

ORDINANCE NO. 22 - 19

AN ORDINANCE EXCLUDING CERTAIN PROPERTY
FROM THE BOUNDARIES OF THE MW RETAIL BUSINESS
IMPROVEMENT DISTRICT

WHEREAS, City Council received a Petition for Exclusion of Property (the "Petition") filed pursuant to C.R.S. § 31-25-1220 for the exclusion of certain property described in the Petition attached and made a part of this Ordinance as Exhibit "A" (the "Property") from the MW Retail Business Improvement District (the "District"); and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in *The Gazette*, calling for a public hearing on the exclusion 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 exclusion of the Property from the 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.

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 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 exclusion of the Property from the boundaries of the District.

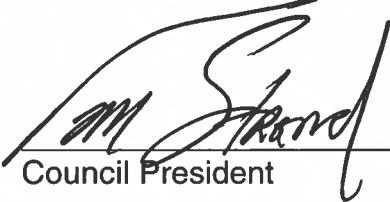
Section 4. This Ordinance shall be in full force and effect into and after its final adoption and publication as provided by Charter.

Section 5. The City Clerk is directed to file a certified copy of this Ordinance with the County Clerk and Recorder of El Paso County, Colorado, whereupon the Property shall be excluded from the District.

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 12th day of April, 2022.

Finally passed: April 26, 2022



Council President

Mayor's Action:

- Approved on April 28, 2022.
- Disapproved on _____, based on the following objections:

John W. Suthers
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
Sarah B. Johnson, City Clerk



COS:
CAO: [Signature]

Exhibit A

[Copy of Petition for Exclusion of Property]

COS: _____
CAO: _____

**PETITION FOR EXCLUSION OF PROPERTY
FROM
MW RETAIL BUSINESS IMPROVEMENT DISTRICT**

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

The undersigned, MW Colorado Springs, LLC, a Colorado limited liability company, hereby respectfully petitions the City Council of the City of Colorado Springs in accordance with the provisions of Sections 31-25-1208 and 1220, C.R.S., for the exclusion of the hereinafter described property from the MW Retail Business Improvement District (the "District").

The undersigned hereby requests that the property legally described as: LOT 1, "TALLGRASS AT THE RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 222714899 IN THE RECORDS OF EL PASO COUNTY, COLORADO (the "Property"), be excluded from said District and that an Ordinance be adopted by the City Council excluding the Property from said District, and that from and after the entry of such Ordinance, the Property shall be free and clear of any contract, obligation, lien, or charge to which it may be liable as a part of the District. Notwithstanding the foregoing, the Property shall remain subject to the levy of taxes for the payment of its proportionate share of the District's current outstanding indebtedness.

The undersigned represents to the City Council that it is the owner of the property. The undersigned represents that no other persons, entity or entities own an interest in the Property.

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 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 ordinance 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 situated in the County of El Paso, State of Colorado, is:

LOT 1, "TALLGRASS AT THE RANCH FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 222714899 IN THE RECORDS OF EL PASO COUNTY, COLORADO

This is a verified petition.

[Signature page to follow]

Exhibit B

[Proof of Publication]

COS: _____
CAO: _____

138634

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 03/18/2022**
5035121.0010

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 03/18/2022, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette

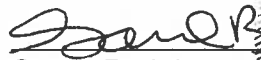
**SANDRA KING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184014369
MY COMMISSION EXPIRES MARCH 30, 2022**


Document Authentication Number
20184014369-639154

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 M/W Retail Business Improvement District.
1. The name and address of the petitioner and the description of the property mentioned in such petition is as follows:
Owner: M/W Colorado Springs, LLC
Address: 1827 N. Grant Street, #503
Denver, Colorado 80203
Description: LOT 1 - TALLGRASS AT THE RANCH FILING NO. 17 AS RECORDED UNDER RECEPTION NO. 22274899 IN THE RECORDS OF EL PASO COUNTY, COLORADO
2. The prayer of the petition is that the above property be excluded from the M/W Retail 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 17th day of April, 2022, 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 exclusion of the area described in this notice.
CITY OF COLORADO SPRINGS, COLORADO
By: /s/ _____
City Clerk
Published in The Gazette March 18, 2022.

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE MW RETAIL BUSINESS IMPROVEMENT DISTRICT” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 12, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 26th day of April 2022, and that the same was published by title and in summary, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 26th day of April 2022.


Sarah B. Johnson, City Clerk



1st Publication Date: April 15, 2022

2nd Publication Date: May 4, 2022

Effective Date: May 9, 2022

Initial: SBJ
City Clerk