

MDR land use change would be a misuse of land dedicated for a school or recreational use

An open secret about the south field is that it's a subdivision dedication. This means that a developer gave the land to Boulder Valley School District (BVSD) for \$10 as part of the county requirements to build the subdivision. Colorado Revised Statute 30-28-133 and Boulder County Land Use Code Article 7 says that dedicated lands can only be used for **parks or schools**, and they must be for the benefit and use of the subdivision residents. The proposed land use change request to MDR or MXR is an unauthorized use of dedicated land and may qualify as wrongful takings from both the developer and the residents the dedication was supposed to serve.

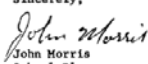
Highlights

- Dedicated lands
 - should reasonably serve residents of the contributing subdivision
 - are **not** earmarked for residential development. Housing is private in nature and would create the same growth impacts that the dedication was intended to ameliorate.
- South Twin Lakes field is dedicated for a school or recreational use
- 60% of school site was intended to be a children's park
- 1977 Boulder Valley Comprehensive Plan shows area as part of a 40-acre community park. Twin Lakes fields are all that remains of that vision.

The Issue

The southern Twin Lakes field was given to the Boulder Valley School District and has a land-use designation of Public. In 1967, George and Everett Williams, the "founders of Gunbarrel," dedicated this land to serve the Gunbarrel Green residents, specifically for a school or recreational use. BVSD's land use change request for Mixed Density Residential is an unauthorized use of dedicated land.

The main purpose of dedicated land is to set aside land for essential schools and park, so growth pays its own way. Building 280 to 360 more units would create additional impacts and a need for more parks and school resources. Where is the land and money for that to come for? Rather than benefitting Gunbarrel Green families, this land, used for MDR, would expose them to more traffic and exhaust, less wildlife, and eliminate the possibility of a future school or park close to their homes.

<p style="text-align: center;">BOULDER VALLEY PUBLIC SCHOOLS SCHOOL DISTRICT NO. Re2, BOULDER COUNTY P. O. BOX 11, BOULDER, COLORADO 80501 PHONE 442-6931 Planning Department May 24, 1967</p> <p style="text-align: right;">RECEIVED MAY 25 '67 DEVELOPMENT</p> <p>Boulder County Planning Commission Boulder County Court House Boulder, Colorado</p> <p>Attention Mr. Lynn Vandergrift, Acting Director</p> <p>Gentlemen:</p> <p>This is to inform you that the Boulder Valley School District Re 2 has received a Warranty Deed from Twin Lakes Investment Company for a ten acre tract to satisfy the understanding approved in 1963 by the County Planning Commission between the school district and East View Inc. with respect to the five per cent requirement of the Gunbarrel Green Subdivision and Development.</p> <p>A copy of the recorded deed and exhibits will be sent to you for your files at a later date.</p> <p>Thank you for your cooperation.</p> <p>Sincerely,  John Morris School Planner</p> <p>JTM:dc cc: Gerald Caplan</p>
--

Cross-jurisdictional impact: Loss of land dedicated for a school and park for the benefit and use of Gunbarrel Green residents.