

**WARNING:
IT IS AGAINST THE LAW:**

**For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not eligible to do so.
Do not sign this petition unless you are a person who owns real or personal property in the service area of the proposed district.
Do not sign this petition unless you have read and have had read to you the petition in its entirety and understand its meaning.**

**PETITION FOR THE ORGANIZATION
OF THE MW RETAIL BUSINESS
IMPROVEMENT DISTRICT WITHIN THE
CITY OF COLORADO SPRINGS, COLORADO**

The undersigned owner of taxable real or personal property within the proposed service area described in **Exhibit A**, attached hereto and made a part hereof, (the "Service Area"), hereby petitions the Mayor and City Council of the City of Colorado Springs (the "City") for the organization of the **MW Retail Business Improvement District** (the "District") in accordance with the provisions of the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S. In support of this Petition, Petitioner states:

- (a) The name of the District shall be the MW Retail Business Improvement District.
- (b) A description of the boundaries and service area of the District is in the attached **Exhibit A**. The service area shall be the commercial property within these general boundaries. Pursuant to Section 31-12-1203(10), C.R.S., the proposed service area includes property that the Petitioner requests that the City, following a notice and a public hearing, designate as a location for new business or commercial development.
- (c) A general description of the types of services or improvements or both to be provided by the District includes, but is not limited to:

The acquisition, construction, completion, installation, replacement and/or operation and maintenance of all of the services and improvements allowed under Colorado law for business improvement districts, including "Improvements" as that term is defined in Section 31-25-1203(5), C.R.S., services as described in Section 31-25-1212(1)(f), C.R.S., and other powers granted to such districts under Section 31-25-1212, C.R.S.

- (d) The name(s) of three persons to represent the Petitioner, who have the power to enter into agreements relating to the organization of the District are:

- 1. Jerry Thompson
- 2. Nancy Heck
- 3. Daniel Thompson

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(e) Pursuant to Section 31-25-1205(2), C.R.S, this petition is signed by persons who own real or personal property in the service area of the District having a valuation for assessment of not less than fifty percent (50%) of the valuation for the assessment of all real and personal property in the service area of the District, and who own at least fifty percent (50%) of the acreage in the District.

(f) Pursuant to Section 31-25-1205(3), C.R.S., this petition is accompanied by a bond with security provided by the governing body or a cash deposit sufficient to cover all expenses connected with the proceedings in case the organization of the District is not effected. If at any time during the organization proceedings the governing body determines that the bond first executed or the amount of the cash deposited is insufficient in amount, it may require the Petitioner to execute an additional bond or the deposit of additional cash within a time to be fixed, not less than ten (10) days thereafter, and Petitioner acknowledges that upon failure of the Petitioner to file or deposit the same, the petition may be dismissed.

(g) Pursuant to Section 31-25-1209(1)(d), C.R.S., the City may provide by ordinance for an initial board of directors of the District consisting of five (5) members. Petitioners request that the City appoint the initial board of directors for the District after which the positions on the board of directors shall be elected starting with an election on November 5, 2019. Petitioner requests that the City pass such an ordinance and that the initial board of directors be the following electors of the District:

1. Jerry Thompson
2. Nancy Heck
3. Daniel Thompson
4. Zachary Thompson
5. Ray Terrell

Each member shall fulfill all statutory requirements prior to undertaking official duties.

(h) The commercial property owners of the District request that the City, after public notice and hearing, designate the territory within the District as a location for new business or commercial development under Section 31-25-1203(10), C.R.S.

(i) Pursuant to Section 31-25-1213, C.R.S., the board of directors of the District shall have the power to issue indebtedness and to levy and collect ad valorem taxes on and against all taxable commercial property within the boundaries of the District in an amount authorized by election and allowed by the operating plan and budget to be approved by the City. The board of

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directors shall, in accordance with Sections 31-25-1214 and 39-5-128, C.R.S., certify the mill levy to the El Paso County Board of County Commissioners as appropriate.

(j) The board of directors of the District shall have all other powers as may be necessary, convenient, and authorized by statute set forth in the operating plan and budget of the District. The District shall file its operating plan and budget by September 30 of each year for approval by the City as provided by Section 31-25-1211, C.R.S.

THEREFORE, Petitioner respectfully requests that the City approve the organization of the MW Retail Business Improvement District and adopt the ordinance and take the actions requested in the petition to provide for its effective and efficient operation.

PETITIONER:

SC-MARKSHEFFEL WOODMEN, LP
a Colorado limited partnership

By SC-Woodmen, LLC, General Partner

By: 

Name: Robert Green

As its: Manager

Date of Signing: July 11, 2019

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AFFIDAVIT OF AUTHORITY

I, Robert Green (print name) do solemnly swear or affirm that I am a Manager of General Partner of SC-Marksheffel Woodmen, LP, a Colorado limited partnership, the record owner of property located within the service area of the proposed MW Retail Business Improvement District as more particularly described in the foregoing Petition, that I signed the Petition for the formation of said District on behalf of the owner of said property, and that I am authorized to sign the Petition on behalf of the said owner.

Date: July 11, 2019

Signature: 

Office Held: Manager

Your signature must be notarized by a Notary Public unless you sign this petition before the petition circulator.

Notarization:

Province Ontario
~~STATE OF COLORADO~~)
) ss.
COUNTY OF York)

The foregoing signature was subscribed or acknowledged before me this 11th day of July, 2019, by Robert Green, as Manager of General Partner of SC-Marksheffel Woodmen, LP, a Colorado limited partnership.

My commission expires: on perpetuity



Notary Public



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EXHIBIT A

**Legal Description of the Area within the
MW Retail Business Improvement District**

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, EXCEPT THAT PROPERTY CONVEYED TO WOODMEN ROAD METROPOLITAN DISTRICT BY INSTRUMENT RECORDED DECEMBER 3, 2003 AT RECEPTION NO. 203280853.

SAID PARCEL CONTAINING 35.01 ACRES, MORE OR LESS.