

## ORDINANCE NO. 21-93

### AN ORDINANCE 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 Petitions 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. 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 change in boundaries of the Creekwalk Marketplace Business Improvement District as proposed in the Petition does not adversely affect the District.

Section 3. 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 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 into 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 9<sup>th</sup> day of November, 2021.

**Finally passed:** November 23, 2021



Council President

**Mayor's Action:**

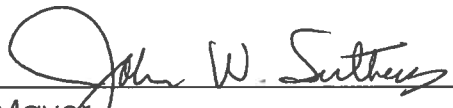
- Approved on November 24, 2021.
- Disapproved on \_\_\_\_\_, based on the following objections:

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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

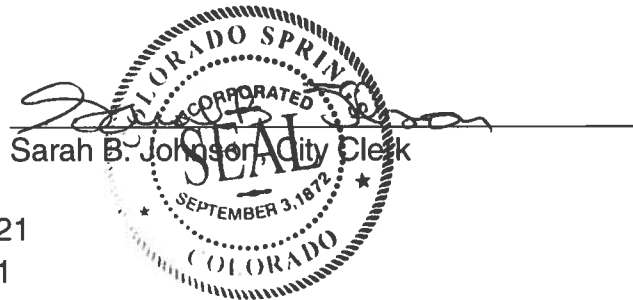
ATTEST:

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



I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE 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 November 9<sup>th</sup>, 2021; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23<sup>rd</sup> day of November 2021, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, 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 29<sup>th</sup> day of November 2021.



1<sup>st</sup> Publication Date: November 12<sup>th</sup>, 2021

2<sup>nd</sup> Publication Date: December 1<sup>st</sup>, 2021

Effective Date: December 6<sup>th</sup>, 2021

Initial: SBS  
City Clerk

**PETITION FOR INCLUSION OF PROPERTY  
INTO  
CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT**

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

The undersigned, Creekwalk North LLC, a Colorado limited liability company, hereby respectfully petitions the City Council of the City of Colorado Springs ("City Council") in accordance with the provisions of Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described property into the Creekwalk Marketplace Business Improvement District ("District").

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "Property") be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that from and after the effective date of such Ordinance, the Property shall be liable for assessments and other obligations of the District.

The undersigned 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 undersigned 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 inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the land into said District, whether or not such inclusion is approved.

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

This is a verified petition.

Petitioner: Creekwalk North LLC, a Colorado limited liability company

By: \_\_\_\_\_  
Name: DANNY MIENTKA  
Title: MANAGER

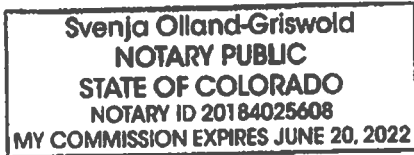
Petitioner's  
Street Address: 90 S. Cascade Avenue, Suite 1500  
Colorado Springs, Colorado 80903

STATE OF Colorado )  
 ) ss.  
COUNTY OF El Paso )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of October, 2021, by Danny Mientka, as Manager of Creekwalk North LLC, a Colorado limited liability company, Petitioner.

Witness my hand and official seal.

My Commission Expires: 06-20-2022



S. Griswold  
Notary Public

**EXHIBIT A**

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

**LEGAL DESCRIPTION**

**PARCEL A:**

**PARCEL A-1:**

A PORTION OF LOT 1 IN BLOCK 3 IN THE TOWN OF IVYWILD DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 20.0 FEET WEST THEREON FROM THE SOUTHEAST CORNER THEREOF; THENCE WESTERLY 112.7 FEET ON SAID SOUTH LINE TO THE MOST WESTERLY CORNER OF SAID LOT 1; THENCE ANGLE RIGHT 134 DEGREES 28 MINUTES NORTHEASTERLY ON THE NORTHWESTERLY LINE OF SAID LOT 1 A DISTANCE OF 158.0 FEET; THENCE ANGLE RIGHT 72 DEGREES 46 MINUTES SOUTHEASTERLY 3.3 FEET, MORE OR LESS, TO A POINT 112.28 FEET NORTHERLY FROM THE POINT OF BEGINNING AS MEASURED ON A LINE DRAWN NORTHERLY FROM THE POINT OF BEGINNING AND PARALLEL WITH THE EAST LINE OF SAID LOT 1; THENCE SOUTHERLY 112.28 FEET PARALLEL WITH THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO. (FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1776 S NEVADA AVE.)

**PARCEL A-2:**

LOT 2 IN BLOCK 3 IN THE TOWN OF IVYWILD, EXCEPT THE EAST 20 FEET THEREOF, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO. (FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1776 S NEVADA AVE.)

**PARCEL A-3:**

THE SOUTHEAST HALF OF THAT PORTION OF VACATED MT. WASHINGTON AVENUE ADJACENT TO THE PORTIONS OF LOTS 1 AND 2 IN BLOCK 3 IN THE TOWN OF IVYWILD CONVEYED BY DEED RECORDED FEBRUARY 14, 1995 UNDER RECEPTION NO. 95014947, AS VACATED BY ORDINANCE NO. 18-30, RECORDED JUNE 10, 2019 UNDER RECEPTION NO. 219063072, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO. (FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1776 S NEVADA AVE)

**PARCEL B:**

LOTS 1, 2 AND 3 IN BLOCK "A" IN METZLER'S SUBDIVISION, EXCEPT THAT PORTION OF LOT 3 DESCRIBED AS FOLLOWS: STARTING AT A POINT ON THE NORTHEAST

CORNER OF SAID LOT 3, THENCE RUN WEST 26.33 FEET TO A POINT OF BEGINNING OF THE PORTION OF SAID LOT 3 TO BE DESCRIBED HEREIN, THENCE RUN WEST A DISTANCE OF 20 FEET TO A POINT, THENCE ANGLE LEFT 90°00' AND RUN A DISTANCE OF 24.75 FEET TO A POINT, THENCE ANGLE LEFT 45°50' AND RUN A DISTANCE OF 27.88 FEET TO A POINT, THENCE ANGLE LEFT 134°10' AND RUN A DISTANCE OF 44.29 FEET TO THE PLACE OF BEGINNING, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO. TOGETHER WITH THAT PORTION OF VACATED MT WASHINGTON AVENUE AS EVIDENCED IN INSTRUMENTS RECORDED JUNE 10, 2019 UNDER RECEPTION NO. 219063072 AND JUNE 10, 2019 UNDER RECEPTION NO. 219714354.

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1716 CREEKWALK CT.)

**PARCEL C:**

PART OF LOTS 1 AND 2, BLOCK 2 IN THE ORIGINAL ADDITION TO IVYWILD, AS FOLLOWS: FROM THE NORTHEAST CORNER OF LOT 1, RUN WEST ON THE NORTHERLY LINE OF SAID LOT 233.9 FEET TO THE POINT OF BEGINNING, THENCE WESTERLY ON THE NORTH LINE 54 FEET, ANGLE LEFT 90° SOUTH 122.6 FEET MORE OR LESS TO THE SOUTHERLY LINE OF THE NORTH HALF OF LOT 2, ANGLE LEFT 91°23' EASTERLY ON SAID LINE 54 FEET, THENCE ANGLE LEFT 88°37' NORTH 121.4 FEET TO THE POINT OF BEGINNING, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 109 E RAMONA AVE.)

**PARCEL D:**

THAT PART OF LOT 1 AND OF THE NORTH HALF OF LOT 2 IN BLOCK 2 IN THE TOWN OF IVYWILD LYING WESTERLY OF A LINE DRAWN AT RIGHT ANGLES TO THE NORTH LINE OF LOT 1 AT A POINT THAT IS 287.9 FEET WEST OF THE NORTHEAST CORNER OF LOT 1 TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF LOT 2 A DISTANCE OF 178.45 FEET WEST OF THE EASTERLY LINE OF SAID LOT 2, IVYWILD, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 105 E RAMONA AVE.)

**PARCEL E:**

LOT 1, THE ARTS IN IVYWILD SUBDIVISION, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, TOGETHER WITH THAT PORTION OF MOUNT WASHINGTON AVENUE VACATED BY ORDINANCE NO. 18-130 RECORDED JUNE 10, 2019 UNDER RECEPTION NO. 219063072.

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1731 CREEKWALK CT.)



## 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 name and address of the petitioner and the description of the property mentioned in such petition are as follows:

Owners: Creekwalk North LLC, a Colorado limited liability company  
Address: 90 South Cascade, Suite 1500  
Colorado Springs, CO 80903

General Description: 1776 S. NEVADA AVENUE; 1716 CREEKWALK COURT; 109 E. RAMONA AVENUE; 105 E. RAMONA AVENUE; 1731 CREEKWALK COURT, COLORADO SPRINGS, EL PASO COUNTY, COLORADO. Full legal descriptions can be provided upon request.

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

3. The properties sought to be included into the District are located entirely within the City of Colorado Springs, County of El Paso, State of Colorado, and the same are 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 at City Hall, 107 N. Nevada Avenue, Colorado Springs, Colorado, on Tuesday, the 23rd day of November, 2023, at 10:00 a.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/ Colorado Springs City Clerk