

ORDINANCE NO. 17-103

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 (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 Interquest South 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 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 into 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 Interquest South 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 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 24th day of October, 2017.

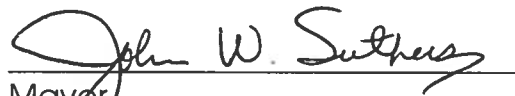
Finally passed: November 14th, 2017



Council President

Mayor's Action:

- Approved on November 20, 2017.
- 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



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 October 24th, 2017; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 14th day of November, 2017, 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 20th day of November, 2017.


Sarah B. Johnson, City Clerk



1st Publication Date: October 27th, 2017
2nd Publication Date: November 22nd, 2017

Effective Date: November 29th, 2017

Initial: SBJ
City Clerk

PETITION FOR EXCLUSION OF PROPERTY
From
INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT

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

The undersigned, Interquest Town Center, 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 an Ordinance be adopted by the City Council excluding said property from said District, and that from and after the entry of such Ordinance, 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 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 situate in the County of El Paso, State of Colorado, is attached hereto as Exhibit A.

This is a verified petition.

Petitioner:

Interquest Town Center, LLC, a Colorado limited liability company

By: 

Name: Vincent C. Shoemaker

Title: Member

Petitioner's

Street Address:

660 Southpointe Court, Suite 210
Colorado Springs, Colorado 80906

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 7th day of July, 2017, by Vincent C. Shoemaker Member of Interquest Town Center, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission Expires: 06/15/2018

Christina M. Zani
Notary Public

CHRISTINA M ZANI
NOTARY PUBLIC
STATE OF COLORADO
Notary ID 20064023235
My Commission Expires 06/15/2018

EXHIBIT A
Interquest South Business Improvement District
Petition for Exclusion

Legal Description

LOT 1, INTERQUEST FILING NO.7. CITY OF COLORADO SPRINGS. COUNTY OF EL PASO.
STATE OF COLORADO

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.

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

Owner: Interquest Town Center, LLC, a Colorado limited liability company

Address: 660 Southpointe Court, Suite 210
Colorado Springs, Colorado 80906

Legal Description: LOT 1, INTERQUEST FILING NO.7, CITY OF COLORADO SPRINGS,
COUNTY OF EL PASO, STATE OF COLORADO

2. 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 24th day of OCTOBER, 2017, 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 B. Johnson
City Clerk

Proof of Publication

THE TRANSCRIPT
Colorado Springs, Colorado

STATE OF COLORADO, } ss.
COUNTY OF EL PASO }

I, Amy Sweet, Editor and COO, or the undersigned Authorized Agent of the Editor and COO, do solemnly swear that I am the Editor and COO, or Authorized Agent of the Editor and COO 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:

06, OCTOBER, A.D. 2017.

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

06, OCTOBER, A.D. 2017.

In witness whereof, I have hereunto set my hand this 6th day of October, A.D. 2017.

Cathy Reilly
Editor and COO/Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 6th day of October, A.D. 2017.

Robyn Kirk
Notary Public

ROBYN KIRK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20114063677
MY COMMISSION EXPIRES OCTOBER 5, 2019

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Suite 210
Colorado Springs, Colorado 80906
Legal Description: LOT 1,
INTERQUEST FILING NO.7,
CITY OF COLORADO SPRINGS,
COUNTY OF EL PASO, STATE OF
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CITY OF COLORADO SPRINGS
COLORADO
By: /s/ Sarah B. Johnson
City Clerk
Publication Date: October 6, 2017
Published in The Transcript
DT32198