

ORDINANCE NO. 25 - 44

AN ORDINANCE EXCLUDING CERTAIN PROPERTY
FROM THE BOUNDARIES OF THE GOLD HILL NORTH
BUSINESS IMPROVEMENT DISTRICT

WHEREAS, City Council received a Petition for Exclusion of Property (the "Petition") from the Gold Hill North Business Improvement District (the "District") filed pursuant to C.R.S. § 31-25-1220 for the exclusion of certain property described in the Petition (the "Property"), the Petition attached hereto and made a part of this Ordinance as Exhibit "A"; and

WHEREAS, in accord with law, a public notice of the Petition has been given and published in *The Colorado Springs Gazette*, noticing the filing of such petition, the names of the petitioners, descriptions of the Property sought to be excluded, the request of said petitioners, and calling for a public hearing on the exclusion request set forth in the Petition, informing all persons having objections to appear at the time and place stated in said notice and show cause why the petition should not be granted, proof of publication for which is attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, based upon the Petition and other evidence presented to City Council, the Petition has been signed in conformity with Part 12 of Article 25 of Title 31, C. R. S., signatures on the Petition are genuine, and the signatures represent the persons who own the real or personal property to be excluded from the District, where at least fifty percent (50%) of the service area of the District will continue to be developed and used primarily as commercial property; and

WHEREAS, City Council has conducted a public hearing and heard all persons having objections to the exclusion of the Property from the District; and

WHEREAS, the Property sought to be excluded from 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. The above recitals are hereby incorporated into this Ordinance, are approved, and are effective.

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 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 exclusion of the Property from the boundaries of the District.

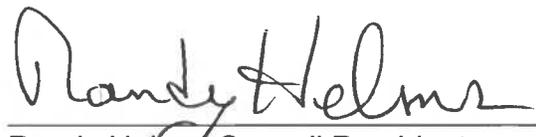
Section 5. This Ordinance shall be in full force and effect into and after its final adoption and publication as provided by Charter.

Section 6. The City Clerk is directed to file a certified copy of this Ordinance with the County Clerk and Recorder of El Paso County, Colorado, whereupon the Property shall be excluded from the District.

Section 7. City 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.

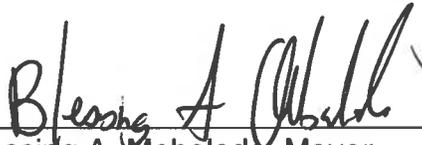
Introduced, read, passed on first reading and ordered published this 25th day of March 2025.

Finally passed: April 8, 2025


Randy Helms, Council President

Mayor's Action:

- Approved on APR 10 2025.
- Disapproved on _____, based on the following objections:



Blessing A. Mobolade, 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.

Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



COS: _____
CAO: MS

Exhibit A

[Copy of Petition for Exclusion of Property]

COS: _____
CAO: _____

**PETITION FOR EXCLUSION OF PROPERTY
GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT**

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

The petitioner, Gold Hill Development LLC, a Washington limited liability company (the "Petitioner"), hereby respectfully petitions the City Council (the "City Council") of the City of Colorado Springs (the "City") in accordance with Section 31-25-1220, C.R.S., for the exclusion of the property described below from the Gold Hill North Business Improvement District (the "District").

The Petitioner hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "Property"), be excluded from the District's boundaries and that an Ordinance be adopted by the City Council excluding the Property from the District's boundaries.

The Petitioner represents to the City Council it is the owner of the Property 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 consideration of the Petition.

The Petitioner agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on exclusion, publication of the ordinance approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the land into said District, whether or not such exclusion is approved.

The Petitioner's name and address are as follows:

Gold Hill Development LLC
10500 NE 8th St., Ste. 1760
Bellevue, WA 98004

Remainder of page intentionally left blank. Signature page follows.

**EXHIBIT A
(The Property)**

A portion of Lots 157 and 158, Gold Hill Mesa Filing No. 13 as recorded under Reception No. 224715431, City of Colorado Springs, County of El Paso, State of Colorado.

AND THE FOLLOWING LEGAL DESCRIPTIONS

EXHIBIT A

A portion of Lot 157, Gold Hill Mesa Filing No. 13, as recorded under Reception No. 224715431, City of Colorado Springs, County of El Paso, State of Colorado, described as follows:

BEGINNING at the most Northerly corner of said Lot 157;

thence the following two (2) courses along the Northerly and Easterly lines of said Lot 157:

1) S 67°22'03" E, a distance of 620.85 feet;

2) S 22°37'57" W, a distance of 2.85 feet;

thence N 67°22'03" W, a distance of 620.85 feet to the Westerly line of said Lot 157;

thence N 22°37'41" E along said Westerly line, a distance of 2.85 feet to the POINT OF BEGINNING.

Containing a total calculated area of 1,767 square feet (0.041 acres) of land, more or less.



Kirk P. Bode
Colorado Professional Land Surveyor No. 38254
For and on behalf of Barron Land, LLC

BARRON  LAND

BOUNDARY Δ MAPPING Δ SURVEYING Δ CONSTRUCTION
2790 N. Academy Blvd. Suite 311 P: 719.360.6827
Colorado Springs, CO 80917 F: 719.466.6527

www.BARRONLAND.com

DATE: 01/28/2025

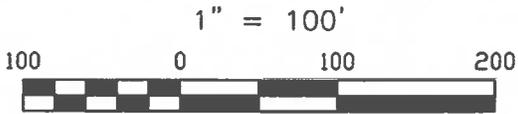
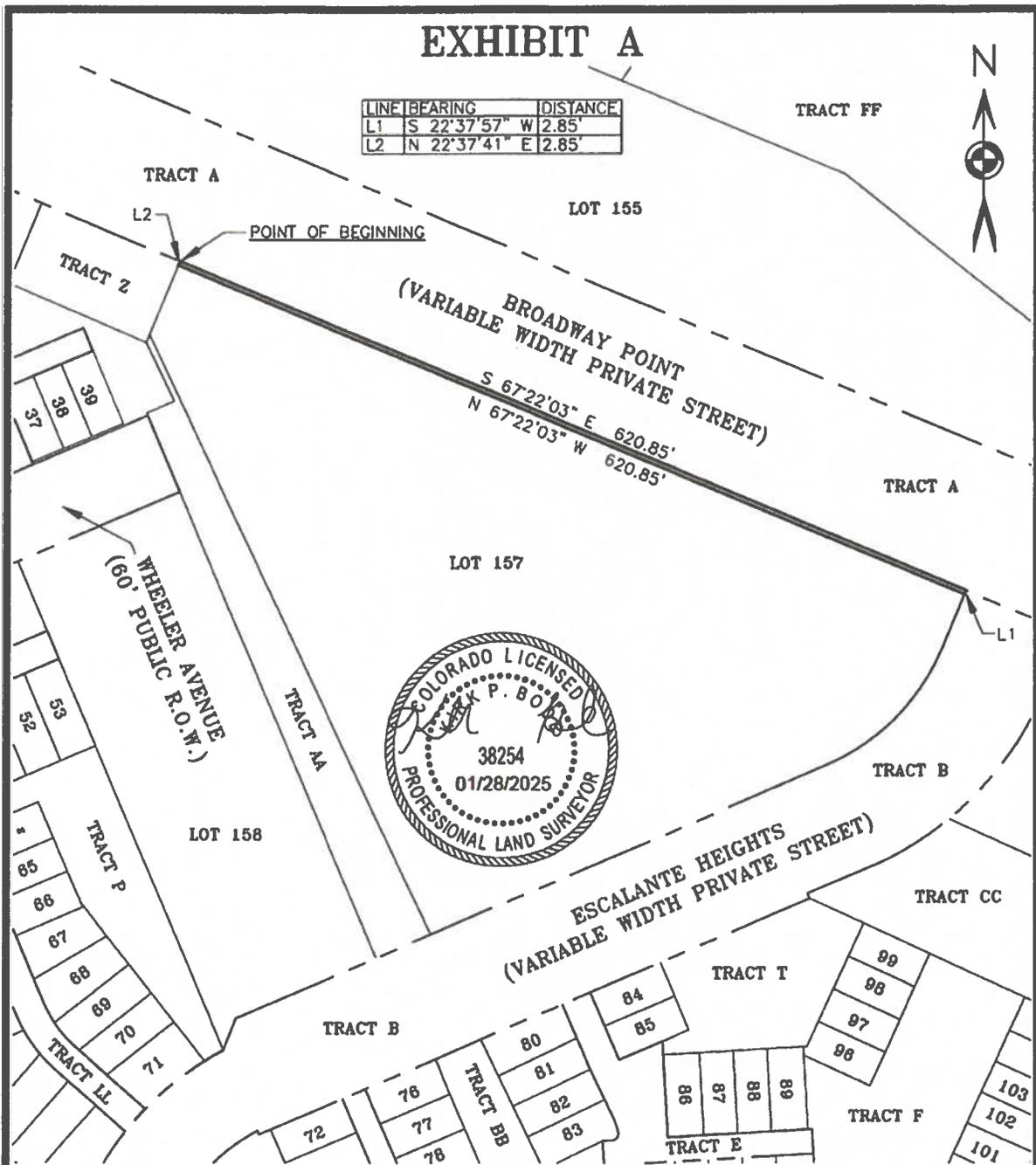
REV. DATE:

PROJECT No.: 22-062

SHEET 1 OF 2

EXHIBIT A

LINE	BEARING	DISTANCE
L1	S 22°37'57" W	2.85'
L2	N 22°37'41" E	2.85'



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SHEET 2 OF 2

EXHIBIT A

A portion of Lot 158, Gold Hill Mesa Filing No. 13, as recorded under Reception No. 224715431, City of Colorado Springs, County of El Paso, State of Colorado, described as follows:

BEGINNING at the Northeast corner of said Lot 158, said corner also being the Southeast corner of Wheeler Avenue;

thence S 23°00'53" E along the East line of said Lot 158, a distance of 1.99 feet;

thence S 66°58'16" W, a distance of 10.58 feet;

thence N 23°01'43" W, a distance of 1.99 feet to the North line of said Lot 158;

thence N 66°58'17" E along said North line, a distance of 10.58 feet to the POINT OF BEGINNING.

Containing a total calculated area of 21 square feet of land, more or less.



Kirk P. Bode
Colorado Professional Land Surveyor No. 38254
For and on behalf of Barron Land, LLC

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REV. DATE:

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SHEET 1 OF 2

EXHIBIT A



WHEELER AVENUE
(60' PUBLIC R.O.W.)

LOT 157

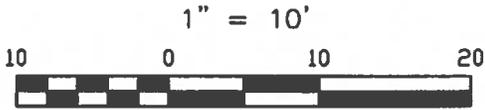
LINE	BEARING	DISTANCE
L1	S 23°00'53" E	1.99'
L2	N 23°01'43" W	1.99'

POINT OF BEGINNING

10.58'
N 66°58'17" E
S 66°58'16" W
10.58'

TRACT AA

LOT 158



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DATE: 01/28/2025

REV. DATE:

PROJECT No.: 22-062

SHEET 2 OF 2

EXHIBIT A

A portion of Lot 157, Gold Hill Mesa Filing No. 13, as recorded under Reception No. 224715431, City of Colorado Springs, County of El Paso, State of Colorado, described as follows:

BEGINNING at the Southwest corner of said Lot 157;
thence N 25°15'44" W along the West line of said Lot 157, a distance of 7.08 feet;
thence S 25°50'17" E, a distance of 7.08 feet to the South line of said Lot 157;
thence S 66°50'52" W along said South line, a distance of 0.07 feet to the POINT OF BEGINNING.

Containing a total calculated area of 0.25 square feet of land, more or less.



Kirk P. Bode
Colorado Professional Land Surveyor No. 38254
For and on behalf of Barron Land, LLC

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DATE: 01/30/2025

REV. DATE:

PROJECT No.: 22-062

SHEET 1 OF 2

EXHIBIT A



LINE	BEARING	DISTANCE
L1	N 25°15'44" W	7.08'
L2	S 25°50'17" E	7.08'
L3	S 66°50'52" W	0.07'



LOT 157

SEE DETAIL BELOW

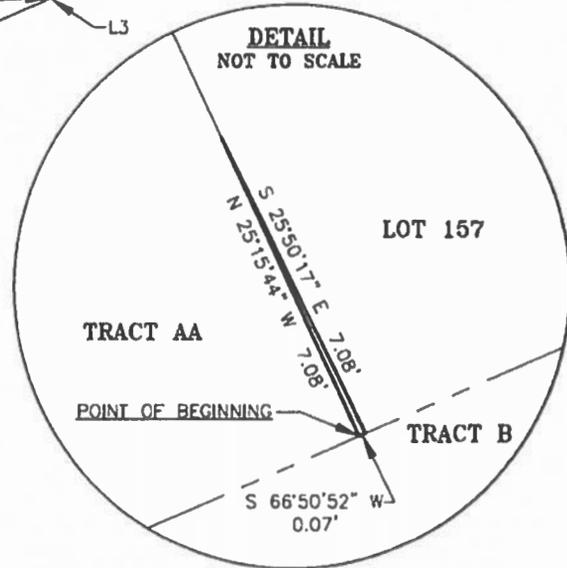
TRACT AA

POINT OF BEGINNING

L3

ESCALANTE HEIGHTS
(VARIABLE WIDTH PRIVATE STREET)

TRACT B



1" = 10'



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DATE: 01/30/2025

REV. DATE:

PROJECT No.: 22-062

SHEET 2 OF 2

Exhibit B

[Proof of Publication]

COS: _____
CAO: _____

216416

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Fredrick Rogers, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 03/24/2025

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

Fred Rogers
Sales Center Agent

Subscribed and sworn to me this 03/27/2025, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires December 15, 2025.

Karen Hogan
Notary Public
The Gazette



PUBLIC NOTICE
NOTICE OF EXCLUSION

NOTICE IS HEREBY GIVEN that there has been filed with the City of Colorado Springs a Petition praying for the exclusion of certain lands from the Gold Hill North 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: Gold Hill Development LLC
Address: 142 S Raven Mine Drive, Suite 200
Colorado Springs, CO 80905

Legal Description: A portion of Lot 157 and Lot 158 located in Gold Hill Mesa Filing No. 17, as recorded under Reception No. 224715431, City of Colorado Springs, County of El Paso, State of Colorado.

2. The prayer of the Petition is that the above property be excluded from the Gold Hill North Business Improvement District.

Accordingly, notice is hereby given to all interested persons to appear for the first reading at a 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, El Paso County, Colorado on Tuesday, the 25th day of March, 2025, at 9:00 a.m. and show cause in writing, if any they have, why such Petition should not be granted.

Notice is hereby further given to all interested persons to appear for the second reading at a 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, El Paso County, Colorado on Tuesday, the 8th day of April, 2025, at 9:00 a.m. and show cause in writing, if any they have, why such Petition should not be granted.

The City Clerk of the City of Colorado Springs shall cause notice of the filing of such Petition to be given and published, which notice shall state the filing of such petition, the names of the petitioners, descriptions of the property sought to be excluded, and the request of said petitioners. The City of Colorado Springs, at the time and place mentioned or at any time to which the hearing may be adjourned, shall proceed to hear the petition and all objections thereto which may be presented by any person showing cause why said petition should not be granted.

CITY OF COLORADO SPRINGS, COLORADO
By: /s/ City Clerk
Published in The Gazette March 24, 2025.

I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on **March 25, 2025**; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the **8th day of April 2025**, and that the same was published by title and in summary or in full, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, **8th day of April 2025**.


Sarah B. Johnson, City Clerk

1st Publication Date: **March 28, 2025**

2nd Publication Date: **April 16, 2025**

Effective Date: **April 21, 2025**

Initial: 
City Clerk

