

ORDINANCE NO. 20-19

AN ORDINANCE AMENDING ORDINANCE NO. 02-24
(ORDINANCE ORGANIZING THE BRIARGATE CENTER
BUSINESS IMPROVEMENT DISTRICT) TO ALLOW CITY
COUNCIL TO FILL VACANCIES ON THE BOARD OF
DIRECTORS OF THE BRIARGATE BUSINESS
IMPROVEMENT DISTRICT BY APPOINTMENT

WHEREAS, on or about February 12, 2002, the City Council of the City of Colorado Springs organized the Briargate Center Business Improvement District (the "District") by the adoption of Ordinance No. 02-24; and

WHEREAS, Ordinance No. 02-24 provides that pursuant to Section 31-25-1209(d)(1), C.R.S., the members of the Board of Directors of the District are to be elected by the eligible electors of the District; and

WHEREAS, neither Section 31-25-1209(d)(1), C.R.S., nor Ordinance No. 02-24 provides a mechanism to fill vacancies on the Board of Directors outside of an election; and

WHEREAS, on December 5, 2019 City Council adopted Resolution No. 139-19 in order to temporarily appoint Directors to the then vacant Board of the District; and

WHEREAS, By amending Ordinance No. 02-24, the process by which vacancies on the Board of Directors may be filled will be amended to ratify the City Council's prior action in adopting Resolution No. 139-19 and to provide clear authority for future temporary board appointments as may be needed; and

WHEREAS, City Council desires to amend Ordinance No. 02-24 to provide a process whereby City Council may when necessary fill vacancies on the District's Board of Directors to serve until the next regular special district election.

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

Section 1. That Ordinance No. 02-24 is hereby amended to add the following to the end of Section 4 of Ordinance No. 02-24:

In the event of a vacancy on the District's Board of Directors, City Council may fill such vacancy by appointing an elector of the

District, by resolution, to serve as a member of the Board of Directors until the next regular special district election. Any such appointee is subject to the requirements of the Business Improvement District Act and must carry out the responsibilities required of the District's Board of Directors by the Business Improvement District Act and other applicable law. All prior acts of City Council to fill vacancies on the Board are hereby ratified.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. 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 28th day of April, 2020.


Finally passed: May 12th, 2020



Council President

Mayor's Action:

- Approved on May 14, 2020.
- 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:



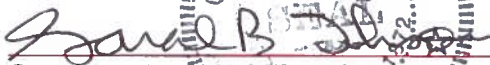
Sarah B. Johnson, City Clerk




COS: _____
CAO: 

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE AMENDING ORDINANCE NO. 02-24 (ORDINANCE ORGANIZING THE BRIARGATE CENTER BUSINESS IMPROVEMENT DISTRICT) TO ALLOW CITY COUNCIL TO FILL VACANCIES ON THE BOARD OF DIRECTORS OF THE BRIARGATE BUSINESS IMPROVEMENT DISTRICT BY APPOINTMENT”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 28th, 2020; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 12th day of May, 2020, 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 14th day of May, 2020.


Sarah B. Johnson, City Clerk



1st Publication Date: May 1st, 2020
2nd Publication Date: May 20th, 2020

Effective Date: May 25th, 2020

Initial: SBJ
City Clerk

AN ORDINANCE CREATING AND ESTABLISHING THE
BRIARGATE CENTER BUSINESS IMPROVEMENT DISTRICT
AND APPROVING AN OPERATING PLAN AND A BUDGET FOR 2002

WHEREAS, a petition has been filed with the City Council of the City of Colorado Springs requesting formation of a Business Improvement District in a certain area of Colorado Springs; and

WHEREAS, upon review of the petition and signatures on the petition, it appears that the petition meets the requirements of the Business Improvement District Act, Part 12 of Article 25, Title 31, Colorado Revised Statutes (C.R.S.) and the Business Improvement District policy set forth in Res. 122-00;

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

Section 1. Upon consideration of the petition that the Briargate Center Business Improvement District be established, the Council finds:

- (a) That the service area described in the attached Exhibit A is hereby designated as an appropriate location for new business or commercial development, in accordance with C.R.S. § 31-25-1203(10);
- (b) That the proposed district was initiated by petition filed with the Clerk of the City Council, that the petition was duly signed and presented in conformity with the Business Improvement District Act, Part 12 of Article 25, Title 31, C.R.S., and that the allegations of the petition are true;
- (c) That the services to be provided by the proposed district, as defined in the Service Plan, satisfy the purposes of the Business Improvement District Act;
- (d) That the City Council has fixed a place and time for a hearing on the petition;
- (e) That notice of such hearing has been duly published and mailed in accordance with the Business Improvement District Act;
- (f) That an Operating Plan and Budget for 2002 has been filed with the Clerk of the City Council;

RECORDER NOTE: Legibility
of writing, typing or printing
UNSATISFACTORY in portions
of this document when received.

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- (g) That the Briargate Center Business Improvement District is lawful and necessary, should be and is hereby created and established, and should include and does include the area set forth in Exhibit A.

Section 2. The Briargate Center Business Improvement District is hereby organized and established for the purposes and with the powers set forth in the Briargate Center Business Improvement District Service Plan.

Section 3. The District is located within the boundaries of the City of Colorado Springs, County of El Paso Colorado, as described in Exhibit A. The Briargate Center Business Improvement District shall consist of taxable real property located within the service area that is not classified for property tax purposes as either residential or agricultural together with any taxable personal property located on the taxable real property. Residential or agricultural property located within the boundaries of the service area shall not be subject to the District's revenue-raising powers until the time as the property changes classification for property tax purposes.

Section 4. The Briargate Center Business Improvement District shall be governed by an elected board of directors as delineated in the Briargate Center Business Improvement District Service Plan. The initial board of directors election shall be held on May 7, 2002 in accordance with the provisions of Part 8 of Article 1 of Title 32 C.R.S. Micki Wadhams whose address is Collins Cockrel & Cole, PC, 390 Union Blvd., Suite 400, Denver, Colorado 80228 is hereby designated as the Designated Election Official for the District and she is hereby authorized and directed to proceed, subject to the supervision of the City Clerk, with any action necessary or appropriate to effectuate the provisions of this Ordinance, the Business Improvement District Act, and the Uniform Election Code of 1992 pursuant to which the election shall be conducted, and all other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint the canvass board, arrange for the required notices of election (either by mail or publication), the printing of ballots, and direct that all other appropriate actions be accomplished.

Section 5. The 2002 Operating Plan and Budget is hereby approved.

Section 6. Any amendments to the Operating Plan and Budget of the Briargate Center Business Improvement District may be approved by the City Council by motion, resolution or ordinance.

Section 7. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter.

Section 8. 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.

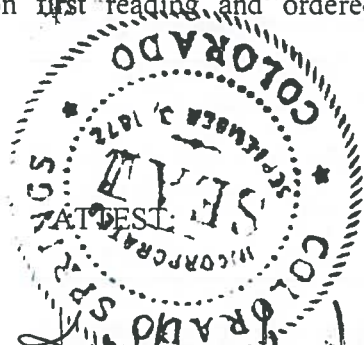
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Introduced, read and passed on first reading and ordered published
this 22nd day of January, 2002.

Paul Brown Vice Mayor

Mayor



L. Stephen Young

City Clerk

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Finally passed, adopted and approved this 12th day of February, 2002.

ATTEST
Katherine M. Hoag
City Clerk

Franklin Vice Mayor
Mayor

I HEREBY CERTIFY, that the foregoing ordinance entitled "AN ORDINANCE CREATING AND ESTABLISHING THE BRIARGATE CENTER BUSINESS IMPROVEMENT DISTRICT AND APPROVING AN OPERATING PLAN AND A BUDGET FOR 2002" was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 22, 2002; that said ordinance was passed at a regular meeting of the City Council of said City, held on the 12th day of February, 2002, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Daily 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 12th day of February, 2002.

Katherine M. Hoag
City Clerk

EXHIBIT "A"

(BID Boundary)

A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32 AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE BASIS OF BEARINGS IS A PORTION OF THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/4" DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT BRASS CAP AND AT THE SOUTH END BY A 3-1/4" ALUMINUM CAP STAMPED "JR ENG LTD RLS 17502" ALSO STAMPED "WC35" BEING NORTH OF THE ACTUAL 1/4 CORNER POSITION, BEING ASSUMED TO BEAR S00°21'28"E, A DISTANCE OF 2614.65 FEET;

COMMENCING AT A POINT ON THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, SAID POINT BEING A 35.00 FOOT WITNESS CORNER TO THE WEST QUARTER CORNER OF SAID SECTION 33: THENCE N32°20'43"E, A DISTANCE OF 82.71 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF TELSTAR DRIVE, AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 13, RECORDED IN EL PASO COUNTY UNDER RECEPTION NO. 96145981, SAID POINT BEING THE POINT OF BEGINNING: THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. S78°39'46"W, A DISTANCE OF 325.90 FEET; TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 14°10'13", A RADIUS OF 560.00 FEET, A DISTANCE OF 138.51 FEET TO A POINT ON CURVE;

THENCE S89°39'16"W, A DISTANCE OF 712.42 FEET;
THENCE N33°42'22"E, A DISTANCE OF 283.65 FEET;
THENCE N89°39'29"E, A DISTANCE OF 148.66 FEET;
THENCE N00°20'20"W, A DISTANCE OF 121.49 FEET;
THENCE N20°30'06"W, A DISTANCE OF 136.23 FEET;
THENCE N00°20'20"W, A DISTANCE OF 86.00 FEET;

THENCE N21°03'49"E. A DISTANCE OF 511.79 FEET TO A POINT ON CURVE. SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRIARGATE PARKWAY AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 10, AS RECORDED IN PLAT BOOK E-5 AT PAGE 55, RECORDS OF EL PASO COUNTY, COLORADO:

THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF BRIARGATE PARKWAY AND SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF EXPLORER DRIVE, AS PLATTED IN SAID BRIARGATE BUSINESS CAMPUS FILING NO. 10, THE FOLLOWING NINE (9) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N19°22'57"E, HAVING A DELTA OF 19°44'47", A RADIUS OF 1772.50 FEET, A DISTANCE OF 610.88 FEET, TO A POINT OF TANGENT;
2. THENCE N89°38'10"E. A DISTANCE OF 312.89 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 09°14'49", A RADIUS OF 2082.50 FEET, AND A DISTANCE OF 336.09 FEET TO A POINT ON CURVE, SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BRIARGATE PARKWAY, AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 10, RECORDED IN EL PASO COUNTY PLAT BOOK E-5, PAGE 55 AND WESTERLY RIGHT-OF-WAY LINE OF EXPLORER DRIVE, AS PLATTED IN BRIARGATE BUSINESS CAMPUS FILING NO. 10, RECORDED IN EL PASO COUNTY PLAT BOOK E-5, PAGE 55;
4. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS S78°08'56"W, HAVING A DELTA OF 10°10'29", A RADIUS OF 901.00 FEET, AND A DISTANCE OF 160.00 FEET TO A POINT OF TANGENT;
5. S01°40'37"E, A DISTANCE OF 90.21 FEET TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 11°23'39", A RADIUS OF 453.35 FEET, AND A DISTANCE OF 90.16 FEET TO A POINT OF COMPOUND CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 07°00'56", A RADIUS OF 910.00 FEET, AND A DISTANCE OF 111.42 FEET TO A POINT OF REVERSE CURVE;
8. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 17°39'46", A RADIUS OF 990.00 FEET, AND A DISTANCE OF 305.19 FEET TO A POINT OF TANGENT;
9. S00°55'48"E. A DISTANCE OF 66.06 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TELSTAR DRIVE;

J. Patrick Kelly El Paso Cty, CO

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TRENCE WESTERLY ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID
TELSTAR DRIVE. THE FOLLOWING THREE (3) COURSES:

1. S89°04'12"W, A DISTANCE OF 48.73 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 10°24'26", A RADIUS OF 1905.00 FEET, A DISTANCE OF 346.02 FEET TO A POINT OF TANGENT;
3. S78°39'46"W, A DISTANCE OF 83.17 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 29.1675 ACRES (1,270,537 SQUARE FEET).

J. Patrick Kelly	El Paso Cty, CO	202052406
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EXHIBIT "B"

Description of Public Improvements Proposed for Bid

- Streets, including bicycle paths, striping, curbs and gutters, and traffic safety devices
- Sidewalks, pedestrian malls, benches and information booths
- Street lights
- Drainage facilities and detention ponds
- Landscaping and irrigation of common areas
- Fencing, screening barriers, and retaining walls.
- Identification signs
- Relocation and improvement of existing electrical, gas, water and/or sewer lines as is necessary
- Decorative structures, statuaries and fountains
- Off-street parking facilities
- Other "improvements" as that term is defined in section 31-25-1203(5) C.R.S.
- The provision of services as described in section 31-25-1212(l)(f) C.R.S.
- The exercise of any and all other powers that are granted to Business Improvement Districts under section 31-25-1212, C.R.S., and other laws

J. Patrick Kelly El Paso Cty, CO

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RESOLUTION NO. 139-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COLORADO SPRINGS APPOINTING MEMBERS OF THE
BOARD OF DIRECTORS OF THE BRIARGATE CENTER
BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Briargate Center Business Improvement District (the "District") was organized by the City Council of the City of Colorado Springs by Ordinance No. 02-24 on February 12, 2002 within the City of Colorado Springs; and

WHEREAS, pursuant to Ordinance No. 02-24, in accordance with Section 31-25-1209(d), C.R.S., the Board of Directors of the District have been elected by the eligible electors of the District as provided by law; and

WHEREAS, there currently are no members currently serving on the District's Board of Directors; and

WHEREAS, City Council intends to appoint five electors of the District to serve as members of the Board Directors until the next regular election; and

WHEREAS, the names of Chris Crawford, Jay Despard, Kate Oswald, Eric Weisenstein and Madison Wilsmann have been submitted to the City by the District as the individuals recommended to fill existing vacancies on the Board of Directors; and

WHEREAS Chris Crawford, Jay Despard, Kate Oswald, Eric Weisenstein and Madison Wilsmann are electors of the District, as that term is defined at Section 31-25-1203(4)(a), C.R.S., and are therefore qualified for membership on the Board of Directors of the District.

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

1. City Council hereby appoints Chris Crawford, Jay Despard, Kate Oswald, Eric Weisenstein and Madison Wilsmann to serve as members of the Board of Directors of the Briargate Center Business Improvement District until the next regular district election.

2. Chris Crawford, Jay Despard, Kate Oswald, Eric Weisenstein and Madison Wilsmann shall carry out the responsibilities required of the District's Board of Directors by the Business Improvement District Act and other law.


3. Within thirty (30) days of the effective date of this Resolution, Chris Crawford, Jay Despard, Kate Oswald, Eric Weisenstein and Madison Wilsmann shall each appear before an officer authorized to administer oaths and take an oath that she shall faithfully perform the duties of her office as required by law and will support the constitution of the United States, the constitution of the State of Colorado, and laws made pursuant thereto.


4. The City Clerk is hereby directed to cause an executed copy of this Resolution to be provided to the District.

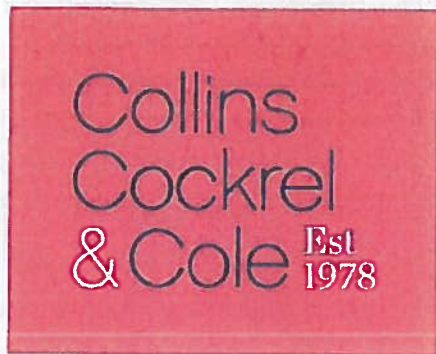
DATED at Colorado Springs, Colorado, this 5th day of December, 2019.


Council President

ATTEST:


Sarah B. Johnson, City Clerk





SHAREHOLDERS
Paul R. Cockrel
James P. Collins
Robert G. Cole
Timothy J. Flynn
Evan D. Ela
Linda M. Glesne
David A. Greher
Kathryn G. Winn
Allison C. Ulmer

ASSOCIATES
Joseph W. Norris
Bart W. Miller

OF COUNSEL
Matthew P. Ruhland

303.218.7198
tflynn@cccfirm.com

October 30, 2019

Carl Schueller, AICP
Company Planning Manager
Colorado Springs Planning and Community
Development Department
30 S. Nevada Ave., Ste. 105
Colorado Springs, Colorado 80903

**Re: Briargate Center Business Improvement District
Appointment of Board of Directors**

Dear Carl:

In payment of the City's fee for processing the Petition for Appointment of Board Members to the Briargate Center Business Improvement District, a copy of which is attached, please find enclosed with the original letter that is being mailed, Collins Cockrel & Cole's check in the amount of \$900 payable to the City of Colorado Springs.

All 5 seats on the Briargate Center Business Improvement District are currently vacant as a result of the sale of The Promenade Shops at Briargate by IMI Colorado Springs LLC to HGIT Briargate LLC. It is essential that these vacancies be filled as soon as possible so that the new Board can adopt the BID's 2020 Budget and certify a property tax mill levy in an amount sufficient to meet the District's outstanding debt service obligations. As you may recall, on November 29, 2018, the BID entered into a refunding loan with U.S. Bank in the original principal amount of \$3,379,500.

Whatever you can do to expedite the processing of the Petition and the appointment of a new Board of Directors is greatly appreciated.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Timothy J. Flynn".

Timothy J. Flynn

cc: Thomas Florczak

{00718018.DOCX / }

390 Union Blvd, Suite 400, Denver, CO 80228-1556

office 303.986.1551 | toll free 800.354.5941 | fax 303.986.1755 | www.cccfirm.com

TO: THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO

PETITION FOR APPOINTMENT OF NEW BOARD MEMBERS

IN RE THE ORGANIZATION OF THE BRIARGATE CENTER BUSINESS
IMPROVEMENT DISTRICT, CITY OF COLORADO SPRINGS, COLORADO

COMES NOW, the Briargate Center Business Improvement District ("BID"), by and through its undersigned attorney and pursuant to Section 31-25-1209(1)(b), C.R.S., hereby petitions the Colorado Springs City Council ("City Council") to appoint five new members to the BID's Board of Directors.

AS GROUNDS THEREFORE, Petitioner states as follows:

1. The BID was established by the City of Colorado Springs, Colorado, Ordinance No. 02-24, dated February 12, 2002, for the purpose of financing the public infrastructure needed to serve The Promenade Shops at Briargate located at 1885 Briargate Parkway, Colorado Springs, Colorado 80920 ("Lifestyle Center").
2. The BID is governed by a five-member Board of Directors ("Board") that is appointed by the City Council. To serve on the Board a person must be an elector of the BID as that term is defined in Section 31-25-1203(4)(a), C.R.S.
3. Pursuant to Section 31-25-1203 (4)(a) C.R.S., an elector is a natural person who is a citizen of the United States and a resident of the State of Colorado, who is 18 years of age or older and who:
 - I Makes his primary dwelling in the BID; or
 - II Owns taxable, real or personal property within the boundaries of the BID; or
 - III Is the holder of a leasehold interest in taxable real or personal property within the boundaries of the BID; or
 - IV Is a natural person designated by an owner or lessee of taxable real or personal property within the boundaries of the BID that is not a natural person, to vote for such owner or lessee in BID elections.
4. On or about August 13, 2019, the Lifestyle Center was sold by IMI, Colorado Springs, LLC, a Delaware Limited Liability Company ("IMI") to HGIT Briargate, LLC, a Delaware Limited Liability Company ("HGIT").

5. In connection with sale of the Lifestyle Center by IMI to HGIT, all five seats on the Board of Directors ("Board") of the BID became vacant because the then sitting Board members ceased to be electors of the BID.

6. Pursuant to Section 31-25-1209(1)(b) C.R.S., when a vacancy occurs on the Board, the vacancy is to be filled by the City Council.

7. Accordingly, the BID requests that the City Council appoint the following five individuals to the BID's Board of Directors: Chris Crawford, Jay Despard, Kate Owsald, Eric Weisenstein, and Madison Wilsman.

8. Chris Crawford is the Managing Director, Head of Real Estate Acquisitions for Hines & Company. He joined Hines & Company in 2014 as a development associate and aided in project management and leasing of several developments in Denver's Central Business District. He is a Colorado native and graduated from Dartmouth College with a degree in government. Chris's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

9. Jay Despard is Senior Managing Director for Hines & Company. Jay is responsible for project development, acquisitions, dispositions, and asset management for projects Hines & Company has throughout Colorado. He graduated from the University of Colorado at Boulder with a degree in business and received his master's degree in business from New York University. Jay's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

10. Kate Oswald is the Associate Controller for Colorado projects for Hines & Company. She oversees properties, reviews ownership and internal reporting, administers financial statements and internal audits. She has a master's degree in accounting from Montana State University. Kate's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

11. Eric Weistenstein is the Director of Property Management for Hines & Company for Hines & Company for Denver. He is responsible for overseeing all Hines' managed properties and personnel. Eric's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

12. Madison Wilsman is an analyst for Hines & Company. She supports the project team with underwriting and due diligence coordination. She graduated from the University of Colorado at Boulder with a degree in business emphasizing financing real estate. Madison's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

13. Each of the above individuals is a citizen of the United States, a resident of the State of Colorado, is 18 years of age or older and is an elector of the BID as that term is defined in Section 31-25-1209 (1)(b) C.R.S.

WHEREFORE, Petitioner respectfully requests that the City Council hear this Petition at a duly called public meeting and that an appropriate resolution or motion appointing the above-named individuals to the BID's Board of Directors be duly adopted by City Council.

Respectfully submitted this 25th day of October, 2019.



Timothy J. Flynn, Attorney for
Briargate Center Business Improvement District
Collins Cockrel & Cole, P.C.
390 Union Boulevard, Suite 400
Denver, Colorado 80228
Phone Number: 303-986-1551

COLLINS COCKRELL & COLE

38679

DATE	DESCRIPTION	DEBIT	CHECK	AMOUNT
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10/30/19	City of Colorado Springs Morgan Center Business Improvement District Payment of processing for appointment of new Board members			900.00
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DATE	DESCRIPTION	TOTALS >
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Collins Cockrell & Cole
100 North Broadway, Suite 100
Colorado Springs, CO 80901
(719) 594-1111



Evergreen National Bank
Colorado Springs, Colorado 80901
Member FDIC
Equal Housing Lender
24/7 ATM Service

38679

DATE	CHECK	AMOUNT
10/30/2019		**3900.00**

PAY TO THE ORDER OF
 Nine hundred AND 00/100ths DOLLARS
 City of Colorado Springs



Paul H. Corbally
 Treasurer

⑆038679⑆ ⑆1070038679⑆ 3012225⑆

TO: THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO

PETITION FOR APPOINTMENT OF NEW BOARD MEMBERS

IN RE THE ORGANIZATION OF THE BRIARGATE CENTER BUSINESS
IMPROVEMENT DISTRICT, CITY OF COLORADO SPRINGS, COLORADO

COMES NOW, the Briargate Center Business Improvement District (“**BID**”), by and through its undersigned attorney and pursuant to Section 31-25-1209(1)(b), C.R.S., hereby petitions the Colorado Springs City Council (“**City Council**”) to appoint five new members to the **BID**’s Board of Directors.

AS GROUNDS THEREFORE, Petitioner states as follows:

1. The **BID** was established by the City of Colorado Springs, Colorado, Ordinance No. 02-24, dated February 12, 2002, for the purpose of financing the public infrastructure needed to serve The Promenade Shops at Briargate located at 1885 Briargate Parkway, Colorado Springs, Colorado 80920 (“**Lifestyle Center**”).

2. The **BID** is governed by a five-member Board of Directors (“**Board**”) that is appointed by the City Council. To serve on the Board a person must be an elector of the **BID** as that term is defined in Section 31-25-1203(4)(a), C.R.S.

3. Pursuant to Section 31-25-1203 (4)(a) C.R.S., an elector is a natural person who is a citizen of the United States and a resident of the State of Colorado, who is 18 years of age or older and who:

- I Makes his primary dwelling in the **BID**; or
- II Owns taxable, real or personal property within the boundaries of the **BID**; or
- III Is the holder of a leasehold interest in taxable real or personal property within the boundaries of the **BID**; or
- IV Is a natural person designated by an owner or lessee of taxable real or personal property within the boundaries of the **BID** that is not a natural person, to vote for such owner or lessee in **BID** elections.

4. On or about August 13, 2019, the Lifestyle Center was sold by IMI, Colorado Springs, LLC, a Delaware Limited Liability Company (“**IMI**”) to HGIT Briargate, LLC, a Delaware Limited Liability Company (“**HGIT**”).

5. In connection with sale of the Lifestyle Center by IMI to HGIT, all five seats on the Board of Directors ("Board") of the BID became vacant because the then sitting Board members ceased to be electors of the BID.

6. Pursuant to Section 31-25-1209(1)(b) C.R.S., when a vacancy occurs on the Board, the vacancy is to be filled by the City Council.

7. Accordingly, the BID requests that the City Council appoint the following five individuals to the BID's Board of Directors: Chris Crawford, Jay Despard, Kate Owsald, Eric Weisenstein, and Madison Wilsmann.

8. Chris Crawford is the Managing Director, Head of Real Estate Acquisitions for Hines & Company. He joined Hines & Company in 2014 as a development associate and aided in project management and leasing of several developments in Denver's Central Business District. He is a Colorado native and graduated from Dartmouth College with a degree in government. Chris's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

9. Jay Despard is Senior Managing Director for Hines & Company. Jay is responsible for project development, acquisitions, dispositions, and asset management for projects Hines & Company has throughout Colorado. He graduated from the University of Colorado at Boulder with a degree in business and received his master's degree in business from New York University. Jay's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

10. Kate Oswald is the Associate Controller for Colorado projects for Hines & Company. She oversees properties, reviews ownership and internal reporting, administers financial statements and internal audits. She has a master's degree in accounting from Montana State University. Kate's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

11. Eric Weistenstein is the Director of Property Management for Hines & Company for Hines & Company for Denver. He is responsible for overseeing all Hines' managed properties and personnel. Eric's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

12. Madison Wilsmann is an analyst for Hines & Company. She supports the project team with underwriting and due diligence coordination. She graduated from the University of Colorado at Boulder with a degree in business emphasizing financing real estate. Madison's address and telephone number are as follows:

1885 Briargate Parkway, Colorado Springs, Colorado 80920

(719) 265-6264

13. Each of the above individuals is a citizen of the United States, a resident of the State of Colorado, is 18 years of age or older and is an elector of the BID as that term is defined in Section 31-25-1209 (1)(b) C.R.S.

WHEREFORE, Petitioner respectfully requests that the City Council hear this Petition at a duly called public meeting and that an appropriate resolution or motion appointing the above-named individuals to the BID's Board of Directors be duly adopted by City Council.

Respectfully submitted this 25th day of October, 2019.



Timothy J. Flynn, Attorney for
Briargate Center Business Improvement District
Collins Cockrel & Cole, P.C.
390 Union Boulevard, Suite 400
Denver, Colorado 80228
Phone Number: 303-986-1551