights Park North Park is zoned	09:20AM
15	Ordinance 333, Series 2010, all became effective	09:17AM	15	OS-A. True?	09:21AM
16	June 25, 2010; is that true?	09:17AM	16	A. That is correct.	09:21AM
17	A. Correct.	09:17AM	17	Q. And you know that to be land that is owned by	09:21AM
18	Q. So I wanted to show you now a map. I'm	09:17AM	18	the City and County of Denver. True?	09:21AM
19	showing you Exhibit 2. Do you have it in front of you?	09:18AM	19	A. I do know that now, yes.	09:21AM
20	(Exhibit 2 was marked for identification.)	09:18AM	20	Q. And it was managed at the time by the City's	09:21AM
· · ·	A. Yes, I do.	09:18AM	21	Department of Parks and Recreation. True?	09:21AM
22	Q. All right. And is Hampden Heights North Park	09:18AM	22	A. I don't have first-hand knowledge of that.	09:21AM
			133	0	
23	shown on that map?	09:18AM	23	Q. All right. But you know that to be true from	09:21AM
23 24	shown on that map? A. I don't see any label with that name, so I do	09:18AM 09:18AM	24	talking to others, don't you?	09:21AM 09:21AM
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DEPOSITION OF: TINA AXELRAD 03/18/2014

	DEFOSITION OF.				
	17			19	
1	MR. BROADWELL: Calls for hearsay, objection.	09:21AM	1	Q . Yes.	09:23AM
2	Go ahead.	09:21AM	2	A. As defined in the Denver Zoning Code, Article	09:23AM
	A. I can only presume by the fact that it's zoned	09;21AM	3	11.	09:23AM
4	OS-A that it had some link in terms of management	09:21AM	4	Q. Yes. Yes.	09:23AM
5	ownership or lease by the Department of Parks and	09;21AM	5	A. Yes, I will agree.	09:23AM
6	Recreation.	09:21AM	6	Q. And the zoning code was adopted by Ordinance	09:23AM
7	Q. (By Mr. Case) All right. So before coming	09:21AM	7	333, Series 2010; right?	09:24AM
8	here today, did you make any investigation to determine	09:21AM	8	A. Yes.	09:24AM
9	if Hampden Heights North Park, which is the subject of	09:21AM	9	Q. So the zoning code is part of that ordinance.	09:24AM
10	this lawsuit, was being managed by the City's	09:21AM	10	True?	09:24AM
11	Department of Parks and Recreation when the zoning code	09:21AM	11	A. Yes.	09:24AM
12	was adopted in 2010?	09:22AM	12	MR. CASE: That's all I have for this witness.	09:24AM
13	A. Me personally, no.	09:22AM	13	MR. BROADWELL: I have a couple of follow-up	09:24AM
14	Q. Did anyone that you know make that	09:22AM	14	questions, if I may.	09:24AM
15	investigation?	09:22AM	15	EXAMINATION	09:24AM
16	A. Yes.	09:22AM	16	BY MR. BROADWELL:	09:24AM
17	Q. Who?	09:22AM	17	Q. Ms. Axelrad, at the beginning of your	09:24AM
18	A. Our team of planners and GIS and Parks	09:22AM	18	testimony, you indicated that since 2010, the adoption	09:24AM
19	Department employees worked together to determine which	09:22AM	19	of the zoning code, there have been a couple of	09:24AM
20	lands should be zoned OS-A.	09:22AM	20	examples elsewhere in the city of property being	09:24AM
21	Q. All right. And what what did they	09:22AM	21	rezoned out of the OS-A district; is that correct?	09:24AM
22	indicate? Did they indicate that Hampden Heights North	09:22AM	22	A. That's correct.	09:24AM
23	Park was, at the time of the adoption of this	09:22AM	23	Q. In situations where that's occurred, was the	09:24AM
24	ordinance, being managed by the Department of Parks and	09:22AM	24	rezoning from OS-A to another category accompanied by	09:24AM
	Recreation?	09:22AM	25	voter approval?	09:24AM
	. 18			20	
1	A. I don't know.	09:22AM	1	20 A. No.	09:24AM
1 2		09:22AM	1 2		09:24AM 09:24AM
	A. I don't know.		_	A. No.	
2	A. I don't know.Q. So before coming here today, you made no attempt to find that out?A. No.	09:22AM	2	A. No.Q. And just for the record, give a couple of	09:24AM
3	A. I don't know.Q. So before coming here today, you made no attempt to find that out?	09:22AM 09:22AM	2 3	A. No.Q. And just for the record, give a couple of examples of what new zoning district those properties	09:24AM 09:25AM
2 3 4	A. I don't know.Q. So before coming here today, you made no attempt to find that out?A. No.	09:22AM 09:22AM 09:22AM	2 3 4	 A. No. Q. And just for the record, give a couple of examples of what new zoning district those properties were assigned to and like the circumstance under 	09:24AM 09:25AM 09:25AM
2 3 4 5	 A. I don't know. Q. So before coming here today, you made no attempt to find that out? A. No. Q. And you knew you were going to be testifying 	09:22AM 09:22AM 09:22AM 09:22AM	2 3 4 5	A. No. Q. And just for the record, give a couple of examples of what new zoning district those properties were assigned to and like the circumstance under which properties were changed out of OS-A to something	09:24AM 09:25AM 09:25AM 09:25AM
2 3 4 5 6	 A. I don't know. Q. So before coming here today, you made no attempt to find that out? A. No. Q. And you knew you were going to be testifying about the park that's in dispute in this case. True? 	09:22AM 09:22AM 09:22AM 09:22AM 09:22AM	2 3 4 5 6	A. No. Q. And just for the record, give a couple of examples of what new zoning district those properties were assigned to and like the circumstance under which properties were changed out of OS-A to something different.	09:24AM 09:25AM 09:25AM 09:25AM
2 3 4 5 6 7	 A. I don't know. Q. So before coming here today, you made no attempt to find that out? A. No. Q. And you knew you were going to be testifying about the park that's in dispute in this case. True? A. True. 	09:22AM 09:22AM 09:22AM 09:22AM 09:22AM	2 3 4 5 6 7	 A. No. Q. And just for the record, give a couple of examples of what new zoning district those properties were assigned to and like the circumstance under which properties were changed out of OS-A to something different. A. One example is the Children's Museum of Denver 	09:24AM 09:25AM 09:25AM 09:25AM 09:25AM
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