

A
RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE
URGING A NO VOTE ON "BALLOT QUESTION 300" AT THE
NOVEMBER 5, 2024 ELECTION

WHEREAS, the citizens of Cherry Hills Village ("City") will have the opportunity on November 5, 2024 to vote on a proposed amendment to the Cherry Hills Village Home Rule Charter ("Charter"), titled Ballot Question 300; and

WHEREAS, Quincy Farm is 17.5 acres of open space owned by the City that is governed by a Conservation Easement held by Colorado Open Lands, a Colorado nonprofit organization created expressly for the purpose of preserving critical open space in the State of Colorado to protect the quality of life for the benefit of the general public; and

WHEREAS, the Conservation Easement protects Quincy Farm in perpetuity by imposing constraints and conditions on the management and use of that property, and permits all uses of that property that are not inconsistent with or expressly prohibited by the Easement; and

WHEREAS, the Conservation Easement grants solely to Colorado Open Lands the right to prevent, correct, or require correction of violations of the terms and purposes of the Conservation Easement; and

WHEREAS, Section 3.9 of the Charter, entitled "Bridle Paths, Parks, Trails, Open Space and Recreation Programs," currently authorizes City Council to provide for and fund recreational areas and facilities in the City and requires the City to hold, protect, and maintain open space, including Quincy Farm, in public trust for the use, benefit, and enjoyment of the public; and

WHEREAS, Ballot Question 300 is a citizen-initiated petition that proposes to:

1. *prohibit public access* to the West Area of Quincy Farm without City supervision;
2. *immediately require* the City to maintain all City-owned or controlled structures, ponds, and areas on Quincy Farm that are listed on the National Register of Historic Places to an unknown standard, which conflicts with the terms of the Conservation Easement;
3. *expend significant taxpayer funds* on the repair and maintenance of the structures on Quincy Farm that the Conservation Easement does not require despite restrictions on public access and regardless of other budgetary priorities of the City, including public safety and infrastructure;
4. *attempt to authorize* City residents to enforce the terms of the Conservation Easement through legal action against the City, which would impinge upon and affect the rights granted to Colorado Open Lands and the City through the Conservation Easement; and

WHEREAS, if approved, Ballot Question 300 could: (1) immediately prohibit or constrain public access to and utility of the West Area of Quincy Farm while immediately and disproportionately increasing costs that the City must incur to manage that property; (2) require the City to delay maintenance decisions regarding Quincy Farm structures, ponds, and areas until determined pursuant to a city-wide election held at the cost of the taxpayers; (3) result in a plethora of legal challenges against the City by residents, with the cost of the City's defense to be borne by its taxpayers, even though the Conservation Easement currently provides a process and agent for its enforcement; and

WHEREAS, City Council has grave concerns about the legality and enforceability of Ballot Question 300, as the proposal seeks to impair and supersede rights lawfully vested in the City and Colorado Open Lands; and

WHEREAS, City Council finds that governments at every level use nature trails that allow citizens means to appreciate and enjoy natural resources and environmentally sensitive areas, such that the nature trail allows public enjoyment and educational opportunities consistent with the Conservation Easement; and

WHEREAS, the City Council of the City of Cherry Hills Village firmly believes that it is in the best interests of the citizens and taxpayers of the City for all eligible voters to vote "No" on Ballot Question 300 in the upcoming November 5, 2024 election; and

WHEREAS, City Council is authorized to pass a resolution or take a position of advocacy on any ballot issue pursuant to C.R.S. § 1-45-117(1)(b)(III), and based on the foregoing, desires to urge the registered electors of the City of Cherry Hills Village to vote "No" on Ballot Question 300.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cherry Hills Village, Colorado that:

Section 1. Recitals Incorporated. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of City Council.

Section 2. Council Opposes Ballot Question 300. The City Council strongly opposes Ballot Question 300, which will be presented to voters on the ballot for the November 5, 2024 election.

Section 3. Vote "No" on Ballot Question 300. The City Council urges eligible voters to vote "No" on Ballot Question 300 in the November 5, 2024 election.

Section 4. Reporting Resolution. The City Clerk and City Manager are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this resolution, including reporting the passage of and distributing this resolution through established customary means pursuant to C.R.S. § 1-45-117(1)(b)(III).


Section 5. Effective Date. This resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of City Council this 17th day
of September, 2024, by a vote of 5 yes 0 no.


(SEAL)


Kathleen Brown, Mayor

ATTEST:


Laura Gillespie, City Clerk

APPROVED AS TO FORM:


Kathie B. Guckenberger, City Attorney