

ORDINANCE NO. 20-54

AN ORDINANCE SUBMITTING A CHARTER AMENDMENT TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF COLORADO SPRINGS, COLORADO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD AT THE COORDINATED ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON NOVEMBER 3, 2020, AMENDING SECTION 3-70 OF THE CITY CHARTER RELATING TO CONVEYANCES OF CITY-OWNED PARKLAND, PROVIDING FOR THE FORM OF THE BALLOT TITLE, PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION, AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Council hereby submits and refers to the vote of the registered qualified electors of the City at a Special Municipal Election to be held at the Coordinated Election conducted by mail ballot on November 3, 2020 (the "Election"), a proposed amendment to Section 3-70 of the Charter of the City of Colorado Springs to read as follows:

3-70. Ordinances and Resolutions.

\* \*

(b) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the Council's proceedings. Upon the request of any member, the ayes and noes shall be taken and recorded upon any motion. Every member when present must vote.

(1) Every ordinance and every resolution providing for the expenditure of money shall require on final passage the affirmative vote of five (5) members.

**(2) A resolution approving a voluntary Conveyance of Parkland which is included on the Parkland Designation List shall only be permitted with a super-majority approval of not less than seven (7) members of the Council, except for the types of Conveyances in subsection (ii) of this section. If any other Charter provision or voter-approved ordinance independently requires an election of the qualified electors of the City for approval of a voluntary Conveyance of Parkland included on the Parkland Designation List, the purposes of this Charter section shall be satisfied by the referral of the question to the qualified electors of the City.**

(i) **Term Definitions. For purposes of this section:**

(A) **“Conveyance”** means a voluntary transfer of a property interest in Parkland which is included on the City’s Parkland Designation List from the City to an individual or entity that is not controlled by the City.

(B) **“De Minimis Conveyance”** means a Conveyance of less than two (2) acres of Parkland or five percent (5%) of the total acreage of an entire park which is included on the Parkland Designation List, whichever is less, and which does not materially diminish the public’s use of the Parkland.

(C) **“Developed Parkland”** means Parkland upon which construction has commenced in accord with the applicable City approved plan and a portion of which is open for public use.

(D) **“Parkland”** means any land owned by the City that is administratively controlled by the Parks, Recreation and Cultural Services Department, but excludes trails and land administratively controlled by other departments or enterprises that have a secondary parks use.

(E) **“Parkland Designation List”** means a list of Parklands the Conveyance of which is subject to the restrictions contained in this Charter provision.

(ii) **Conveyances Not Requiring a Super-Majority Approval of Seven (7) Members of the Council.** The following types of Conveyances do not require a super-majority approval of seven (7) members of the Council and may occur pursuant to less restrictive City procedures effective at the time of the Conveyance:

(A) A Conveyance that is required by court order, judicial proceeding, or regulatory action;

(B) A Conveyance effectuated through the exercise of eminent domain or following a written notice of intent to condemn through the exercise of eminent domain by a governmental entity with authority to condemn City property;

(C) A lease, temporary permit, license, or easement granted by the City pursuant to this Charter;

(D) The Conveyance of a conservation easement to and held by a qualified land trust;

(E) A Conveyance of Parkland that is not included in the Parkland Designation List;

**(F) A *De Minimis* Conveyance;**

**(G) A Conveyance approved by City Council in order to resolve a bona fide title dispute identified by the City Attorney;**

**(H) A Conveyance of Parkland which is not Developed Parkland and was acquired by the City through the Park Land Dedication Ordinance, through other land use exaction, or as a requirement of annexation to the City;**

**(I) A termination of a secondary use by the Parks, Recreation and Cultural Services Department of a property administratively assigned to another department or enterprise of the City.**

**(iii) Parkland Designation List. The Parkland Designation List as approved by the qualified electors of the City is located in the Appendix at the end of the Charter. For Parkland acquired after the implementation of this Charter provision, City Council shall add by ordinance any Developed Parkland to the Parkland Designation List. The Parkland Designation List shall be available for inspection in the City Clerk's Office. Parkland shall not be removed from the Parkland Designation List, except following a Conveyance as provided for in this Charter provision. For Conveyances made pursuant to this Charter provision, City Council shall by ordinance cause the Parkland subject to the Conveyance to be removed from the Parkland Designation List.**

Section 2. The Parkland Designation List is attached and incorporated herein as "Exhibit A."

Section 3. The Election shall be a Special Municipal Election which is held as part of a Coordinated Election, conducted by mail ballot on November 3, 2020, pursuant to the Charter of the City of Colorado Springs and applicable Colorado statutes, except as otherwise provided in the Charter or ordinances of the City, all as impliedly modified by relevant judicial decisions. The City Clerk shall be the designated election official for all matters.

Section 4. The question of amending the City Charter for this stated purpose shall be submitted to the registered qualified electors of the City in substantially the following form:

“SHALL ARTICLE III, SECTION 3-70 OF THE CHARTER OF THE CITY OF COLORADO SPRINGS BE AMENDED TO REQUIRE THAT SPECIFIED CONVEYANCES OF CITY-OWNED PARKLAND ONLY BE PERMITTED UPON THE APPROVAL OF NOT LESS THAN A SUPER-MAJORITY OF SEVEN (7) MEMBERS OF CITY COUNCIL, AND PROVIDING EXCEPTIONS TO THE SUPER-MAJORITY APPROVAL REQUIREMENT ONLY FOR CONVEYANCES WHICH ARE AUTHORIZED BY THE VOTERS, JUDICIALLY ORDERED, RESULT FROM EMINENT DOMAIN, TITLE DISPUTES OR REGULATORY ACTIONS, CONSIST OF LEASES, TEMPORARY PERMITS, EASEMENTS OR CONSERVATION EASEMENTS, AND *DE MINIMIS* CONVEYANCES; PROVIDED THAT, IF THIS CHARTER AMENDMENT AND ANOTHER CHARTER AMENDMENT WHICH SUBSTANTIALLY PERTAINS TO CONVEYANCES OF CITY-OWNED PARKLAND ARE BOTH APPROVED BY VOTERS AT THIS ELECTION, ONLY THE MEASURE RECEIVING THE MOST AFFIRMATIVE VOTES SHALL BECOME EFFECTIVE?”

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

Section 5. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The City Clerk shall assist and cooperate with the County Clerk and Recorder in conducting the Special Municipal Election held as part of a Coordinated Election.

Section 6. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this ordinance and toward the general election, are hereby ratified, approved and confirmed.

Section 7. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 8. All ordinances resolutions, bylaws and regulations of the City in conflict with this ordinance, are hereby repealed to the extent of any conflict. This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation, in whole or in part, previously repealed.

Section 9. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter.

Section 10. If another Charter amendment is approved by the electorate at this Election which substantially pertains to conveyances of City-owned Parkland, only the measure receiving the most affirmative votes shall become effective. If this Charter amendment is passed with the most affirmative votes by the electorate at this Election, it shall be effective as provided by law.

Section 11. Within thirty (30) days of the effective date of this ordinance, the City Clerk shall publish notice of the Election upon the amendment, which notice shall contain the full text of the amendment as set forth in this ordinance.

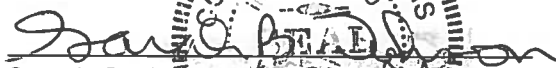
Introduced, read, passed on first reading and ordered published this 11<sup>th</sup> day of August 2020.

**Finally passed:** August 25<sup>th</sup> 2020



Council President

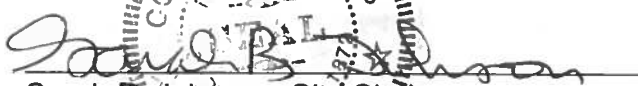
ATTEST:

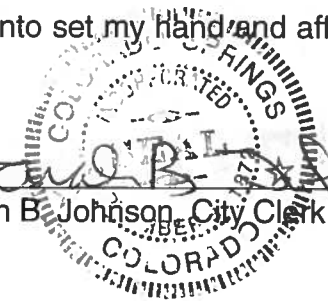
  
Sarah B. Johnson, City Clerk



I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE SUBMITTING A CHARTER AMENDMENT TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF COLORADO SPRINGS, COLORADO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD AT THE COORDINATED ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON NOVEMBER 3, 2020, AMENDING SECTION 3-70 OF THE CITY CHARTER RELATING TO CONVEYANCES OF CITY-OWNED PARKLAND, PROVIDING FOR THE FORM OF THE BALLOT TITLE, PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION, AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on August 11<sup>th</sup> 2020; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 25<sup>th</sup> day of August 2020, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 25<sup>th</sup> day of August 2020.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: August 14<sup>th</sup>, 2020

2<sup>nd</sup> Publication Date: August 28<sup>th</sup>, 2020

Effective Date: September 2<sup>nd</sup>, 2020

Initial: SBJ  
City Clerk

## Protect Our Parks Proposed Park List

Draft 06/12/2020

	A	B	C	D
1	Reflects the properties that could be protected by the Protect Our Parks Proposal			
2	<b><u>Golf Courses</u></b>			
3	VALLEY HI GOLF COURSE			
4	<b><u>Community Park</u></b>			
5	AMERICA THE BEAUTIFUL PARK			
6	COLEMAN PARK (Developed Portion)			
7	COTTONWOOD CREEK PARK			
8	JOHN VENEZIA COMMUNITY PARK			
9	MEMORIAL PARK			
10	MONUMENT VALLEY PARK			
11	QUAIL LAKE PARK			
12	RAMPART PARK			
13	WILSON RANCH PARK			
14	<b><u>Mini Park</u></b>			
15	BOULDER CRESCENT PARK			
16	CUCHARRAS PARK			
17	HAPPY HOLLOW PLAYGROUND			
18	HONEYBEAR PLAYGROUND			
19	IVYWILD PARK			
20	LITTLE BRITCHES PLAYGROUND			
21	LOWELL PARK			
22	MOUNTAIN VIEW PLAYGROUND			
23	MUNCHKIN PLAYGROUND			
24	TRUES MILL PARK			
25	<b><u>Neighborhood Park</u></b>			
26	AUDUBON PARK			
27	BETTY KROUSE PARK			
28	BLUNT PARK			
29	BONFORTE PARK			
30	BOTT PARK			
31	BOULDER PARK			
32	BRICKER PARK			
33	BROADMOOR BLUFFS PARK			
34	BROADMOOR GLEN PARK			
35	BROADMOOR VALLEY PARK			
36	BUCKSKIN CHARLIE PARK			
37	CANDLEFLOWER PARK			
38	CARVER PARK (Portion owned by City)			
39	CENTENNIAL PARK			
40	CHEYENNE MEADOWS PARK			
41	DANVILLE PARK			
42	DEERFIELD PARK			

**Protect Our Parks Proposed Park List**  
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	A	B	C	D
43	DISCOVERY PARK (Portion owned by City)			
44	DR FRANK HOUCK PARK			
45	DUBLIN PARK			
46	ERINDALE PARK			
47	EUGENE MCCLEARY PARK			
48	EXPLORER PARK			
49	FAIRFAX PARK			
50	FLANAGAN PARK			
51	FOOTHILLS PARK (Portion owned by City)			
52	FORD FRICK PARK			
53	FOUNTAIN PARK			
54	FRANK CASTELLO PARK			
55	FREMONT PARK			
56	FRONTIER PARK			
57	GARDEN RANCH PARK			
58	GEORGE FELLOWS PARK (Portion owned by City)			
59	GIBERSON PARK			
60	GLEN OAKS PARK			
61	GOLD CAMP PARK			
62	GOLDEN HILLS PARK			
63	GRANT PARK			
64	HEATHERCREST PARK			
65	HENRY PARK			
66	HIGH MEADOWS PARK			
67	HOMESTEAD PARK			
68	HORACE SHELBY PARK			
69	JACK TEMPLETON PARK			
70	JACKSON PARK (Portion owned by City)			
71	JAMES SMITH SR PARK			
72	JARED JENSON PARK			
73	JEFFERSON PARK			
74	JENKINS PARK			
75	JOHN STONE PARK			
76	JUDGE LUNT PARK			
77	KATHLEEN MARRIAGE PARK			
78	KELLER PARK			
79	KEN JORDAN PARK			
80	KEYSTONE PARK			
81	LAURA GILPIN PARK (Developed Portion)			
82	LULU POLLARD PARK			
83	LUNAR PARK			
84	MADISON PARK			
85	MARSHALL SPRAGUE PARK			
86	MARY KYER PARK			
87	MCKOWN PARK			



**Protect Our Parks Proposed Park List**  
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	A	B	C	D
88	MEADOWLARK PARK			
89	MEADOWRIDGE PARK			
90	MEADOWS PARK			
91	MONTEREY PARK			
92	MOUNTAIN SHADOWS PARK			
93	NANCY LEWIS PARK			
94	OAK MEADOW PARK			
95	OAK VALLEY RANCH PARK			
96	OLD FARM PARK			
97	OTERO PARK			
98	OTIS PARK			
99	PANORAMA PARK			
100	PENROSE PARK (Portion owned by City)			
101	PENSTEMON PARK			
102	PIKE PARK			
103	PINECLIFF PARK			
104	PINON VALLEY PARK			
105	PIONEER PARK			
106	PORTAL PARK			
107	PRAIRIE GRASS PARK			
108	PRING RANCH PARK			
109	REMINGTON PARK			
110	ROSWELL PARK			
111	ROY BENAVIDEZ PARK			
112	RUDY PARK (Portion owned by City)			
113	SAGEBRUSH PARK			
114	SANDSTONE PARK			
115	SIERRA PARK			
116	SHOOKS RUN PARK			
117	SNOWY RIVER PARK			
118	SOARING EAGLES PARK			
119	SPRINGS RANCH PARK			
120	STETSON PARK			
121	THORNDALE PARK			
122	TOMAH PARK			
123	TWAIN PARK			
124	VAN DIEST PARK			
125	VERMIJO PARK			
126	VILLA LOMA PARK			
127	VILLAGE GREEN PARK			
128	WAGNER PARK			
129	WASSON PARK			
130	WEDGEWOOD PARK			
131	WEST CREEK PARK			
132	WESTMOOR PARK			

## Protect Our Parks Proposed Park List

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	A	B	C	D
133	WICKES PARK			
134	WILDFLOWER PARK			
135	WILSON PARK			
136	WOODLAND HILLS PARK			
137	WOODSTONE PARK			
138	<b><u>Open Space</u></b>			
139	AUSTIN BLUFFS OPEN SPACE (TOPS)			
140	AUSTIN BLUFFS OPEN SPACE (Non-TOPS Portions)			
141	BLAIR BRIDGE OPEN SPACE - DEED			
142	BLODGETT PEAK OPEN SPACE (TOPS)			
143	BLUESTEM PRAIRIE OPEN SPACE (TOPS)			
144	BROADVIEW OPEN SPACE (PLDO - DEVELOPED)			
145	CHEYENNE MOUNTAIN STATE PARK (TOPS)			
146	CORRAL BLUFFS (TOPS)			
147	CRESTA OPEN SPACE (Developed Area)			
148	DOUGLAS CREEK OPEN SPACE			
149	HIGH CHAPARRAL OPEN SPACE (TOPS)			
150	HIGH CHAPARRAL OPEN SPACE (PLDO- DEVELOPED)			
151	IRON MOUNTAIN OPEN SPACE (TOPS)			
152	MANITOU INCLINE/BARR LAND			
153	MESA VALLEY OPEN SPACE (PLDO- DEVELOPED)			
154	RED ROCK CANYON OPEN SPACE (TOPS)			
155	ROCKRIMMON OPEN SPACE (PLDO- DEVELOPED)			
156	SECTION 16 (TOPS)			
157	SINTON POND (PLDO- DEVELOPED)			
158	SONDERMANN PARK (PLDO- DEVELOPED)			
159	STRATTON OPEN SPACE (TOPS)			
160	SUNSET MESA OPEN SPACE (PLDO- DEVELOPED)			
161	UNION MEADOWS OPEN SPACE (TOPS)			
162	UTE VALLEY PARK (TOPS)			
163	WHITE ACRES (TOPS)			
164	<b><u>Regional Parks</u></b>			
165	BEAR CREEK CANON PARK			
166	GARDEN OF THE GODS PARK (TOPS)			
167	GARDEN OF THE GODS PARK (Non TOPS Portion)			
168	NORTH CHEYENNE CANON PARK(TOPS)			
169	NORTH CHEYENNE CANON PARK (Non TOPS Portions)			
170	PALMER PARK			
171	ROCK LEDGE RANCH			
172	UTE VALLEY PARK (TOPS)			
173	UTE VALLEY PARK (Non-TOPS Portions)			
174	<b><u>Special Purpose Parks</u></b>			
175	ACACIA PARK			

**Protect Our Parks Proposed Park List**

**Draft 06/12/2020**

	A	B	C	D
176	ALAMO SQUARE PARK			
177	ANTLERS PARK			
178	BANCROFT PARK			
179	CITY HALL PARK			
180	HARLAN-WOLFE PARK			
181	<b><u>Special Resource Areas- Open Spaces</u></b>			
182	HIGH PLAINS OPEN SPACE (PLDO -DEVELOPED)			
183	PROMONTORY OPEN SPACE (PLDO -DEVELOPED)			
184	WOODLAND HILLS OPEN SPACE (PLDO -DEVELOPED)			
185	<b><u>Sports Complexes</u></b>			
186	GOSSAGE YOUTH SPORTS COMPLEX			
187	LEON YOUNG SPORTS COMPLEX			
188	SKY VIEW SPORTS COMPLEX			
189				