

***The Blue Line Amendment and Enchanted Mesa Purchase:  
Setting the Stage for Boulder's Open Space Program***

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## ***Growth in Boulder***

In the 1870's, Boulder had aspirations to grow. While the populations of other Western mining towns quickly boomed and then disappeared, the town had confidence that it would be around long into the future. A local newspaper article from 1872 even stated, "Boulder can reasonably hope to become second in size among the towns of Colorado" (*Camera Focus VF Growth Boulder*). Indeed, the population of Boulder did boom, especially after World War II, and the growth was viewed as positive and beneficial. In 1949, *Rocky Mountain Empire Magazine* declared, "New blood has brought vitality to what was a sleepy little university town. Boulder has set its sights high, and it's just beginning to boom" (VF Growth-Boulder).

Spurred by the building of a Boulder-Denver Toll Road, growth in Boulder took off, and the population jumped from 13,000 in 1940 to 32,000 by the end of 1957. The 146% increase in population certainly did not go unnoticed. Less than ten years after newspapers proclaimed the beginning of Boulder's population boom, Mayor Gillapsie said, "It's been almost unbelievable growth. I don't know how to put it better, than saying, we're sure bustin' out of our boots" (Gaskie, VF Growth Boulder). As Boulder busted out of its boots, the city encountered a new set of problems, first and foremost being the creation of an adequate water supply.

## ***Water***

In 1929, Boulder purchased the Arapahoe Glacier from the federal government for the sum of \$4,618. Fondly nicknaming the glacier "the perpetual icebox," the city took great pride in being the only city in the country, perhaps in the world, to supply its water from a living glacier (Smith 151). Even the city's water fountains contained inscriptions boasting, "Pure water from the Arapahoe Glacier."

Throughout its history, Boulder also acquired lakes such as Silver Lake, Green Lake, and Glacier Lake, and constructed reservoirs such as the two at Chautauqua (Smith 151). Yet, eventually it became clear that the lakes below Arapahoe Glacier would not be enough to sustain the city's rapidly growing population.

Moreover, the water supply also had additional problems. The single pipeline carrying water down to Boulder was exposed in many parts of Boulder Canyon making it vulnerable to

rock slides or tampering, and Boulder doctors made frequent jokes about the health risks associated with people swimming in the city's open reservoirs, a common occurrence at the time (Robert E Turner, oral history interview).

Indeed, into the 1950's, Boulder residents did not seem to understand that water was a finite resource, and given the city's growing numbers, could all too easily run out. Representative of the waste accompanying such attitudes, many Boulder residents kept their faucets running all winter to prevent pipes from freezing (Smith 195), and other residents left for lengthy summer vacations with their hoses still running, wasting thousands of gallons of water needlessly (Robert E Turner, oral history).

Ultimately the process of improving Boulder's water supply proved to be a rather lengthy one. During the early years of the 1950's, the city spent \$118,000 for eleven water improvements, built Maxwell and Kohler reservoirs using a \$400,000 water bond, and worked to find a secondary water source to improve the safety of the city's water supply.

The opportunity for such a source came in 1952 when Boulder voters were presented with an opportunity to join the Northern Colorado Conservancy District and gain access to Big Thompson water, an offer that would never again be extended. Voters approved the measure, the city paid back taxes to 1937, and Boulder's water supply increased 50%. Along with such measures, the city also worked to improve its water storage, constructing the Boulder Reservoir and making improvements to Silver Lake Dam (Smith 197).

Yet for all of this work, Boulder's water supply was still in need of improvement at the end of the decade. In 1958, City Manager Don Harmon wrote an official report that was reprinted on the pages of the *Boulder Daily Camera*: "The importance of a water supply cannot be over-emphasized, as the growth of a city is directly related to its water supply. Planning now for a water system for a population of 60,000, which may be expanded as the need so arises, will assure Boulder's growth will not be handicapped by a lack of an adequate water system" (*Boulder Daily Camera Supplement*, VF Growth-Boulder).

However, at this same time, rapid growth had stirred the fears of a group of Boulder citizens, many who had rather recently relocated to Boulder themselves. These citizens worried that development was on the verge of gobbling up the very things that had drawn them to the city

in the first place - foremost among them the beautiful mountain backdrop. Instead of simply seeking out water to supply additional growth, these Boulder residents viewed the connection between water and growth as one way to control the city's development. "This water situation was our secret to control things," one such Boulder citizen named Robert McKelvey would later say (oral history with Robert McKelvey, 2002).

### ***The Formation of PLAN-Boulder County***

In the 1950's, the Colorado Mountain Club was the preeminent environmental group in Boulder. Members such as Al Bartlett, a physics professor at CU, joined the club because of a love of hiking, and in addition to the club's weekly hikes and other sponsored activities, the club also provided a place for environmentally oriented people to come together (see interview with Allen Bartlett, August 2008). It is no wonder then, that the club's activities included civic involvement, and that the club's members included many of those who went on to become the founders and prominent members of PLAN-Boulder County, a citizens group that devoted its efforts to city planning and the preserving of open space.

Indeed, PLAN-Boulder to a large extent got its start with the formation of a citizens' committee intent on enacting a "blue line," an elevation line above which city water would not be served (Smith 196). Years later, Gretchen King, interior designer and wife of the attorney who tried the Enchanted Mesa condemnation case, would say that it was the cul-de-sac subdivision at the west end of College Avenue that "caused" the Blue Line. Her husband bought her a lot in the subdivision in 1957 as a Christmas present. Shortly thereafter, a developer named Howard decided that he wanted to live on the hillside above the Kings' home. He hired a contractor with a bulldozer who left a very visible scar on the mountainside that lasted for 15 to 18 years. The Kings would later watch geology classes trekking up to see the land sloughing away from the bulldozed site (oral history with Gretchen King, 1993).

For those like Bob McKelvey, a math professor at CU, the sight of bulldozers on the mountainside was a sign that Boulder's mountain backdrop was in dire need of protection. He and other citizens found the College Avenue subdivision particularly infuriating because City Council had issued building permits despite engineering concerns about soil stability. Years later those engineering concerns were proven valid when a heavy rain fell on a paved subdivision,

swept up gravel from a road, and deposited it in a home at the bottom of College Avenue, eventually costing the city a large sum to clean up when the home's owners brought a lawsuit against the city (McKelvey, 2000).

In the face of visible problems from poorly-executed development and fears that a pro-growth City Council would allow every bit of available land to be built up, members of the Colorado Mountain Club created their own plan of action (from interview with Al Bartlett, August 2008).

### ***The Blue Line Committee***

The Blue Line Committee largely owes its origins to two men: Bob McKelvey and Al Bartlett. According to Bartlett, he was walking home from campus one night when McKelvey approached him on his bicycle. Stopping to talk, McKelvey pointed toward the mountains, and said that it was urgent that something be done about the growth that was occurring and the houses that were appearing on the mountainside. Unwilling to trust the City Council, McKelvey and Al decided to hold their own meeting. Al reserved a room in the Physics building, and he and McKelvey both set to work calling the people they knew (oral history interview with Bartlett, Gerstle, and Wright, 2002).

Although McKelvey and Al entertained some notions of working through the Colorado Mountain Club, the current president of CMC, Ken Wright, urged them to branch off on their own, believing that a committee devoted entirely to the purpose of enacting a blue line would be more effective (oral history interview with Ruth Wright, 1994).

Around fifteen people attended that first meeting, and the Blue Line Committee was formed with McKelvey as chair and Bartlett as associate (oral history interview with Robert McKelvey, 2002). Thus began the committee's fight with City Council to approve a blue line amendment to Boulder's city charter. On January 21, 1959, the City Council voted five to two in favor of a blue line resolution, but tabled Councilman Frank Havice's motion to put a city charter amendment to a vote of the people. It was in many ways a partial victory: resolutions can be easily undone through a vote of the City Council, but changing a city charter amendment requires a vote of the people. "The people want more than a resolution. They want iron-bound assurance," Havice commented at the time (*Daily Camera*, VF Growth-Boulder-Blue Line).

Indeed, the need for iron-bound assurance appeared more important than ever due to an approaching water bond election. To some extent, the current water system's pumping limitations had prevented development at higher elevations in the city. Yet the new system proposed to the voters would be capable of pumping to elevations 150 feet higher, making development not only plausible but very difficult to prevent along the mountain backdrop (*Daily Camera*, VF Growth-Boulder-Blue Line). Although the city dismissed such concerns by arguing that the system's engineering capabilities wouldn't determine city policy, citizens like Al Bartlett opposed the idea of the city serving water to high elevation subdivisions, and saw no reason to pay the high cost of such capabilities (from interview with Al Bartlett, August 2008). "If high-level pipelines are voted in, Boulder's beauty will be forever ruined and its health endangered by eyesore mountain subdivisions," wrote Florence Sibert, a staunch advocate of the blue line and opponent of the water bond issue (*Daily Camera Open Forum*, Growth-Boulder-Blue Line).

Throughout Boulder, the blue line issue generated a great deal of talk. In *The Boulder Daily Camera*, editorial writer James Corriell argued that providing municipal services to high elevation terrain would carry an exorbitant cost, particularly because of the hazard of washout damage during rain, the danger of providing street service in winter, and the difficulty of fighting fires (*VF Growth-Boulder-Blue Line*). In turn, the *Camera's Open Forum* received several letters in favor of preserving the mountain backdrop, many reiterating the theme that a small group of developers should not be allowed to benefit at the expense of the rest of the city.

When it came time for a public hearing about the blue line in March 1959, public opinion appeared to be divided. The twelve statements made in opposition to the line nearly equaled the fourteen statements made in favor of the line, and those favoring development interests were not the only ones in opposition to an elevation line. Even then, it was apparent that a blue line would only be a temporary measure; to actually prevent development, the city would need to find a way to acquire the land, and at the time it was unclear whether the city would be able to prevent the development of Boulder's mountain backdrop at all.

The City Council was willing to oppose in principle the construction of high elevation mountain subdivisions, but it had no desire to make such an opinion permanent. It was also unclear whether a blue line would have the intended effect of preventing development, or simply drive developers to other water sources, thereby leading to the propagation of un-annexed

subdivisions outside of any type of city control. Moreover, while Boulder citizens had an interest in preserving the mountain landscape, developers were not happy with what they viewed as encroachments on their property rights. They argued that the city should not interfere unless it actually bought the land. At that time it was not altogether apparent that Boulder citizens would want to put forth the money to purchase the land.

Kenneth Mirise, owner of the forested Enchanted Mesa area above Chautauqua, issued a challenge to the city: either stop interfering with my land or come up with the money to purchase it. “We hope to use this land and develop something that the city of Boulder would love and enjoy as we love it. A blue line alienates people above it. Our signatures were needed when the city wanted to enlarge the Northern Colorado Water Conservancy District; now you don’t need us anymore. If you covet the beauty of Enchanted Mesa, you’ve got to own it. I will give the city a chance to buy it on the same terms I would offer it to anyone else,” Mirise stated at the public hearing (*Boulder Daily Camera*, VF Growth-Boulder- Blue Line).

Following the public hearing, the City Council in a 4-3 vote refused to hold an election for a blue line charter amendment and deemed sufficient their previously enacted resolution (*Boulder Daily Camera*, VF Growth-Boulder-Blue Line). But members of the Blue Line Committee had grappled with the City Council before, and had expected their opposition.

On a Sunday afternoon hike, Al Bartlett, Bob McKelvey, and three or four others walked along the mountain backdrop with clipboards, making notes about land marks and deciding upon the location for a proposed north to south blue line. The hikers started south of NCAR, mostly following an elevation contour of 5,750 feet the entire way, but taking care not to exclude existing homes, and dropping down in north Boulder where the height of the mountain ridge was lower (oral history interview with Bartlett, Gerstle, and Wright, 2002). Those notes were then taken to lawyer George Williams to draw up into legal language. However, Williams was primarily a criminal lawyer, and he was very busy with another case at the time. A young boy who he was representing was in some rather serious trouble, so Bob McKelvey himself spent a great deal of time drafting the legal document himself.

The selection of the 5,750 foot contour was based primarily on an engineering consideration for how high water could be pumped. Although there was some disagreement

about the matter, McKelvey didn't think that the committee should be restricted by engineering considerations, but rather should use their own discretion to determine a level most suitable to preserving the mountain back drop. The afternoon before the document was to be presented to the entire Blue Line Committee, McKelvey made some changes of his own. "Wow, you really did lower it," Bartlett exclaimed when he saw what McKelvey had done (oral history with Robert McKelvey, 2002). The Blue Line Committee had drafted a version of the blue line that they wanted. With legal document in hand, they were ready to start circulating petitions to place a charter amendment on the ballot.

A *Boulder Daily Camera* article from May 15, 1959 stated that petitions were "readied for circulation" (PLAN-Boulder Box- Blue Line and Mirise Property Dispute). E.E. Weibel, an older woman who McKelvey considered a very "efficient organizer" was in charge of the petitioning process, and she quickly set to work (oral history with Robert McKelvey, 2002). By the time petitions were ready, 50 people had already agreed to circulate them, and an additional 50 were expected to volunteer. During a time when there were relatively few businesses and shopping centers in town, petitioners visited down town businesses and spent afternoons and evenings gathering signatures at shopping centers. Kurt Gerstle remembers standing at Broadway and Walnut, trying to gather signatures from foot traffic on the way to Pearl Street (oral history interview with Bartlett, Gerstle, and Wright, 2002). A woman named Helen Fischer was remembered for being particularly aggressive in her gathering of signatures. The Committee also received help from some Boulder businesses. Blue Jay Book and Record Shop in Base-Mar shopping center lent its support by keeping petitions on hand during all business hours (*Daily Camera*, PLAN-Boulder box, Blue Line and Mirise Property dispute).

The petitioners worked tirelessly, and their efforts paid off. In less than two weeks, 2,592 signatures were gathered, more than two and a half times the 1,000 that were required to put the issue on the ballot (*Daily Camera*, PLAN-Boulder box, Blue Line and Mirise Property dispute). With the election date set for July 14, 1959, the Blue Line Committee began to campaign. McKelvey was working at the University of Wisconsin for the summer so the campaign became Bartlett's responsibility.

Relatively simple but still time consuming, the campaign included two components: letters to the editor of the *Boulder Daily Camera*, and postcards. Five hundred dollars was raised



to run the campaign, with half of the amount donated by Councilman Frank Havice (Bartlett, McKelvey transcript folder). Bartlett remembers hand-addressing postcards to those who signed the petition: all 2,592 petition signers received a postcard of a blue mountain scene drawn by anthropology professor John Greenway with the message below stating, “YES FOR THE BLUE LINE” (oral history interview with Bartlett, Gerstle, and Wright, 2002; Bartlett, McKelvey transcript folder). Bartlett hosted evening addressing sessions in his dining room, with Ruth Greenway and Mrs. Reuben Zubrow being among his most frequent companions. Simple but effective, Greenway’s drawing was re-used during the 1967 campaign for a greenbelt tax. This time, however, the message was printed in green and changed to: “YES FOR GREENBELTS” (Bartlett, McKelvey transcript folder).

The Committee also paid for some advertising space in the newspaper. For instance, an advertisement from the July 10<sup>th</sup> issue of the *Boulder Daily Camera* was signed by A.A. Bartlett and read, “VOTE Yes On the Blue Line - Save Boulder’s Beauty - To protect present Boulder homes from flash flood and erosion damage that would result if the natural cover of the hillsides is destroyed and replaced with homes and streets” (*Daily Camera*, PLAN-Boulder Box- Blue Line and Mirise Property Dispute).

Throughout the campaigning process, Gov Paddock, editor of the *Daily Camera*, provided support to members of the Committee and gave them advice about who to talk to and what actions to take. With the help of Paddock and other Boulder citizens, the hard work of the Blue Line Committee eventually paid off: 76% of Boulder’s voters gave their approval to a blue line charter amendment (oral history interview with Bartlett, Gerstle, and Wright, 2002). In the same election, the proposed water bond issue failed, an indicator of the ways in which voters had connected the two issues. Boulder voters had cared enough about controlling growth to enact a blue line and give their disapproval to a water bond that could have encouraged development. While the blue line committee was to a large extent the work of Bob McKelvey and Al Bartlett, a non-practicing lawyer named Florence Sibert was the one who had directed the attention of Boulder citizens to flaws with the proposed water system, defeating the bond issue through a campaign that she almost singlehandedly led.

Hearing the citizens’ message, the city returned to the planning stages, enlisting the help of the Black and Veatch consulting firm and design engineers to create a new water bond issue

that would better meet the city's needs. The revised water bond proposed in 1960 included water meters, which were opposed by a large number of voters at the time, but passed by a two to one margin nonetheless. With another pipeline and a "revolutionary" water treatment plant, the 1960 bond issue went a long way toward developing the strong water system that Boulder possesses today (oral history with E Robert Turner, 1993).

### ***Combating Urban Sprawl***

The 1959 election did not signal the end of the water bond issue. It also did not bring about the end of the citizen committee that had proposed the blue line and fought for its enactment. A great deal of work still needed to be done in order to preserve undeveloped land around Boulder. Although McKelvey had chaired the Blue Line Committee, he decided to take a step back when it came to the actual formation of PLAN-Boulder County (oral history interview with Robert McKelvey, 2002). By this time, however, there were enough Boulder citizens interested in forming such a group. At an organizational meeting in the Washington School Auditorium on September 24, 1959, William McDowell was elected as the group's first chairman. The original board members included: Ruth Greenway (treasurer), Al Bartlett, Hugh McCaffrey, Bob McKelvey, Ed Weibel, and Lynn Wolfe (Robertson 6).

In October 1959, the new organization put out its first newsletter, describing PLAN-Boulder County as, "A Civic Association for a more imaginative and Enlightened Community Development." The newsletter announced, "The Committee on Open Spaces, concerned as it is with combating the national disease of urban sprawl by keeping attractive green areas open within the city as well as in the surrounding countryside, has several projects underway" (October 1959 PLAN-Boulder Newsletter No. 1). Indeed, one of PLAN-Boulder's first open space projects involved the purchase of Enchanted Mesa, an event which to a large extent set the precedent for Boulder's later open space movement.

### ***History of Enchanted Mesa***

A 1955 newspaper article described Enchanted Mesa as, "The beautiful mesa lying south, and across the gulch from, the city's Chautauqua reservoir." The land had long been called by the name Enchanted Mesa, and as former City Manager E. Robert Turner said in a 1993 interview, "The name was a good description of what it was" (*Daily Camera*, Parks-Enchanted

Mesa). The property was originally homesteaded by a member of the pioneer Phil Wood's family before being put up for sale in 1874. A man named Silver arrived from Clyde, Kansas and purchased the land, leaving it to his heirs upon his death in 1895. By buying out the other heirs, Silver's son William was in turn able to acquire the entire tract for himself, passing it on to Mrs. Ransopher and Mr. Hays, a brother and sister also from Clyde, Kansas, upon his death in 1922. Thirty years later Mrs. Ransopher and Mr. Hays sold the land to Kenneth Mirise (pronounced, "MY-rice"), an engineer employed by the US Air Force, for \$12,600.

Up to that point the land had only been used for grazing, and in the earliest years of homesteading, it had been used for as a source of building sandstone (Wood's Quarry). In 1996, Paul Lennartz recalled his own family's experiences with the stone quarry. In 1898 Paul's father had joined the gold rush to Alaska; a mere two years later his parents were married, and on their way to Boulder, a location that the couple had decided would be good for the mother's health. Upon arriving in Boulder, Paul's father worked in Joe Bergheim's retail clothing store on Pearl Street, eventually going into a business deal with Bergheim, and owning an interest in the stone quarry on Enchanted Mesa. When Paul's father set to work building the family home in 1908, he used stone from the quarry because it was the cheapest way for the family to build a house (oral history interview with Paul Lennartz, 1997).

After the disappearance of the stone quarry, Enchanted Mesa had a quiet existence even though it was well-known as a good hiking and picnic location. Robert McKelvey himself had particular interest in the land because he walked his dog on the Mesa Trail every evening (oral history with Robert McKelvey, 2002). Kenneth Mirise had other ideas, however, and they included plans for a luxury hotel.

### ***The Mirise Property Dispute***

On May 30, 1955 the *Daily Camera* reported that Kenneth Mirise had sold Enchanted Mesa to a Boulder group organized under the name Enchanted Mesa Co. Donald Barnes, president of the Mountain Savings and Loan, and a member of the group, spoke about future plans for the land. "We believe the mesa provides ideal sites for homes costing between \$50,000 and \$70,000 for which there is a tremendous demand." The group had plans for an extensive land-use survey before beginning construction: "Mr. Barnes said today the beauty of the mesa

exists in its trees and settings and he and the persons associated with him plan to preserve the natural beauty.” Yet the Enchanted Mesa Co.’s plans for a housing development were not to be: the purchase could not be finalized, and the land remained in the hands of Kenneth Mirise.

When he purchased the land in 1952, Mirise planned to build himself a family home on the land, along with a luxury hotel comparable to the Broadmoor of Colorado Springs. According to the *Daily Camera*, “[Mirise] also worked with others, interested in securing a hotel for Boulder, in an effort to interest money and hotel interests in carrying out that plan.” But problems existed from the start, including the lack of vehicle access (*Daily Camera*, 1955, Parks-Enchanted Mesa). Soon after purchasing the land, Mirise became embroiled in a legal battle with the city over Chautauqua Reservoir Road. The city had considered the road private and thus obstructed it from public access, but Mirise needed a public roadway for his proposed development, and thus went to court over having the roadway deemed public.

After spending seven days at trial, the matter still had not reached conclusion, but on December 27, 1961, City Attorney Guy Hollenbeck sent a memorandum to the City Council stating that the Mirises were willing to agree to a compromise (*Memorandum* 1961). On January 2, 1962, the date that City Council was to decide whether or not to accept the compromise, a letter was sent to the Mayor and Council, arguing among other things that it would be unrealistic to open the Chautauqua reservoir road without improving it. Furthermore, the letter argued against improvements to the road, citing the fact that widening the road would destroy the mesa’s recreational value. The letter concluded with an argument representing the significance of the blue line: “The blue line vote was overwhelmingly favorable. It is doubtful that the Mirise land will be brought into the city. Therefore, the area will generate no revenue for the city [...] In summary: For about the cost of developing roads for the private exploitation of the finest wilderness area near Boulder, the city could purchase the land and have it for a perpetual park” (Letter to Mayor and Council, January 2, 1962).

Indeed, with regards to development of Enchanted Mesa, the blue line did what it was intended to do: prevent the construction of high elevation subdivisions. The compromise that was eventually agreed upon conceded opening the Chautauqua Reservoir road, but the city made no plans for making road improvements. Mirise was allowed to place a water well at Bluebell

Spring, but the lack of water and sewer services prevented by the Blue Line Amendment otherwise proved key to preventing development of the land.

Mirise gave up on the \$575,000 claim to damages that he had requested from the city. He also agreed to give the city five acres of his land for a public park, in addition to agreeing to keep the Mesa Trail open as a permanent public way for foot and horse travel (*Daily Camera*, 1961, PLAN-Boulder Box- Blue Line and Mirise Property Dispute). Yet the compromise did not last. Mirise had been offering Enchanted Mesa for purchase for years, and in the midst of the lawsuit, a proposal for the city to purchase the land resurfaced with fervor. The entire mesa could be purchased for \$10 to \$15 per person, the January 2, 1962 letter to the mayor and council stated, and many Boulder citizens were starting to like the idea, especially with the threat of development looming so eminently.

### *The Natural Areas Committee*

With development on the horizon, scientists in the Boulder area had their own reasons for wanting to stop development of Enchanted Mesa. In addition to PLAN-Boulder County, Oakleigh Thorne, Al Bartlett, Kurt Gerstle, and Robert McKelvey were members of another group focused on preserving Enchanted Mesa: the Natural Areas Committee on the University of Colorado campus. Meeting for a weekly lunch, one of the primary activities of the committee included recommending to the CU president any areas the needed to be preserved. Topics of committee reports included Enchanted Mesa, White Rocks, and even a prairie dog colony located where the Kittredge housing complex now stands. (oral history with Thorne and Olson, 2002). While the recommendation for preserving the prairie dog colony did not go over well, the committee's January 20, 1961 report, "Scientific Values and Need for Preservation In Its Natural State of the Flatirons-Mesa Trail Area" was later distributed in the campaign materials of Citizens for Enchanted Mesa and played an important part in eventually persuading Boulder voters to pass a \$105,000 bond issue to purchase the mesa.

Attesting to the scientific value of the mesa, the report describes how the "wild mixture of unusual geographic vegetation types has all but disappeared in Colorado, except for a few moist sites along the Front Range, of which the one represented by the Flatirons-Mesa Trail group is probably the best still remaining." The report then goes on to say, "It would be a real

tragedy of science if these last remnants were destroyed before they were explored and studied sufficiently to permit us to fill in the details of the climatic upheavals, of which they may be the best evidence remaining to us.” Detailing further interactions with climate, the report states, “These mesas act as buffers against city fume and smog, which can be devastating to plant life that is already living marginally.”

Although the report does state that the mesa’s animal life is not as unique as the plant life, the Abert’s squirrel and several bird species are cited as being rather rare and notable. In addition, “Hawk migrations along the front and above the Flatirons are frequently spectacular because of the strong thermals often present at this spot.” It is these characteristics that writers of the report cite as contributing to the area’s “international reputation.”

The report also mentions the dangers of flash floods: “In addition, the watershed-protection values of the Flatiron-Mesa Trail area in its natural state cannot be overstressed. This not only implies water retention characteristics, but also protection from flash floods and washouts to the developing residential areas on the lower slopes and plains below the mesa land.” Indeed, the report made such a strong argument about the value of Enchanted Mesa that Mirise would later cite the report during condemnation proceedings to inflate the land’s value and justify why the city should pay him nearly a million dollars for Enchanted Mesa.

### ***NCAR: An Exception to the Rule***

While the Mirise lawsuit was still moving through district court, and the city was considering the purchase of the land, another important development occurred with regards to the blue line. In 1961, the first exception to the blue line was made. But instead of encouraging development, the exception resulted in the preservation of Table Mesa - land the city could not afford to buy for protection. When Table Mountain was proposed as a possible site for the National Center for Atmospheric Research, NCAR’s director Walter Orr Roberts approached PLAN-Boulder County. If the city would make an exception to blue line to allow for the NCAR laboratory, then NCAR would preserve the remaining lands on the property as open space. In a letter to George Weber, chairman of PLAN-Boulder, Walter Orr Roberts promised, “NCAR will provide all reasonable assistance and support in connection with appropriate efforts to protect and preserve such lands in their natural condition.” The letter was later republished in the *Daily*

*Camera* as a way to garner the support of voters to make an exception to the rule (*Report to the CU President*, 1961). The city lacked the funds to purchase Table Mesa, but by bringing NCAR to the city, much of the land was preserved nonetheless (oral history with Thorne and Olson, 2002).

### ***The Boulder Parks and Recreation Board Gets Involved***

At a meeting of the Boulder Parks and Recreation Advisory Board (PRAB) on January 22, 1962, the board unanimously voted to recommend that the City Council acquire the Mirise land as an expansion of the Boulder Mountain Park system. A hundred people were in attendance at the meeting, offering input about the land's value and the desirability of purchasing it. At the time, Oakleigh Thorne and Robert McKelvey were on the PRAB. Both had played an instrumental role in the Blue Line Committee and the formation of PLAN-Boulder, and they brought those interests to the board. (Parks and Recreation Board action concerning the Mirise land, 1962).

As the founder of Thorne Ecological Institute, Thorne first gained experience preserving land during his time as a student at Yale, going door to door to collect funds to save a sunken forest on Fire Island off Long Island with the fledgling Nature Conservancy (Roberts, Oakleigh Thorne Folder). Arriving in Boulder, Thorne was involved in the preservation of open space from the beginning. The city of Boulder wished to acquire a one-acre piece of land between the Red Rocks and Eben Fine Park but couldn't afford to buy the land. Thorne purchased the land with his own personal funds and held it for a year until the city was able to repay him. The eventual site of Settler's Park, this parcel was important because it connected city parks on the north with Eben Fine Park and other park areas to the south (oral history interview with Thorne and Olson, 1994).

Given his commitment to acquiring and preserving open-space, Oakleigh Thorne advised the PRAB to recommend to the City Council that a bond issue be held as soon as possible for the purchase of the Mirise land. PRAB followed his advice, and went ahead with such a recommendation. Thus began the process of the city putting forth a concerted effort to purchase Enchanted Mesa.

### ***The Enchantment of the Mesa***

Even in Berkeley, California, there was concern over the preservation of Enchanted Mesa. In May 1962, Dr. Herbert L. Mason from the Nature Conservancy in Berkeley wrote a persuasive piece urging Boulder to save the mesa from development. The piece began with a description of the view from the mesa: “Dominant, of course, are the Flatirons, whose spectacular, nearly vertical sandstone planes arrest the eye of the traveler many miles from Boulder. From the Mesa Trail, individual spires of this steeply-dipping Pennsylvanian formation are framed by the pines in an exquisite forest setting. Distant towers of rock, climax to a vista of surrounding trees and grassy or brush-covered slopes rising gently from one’s feet, are focal points in a myriad of views, no two the same.”

Mason continued to list the values of the land, among them the appeal that Boulder had, “right across the street natural land easily accessible, by an almost level trail, to those of all ages. Among the valuable features of the land: a level of safety not typical of mountainous terrain, ideal spots for picnics, and a longer recreation season than land at higher mountain elevations.”

Mason also gave his own prediction for a future Mesa development: “The would-be investor, whose foresight has been clouded by visions of a homesite entirely surrounded by nature, with unsullied vistas of the Flatirons and of the wild canyons cleaving both the crags and the pine-clad mesas at their feet, is fated to see the values that were held out to him vanish before the bulldozers and the construction crews as surely as the snow takes leave of these slopes in late spring.”

### ***The Enchanted Mesa Bond Issue***

By 1962, membership on the City Council was more sympathetic to open space and urban planning. Unlike the previous council which resisted placement of the blue line on the ballot, this council followed the advice of the Parks and Recreation Advisory Board and placed the \$105,000 bond issue on the ballot themselves. An election date was set for July 10, 1962 and once again a group of Boulder citizens formed a committee. Called Citizens for Enchanted Mesa, it was led by no other than Robert McKelvey and Al Bartlett who were intent on replicating the success of the Blue Line Committee (oral history interview with Robert McKelvey, 2002). This time, the group even had an office open every weekday between the hours of 1 and 5 pm (Citizens for Enchanted Mesa).



The argument for preserving the 155 acre Enchanted Mesa site was a strong one and the committee laid it out in campaign materials such as a pamphlet entitled: “Basic Information About the Enchanted Mesa Bond Issue.” Herbert Mason’s arguments were listed alongside the arguments of the Natural Areas Committee, and specific reference was given to the blue line. “Commercial development of the Mesa will tend to cancel the value of the Blue Line,” the pamphlet forewarned, citing Mirise’s plans to utilize Denver water for his development project.

Once again they argued that the city would suffer while a private developer prospered, and the city’s compromise on the Chautauqua Reservoir Road played an important role in this argument. “It is one thing to maintain a minor access road to a park and quite another to maintain a major right of way to a resort hotel or real estate subdivision,” the pamphlet stated. “Engineers, road builders and city officials have provided information which indicates that over the next twenty years the cost of building and maintaining roads to serve the privately owned area could nearly equal the cost of purchasing the land for park use.” In fact, the pamphlet did much to emphasize the cost-effectiveness of the purchase. Spread out over 20 years, the cost to purchase the land was estimated at 65 cents per year for the average Boulder household, an amount less than the price of a single movie, according to one letter written to the *Daily Camera’s* Open Forum. When it became clear that purchasing the land would not put too much of a dent in the wallet, more people were swayed in favor of the bond issue.

Through an analysis of the costs of a subdivision in comparison to the benefits to be derived from a subdivision on Enchanted Mesa, Citizens for Enchanted Mesa sought to show that growth was not always profitable. The group’s well constructed argument did not stop there, however. It followed up with an attempt to show the impracticality of Mirise’s plans for a luxury hotel. Besides problems with the land being zoned for residential rather than commercial use, lack of water was also a major concern. This was in addition to the mesa’s cold climate and mid-afternoon sunsets in winter: “A hotel that would be very attractive in the summer might be poorly patronized in the winter.” The attacks on Mirise’s plans continued from every angle; also contending that a purchase price of \$105,000 was more than fair given that Mirise himself acquired the land for \$13,000 in 1952.

Importantly, the citizen group did not believe that development would stop with a luxury hotel. Given the high expenses of building roads and providing utility services, nothing less than

“intensive development of the entire tract” would make economic sense, leaving nothing of the mesa’s beauty for preservation. The pamphlet wrapped up with the assertion that the land would be a good addition to the city’s Boulder Mountain Parks. Its mountainous terrain would provide recreational opportunities not available in “artificial” parks, but its safety and accessibility would also make it a good family venue. The campaign was on in full force, and materials such as the pamphlet had citizens talking.

### *The Campaign*

Much like the campaign for the blue line, the campaign for the Enchanted Mesa bond issue used letters to the editor of the *Boulder Camera* and direct-mailed postcards. This time, the work of Oakleigh Thorne also made possible green “Save the Enchanted Mesa” bumper stickers, window signs for Pearl Street businesses, and brochures covered with pictures of people recreating at the mesa. Thorne was a biologist by profession, but willingly spent his own money for campaign publicity (oral history interview with Bartlett, Gerstle, and Wright, 2002). The additional campaign measures that he funded became especially important as business and free-enterprise groups came out as fierce opponents to the proposed bond.

Al Bartlett recounted walking down Pearl Street during the campaign, and encountering a friend who was an industrialist. His friend was “absolutely livid” that Bartlett would campaign to use tax money to buy private property, and “chewed him out” over the matter. Their friendship survived, but the friend was far from happy about the purchase of Enchanted Mesa. Still, the time was fast approaching when Boulder citizens would prove their willingness to “put their money where their mouths were” and allocate money for the purchase of open space (oral history interview with Bartlett, Gerstle, and Wright, 2002).

Although the opposition didn’t necessarily form an organized campaign, they made their voices heard, and Citizens for Enchanted Mesa found themselves with a difficult campaign on their hands. The Blue Line Committee had run their campaign with only five hundred dollars. But four days before the election for the Enchanted Mesa bond proposal, Al Bartlett sent a letter out to Chautauqua residents asking for donations because the Enchanted Mesa campaign had spent \$450 more than had been raised. The letter also extended an offer for Citizens for Enchanted Mesa to show a slide show at Chautauqua about the geology, plant and animal life of

the mesa area. Since Chautauqua residents did not pay property taxes in Boulder, they couldn't vote in the election, but Al Bartlett intended to enlist their help nevertheless (Al Bartlett letter).

### *A Barrage of Letters to the Open Forum*

In the days before the bond election, the *Boulder Camera* was filled with articles about the Mesa Bond issue. In many ways, the newspaper functioned as a public forum for discussing the purchase of Enchanted Mesa. The response was so overwhelming that the July 6 issue of the newspaper needed to include a whole other section titled "Additional Letters To The Open Forum."

On July 2, 1962, an article urged: "Go Armchair Travelers One Step Better; Explore Enchanted Mesa," and featured a large picture of an Oregon-grape blossom, described in the photo caption as a living fossil representative of the earliest great ice age (*Boulder Camera*). A lengthy editorial a day later stated "Let's Not Pass Up This Chance (*Boulder Camera*). By July 5, even city manager Bob Turner was taking the opportunity to give the bond proposal his support, telling the *Boulder Camera* that the majority of the council had voted for the bond issue, and that it had their support ("Turner Urges Support Of Three Bond Issues," *Boulder Camera*).

On the other side of the issue, some letters questioned the city's methods of obtaining private property, arguing that the city was attempting to make a case for "needing" the land to set the stage for later condemning it ("Methods Proposed For Obtaining Mesa Questioned," *Boulder Camera*). Bob McKelvey responded to such concerns with a letter advising against the land being purchased through privately raised funds: "such a measure would require an unusual measure of cooperation from the owner in setting a moderate price without the yardstick provided in the judicial condemnation of procedures and in holding the land during a prolonged fundraising, which could not be guaranteed to be successful" ("Answering Some Questions About Enchanted Mesa," *Boulder Camera*). Joe Rush, Chairman of Citizens for Enchanted Mesa, also followed up with a letter about how the value of the mesa was difficult to set, and something that a District Court would likely have to decide after hearing arguments from both sides: "This situation makes it clear why the bond issue must provide for an unspecified amount of money to buy the mesa land. The City cannot use the Right of Eminent Domain until it has money for the purpose, but it cannot know the price until it is established by negotiation – so far

unsuccessful –or by court action. Therefore the bond issue must be great enough to cover a considerable range of possible values that might be so determined” (“Dishonest Motives Cannot Be Imputed To Mesa Supporters,” *Boulder Camera*).

### ***Old-Time Picnic On Enchanted Mesa***

In 1962, the Fourth of July was a mere six days before the election, and the holiday provided an opportunity for a picnic on Enchanted Mesa. Some 500 people attended the picnic which began at 11 am and lasted throughout the afternoon. Vans from the Green Meadows Riding Branch shuttled picnic attendees from Chautauqua Auditorium to “The Gateway to the Mountain Parks,” where free lemonade was offered, along with ice cream cups and Coca Cola at the old-fashioned price of five cents apiece (“Old-Time Picnic,” *Boulder Camera*). A great deal of effort went into making sure that even the signs for the event looked homemade, setting the mood as people toured the mesa, learning about its features (interview with Al Bartlett, August 2008). The *Boulder Camera* would later feature a picture of volunteer Justin Pierce standing atop Tomato Rock explaining how it was transported to its current location from the Flatirons over thousands of years, becoming round in the process. While groups of 12 to 40 departed for tours, games and contests were held for children, and people clustered around Bill Herzer’s maps to hear the “oldtimer” explain the mesa’s history. Herzer was a good man for the job since he had known the mesa since 1903 (“Mesa Picnic Draws Crowd of Over 500,” *Boulder Camera*).

### ***TV Publicity***

The Fourth of July picnic was featured as a five minute segment on the Denver news, a rare event for news from Boulder. However, the positive benefits of the publicity were marred for PLAN-Boulder when the program announcer called the group a “fraud” for hosting a picnic on land that they didn’t own and that the owner didn’t want to sell.

The bond issue was also the subject of KOA-TV’s “Scope,” a Sunday Night news program. The station’s news director Tom Watt spent two days in Boulder, along with program commentator Bob Palmer, interviewing Boulder residents on different sides of the proposal. The television program then discussed the mesa bond proposal as typical of the problems facing growing communities (“Enchanted Mesa Proposal Is TV Program Subject,” *Daily Camera*).

### ***Mirise Wants Over a Million Dollars***

As Boulder residents grappled with deciding whether or not to vote for the bond, Kenneth Mirise took his own actions to ensure that the bond issue would not pass. On July 5, 1962 the *Boulder Camera* reported that Mirise had pushed the value of his 155 acres on Enchanted Mesa up to \$1,240,000, reporting that he would sell the land to the city for an amount around \$250,000, well over the \$105,000 bond issue being proposed. These plans and values were detailed in a letter Mirise's attorney Robert Inman sent to Citizens for Enchanted Mesa, Mayor Holloway, City Manager E. Robert Turner, the *Boulder Daily Camera*, and John Hess, a stockholder in a corporation selling land adjacent to Enchanted Mesa. The letter claimed that the value of John Hess' land was more indicative of the value of Mirise's land, although Hess argued that the value of his land had risen because of development costs including the installation of underground wiring, city sewers, city water, paved streets, and paved driveways. The fact that Hess' land lay below the blue line was also said to create a discrepancy in land values. E. Robert Turner called Mirise's new values "some of the most speculative I have ever seen." Yet it would remain to be seen how Boulder residents would respond to Mirise's announcement.

In the same letter Mirise also announced his intention to accelerate development, referring to plans to establish a water district for the mesa. He even announced that architects had been given the "go-ahead on plans for a hotel and service facilities" (*Boulder Camera*). He is "trying to kill the bond issue," E. Robert Turner stated.

### ***Another Scar From Development***

Just as the College Avenue subdivision and aggressive bulldozing had furnished the Blue Line Committee with some leverage during that campaign, the actions of another developer provided a picture-perfect case for the consequences of development. A CU Professor named Morrisett owned a beautiful parcel of land like a natural football field in the foothills above Boulder. Frustrated that the blue line made development of his land prohibitively expensive, Morrisett took a bulldozer up from Arapahoe Road to make his own access road. Gretchen King received a phone call that the bulldozing had caused rocks to fall down toward their home at the end of College Avenue. Luckily no damage was done, but the city took notice and was able to issue an injunction against Morrisett to halt his plans for a road. Nonetheless, the professor's

actions provided the community with another timely example for blocking development on Enchanted Mesa (oral history with Gretchen King, 1993).

### ***Bond Issue Passes***

Mirise's efforts to sway public opinion in his favor were ultimately to no avail. The bond issue "squeaked by," 2,265 to 1,911 ("Bond Elections Set Near-Record," *Boulder Camera*). About 40 members of Citizens for the Enchanted Mesa gathered at Chairman Joe Rush's house on Sunset Drive to anxiously await election results. Initial returns showed that the bond issue was losing but votes from the library turned the tide, contributing to the eventual win by just 354 votes (oral history interview with Bartlett, Gerstle, and Wright, 2002). There had been no contingency plan for what to do if the bond lost, and fortunately there was no need to turn to one.

### ***Condemnation Proceedings***

With the passage of the bond issue, the city continued to negotiate with Mirise in hopes of purchasing the land. Within five months, negotiations had failed, and on January 9, 1963, the city announced that a condemnation petition had been filed. By that time the Mirises had moved from Boulder to Colorado Springs.

Kenneth Mirise and his wife Jean were "attempting to convey" the Enchanted Mesa land to a Nevada company, Enchanted Mesa Corp, later renamed the Silver Park Corp, that the couple had created for themselves ("Enchanted Mesa Condemnation Petition Filed, *Boulder Camera*). As a result of the involvement of an out-of-state company, the case was moved from Boulder district court to a federal court in Denver. The Mirises engineered this transfer since they believed a federal court would set a higher value on their land. While Boulder city attorneys argued that Kenneth and Jean Mirise were the only members of Silver Park Corp, meaning that there really was not a dispute between citizens of two different states, the *Boulder Camera* felt obligated to discuss what would happen if the bond issue was insufficient to cover the court's valuation of the land: "the city would have to give up the purchase, or seek to buy only part of the tract, or seek an additional bond issue" ("Enchanted Mesa Case Removed To U.S. Court," *Boulder Camera*).

In addition to worries that the court would set the price of the land much higher than the \$105,000 bond issue, there were also concerns that the case would be dismissed altogether. Arguing that the blue line was “arbitrarily drawn ... to exclude” Enchanted Mesa, the Mirise’s attorney Robert Inman asked for the city’s condemnation petition to be dismissed since the city already had thousands of acres of public land which were not used or cared for, undermining the city’s need for the Mirise land (“Enchanted Mesa Case Removed To U.S. Court,” *Boulder Camera*).

Mirise and his attorneys were not successful in having the condemnation petition dismissed; they also were unable to transfer of the case to a Denver federal court. By claiming that, “Prejudices exist in the community (Boulder) over the issue,” Mirise’s attorneys did manage to transfer the case to Arapahoe County District Court in Littleton, Colorado (“Change Of Courts Asked In Enchanted Mesa Suit,” *Boulder Camera*).

The trial began on December 5, 1963, before three commissioners appointed by Judge Robert B. Lee to determine the land’s value (“Enchanted Mesa Case Is Set For Trial Dec. 5,” *Boulder Camera*). The commissioners included attorney Laurence Guilford, chairman of the commission; Earle Reed, real estate loan officer; and William Reeves, sales and management official for a realty company. Attorneys for the city included city Attorney Neil King, Assistant City Attorney Marvin Woolf, and George Zoellner, the city’s special counsel for condemnation matters. Mirise had employed Robert Inman and Fred Winner, a condemnation specialist. Judge Lee was at the courthouse but didn’t actually attend the trial. Nevertheless a few legal disputes were brought to his attention, including the admission of a 1954 sale agreement between Mirise and Enchanted Mesa Corp. that had never been consummated.

### ***The Trial***

City Attorney Neil C. King would later say that the Enchanted Mesa condemnation trial was one of the most important cases tried during his time as city attorney, and one that often made him feel like a “lone ranger.” While negotiations were happening in Boulder, he alone made the lonely drive down to Colorado Springs to attend meetings with Mirise and his attorneys. Even at the trial, there was no one attending from Boulder except for the expert witnesses. The City Council had decided to purchase the land, and King had been sent out, to a

large extent on his own, to accomplish the task. Moreover, he was expected to succeed against a very formidable opponent: Fred Winner, an expert in condemnation matters, who had a rather intimidating effect on the attorneys for the city (oral history with Neil C. King). Over the course of the hearing, however, Boulder city attorneys proved that they could hold their own.

E. Robert Turner would later say that Kenneth Mirise was a good man who became very bitter about the actions that the city was taking toward his land. Mirise watched as land was developed north of Boulder Canyon, and he couldn't understand why the city so adamantly wanted to prevent him from developing his own property in a tasteful manner with high-priced homes that were, to a large extent, hidden by the natural setting (E. Robert Turner, oral history).

The trial began with Kenneth Mirise taking the stand, claiming that his land was worth nearly a million dollars. Acknowledging that he paid \$12,600 for the land in 1952, Mirise felt that he could reasonably sell the land for \$876,000. Other witnesses for Mirise included engineering geologist Willard Owns who testified that ground water would provide Mirise with two wells and enough water to support 60 to 100 residences. The witness also said that up to 160 homes could be supported on the land if Mirise obtained rights to Bluebell Spring water. With regards to sewage disposal, the geologist said that soil tests showed that Enchanted Mesa soil met Boulder City-County Health Department's requirements for sewage disposal, and that it was "not likely" that sewage from the development would contaminate nearby Chautauqua Reservoir.

With Mirise's side presenting their case, the blue line quickly came under fire. "The blue line was directed specifically at Enchanted Mesa. It was a trap meant for me, and it also caught others," Mirise testified. His attorneys went as far as to call the blue line unconstitutional and argue that the city could be forced to supply Enchanted Mesa with water for private use. According to Mirise, municipal officials had once promised him water in return for his petition to annex his land to the Northern Colorado Water Conservancy District, in addition to telling him that he could develop his land with other water sources. Regardless of the city's willingness to provide a water supply, "The highest and best use was then and is now a Broadmoor-type development," said Mirise, in reference to the Colorado Springs hotel. In addition to plans for a luxury hotel, Mirise also had plans for "luxury homes" ranging in price from \$40,000 to \$100,000 ("Enchanted Mesa Worth \$876,000 Mirise Contends," *Boulder Camera*). Another



witness, planning consultant James Small, was in agreement that “a subdivision would be the best use” of the land.

Yet the values set by Mirise’s two appraisers, while well above the \$105,000 proposed by the city, were also well below the value suggested by Mirise himself. Real estate appraiser E.B. Horton Jr. of Denver suggested that the land was currently worth \$215,000, but that the value would rise to \$290,000 if it could be annexed to Boulder and receive city water and services. Boulder real estate agent Kenneth Penfold gave nearly identical estimates (“Mirise’s Witnesses Place Value of \$215,000 to \$290,000 On Mesa,” *Boulder Camera*). The estimates of two appraisers for the city, C.A. Bresnahan and William T. Van Court were significantly lower, ranging between \$67,000 and \$75,000. Bresnahan cited the absence of city water and sewer service (the result of the blue line), rough terrain, lack of suitable road access, and the cold climate of the mesa as key factors in his low estimate of the land’s value, and Van Court made recommendations for a development different than the one being proposed by Mirise: “The highest and best use of the Mirise tract would be for some kind of mountain subdivision on a low density basis, lots of 5 to 10 acres each. I would not recommend a subdivision with sites of the size shown on the plat (three or four lots per acre)” (“City’s Appraisers Value Mesa At \$67,000-\$75,000,” *Boulder Camera*).

As the city began to present its case, attorneys portrayed a far different outlook for the feasibility of a high elevation subdivision on the mesa. John Hess, developer of the Bellevue Hills subdivision adjacent to Enchanted Mesa, testified about the problems of selling lots in his own subdivision which even had the distinct advantage of being below the blue line. Geologists Ed Jenkins and Charles Hile refuted some of Willard Owen’s findings, stating that under Colorado water law, Mirise could not simply build wells for his subdivision but would have to purchase the water rights for the underlying Dakota formation since that groundwater would otherwise serve as a tributary to a natural stream. Charles Hallenbeck, Jr., associate professor of civil engineering at the University of Colorado and the city’s consulting engineer, testified that the costs of developing water and sewer systems for Enchanted Mesa would be “tremendously high,” in addition to creating problems with sewage disposal.

Oakleigh Thorne even played an important role as an expert witness, clarifying the Natural Area Committee’s 1961 report about the value of preserving Enchanted Mesa. The report

had been vital in the campaign to preserve the mesa, but Mirise attempted to turn the tables by citing the report as part of the reason why his land should be valued at \$876,000 (“Major Problems Seen For Mesa Subdivision,” *Boulder Camera*).

When it was all said and done, the commissioners ruled upon a value higher than that proposed by the city, but much lower than that proposed by Mirise, or even his appraisers. The court case began on a Monday and ended on a Thursday; by late Friday night, the commissioners had reached their decision: Mirise’s land was worth \$115,000. If the amount had been below \$105,000, the city could have invested the difference in the bond allotment in picnic facilities, restrooms, trails or roads for Enchanted Mesa (“Legal Steps Plod Along,” *Boulder Camera*), but the decision meant that the city would have to come up with an additional \$20,000, including \$10,000 for the cost above the bond issue and another \$10,000 for the bond expense, court fees, and other costs. The city could have “abandoned the proceedings,” but it would have had to pay for all of Mirise’s litigation costs (an amount comparable to the additional \$20,000 that the city needed). By going through with the purchase, the city only had to pay for part of the expense. Not willing to give up on purchasing the land, the city found itself with two options: collecting public contributions and/or transferring funds from other park recreation projects. The idea of taking money from the city’s contingency fund was considered, but such allocations would have been potentially problematic for the city if it faced a lawsuit where it needed to award damages.

Both sides had the option of appealing the case to the Colorado Supreme Court, but ultimately neither one chose to do so. The city also could have filed a motion for a new trial or started an appeal in order to gain the time necessary to raise the money. However, the city ultimately decided against such measures, choosing to pay Mirise immediately after the District Court order was signed (“Enchanted Mesa Set At \$115,000,” *Boulder Camera*). In committing the city to purchase the land, the City Council also went on record requesting public donations.

### ***The Reactivation of Citizens for Enchanted Mesa***

The Citizens for the Enchanted Mesa Committee had disbanded after the bond issue successfully passed, but they reactivated in order to help the city collect the money (“Citizens For Enchanted Mesa Re-activate,” *Boulder Camera*). Dwain Miller, city parks and recreation director, spoke at the committee’s reactivation meeting, discussing plans to take funds from other

parks and recreation funds to make up the needed amount. Members of Citizens for Enchanted Mesa, however, expressed their disapproval about money being taken away from much needed projects, and made it their goal to raise enough money that such measures would not have to be taken. To meet such goals, Joseph Rush resumed his position as chairman, John Hess continued as secretary treasurer, and Oakleigh Thorne was appointed publicity director.

This time radio played an important part in the campaign. Oakleigh Thorne created a memorable radio advertisement with the voice of his four year old son John. To make the recording, Thorne read a statement, John repeated it, and then the tape was spliced together so that only John's voice could be heard saying: "I like to hike with my dad on Enchanted Mesa trail. Please save the Enchanted Mesa" (report with Olson and Thorne, 2002). KDEY radio was also generous in donating radio time to the committee. "What to do About Enchanted Mesa," was even the topic of discussion on the station's Sunday afternoon "Sounding Board" ("Citizens For Enchanted Mesa Re-activate, Seek Donations," *Boulder Camera*).

As the citizens began their campaign for private tax-deductible donations, the city authorized \$20,000 from the Permanent Parks and Recreation Fund for use in helping to purchase Enchanted Mesa. By setting aside \$20,000, the city prepared to delay some phases of improvements and land acquisition in six different parks, but in the process also ensured that the land could be purchased no matter what ("Additional Enchanted Mesa Funds Made Available From Parks Money," *Boulder Camera*).

Simultaneously, Mirise's attorney Robert Inman filed a motion that the city should deposit the \$115,000 in escrow "forthwith or be declared to have abandoned the proceedings" ("Court Orders Enchanted Mesa Case Hearing," *Boulder Camera*). Claiming that the city had been "in actual possession" of the land since 1962, Mirise also sought payment of interest on the land ("City Payment Of Interest On Mesa Price Sought," *Boulder Camera*). However, by February 20, 1964 the hearing for a new trial had been cancelled, and years of complicated court proceedings had finally come to an end with the city purchasing the land ("Boulder Obtains Enchanted Mesa," *Boulder Camera*).

Donations from private citizens for the mesa continued to arrive, chipping away at the impact to other parks and recreation projects. On February 15, 1964 the *Boulder Camera* ran a

picture of Dr. Walter Orr Roberts, director of the National Center for Atmospheric Research, handing a \$200 check to Boulder Mayor Paul Crouch. Making such a donation required using NCAR's private funds, instead of government funding, and while giving the donation, Roberts emphasized the importance of the cause and encouraged others to donate as well ("NCAR Contribution," *Boulder Camera*). Other pictures that ran in the *Boulder Camera* included a picture of Ruth Wright, then chair of the Colorado Mountain Club, presenting a \$420 check to Joseph Rush, chairman of the Enchanted Mesa Fund, and Marvin E. Gause, City Finance Director ("Mesa Contribution," *Boulder Camera*).

The donation campaign proved to be a success. On April 28, 1964, it was announced that the Enchanted Mesa Fund Drive was entering its last week having raised \$5,126, just over half of its \$10,000 goal. Chairman Joseph Rush expressed his satisfaction: "Actually, we had expected to raise only \$5,000, but we ideally set \$10,000 as the goal in hopes that we might be able to raise the full amount that the city was required to pay over and above the bond issue. I am very pleased to see that we succeeded to raise the expected amount with some to spare. We will, of course, be very happy to receive any last minute contributions."

Dwain Miller congratulated the efforts of the re-activated Citizens for Enchanted Mesa and all of those who donated to the effort: "Because of the fine efforts of the citizens of Boulder who have contributed over \$5,000 to the Enchanted Mesa Fund, we will now be able to restore the most important projects that had been cut from this year's budget. I again want to personally thank these people for their most generous help." Joseph Rush in turn extended his thanks to Laurence Paddock, editor of the *Boulder Camera*, and Mrs. Kenneth Prather of KDEY radio, thanking them during a luncheon meeting for their efforts in soliciting donations for Enchanted Mesa ("Efforts Acknowledged," *Boulder Camera*). By the time that the drive ended a week later, the amount raised was nearly \$6,000, a rather significant quantity that greatly impacted the projects that the Parks and Recreation Board was able to carry out that year.

One of the final donations arrived the week that the mesa bonds were sold. On May 20, 1964 the *Camera* printed a picture of members of the Boulder International Folk Dancers handing over a check for \$100 to Joseph Rush. The group would go on to hold two benefit dances for purchase of Enchanted Mesa on consecutive Fridays at Casey Junior High School.

Charging a 50 cent admission fee, the dances began at 8 p.m. with dancing instruction, and continued with dancing from 9 to 11 p.m. (“Dancers Contribute,” *Boulder Camera*).

On May 21, 1964, the day after the picture of the folk dancers was published, the *Boulder Camera* featured a picture of Marvin Gause signing the \$105,000 bonds issued to pay for most of the cost of Enchanted Mesa. First National Bank submitted the lowest of seven interest rate bids, and thus purchased all of the bonds (“Mesa Bonds Sold,” *Boulder Camera*).

### ***The Enchanted Mesa Opens***

Less than a month after acquiring the land, a newspaper article announced that the 146-acre park had opened for public uses including, picnicking, hiking, and/or relaxing. The date was May 14, 1964.

Even with citizens’ donations, the additional costs of purchasing the mesa meant that improvements to the land had to wait. The article expressed the hopes of City Manager E. Robert Turner, that such improvements could be started the next year in 1965. Such plans included: the installation of picnic tables, fireplaces and/or fire pits (on the fringes of the mesa in order to retain the area’s natural beauty), improvements to Bluebell Canyon Road, repairs to Bluebell Shelter House, and the enlargement of a parking area (“Mesa Open Via Bluebell; Improvements Due In ’65,” *Boulder Camera*).

### ***Precedent for the Future***

Three years later Boulder became the first city in the United States to tax itself for open space, an innovative move that was made possible in part by the blue line and the purchase of Enchanted Mesa. PLAN-Boulder County, the small grassroots group that had formed out of an effort to enact the blue line, gained the attention of the nation and showed that it would be a powerful force in the shaping of Boulder’s future. According to Robert McKelvey, the members of PLAN-Boulder had realized that the future of Boulder would follow their direction after the success of the Enchanted Mesa bond election (oral history with Robert McKelvey, 2002).

Through civic action, Enchanted Mesa was preserved for future generations of Boulder’s citizens. In 1987, Josephine Robertson described the current state of the mesa in her history of PLAN-Boulder: “This beautiful land, with no building on it, is a continuing joy to hikers, dog

walkers, sledders in winter and during all seasons, provides a quiet place where one can sit on outcropping rocks and enjoy a sweeping view of unfolding ranks of foothills” (9). An additional twenty years has passed since Robertson’s report, but the land is much the same as it was then, a stark contrast to the resort hotel and houses that could have been.

To some extent, the purchase of Enchanted Mesa and the open space movement were directed by a desire to follow the English idea of building greenbelts around cities, an idea that dated back to World War I. At the same time, Boulder citizens also hoped to deviate from the English example. In cities such as London, growth leapt over the greenbelt boundaries. In Boulder, there was, and continues to be, hope that persistence will keep the city open space that has been preserved intact (oral history interview with Robert McKelvey, 2002).

Sources available as a separate document.