

STATEMENT OF BAXTER MEADOWS DEVELOPMENT
REGARDING REGIONAL PARK SUIT

April 2, 2008

Baxter Meadows Development, L.P. has filed suit against Gallatin County, Montana for breach of contract and other claims due to the County's actions with respect to placing a 911 Center and Fire Station on the park. A copy of the complaint is available [here](#).

In 2002, Baxter entered into an agreement with the County to buy and sell the 100 acres comprising the park. This agreement required the County to record a non-revocable covenant that the land would only be used for a public park, with an additional use allowed for a non-profit recreational facility such as a YMCA, consistent with the Open-Space Land and Voluntary Conservation Easement Act ("Open-Space Act"). In addition, Baxter agreed to contribute and has since completed approximately \$1 million in improvements to the park.

"We are trying to ensure the park stays a park" said Jerry Williams of Baxter. "Our agreement to sell clearly required the land to be used as park or non-profit recreational facilities in perpetuity. If they can carve out a few acres for a fire station and 911 center, what stops them from carving 10 or 20 more out for a garbage transfer station or even a jail?"

The Open-Space Act ([MCA 76-6-107](#)) states that "Open-space land, the title to or interest or right in which has been acquired under this chapter, may not be converted or diverted from open-space land use unless the conversion or diversion is: ... (c) permitted by the conditions imposed ... in the terms of the acquisition agreement ..."

"Baxter's hard work towards making the regional park a reality has included placing specific restrictions on any further sale of the land, whether for private entities or public services." continued Williams. "It's a shame that the County is trying to compromise the original vision of the 100 acre regional park as an unprecedented recreational area for all to enjoy."

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