

ORDINANCE NO. 15-69

AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE
BOUNDARIES OF THE INTERQUEST SOUTH BUSINESS
IMPROVEMENT DISTRICT

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

WHEREAS, in accord with section 31-25-1220 C.R.S., a public notice of the Petition and the time and place of the public hearing on the exclusion request set forth in the Petition has been given and published in *The Transcript*, and proof of such 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 exclusion of the Property from the District and considered whether the exclusion of the Property from 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 exclusion of the Property from 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 exclusion of the Property from 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.

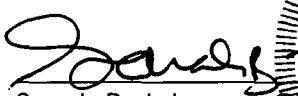
Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.


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

Finally passed: September 22, 2015


Merv Bennett, Council President

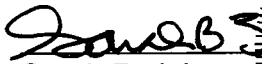
ATTEST:



Sarah B. Johnson, City Clerk



I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM 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 22nd 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 22nd day of September, 2015.


Sarah B. Johnson, City Clerk



1st Publication Date: September 11, 2015
2nd Publication Date: September 25, 2015

Effective Date: September 30, 2015 Initial: SB
City Clerk

EXHIBIT A
Interquest South Business Improvement District
Petition for Exclusion

10860 New Allegiance Drive, Lot 2 Interquest Fil. No. 9
10937 New Allegiance Drive, Lot 3 Interquest Fil. No. 8
10859 New Allegiance Drive, Lot 2 Interquest Fil. No. 8
10833 New Allegiance Drive, Lot 4 Interquest Fil. No. 8
9855 Federal Drive, Lot 4 Interquest Fil. No. 6
9905 Federal Drive, Lot 1 Interquest Fil. No. 9

PETITION FOR EXCLUSION OF PROPERTY
From
INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT

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

The undersigned, COPT Interquest, LLC, a Colorado limited liability company, 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 exclusion of the hereinafter described property from the Interquest South Business Improvement District.

The undersigned hereby requests that the herein described property be excluded from said District and that a Resolution be adopted by the City Council excluding said property from said District, and that from and after the entry of such Resolution, said property shall not 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.

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 exclusion, publication of the Resolution approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the property from said District, whether or not such exclusion 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: COPT Interquest, LLC

By: 
Name: Wayne B. Lingafelter
Title: Executive Vice President

Petitioner's
Street Address:

c/o Corporate Office Properties Trust
6711 Columbia Gateway Drive, Suite 300
Columbia, Maryland 21046

STATE OF MARYLAND)
CARROLL) ss.
COUNTY OF HOWARD)

The foregoing instrument was acknowledged before me this 20th day of May, 2015, by Wayne H. Lingafelter as Executive Vice President of COPT Interquest, LLC, a Colorado limited liability company.

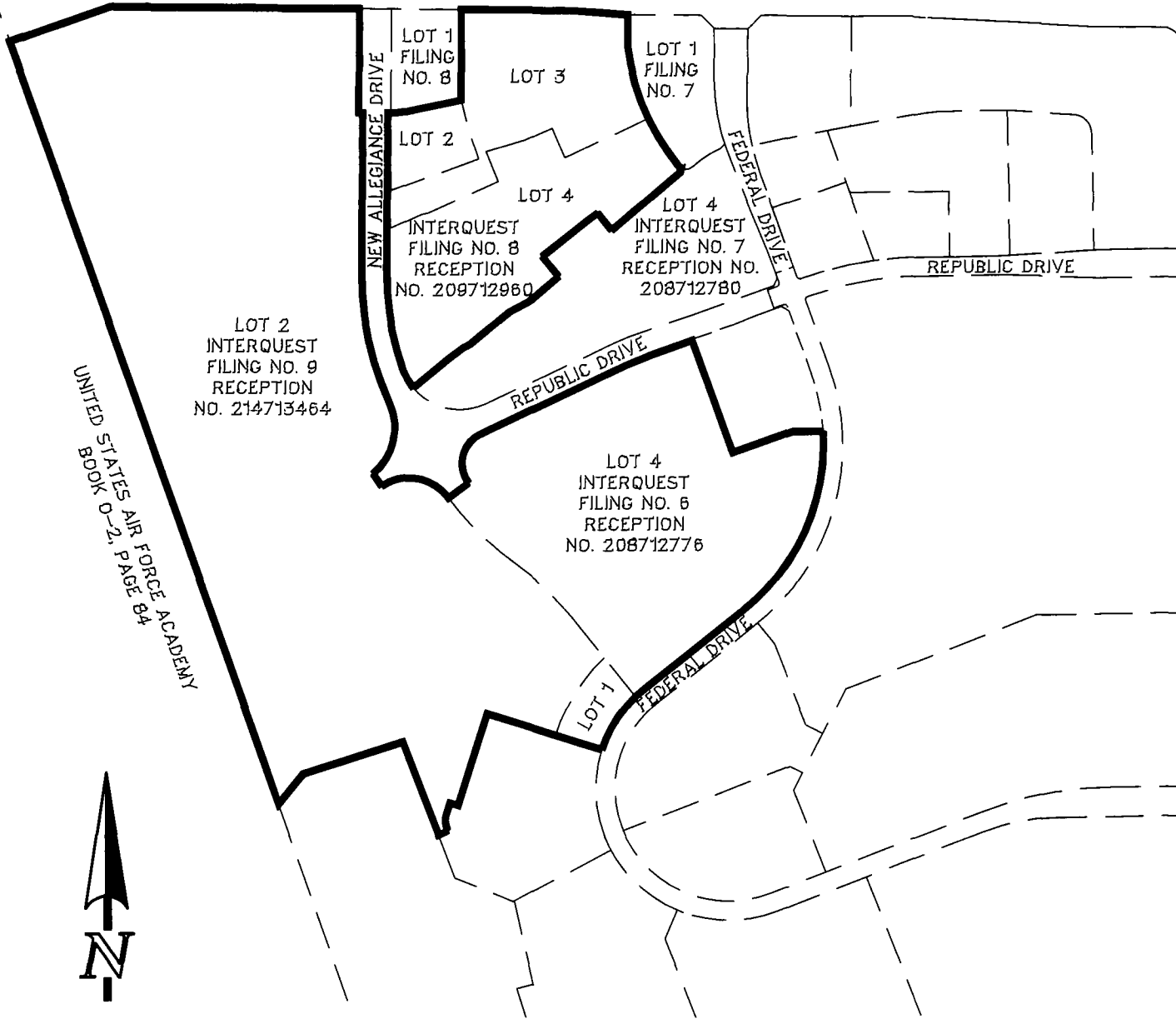
Witness my hand and official seal.

My commission Expires: 5/9/2018

Nancy McGinnis
Notary Public

'EXHIBIT A - EXCLUSION'

INTERQUEST PARKWAY (ROW VARIES)
RECEPTION NO. 99027021



UNITED STATES AIR FORCE ACADEMY
BOOK 0-2-2-1 PAGE 84

COLORADO STATE HIGHWAY B3
(VOYAGER PARKWAY) 160' R.O.W.

INTERQUEST FILING NO. 3A
JOB NO. 2310.10
AUGUST 5, 2015
SHEET 1 OF 1



SCALE: 1"=500'

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:

03, AUGUST, A.D. 2015.

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

03, AUGUST, A.D. 2015.

In witness whereof, I have hereunto set my hand this 3rd day of August, A.D. 2015.



Publisher/Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 3rd day of August, A.D. 2015.

Notary Public

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

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

Owner: COPT Interquest, LLC
Address: 6711 Columbia Gateway Drive
Suite 300
Columbia, Maryland 21046
Legal Description: 10860 New Allegiance Drive, Lot 2 Interquest Fil. No. 8
10937 New Allegiance Drive, Lot 3 Interquest Fil. No. 8
10859 New Allegiance Drive, Lot 2 Interquest Fil. No. 8
10833 New Allegiance Drive, Lot 4 Interquest Fil. No. 8
9855 Federal Drive, Lot 4 Interquest Fil. No. 6
9905 Federal Drive, Lot 1 Interquest Fil. No. 9

The prayer of the petition is that the above property be excluded from the Interquest South Business Improvement District.

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 exclusion of the area described in this notice.

CITY OF COLORADO
SPRINGS, COLORADO
By: /s/ Sarah Johnson
City Clerk

Publication Date: August 3, 2015
Published in The Transcript
DT27940