

ORDINANCE NO. 18-10

AN ORDINANCE REPEALING ORDINANCE NO. 17-119  
AND INCLUDING CERTAIN PROPERTY INTO THE  
BOUNDARIES OF THE CREEKWALK MARKETPLACE  
BUSINESS IMPROVEMENT DISTRICT

WHEREAS, City Council received a Petition for Inclusion of Property (the "Petition") filed pursuant to C.R.S. § 31-25-1220 for the inclusion of certain property described in the Petition attached and made a part of this Ordinance as Exhibit "A" (the "Property") into the Creekwalk Marketplace Business Improvement District ("District"); and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in the Colorado Springs Daily Transcript, calling for a public hearing on the inclusion request set forth in the Petition, proof of publication for which is attached and made a part of this Ordinance as Exhibit "B"; and

WHEREAS, City Council has conducted a Public Hearing and heard all persons having objections to the inclusion of the Property into the 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.

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

Section 1. Ordinance No. 17-119 is hereby repealed.

Section 2. 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 3. City Council finds and determines that the change in boundaries of the Creekwalk Marketplace Business Improvement District as proposed in the Petition does not adversely affect the District.

Section 4. Pursuant to C.R.S. § 31-25-1220, City Council grants the

Petition and orders the inclusion of the Property into the boundaries of the District.

Section 5. 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 6. This Ordinance shall be in full force and effect into and after its final adoption and publication as provided by Charter.

Section 7. 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 13<sup>th</sup> day of February, 2018.

**Finally passed:** February 27<sup>th</sup>, 3028



Council President

**Mayor's Action:**

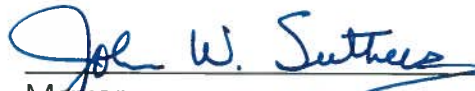
- Approved on March 1, 2018.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk



COS:   
CAO: 

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE REPEALING ORDINANCE NO. 17-119 AND INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on February 13<sup>th</sup>, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 27<sup>th</sup> day of February, 2018, 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 1<sup>st</sup> day of March, 2018.

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: February 16<sup>th</sup>, 2018  
2<sup>nd</sup> Publication Date: March 7<sup>th</sup>, 2018

Effective Date: March 12<sup>th</sup>, 2018

Initial: SBS  
City Clerk

**EXHIBIT A**

**Creekwalk Marketplace Business Improvement District  
Petition for Inclusion**

**LEGAL DESCRIPTION**

LOT 1 1520 SOUTH NEVADA SUBDIVISION – Schedule No. 6419308028

LOT 2 1520 SOUTH NEVADA SUBDIVISION – Schedule No. 6419308029

LOT 4 HOLLAND BUERK SUBDIVISION – Schedule No. 6419413056

**Proof of Publication**

**THE TRANSCRIPT  
Colorado Springs, Colorado**

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

I, Amy Sweet, Editor and COO, or the undersigned Authorized Agent of the Editor and COO, do solemnly swear that I am the Editor and COO, or Authorized Agent of the Editor and COO 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.

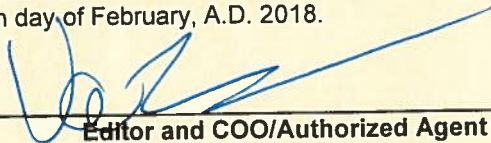
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue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

**24, JANUARY, A.D. 2018.**

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

**24, JANUARY, A.D. 2018.**

In witness whereof, I have hereunto set my hand this 7th day of February, A.D. 2018.

  
\_\_\_\_\_  
Editor and COO/Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 7th day of February, A.D. 2018.

  
\_\_\_\_\_  
Notary Public

**ROBYN KIRK  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20114063677  
MY COMMISSION EXPIRES OCTOBER 5, 2019**

**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 Creekwalk Marketplace Business Improvement District.

1. The names and addresses of the petitioners and the description of the property mentioned in such petition is as follows:

Owners: ROSLIN NET LEASE IV, LLC, a Colorado limited liability company

Address: P.O. Box 563  
Colorado Springs, Colorado 80901

Owners: OXFORD ORION INVESTMENTS, LLC, a Colorado limited liability company

Address: P.O. Box 1695  
Colorado Springs, Colorado 80901

Owners: 1609 SOUTH NEVADA AVENUE, LLC, a Colorado limited liability company

Address: P.O. Box 563  
Colorado Springs, Colorado 80901

Legal Description: LOT 1 1520 SOUTH NEVADA SUBDIVISION - Schedule No. 6419308028

LOT 2 1520 SOUTH NEVADA SUBDIVISION - Schedule No. 6419308029

LOT 4 HOLLAND BUERK SUBDIVISION - Schedule No. 641913056

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 13th day of February, 2018, 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 B. Johnson  
City Clerk

Publication Date: January 24, 2018  
Published in The Transcript  
DT32728