

November 6, 2007

The Honorable David Casiano
Members of the Town Council of Parker
Parker Town Hall
20120 E. Mainstreet
Parker, CO 80138

Dear Mayor David Casiano and Parker Town Council Members:

There is an issue currently before you that has escalated to the point where we feel obligated to become involved.

It is our understanding that the Parker Town Council is interested in obtaining through eminent domain a piece of property that is outside of its jurisdiction. That property, located in unincorporated Douglas County at 9432 North Molsenbocker Road, is currently owned and operated by American Design and Landscape.

The property owner has informed us that he has been operating his business on this land for many years but is willing to sell his land to the Town. The Town, however, is unwilling to pay his appraisal price. Instead, it is attempting to gain the property through condemnation.

As state legislators we certainly respect Parker's home rule authority. However, we expect the same level of respect for the authority of the legislature when using a powerful tool such as condemnation outside the municipal boundaries of Parker. In 2004 the legislature overwhelmingly approved and the Governor signed into law the following:

C.R.S. 38-1-101 (4) (b) (II) - Effective January 1, 2004, no home rule or statutory municipality shall either acquire by condemnation property located outside of its territorial boundaries for the purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes, nor provide any funding, in whole or in part, for the acquisition by condemnation by any other private or public party of property located outside of its territorial boundaries for the

purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes except where the municipality has obtained the consent of both the owner of the property to be acquired by condemnation and the governing body of the local government in which territorial boundaries the property is located.


The purpose of the statute was to stop predatory condemnation actions by local governments that sought to restrict development outside their municipal boundaries. The law was designed to protect private property owners as well as the authority of county governments. Clearly Parker's actions violate the spirit, if not the letter, of current state law.

Having a great deal of respect for local control and the autonomy of local government, we hope that it will not be necessary for additional safeguards to be put into statute or referred measure to the citizens to prevent such an injustice from occurring. However, we cannot stand by and allow our system of government to be stacked against the citizens it was designed to protect.


Your entire Douglas County legislative delegation, as well other senators and representatives from around Colorado, urge you to do what is right and not just what is easy. To do otherwise would be a great injustice to the people you serve and would send the message that local governments should not be trusted with the level of eminent domain power that they currently possess.

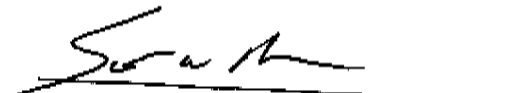
Sincerely,

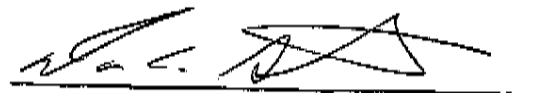
Mike May
House Minority Leader



Sen. Ted Harvey

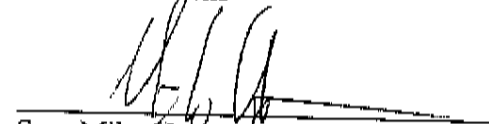

Sen. Shawn Mitchell


Rep. Frank McNulty

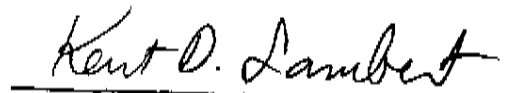

SEN. SCOTT W. RENFROE

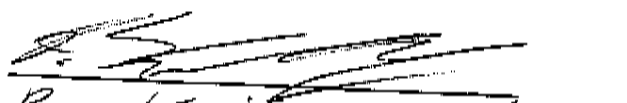

SEN DAVE SCRUTCHER'S.


Sen. Tom Wiens


Sen. Mike Kopp


Rep. Victor Mitchell


REP. KENT LAMBERT


Rep. Kevin Lundberg