

A
RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
CONCERNING THE ESTABLISHMENT OF THE
CATHERINE H. ANDERSON OPEN SPACE PROGRAM

WHEREAS, open spaces, parks and trails within the City of Cherry Hills Village enhance the quality of life of Village residents, contribute to the Village's unique character, provide habitat for urban wildlife and provide opportunities for exalted views as well as recreational and educational activities; and

WHEREAS, by way of Resolution 13, Series 2006, this Council recognized the need to preserve lands that:

- (1) maintain urban open space, natural areas, water quality, urban wildlife habitat and movement corridors, views, and trail corridors; and/or
- (2) serve to maintain community identity; and/or
- (3) provide for passive and active recreational needs, including but not limited to walking, cycling, horseback riding, cross-country skiing, photography and nature studies; and/or
- (4) have been identified by the Blue Ribbon Panel report as "Scenic Treasures" or that are adjacent to and/or that protect "Scenic Treasures," which "Scenic Treasures" include the Highline Canal trail corridor; and

WHEREAS, Ms. Catherine H. Anderson is the owner of certain real property within Cherry Hills Village that is comprised of approximately 17.5 acres of land situated on both sides of the High Line Canal immediately south of East Quincy Avenue (hereinafter the "Anderson Property"); and

WHEREAS, on December 14, 2007, Ms. Anderson conveyed a conservation easement over the Anderson Property to Colorado Open Lands, a Colorado non-profit corporation, by way of the Deed of Conservation Easement attached hereto; and

WHEREAS, thereafter, also on December 14, 2007, Ms. Anderson conveyed the Anderson Property (subject to said conservation easement and a reserved life estate) to the City of Cherry Hills Village by way of the Special Warranty Deed attached hereto; and

WHEREAS, the City Council, overwhelmed by the generosity of Ms. Anderson in her donation of the Anderson Property to the City, desires to establish a program to build upon the private donation of land in Cherry Hills Village in Ms. Anderson's name; and

WHEREAS, the Cherry Hills Village Master Plan identifies a goal of increasing and protecting Village open spaces and building upon the present trail system through establishing the necessary Village processes, including evaluating a process to work with landowners to fund, acquire and protect open space, scenic areas and scenic vistas; and

WHEREAS, the City Council desires, through this resolution, to establish a financial incentive for residents of the Village and other groups that desire to preserve natural open spaces in the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE THAT:

Section 1.

The City Council of the City of Cherry Hills Village hereby establishes the Catherine H. Anderson Open Space Program. The program is established to foster and encourage natural open space preservation through financial assistance to residents interested in preserving Village natural areas.

Section 2.

The existing Fund 8, Land Donation Fund, be renamed: Fund 8, Catherine H. Anderson Land Donation Fund. This fund is to be utilized for the primary purpose of acquisition of open space, parks and trails.

This fund will continue to receive cash-in-lieu dedications associated with subdivision applications. However, Fund 8 will now also receive any other private monetary donations received by the City, including donations made through the City's recreation reimbursement program and any donations made at any of the City's various recreational events.

During the annual budget process, the City Council will consider other methods of funding this account. Such methods may include, but will not be limited to, an annual appropriation of funds from the General Fund or from Fund 30 Parks and Recreation Fund, the annual transfer of a certain portion of the Specific Ownership Tax collected in Fund 30, or other funding options.

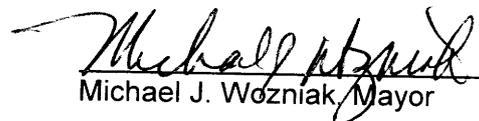
Section 3.

The City Council directs staff to bring forward a process for application, evaluation and distribution of funds from the Catherine H. Anderson Land Donation Fund.

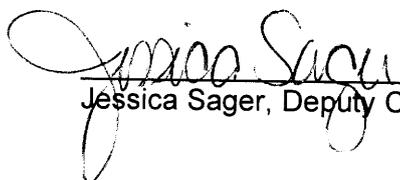
Section 4.

That this Resolution be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this 5th day of May, 2009, by a vote of 6 yes and 0 no.


Michael J. Wozniak, Mayor

ATTEST:


Jessica Sager, Deputy City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

(SEAL)