

ORDINANCE NO. 16-12

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

WHEREAS, City Council received a Petition for Exclusion (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 North 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 *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 Interquest North 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.

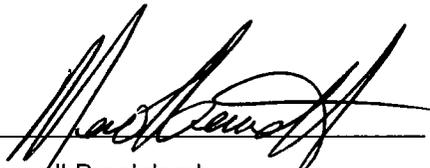
Section 4. The City Clerk is directed to file a certified copy of this ordinance with the County Clerk and Recorder of El Paso County, Colorado.

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 26<sup>th</sup> day of January, 2016.

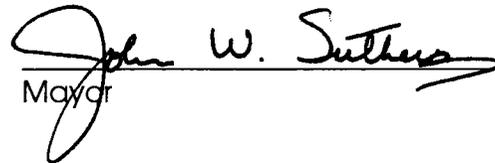
**Finally passed:** February 9, 2016

  
\_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on Feb. 11, 2016.
- Disapproved on \_\_\_\_\_, based on the following objections:

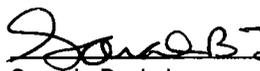
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
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.

ATTEST:

  
Sarah B. Johnson, City Clerk

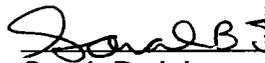


\_\_\_\_\_  
Council President

OK  
TJB  
1/26/16

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 26, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 9<sup>th</sup> day of February, 2016, 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 11<sup>th</sup> day of February, 2016.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: January 29, 2016  
2<sup>nd</sup> Publication Date: February 17, 2016

Effective Date: February 22, 2016    Initial: SB  
City Clerk

**PETITION FOR EXCLUSION OF PROPERTY**  
**From**  
**INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT**

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

The undersigned, Interquest Marketplace, 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 North Business Improvement District (the "District").

The undersigned hereby requests that the herein described property on **Exhibit A**, which attached hereto and incorporated herein (the "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. The undersigned represents that no other persons, entity or entities own an interest in the Property except the Bondholder, Enterprise Fund No. 6, LLC, a Colorado limited liability company (the "Bondholder"). The undersigned has obtained a consent to the exclusion from Bondholder. A copy of which is attached hereto as **Exhibit B**.

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.

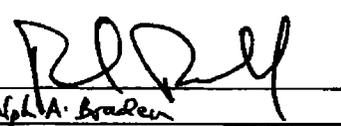
This Petition is accompanied by a deposit of five hundred dollars (\$500); said deposit is believed to be sufficient to pay all pre- and post-acceptance costs of the exclusion proceedings, but should said deposit be insufficient, the undersigned further agrees that it shall pay in full the fees and costs 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 Marketplace, LLC

By: 

Name: Ralph A. Braden

Title: Vice Pres., Norwood Limited, Inc., Manager

Petitioner's  
Street Address:

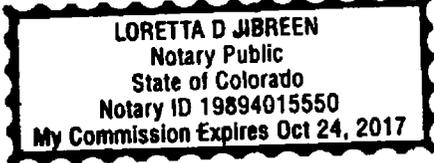
111 S. Tejon Street, Suite 222  
Colorado Springs, CO 80903

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF El Paso    )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of Oct, 2015, by Rubin Braden as MGY of Interquest Marketplace, LLC, a Colorado limited liability company. *as Vice President of Norwood Limited, Inc., a s*

Witness my hand and official seal.

My commission Expires: 10-24-2017



Loretta D. Jibreen  
Notary Public

**EXHIBIT A**  
**Petition for Exclusion**  
**LEGAL DESCRIPTION: INTERQUEST NORTH BUSINESS IMPROVEMENT**  
**DISTRICT EXCLUSION 2015**

(4) FOUR PARCELS OF LAND BEING A PORTION OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** A TANGENT PORTION OF THE NORTHERLY RIGHT OF WAY LINE OF NEW LIFE DRIVE AS PLATTED IN MARKETPLACE AT INTERQUEST FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712786 RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT BOTH END BY A 1 ½" ALUMINUM SURVEYORS CAP STAMPED "CCES LLC PLS 30118" IS ASSUMED TO BEAR N85°41'01"W, A DISTANCE OF 470.48 FEET

**PARCEL 1**

TRACT D AS PLATTED IN MARKETPLACE AT INTERQUEST FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712786 RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 4,416 S.F.

**PARCEL 2**

TRACT I AS PLATTED IN MARKETPLACE AT INTERQUEST FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712786 RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 3,093 S.F.

**PARCEL 3**

COMMENCING AT THE SOUTHEASTERLY CORNER OF TRACT D AS PLATTED IN MARKETPLACE AT INTERQUEST FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712786 RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF NEW LIFE DRIVE AS PLATTED IN SAID MARKETPLACE AT INTERQUEST FILING NO. 2, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE BOUNDARY OF TRACT D AS PLATTED IN SAID MARKETPLACE AT INTERQUEST FILING NO. 2, THE FOLLOWING (4) FOUR COURSES;

1. N00°00'00"E, A DISTANCE OF 20.00 FEET;
2. N90°00'00"W, A DISTANCE OF 87.00 FEET;
3. N45°00'00"W, A DISTANCE OF 20.44 FEET
4. N00°00'00"E, A DISTANCE OF 45.92 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20;

THENCE N89°58'28"E, ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 110.96 FEET TO THE SOUTHWEST CORNER OF NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20;

THENCE N89°57'47"E, ON THE SOUTH LINE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 92.70 FEET TO THE NORTHWESTERLY

CORNER OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 098091345;

THENCE S00°15'11"E, ON THE WESTERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 098091345, A DISTANCE OF 82.21 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID NEW LIFE DRIVE;

THENCE ON THE NORTHERLY RIGHT OF WAY OF SAID NEW LIFE DRIVE THE FOLLOWING TWO (2) COURSES;

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S03°54'25"W, HAVING A DELTA OF 03°54'25", A RADIUS OF 740.00 FEET AND A DISTANCE OF 50.46 FEET TO A POINT OF TANGENT;
2. N90°00'00"W, A DISTANCE OF 52.14 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 14,289 S.F.

#### **PARCEL 4**

COMMENCING AT THE WESTERLY END OF A TANGENT LINE ON THE NORTHERLY RIGHT OF WAY LINE OF NEW LIFE DRIVE AS PLATTED SAID MARKETPLACE AT INTERQUEST FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712786 RECORDS OF EL PASO COUNTY, COLORADO, THAT BEARS N85°41'01"W, A DISTANCE OF 470.48 FEET, SAID POINT BEING ON THE SOUTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 098091345, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 098091345 THE FOLLOWING (2) TWO COURSES;

1. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S22°01'05"E, HAVING A DELTA OF 21°54'11", A RADIUS OF 268.00 FEET AND A DISTANCE OF 102.45 FEET TO A POINT ON CURVE;
2. N89°57'47"E, A DISTANCE OF 687.81 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID NEW LIFE DRIVE;

THENCE ON THE NORTHERLY RIGHT OF WAY LINE OF SAID NEW LIFE DRIVE THE FOLLOWING (3) THREE COURSES;

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S23°53'20"E, HAVING A DELTA OF 00°04'26", A RADIUS OF 740.00 FEET AND A DISTANCE OF 0.95 FEET TO A POINT OF REVERSE CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 28°16'45", A RADIUS OF 660.00 FEET AND A DISTANCE OF 325.75 FEET TO A POINT OF TANGENT;
3. N85°41'01"W, A DISTANCE OF 470.48 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 30,017 S.F.

**EXHIBIT B**  
**BONDHOLDER CONSENT**

**CONSENT OF BONDHOLDER**  
**\$6,500,000 Interquest North Business Improvement District**  
**Limited Tax General Obligation Bond, Series 2010**

**THE UNDERSIGNED** (the "Bondholder"), in connection with execution and issuance by the Interquest North Business Improvement District (the "BID") of the \$6,500,000 Limited Tax General Obligation Bond, Series 2010 (the "2010 Bond"), hereby consents, agrees, and represents as follows (capitalized terms used herein and not defined shall have the meanings ascribed thereto by the resolution approving the 2010 Bond by the BID, adopted on December 1, 2010 by the BID):

1. As of the date hereof, the Bondholder is the registered owner of 100% of the 2010 Bond.
2. The Bondholder consents and agrees to the following:
  - (a) Interquest Marketplace is in the process of excluding certain property from the BID, more particularly described in Exhibit A, hereinafter referred to as the "Property"; and
  - (b) Bondholder desires to provide its consent to the exclusion of the Property; and
  - (c) Bondholder desires to waive any future or present indebtedness or encumbrances on the Property.
3. Bondholder has been provided and received such documents and other information as it has requested in connection with the consent and agreement herein, and hereby conditionally agrees to the exclusion of the Property from further encumbrances of the 2010 Bond.
4. The undersigned is duly authorized by all applicable laws, rules, regulations, and corporate documents to make the agreements and representations contained herein.

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Dated as of the 5<sup>th</sup> day of Oct, 2015.

ENTERPRISE FUND NO. 6, a Colorado limited liability company

By: [Signature]

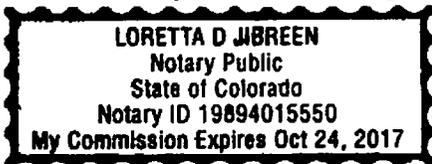
By: David D. Jenkins, Manager

STATE OF COLORADO )  
 ) ss.  
COUNTY OF El Paso )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of Oct., 2015, by David D. Jenkins, Manager of Enterprise Fund No. 6, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission Expires: 10-24-2017



[Signature]  
Notary Public

**EXHIBIT A**

**LEGAL DESCRIPTION: INTERQUEST NORTH BUSINESS IMPROVEMENT  
DISTRICT EXCLUSION 2015**

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CONTAINING A CALCULATED AREA OF 30,017 S.F.

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 uninterrupted 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:

04, JANUARY, A.D. 2016.

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

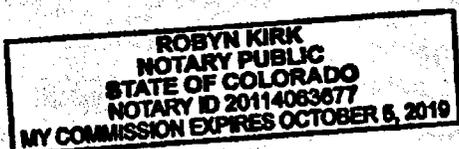
04, JANUARY, A.D. 2016.

In witness whereof, I have hereunto set my hand this 4th day of January, A.D. 2016.

Melissa Edwards  
Publisher/Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 4th day of January, A.D. 2016.

Robyn Kirk  
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 North 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 Marketplace, LLC

Address:

111 S. Tejon Street, Suite 222  
Colorado Springs, Colorado 80903

Legal Description:

(4) FOUR PARCELS OF LAND BEING A PORTION OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BASIS OF BEARINGS: A TANGENT PORTION OF THE NORTHERLY RIGHT OF WAY LINE OF NEW LIFE DRIVE AS PLATTED IN MARKETPLACE AT INTERQUEST FILING NO. 2 RECORDED UNDER RECEPTION NO. 208712786 RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT BOTH END BY A 1 1/2" ALUMINUM SURVEYORS CAP STAMPED "CES LLC PLS 30118" IS ASSUMED TO BEAR N85°41'01"W, A DISTANCE OF 470.48 FEET.

A full legal description can be provided upon request.

2. The prayer of the petition is that the above property be excluded from the Interquest North 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 26th day of January, 2016, 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: January 4, 2016  
Published In The Transcript  
DT28696

## 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 North 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 Marketplace, LLC

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CITY OF COLORADO SPRINGS, COLORADO

By: /s/ Sarah Johnson  
City Clerk