

History of Parley's Historic Nature Park

Purpose & Background

To trace the origin Parley's Historic Nature Park (referred to herein as the "Park")

While the evidence presented by the public record can be confusing, the basics on acquisition of the property and its historic use are fairly easy to track. For example, land records are not consistent on the exact acreage held by any owner. Likewise the newspaper accounts over the years estimate the size of the Park anywhere from 65 to 88 acres. Nonetheless, each item referenced in this memorandum is supported by a document that was "historically" created – and, generally, does not rely upon recent "memory." Despite these minor gaps these documents reflect what was going on in the Park, as reported *when it happened* - or at least at a time when memories were not colored by an agenda.

The record used to create this history is attached and citations to that record are included.

Land Acquisition

1. Historically, the Park was the site of mills, a saloon, a brewery, a farm, a gravel pit and a railroad bed.¹
2. In 1979, Harvey D. Hansen (as Hanco R&I Limited Partnership) donated five (5) acres to the City.² As part of that deal, Salt Lake City purchased another five (5) acres from Mr. Hansen, using funds provided by a federal Heritage Conservation and Recreation Service.³ UDOT purchased Mr. Hansen's remaining twenty (20) acres.⁴ Historically, that transaction was referred to by the CRCA as a "land trade" with Harvey Hansen.⁵ By about 1980, the State (UDOT) owned thirty (30) acres in the Park and SLC owned ten (10).⁶

¹ SLC Tribune article, *Residents to Have Canyon Park With Hollows Addition* dated approx 1980. (This article is small and hard to read. A reading glass helps. The date was determined by reference to the donation of land by Harvey Hansen, which was about 1979); SLC Tribune Article: *Deal-Making by City May Result in Park In Mouth of Canyon*, May 28, 1984; CRCA Newsletter dated April 1991 at p. 3 "Who Is Crazy Mary."

² *Warranty Deed* dated March 30, 1979. Land records prior to 1984 are difficult to trace. This is the only Deed that can be easily found in the Hansen land exchange – possibly because the land was titled in alternate names. This deed shows something very typical of the land down in the Park. The land was encumbered by rights of way dating back to the railroad days and access was a problem.

³ SLC Tribune, *Residents to Have Canyon Park With Hollows Addition*; CRCA Newsletter November 13, 1984.

⁴ CRCA Newsletter, November 13, 1984.

⁵ CRCA Newsletter, October, 1985.

⁶ SLC Tribune, *Residents to Have Canyon Park With Hollows Addition*.

3. In or about 1981, Salt Lake City acquired nine (9) acres, from Ken R. White.⁷ The record does not show the source of the funding. However, the record indicates that in or around 1980, Salt Lake City was trying to do land “deals” with the remaining landowners in the Park boundary similar to the deal with Harvey Hansen.⁸ It is clear that Mr. White also had development on his mind. The land deal ultimately reached with Mr. White included an agreement that, if Salt Lake City could not complete the purchase of his land, the City would grant Mr. White easements that were necessary for him to develop the property.⁹
4. Also in or about 1981, Harold G. Schaer¹⁰ sued to establish his right of way over the main gully road – intending to build condominiums or housing on his sixteen (16) acres at the northeast end of the Park.¹¹ The possibility that condominiums would inhabit the area was not palatable to the neighboring residents.¹² It is likely that Salt Lake City began negotiating with Mr. Schaer at or about that time to acquire the land. It also appears that the money appropriated in Salt Lake City’s 1984-85 budget for purchase of land in the Park was still aiming at Mr. Schaer’s land.¹³ UDOT finally acquired the land in 1985 (and it may be assumed that the City obtained it from UDOT.¹⁴ The purchase cost was reported to be, likely,

⁷ CRCA letter dated April 23, 1986. (The CRCA’s letter indicates that the CRCA did not, even at that time, understand how property in the Park was acquired.)

⁸ *Residents to Have Canyon Park With Hollows Addition.* (Note the article refers to two private property owners holding a total of 25 acres. Mr. Schaer held sixteen (16). Ken White held nine (9) .

⁹ *Agreement* dated September 3, 1981 by and between M. Kenneth White, Ada Marie White and Salt Lake City.

¹⁰ Records spell Mr. Schaer’s name in many ways, Shaer, (SL Tribune); Schaere (Sons of the Utah Pioneers Letter dated Sept 14, 1981) – It is fairly apparent that they are all the same person.

¹¹ SLC Tribune, *City’s Deal-Making Could Result in Park at the Mouth of Parley’s Canyon*; See also: Sons of the Pioneer’s letter dated Sept 14, 1981 (Which indicates that, after building on the rim of the Park, the Sons of the Pioneers were actively concerned about the Schaer and White proposals to develop their land (which was close to the Sons of the Pioneers new headquarters). CRCA *Newsletter* dated November 13, 1984.

¹² See *Hansen Hollow Nature and Historic Park* circulated by the “Hansen Hollow Park Committee.” The circular is undated – but the Hansen Hollow Committee became the Canyon Rim Citizen’s Association very early in the 80s and the content indicates this was mailed in or about 1982. The circular contains an interesting map of the Park with developments imagined by the committee—which were never developed.. The trails noted on the map are the trails that survive today; there have always been trails crossing the Park. They are not new. The “handicapped” area was a good public relations idea. It was also non-starter. The hill into the Park is steep and winding. It is difficult to maneuver by car and it is not wheelchair friendly – nor is the rest of the trail system. The “nature pond” was never created. However, the natural flow of the spring was restored in 2004 and a wetland has been thriving since that time. The wetlands were not restored by the CRCA. The restoration was championed by Rita Lund, - a dog walker. The “wild flower hill” was slated on a part of the land that is very arid. Indeed, trees planted in the arid area of the Park must be nursed for years so that they do not die for lack of water before root systems are formed. Two fair size Burr Oaks were donated in the named of a deceased pet dog and planted in the fall of 2005. They are being carefully tended by the City in hopes they will become established. Thanks to the wet spring of 2005 and 2006 some sage and rabbit brush planted by the City near the pond has taken hold. Wildflowers grow, abundantly, however, where they always have (not much in the slated area.). The best time to look for wildflowers is in the spring to early summer in areas that get morning and evening sun – and some afternoon shade – that is how “nature” works. Sunflowers are abundant in the flatlands during the summer.

¹³ See *Deseret News: Hansen Hollow Squabble, Nobody Wants to Pick Up the Tab for Preservation*, June 16, 1984.

¹⁴ *Warranty Deed* dated February 27th 1985; CRCA *Minutes* June 18, 1985.

between \$260,000.00 and \$360,000.00,¹⁵

5. UDOT owned a total of 41 acres in and around the Park (including the property it acquired from Mr. Hansen). It refused to donate the land to Salt Lake City for a Park. Instead, Salt Lake City worked out a land trade.¹⁶
6. Assuming that Salt Lake City acquired the bulk of the UDOT property (which includes 20 acres UDOT purchased from Harvey Hansen) the Park is made up of UDOT's 41 acres, 5 acres acquired by donation from Harvey Hansen, an additional 5 acres purchased from Harvey Hansen, 16 acres from Harold Shaer and 9 acres from Ken White. That accounts for 76 acres: five donated and 71 purchased. The Park is often cited as having 88 acres. That number is difficult to track on the plat map, but there are a number of small parcels, mostly on the hillsides.¹⁷

Park Funding

7. The record is absolutely clear that the burden of purchasing the Park land was placed squarely on Salt Lake City. Indeed, many City residents complained about the use of City funds to purchase the land, which straddles unincorporated Salt Lake County.¹⁸ Indeed, at the time the Park was created, Mayor Wilson noted that it was doubtful that City funds would be available to improve the Park, for reasons that included “the heavy financial burden already placed on the city as a result of acquiring the land.”¹⁹
8. It is true that a group of people living near the Park pushed for creation of the Park. In 1987, that committee became the Canyon Rim Citizens Association (herein all of those entities are collectively referred to as the CRCA) Indeed, the CRCA membership before the Park was created was so concentrated with people who lived next to the Park that its membership had to be reconstituted after the Park was created so that it represented the entire community.²⁰

¹⁵ CRCA *Minutes* November 13, 1985.

¹⁶ SLC Tribune, *City's Deal-Making Could Result in Park at the Mouth of Parley's Canyon*.

¹⁷ As a result of the fact that land in the Park included a great deal of public land and there were transfers to and from many entities, the deed record is extremely difficult to trace. Attached to the *Agreement* with Ken White dated September 3, 1981 is a plat of the east end of the Park at that time. It is difficult to read. A reading glass review of the document gives an idea of the land ownership confusion. Land is owned by the federal government, the county, and various state entities, along with private property. With that record, it is easy to imagine the problem that any private party had in acquiring adequate access to develop property.

¹⁸ See *Deseret News: Hansen Hollow squabble, Nobody Wants to Pick up the Tab for Preservation*, June 16, 1984

¹⁹ *Letter from Mayor Wilson to the Salt Lake Rotary Club* dated November 8, 1984.

²⁰ CRCA *Newsletter*, April 1991. Like the Sons of the Pioneers, who are on the rim of the Park, (*see n. 11 supra.*) and the parties who purchased into the development on the rim in 1985 (*see n. 37 supra.*) it is understandable that people who live next to the Park would like less use on the Park land. Everyone living next to public land may well voice similar sentiments. That is a “not in my backyard” argument, which does not speak to how the Salt Lake City – or Salt Lake Valley residents use the Park. Given Mr. Shaer's desire to develop condominiums in the area and the history of the Park land being used by motorcycles (*see*

9. It is not true that the CRCA raised substantial funds to purchase Park land. The record shows that the CRCA collected about \$6,000.00 for the “Lower Park.”²¹ No reference is ever made to donating that money for Park land. The CRCA still has about \$2,800.00 that never was used for the purpose for which it was donated and has been held, for decades, in the CRCA fund²².

10. Many people have referred to their memory of a large fund drive to establish the Park. That memory is simply mistaken. There was a large fund drive by the CRCA. It was to develop the three (3) acres of land at the west end of Tanner Park (next to the Congregation Kol Ami).²³ That fund drive was spirited by OC Tanner, who committed to match (4:1)²⁴ of community raised funds to develop the land.²⁵ That land is not the Park. Lawn was planted; curb and gutter were installed; restrooms were built;²⁶ a jogging trail and exercise stations were installed.²⁷ The CRCA donated the last of its funds – totaling \$57,000.00 to Salt Lake City and turned over that property to the City on the condition that: Salt Lake City would: (1) maintain it; and (2) not sell it.²⁸ Truly, the three (3) acres of Tanner Park next to the Congregation Kol Ami can be considered a community effort – driven in part by the funding raised by the CRCA. No similar effort by CRCA was mounted for the Park.

11. At or about the time the Park was created the estimated costs for “improvements” to the Park ranged from “in excess of \$200,000.00” for “stabilization of its steep slopes”²⁹ to \$680,000.00 for “restrooms, paths, seeding, hillside restoration, etc.”³⁰. The CRCA records contain reference to a “push” for funding for improvements.³¹ The CRCA had approached the Rotary Club for a donation.³² That effort was not successful.³³ There is no record of the CRCA – or any private party - actually raising any significant funds for Park improvements and the

para. 13, supra,) it is unlikely that “nature” was, entirely, the driving force behind their work for the Park.

²¹ CRCA *Treasurer’s Reports* dated November 1, 1983, January 15, 1985, July, 30, 1985, May, 15, 1986, January 20, 1987,

²² CRCA 2006 “Cash Flow Statement.” The expenditures on the Park are not reflected in CRCA records. It is apparent that the money was not used for land purchase, as it remained in the fund after the land was acquired. It is also unlikely that the remaining money was not used because of the “dogs” as the money has been there since long before dogs were an issue.

²³ CRCA *Newsletter* November 13, 1984, October 1985.; CRCA *Treasurer’s Reports* November 13, 1984, January 15, 1984; May 15, 1986; January 20, 1987; CRCA *Minutes* May 20, 1986; November 25, 1987; June 16, 1987; December 8, 1987.

²⁴ See e.g. CRCA *Minutes* September 15, 1987.

²⁵ See e.g. CRCA *Minutes* November 25, 1986

²⁶ CRCA *Minutes* June 18, 1985. CRCA *Treasurer’s Report* July 30, 1985.

²⁷ Salt Lake Tribune, *Park Court For Exercise Turn to Flab*, dated July 27, 1985. (The exercise stations have been removed. They were repeatedly vandalized.)

²⁸ CRCA *Minutes* October 21, 1987.

²⁹ Deseret News: *Hansen Hollow Squabble, Nobody Wants to Pick Up the Tab for Preservation*, June 16, 1984.

³⁰ CRCA *Minutes* November 13, 1985.

³¹ CRCA *Newsletter* November 19, 1985.

³² *Letter from Mayor Wilson to the Salt Lake Rotary Club* dated November 8, 1984

³³ CRCA *Minutes* April 16, 1985.

CRCA has not undertaken any large improvement projects.³⁴

Park Condition and Use

12. The Park was named “Parley’s Historic Nature Park.” However, from the beginning it was noted that: “‘Natural’ in the sense of pristine is somewhat of a misnomer in describing the” Park.³⁵ [A] highway crossed the hollow before the Interstate system replaced it in the mid-1960s. A Utah Power & Light substation sits in the western end of the gulch. Motorcycle trails crisscross its steep sides and part off its southern end was a sand and gravel pit. Old car bodies, discarded tire and sundry other trash, once common, are now only occasionally found.”³⁶
13. Erosion has been a problem in the Park - always. Indeed from the beginning it was recognized that the “hillsides [in the Park had] suffered from erosion, part of it natural, part of in caused by motorcycles. . . . The most challenging part of development [of the Park was estimated to] be stopping the erosion and restoring those hills already affected [which would require] matting or some other erosion control, with intense revegetation techniques.”³⁷ As noted above historically, blame for erosion was credited on motor vehicles – specifically by the fact that, in the 1970s and 80s, the Park became a destination for motorcyclists, who climbed the hillsides.³⁸ Development of houses on the South rim was also predicted to be,

³⁴ See paragraph 9, *infra*. For the record, there have been improvement projects in the Park, including large projects: stream bank stabilization, restoration of a wetland that had been drained in the mid- 1980s and a recent re-contouring of the Park to address a large washout and sink hole that developed. Rita Lund, could detail those projects as she has shepherded those and many other projects over the years. The projects were not, however, CRCA driven or funded.

³⁵ SLC Tribune Article: *Deal-Making by City May Result in Park In Mouth of Canyon*, May 28, 1984, Interestingly, the SLC Tribune Editorial on January 8, 2006 argued that, to describe the Park one only had to look at the name “Parley’s Historic Nature Park” “says everything.” about the “natural” character of the area: A journalistic memory lapse.

³⁶ *Id.* The “garbage” - large and small, is still dumped into the Park through the watercourse from the freeway and over the subdivision edge. Only yearly (and, most times, twice yearly) , clean-ups by people who use the Park keep the Park free of trash. Last year dog-walkers got together for clean-ups that yielded, four (4) F-250 long bed loads of garbage (that year featured the usual tires and shopping carts, plus a large water heater someone disposed of) and noxious weeds were taken from the Park. In addition, the City cleans up the area around the “tube” weekly in the summer, removing lumber wood used by the neighborhood kids to block the tube so that they can “shoot” through it – a form of children’s recreation that has been in the Park forever. Park users gather the wood and place it in a pile where it can be easily reached by the City.

³⁷ *Residents to Have Canyon Park With Hollows*. Such an effort for hillside erosion control was never mounted. Streambed erosion control was – about five years ago (again championed by Rita Lund, a dog-walker.) That effort can be credited with preventing a great deal of damage from occurring in the recent “high water” springs. The South side of the streambed is, in places, in trouble – because the stream no longer flows naturally (it is dammed upstream and piped into the Park) so that high water cuts deeply into the steep South bank so that the tree roots are exposed and the bank is starting to buckle under the trees.

³⁸ *Letter to Dave Lovell, Salt Lake County Public Works*, dated June 27, 1985. SLC Tribune Article: *Deal-Making by City May Result in Park In Mouth of Canyon*, May 28, 1984, There are, in fact two major areas of hillside erosion that remain from the motorcycle days. The first goes off the trail into the Park. It is often still used as a bike jump. It is not too steep and the hillside around it appears to be holding up so that patch is not a scar that would remain long if it were unused. It is unsightly, but not a major

and is, a cause of erosion.³⁹

14. The Park was intended to be used. Indeed, in justifying the use of City funds to purchase the Park, one County resident stated “the [City] Council doesn’t seem to realize the importance of the Park. . . . [I]ts proximity to the bus routes will make it an important recreational resource to many center residents. ‘I have a hunch it will get most of its use by the city.’”⁴⁰
15. Dog walking – leash free – has historically been among the recreational uses of the Park. The CRCA’s April 1991 Newsletter contains the following passage:

“Dogs are welcome in Tanner park, but they must be kept on a leash. . . . Dogs need not be leashed in Parley’s Nature Preserve. However, the owner is still responsible for the actions and droppings of their dogs.”⁴¹

This report compiled by:

Julie A Bryan
COHNE, RAPPAPORT & SEGAL
257 East 200 South, Suite 700
Salt Lake City, Utah 84111
Phone: (801) 532-2666
Fax: (801) 355-1813
e-mail: julie@crslaw.com

environmental problem in the big picture. The other erosion spot is by the bridge. It is huge and it is a problem. It gets bigger with every large rainstorm, when it runs like a waterfall all the way from the freeway. People who have never been in the Park in a storm don’t understand that erosion spot; people who have understand it completely. Minor fixes have been tried. A major effort that would redirect the water at the top and then mat plant the gambel oak (aka scrub oak) that covers the rest of the hill would work. That route has been investigated. It’s expensive. The next theory that has been suggested is to weave a bed of branches and grasses over the trail. Until there is funding, that is what is planned.

³⁹ *Letter to R.T. Holzworth*, dated June 29, 1985.

⁴⁰ *Deseret News: Hansen Hollow Squabble, Nobody Wants to Pick up the Tab for Preservation*, June 16, 1984.

⁴¹ *CRCA Newsletter* April, 1991. Rita Lund has often been “blamed” for creating a dog-friendly area in the Park. The April 1991 *Newsletter* clearly reflects that Rita Lund was not chair of the CRCA when CRCA recognized off-leash use as legitimate in the Park. Indeed, the *Newsletter* shows that she was not even on the CRCA at that time.