

ORDINANCE NO. _____

AN ORDINANCE DECLARING THE ORGANIZATION OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021, APPROVING A MILL LEVY NOT TO EXCEED 4.409 MILLS, AND APPROVING A MAINTENANCE SCHEDULE DESCRIBING THE AREAS TO BE MAINTAINED ALONG WITH THE DESCRIPTION OF THE MAINTENANCE, AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, pursuant to Colorado Revised Statutes § 31-25-604, the City of Colorado Springs ("City") received a petition signed by over 200 electors of the proposed Colorado Springs Briargate General Improvement District 2021 ("District") seeking the formation of a general improvement district; and

WHEREAS, the District will assume provision of the services currently provided by the existing Briargate Special Improvement Maintenance District ("SIMD"), which will have its mill levy set to zero (0) in 2022 for taxes payable in 2023 by separate resolution of City Council; and

WHEREAS, the City Clerk had determined that the petition was sufficient; and

WHEREAS, the City Council conducted a hearing on July 27, 2021; and

WHEREAS, notice of said hearing was mailed to each elector in the proposed District and published as required by statute; and

WHEREAS, at said hearing the City Council ascertained the number of electors in the proposed District and the total value of assessment of real and personal property and further found that the proposed maintenance obligations of the proposed District would not be excessive as compared with the value of the property; and

WHEREAS, the City Council by ordinance set this matter for an election held on November 2, 2021; and

WHEREAS, at said election the voters approved the passage of the ballot question in favor of the organization of the District and imposition of a mill levy of not more than 4.409 mills.

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

Section 1. Creation of the District. Council hereby finds that it has full jurisdiction under the law to adopt this ordinance, and declares the Colorado Springs Briargate General Improvement District 2021 organized, which District boundaries are set forth within the legal description and map , both attached and incorporated herein as Exhibit A. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the powers set forth in Part 6, Article 25, Title 31, C.R.S. By virtue of office and operation of law, the Council shall constitute *ex officio* the Board of Directors of the District (the "Board of Directors").

Section 2. Advisory Committee. The Council shall appoint a District Advisory Board to consist of five (5) property owners of the District. The District Advisory Board shall serve in an advisory capacity at the pleasure of the Board of Directors. The Advisory Committee is subject to Chapter 1, Article 2, Part 9 of the City Code of the City of Colorado Springs, the City of Colorado Springs "Code of Ethics," Chapter 1, Article 3 of the City Code, and the "Open Meetings Law" as set forth in the City Charter.

Section 3. Mill Levy. A mill levy of 4.409 mills shall be imposed upon the properties within the District. For its first year, the District's mill levy of 4.409 mills shall be fixed and certified in 2022 to the Board of County Commissioners of El Paso County, Colorado, for taxes payable in 2023.

Section 4. GID Operations. Beginning January 1, 2023, the District shall perform the functions of the SIMD and shall perform all maintenance and operations of certain public improvements of general benefit to the residents of

the District. The public improvements to be maintained by the district may include, but are not limited to, parks, open space, trails, bicycle paths, landscaping, fencing, pillars, medians, entry islands, utility rights-of-way, irrigation facilities and associated water system improvements, theme areas and neighborhood theme signage located as shown on the map of maintained areas and as described within the Schedule of Maintenance, both attached and incorporated herein as Exhibit B. In the future, if the Schedule of Maintenance should change, the Advisory Board shall, in conjunction with City staff, make recommendations to the Board of Directors for such changes.

Section 5. Following the conclusion of 2022 financial audit received by the City's Budget and Finance Department, any remaining SIMD funds shall be transferred to the District to be utilized in its maintenance and operations.

Section 6. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. Pursuant to § 31-25-608, C.R.S., the City Clerk shall within thirty (30) days after this ordinance becomes effective, transmit a copy of this ordinance for recording to the El Paso County Clerk and Recorder.

Section 7. The City waives the requirements of a bond as set forth in C.R.S. § 31-25-605 and further waives the requirement of assessing an administrative filing fee.

Section 8. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this ordinance are hereby ratified, approved and confirmed.

Section 9. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 10. This ordinance shall be in full force and effect from and after its final Adoption and publication as provided by Charter.

Section 11. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2022.

Finally passed: _____

Council President

Mayor's Action:

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

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