

May 9, 2007

Statement of Telluride Mayor John Pryor on SMVC's
Valley Floor appeal to the Colorado Supreme Court:

As many of you by now understand, the Town's efforts to acquire the Valley Floor for open space preservation are not concluded with the Town's payment of the Jury Award. Even after receiving a valuation award exactly on the number they argued for in this case, the Landowner is still challenging the ability of the Town to condemn this property for parks, open space and recreational purposes.

Regarding the timing of this appeal, the Town and SMVC will brief this issue to the Colorado Supreme Court this summer; oral argument to the Colorado Supreme Court will follow either this Fall or coming Winter. It is possible that the Town will have a decision on this appeal by Spring or Summer of 2008.

SMVC's appeal is based upon special legislation—lobbied for by SMVC and passed for its benefit—known as the Telluride Amendment or House Bill 1203. The Telluride Amendment attempts to impose a prohibition on the extraterritorial condemnation for open space by Colorado home rule municipalities. The Telluride Amendment is in direct conflict with the Colorado Constitution, Article 20, as well as numerous decisions of the Colorado Supreme Court, which have affirmed the expansive powers and the right of home rule municipalities, like Telluride, to condemn outside their municipal boundaries for numerous public uses and purposes, including those involved in this case.

The District Court in our case sided with the Town in a very well reasoned, careful and thoughtful decision that explained that Telluride's constitutional rights in this case cannot be abrogated by the acts of the Colorado Legislature. We expect and are hopeful for a similar ruling from the Colorado Supreme Court. I can state without equivocation that the Town is fully committed to continuing our substantial efforts to defend the preservation of the Valley Floor in this appeal. As John Muir, a tireless proponent of preserving another important Valley Floor named Yosemite, once stated, we will fight the good fight.