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Subject:	164 restrictions - No Build on OPEN SPACE
Date:	Sunday, October 16, 2022 3:20:00 PM
Attachments:	164 Deed and Restrictions - PHHOA.PDF
Importance:	High

To the Board of Directors, PHHOA, and Ms. Ashley Meyer, Sec. – please note, post and share;

Please retract and withdraw any and all support for the sale and proposed building development on the square (lot 164).

We moved here in Dec '93. Pete Bates (Pres) and Allison (Sec) recruited me to the board. I don't remember exactly when I formally joined the board, but I was involved before, during and after, and remember this well… I immediately succeeded Pete as President of the Board, while he continued to assist as officer and member of the Board. The open space was important to Pete (as really was the heritage of the area – going back to Dekker and all). I shared that passion. We moved up for the open space and wildlife.

The restriction was put on the square (164) and bottoms in Dec '94.

The restrictions on 164 were specifically worded "and", "and", "or"… ie to "*preserve, protect and enhance the public and recreational resources of the area*"… "restricted solely to community, public and public recreational purposes" and to expressly preclude any "residential or commercial building improvements" - private or public!

The intent was to preserve and protect the open space, and if later desired, if not left as is, to possibly set the square up for recreational activities for the kids in the community and our neighbors (eg allow for neighbor kids and others from Genesee, Indian Hills or wherever to come over and play soccer or baseball, create a playground, fly a kite, set up a frisbee course, or whatever). It is really the only "flat" space/place we have to potentially create soccer or baseball fields, or do something like that. In the meantime, it's a nice open grassy meadow for wildlife, and serves as gateway to our community… a setting for calm, peace and pleasure.

Thus you have "and recreational resources", "and public recreational purposes" in the first two sentences of the restrictions, and a flat prohibition on "residential or commercial building improvements" [private or public] in the third.

"Public" is NOT to be read in isolation from the rest of the first two sentences, and the last sentence cannot be ignored. The "public" part was in reference to our neighbors and/or other sports clubs for example, or simply to someone that may stop off on a drive and take a break there.

PHHOA has adamantly opposed other types of development in the past. Precedent and policy in that regard has been well established over the years.

I'm told a past inquiry from Fire was denied about 10 years ago (I presume under Don or TJ, who were presidents about that time). Dave Stajcar can better to speak to that as he asked.

I know PHHOA adamantly opposed a CDOT proposal to turn it into a park-n-ride. Deb Carney (as member of PHHOA and on behalf of CARE) was one of many arguing against it and asserted a need for an environmental assessment and possible wetland implications as it was now holding water (and wildlife). I was part of the team arguing against it. The general point was to leave the open space alone – don't develop it.

I don't think it in PHHOA's interests to sell that ground, and in any event, can say absolutely and resolutely – it was never the intent of the restrictions to allow building of a large structure (residential or commercial – public or private) down there!

Some have tried to make something of the difference in the language with the restrictions on the bottoms – let me simply say, nobody contemplated playing soccer or baseball down there… thus no community/public reference, but emphasis on natural, scenic, wildlife, open space, trails, etc. It too has the same prohibition against "residential or commercial building improvements". I doubt anyone wants to start suggesting that someone could build a massive barn or some other structure in one or more bottoms to shelter the wildlife and/or base horse, bike and trail rides… or does someone really suggest that too? That wasn't the intent either.

Kevin Groeneweg
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PHHOA Class I Member
Former President of the Board