

The Cherry Hills Land Preserve Inc. is writing a complete history of Cherry Hills Village which will be presented to the Cherry Hills Community in 2007. The following excerpt provides a preview of some of the details of that history. Look for more excerpts in future Criers.

IN THE BEGINNING...OR...STAVING OFF DENVER

by Klasina VanderWerf

The traditional narratives that chart the history of Cherry Hills Village point to incorporation as a means of preventing Denver from building a regional airport about a mile to our south off of University Boulevard. It was abundantly clear to area residents that with the mountains to the west and the north-south aviation beam on the east, airport runways would need to have a north-south orientation, and that if the airport project went forward, low flying planes would be a fact of life. It was only through incorporation that the area could become a city which could pass an ordinance to prevent this threat.

It's a great story. It's a true story. But it is only half of the story.

For area residents, incorporation wasn't the beginning so much as an ending. It was the final salvo launched at what was seen as a relentless march southward by their giant neighbor to the north, the City and County of Denver.

Early residents to the area south of Hampden had moved there in the first place to get out of the city and the sorts of development that were typical of Denver. As Persis Owen, the first Crier editor, explained in the first issue of the Crier: "The families who lived in the Cherry Hills district before the Village was incorporated did so primarily because they enjoyed country pleasures more than city excitement. They wanted the quiet, peace and freedom that the countryside afforded."

In the 1930's, this peace and quiet was threatened by developers who had their eyes on bringing commercial development to the area. J. Churchill Owen, an attorney who lived in the Country Homes area, launched the first salvo. He drafted, and helped get the Colorado General Assembly to pass two pieces of legislation in its 1939 session. At a time when zoning was not commonly used even by municipalities, Owen's first piece of legislation was a zoning district law which allowed *counties* to zone properties for their best future use. The second was a fire protection bill so that an unincorporated area could provide protection without incorporating.

In June, 1939, Arapahoe County Commissioners established the Cherry Hills district by petition of property owners. J. Churchill Owen served as chairman of the zoning committee in charge of preparing a zoning map. The committee hired an expert with the instructions to draw a map which would "continue the area in its present form as a residential and farming district and prevent the erection of cheap and unsightly structures, principally undesirable business establishments." By the end of that same year, the Board of County Commissioners of Arapahoe County received a zoning plan from the unincorporated area of Cherry Hills.

Cherry Hills area residents organized themselves into the Cherry Hills District Improvement Association (CHDIA). There were four smaller districts within this Association: east, north, south, and Village, each of which provided from one to three directors to the organization. J.H.K. Martin, who lived on 31 acres at the corner of Colorado and Quincy, was the Association's first president. The minutes of Association meetings indicate that, even then, the District was very wary of the potential land grabs by the City and County of Denver and closely monitored Denver Planning Commission activities.

Development slowed to a standstill during World War II, but this just postponed the inevitable. By 1943, Denver's plan for a regional airport was public knowledge; Denver itself was moving relentlessly southward – and Denver seemed to hold all the cards. The CHDIA Directors held meetings at Temple Buell's home on South University to discuss strategy. In May, the CHDIA board held a meeting at the Cherry Hills School. A crowd was on hand to discuss Denver's move to take possession of land to the south. Joe Little, the man who would be elected Cherry Hills Village's first mayor and who lived off of what would become Littleridge, made his first appearance. Caldwell Martin made a Motion, which Little seconded, that "the airport project be fought to the limit." President Martin appointed a legal committee consisting of Caldwell Martin and Joe Little, among others.

By October, Denver had shown the full extent of its appetite. With one large chomp, Denver bit off the Mountain View residential district, an area east of Colorado Boulevard in Arapahoe County, by purchasing 180 acres of land. The law at that time allowed for annexation based on the signatures of owners of two-thirds of the property. By purchasing large blocks of land, Denver could itself constitute that two-thirds. But, further, the reason this land grab was so critical was that if Denver could extend its city limits to within five miles of the proposed airport, it would then by law be able to use purchased land within that range “to carry out its corporate business and exercise its proper municipal functions” – i.e., build a regional airport.

Several entities, including CHDIA, hired Kenneth Robinson to serve as an attorney for Arapahoe County. At a February, 1944, CHDIA meeting, Robinson reported that a temporary injunction had been obtained against the City and County of Denver and that a permanent injunction was being pursued as well. Caldwell Martin who lived in the area that would become Martin Lane and who kept pigeons and raised horses, got up to speak arguing that “the issue at stake was whether Denver could take anything it wanted anywhere in Colorado.”

In November, 1944, Joe Little tried working his political connections. He wrote to Senator Ed Johnson suggesting that, after the war, surely the Army would not want to operate both Buckley and Lowry Fields, and perhaps one or the other could make a fine regional airport at far less expense to the taxpayer than it would cost to build a new airport in Arapahoe County. The Army let Senator Johnson know that it had other ideas for Buckley and Lowry.

It is then that a member of CHDIA’s appointed legal committee uncovered a number of court decisions in other states where suburbs located near proposed airports had incorporated as a city so that they could adopt an ordinance which put a floor under the altitude at which airplanes were allowed to fly over. So, the final solution presented itself.

Area residents gathered in the Cherry Hills Schoolhouse to discuss the prospects of incorporation. Eventually, petitions were circulated: 75 signatures were needed. The election to incorporate was held on February 20, 1945. In May, another gathering, reminiscent of an old New England town meeting was again held in the Schoolhouse to elect a mayor and six trustees. The fledgling city operated on a shoestring budget; it would be a year before the Village could collect taxes.

Ironically, Cherry Hills Village never passed an ordinance governing the height that planes could fly overhead.

The Cherry Hills Land Preserve is a non-profit organization dedicated to preserving the rural character of our community. To make a contribution to CHLP, you may mail your check to CHLP, P.O. Box 522, Englewood, CO. 80151-0522.



**Cherry Hills
Land Preserve, Inc.**