

ORDINANCE NO. 15-70

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT

WHEREAS, City Council received a Petition for Inclusion of Property into Interquest South Business Improvement District (the "Petition") filed pursuant to C.R.S. § 31-25-1220 requesting the inclusion of certain property described in the Petition and depicted on Exhibit "A" attached hereto and made a part hereof (the "Property") into the Interquest South Business Improvement District ("District"); and

WHEREAS, the Property sought to be included into the District is located entirely within the City of Colorado Springs, El Paso County, Colorado, and does not include property within any other county or within any other incorporated city, town, or city and county; and

WHEREAS, in accord with section 31-25-1220 C.R.S., a public notice of the Petition and the time place of the public hearing on the inclusion request set forth in the Petition has been given and published in *The Transcript*, and proof of publication is attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS, City Council has conducted a public hearing in accordance with the public notice and heard all persons having objections to the inclusion of the Property into the District and considered whether the inclusion of the Property into the District will adversely affect the District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council finds and determines that it has jurisdiction in this matter pursuant to the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S.

Section 2. City Council finds and determines that the inclusion of the Property into the District as proposed in the Petition and the corresponding change in boundaries of the District do not adversely affect the District.

Section 3. Pursuant to C.R.S. § 31-25-1220, City Council hereby grants the Petition requesting the inclusion of the Property into the boundaries of the District.

Section 4. The City Clerk is directed to file a certified copy of this ordinance with the County Clerk and Recorder of El Paso County, Colorado.

Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.


Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 8<sup>th</sup> day of September, 2015.

**Finally passed:** September 22, 2015

  
Merv Bennett, Council President

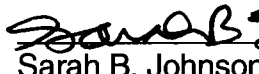
ATTEST:

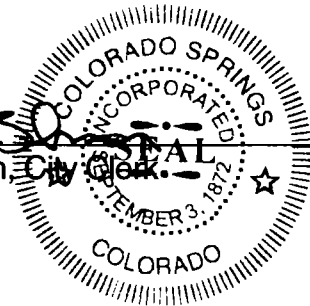
  
Sarah B. Johnson, City Clerk



I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on September 8, 2015; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 22<sup>nd</sup> day of September, 2015, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 22<sup>nd</sup> day of September, 2015.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: September 11, 2015

2<sup>nd</sup> Publication Date: September 25, 2015

Effective Date: September 30, 2015 Initial:   
City Clerk

# 'EXHIBIT A - INCLUSION'

INTERQUEST PARKWAY  
R.O.W. VARIES

LOT 1  
INTERQUEST  
FILING NO. 3  
RECEPTION  
NO. 201022545

LOT 7

INTERQUEST FILING NO. 3  
RECEPTION NO. 201022545

LOT 2

LOT 5

LOT 6

FEDERAL DRIVE  
R.O.W. VARIES

LOT 3

LOT 4

REPUBLIC DRIVE  
R.O.W. VARIES

COLORADO STATE HIGHWAY 83  
(VOYAGER PARKWAY) 160' R.O.W.

INTERQUEST FILING NO. 3A  
BID "EXHIBIT A-INCLUSION"  
JOB NO. 2310.10  
AUGUST 5, 2015  
SHEET 1 OF 1



SCALE: 1"=150'



6285 Comanche Drive, Suite 101  
Colorado Springs, Colorado 80906

(719)705-0700  
(719)705-0700 (Fax)

Exhibit A  
[copy of Petition for Inclusion of Property]

**PETITION FOR INCLUSION OF PROPERTY**  
**Into**  
**INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT**

TO: City Council, City of Colorado Springs, Colorado.

The undersigned, Gregory M. Tucker on behalf of Chalon Properties, a Corporation, hereby respectfully petitions the City Council of the City of Colorado Springs in accordance with the provisions of Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described property into the Interquest South Business Improvement District.

The undersigned hereby requests that the herein described property be included into said District and that an Ordinance be adopted by the City Council including said property into said District, and that from and after the entry of such Ordinance, said property shall be liable for assessments and other obligations of said District.

The undersigned represents to the City Council that it is the owner of the property hereinafter described and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.


Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for the consideration of the Petition.

This Petition is accompanied by a deposit of five hundred dollars (\$500); said deposit is believed to be sufficient to pay all pre- and post-acceptance costs of the inclusion proceedings, but should said deposit be insufficient, the undersigned further agrees that it shall pay in full the fees and costs incurred by the City and the District for the publication of the notice of the hearing on inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the property from said District, whether or not such inclusion is approved.

The legal description of said property situate in the County of El Paso, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner:

  
By: Gregory M. Tucker  
For: Chalon Properties, Inc.  
Title: President

Petitioner's  
Street Address:

4020 Foxchase Way  
Colorado Springs, CO 80908

STATE OF COLORADO )  
 ) ss.  
COUNTY OF EL PASO )

The foregoing instrument was acknowledged before me this 21 day of May, 2015, by Gregory M Tucker President of Chalon Properties Corporation.

Witness my hand and official seal.

My commission Expires: October 18, 2018

BETHANY KENSINGTON SATHER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID # 20144039645  
MY COMMISSION EXPIRES OCTOBER 18, 2018

BK Sather  
Notary Public

**EXHIBIT A**  
**Interquest South Business Improvement District**  
**Petition for Inclusion**

**LOTS 2, 3, 4, 5, 6 AND 7 INTERQUEST FILING NO. 3, COUNTY OF EL PASO, STATE  
OF COLORADO**



**Exhibit B**  
**[Proof of publication]**

Proof of Publication

THE TRANSCRIPT  
Colorado Springs, Colorado

STATE OF COLORADO, } ss.  
COUNTY OF EL PASO }

I, Fran Zankowski, C.E.O., or the undersigned Authorized Agent of the C.E.O., do solemnly swear that I am the C.E.O., or Authorized Agent of the C.E.O. of The Transcript; that the same is a tri-weekly newspaper and published in the County of El Paso, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a tri-weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

10, AUGUST, A.D. 2015.

And that the last publication of said notice was in the issue of said newspaper dated:

10, AUGUST, A.D. 2015.

In witness whereof, I have hereunto set my hand this 10th day of August, A.D. 2015.

Melissa Edwards  
Publisher/Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 10th day of August, A.D. 2015.

Royce Kirk  
Notary Public

**NOTICE OF INCLUSION**  
NOTICE IS HEREBY GIVEN that there has been filed with the City Council of the City of Colorado Springs, Colorado, a petition praying for the inclusion of certain lands into the Interquest South Business Improvement District.

1. The name and address of the petitioner and the description of the property mentioned in such petition is as follows:

Owner: Gregory M. Tucker  
Chalon Properties, Inc.  
Address: 4020 Foxchase Way  
Colorado Springs, Colorado 80908  
Legal Description: LOTS 2, 3, 4, 5,  
6 AND 7 INTERQUEST FILING NO.  
3, COUNTY OF EL PASO, STATE  
OF COLORADO

2. The prayer of the Petition is that the above property be included within the boundaries of the District.

3. The property sought to be included into the District is located entirely within the City of Colorado Springs, County of El Paso, State of Colorado, and the same is not included within any other county or within any other incorporated city, town, or city and county. Therefore, no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required.

Accordingly, notice is hereby given to all interested persons to appear at the public hearing before the City Council of the City of Colorado Springs, to be held on the third floor of City Hall, 107 N. Nevada Avenue, Colorado Springs, Colorado, El Paso County, Colorado, on Tuesday, the 8th day of September, 2015, at 1:00 p.m. and show cause in writing, if any they have, why such petition should not be granted. The failure of any person in the existing District to file a written objection shall be taken as an assent on their part to the inclusion of the area described in this notice.

CITY OF COLORADO SPRINGS,  
COLORADO  
By: /s/ Sarah Johnson  
City Clerk  
Publication Date: August 10, 2015  
Published in The Transcript  
DT27964

