

ORDINANCE NO. 19-19

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO  
THE BOUNDARIES OF THE CREEKWALK MARKETPLACE  
BUSINESS IMPROVEMENT DISTRICT

WHEREAS, City Council received a Petitions for Inclusion of Property (the "Petitions") filed pursuant to C.R.S. § 31-25-1220 for the inclusion of certain property described in the Petitions attached and made a part of this Ordinance as Exhibit "A" (the "Property") into the Creekwalk Marketplace Business Improvement District ("District"); and

WHEREAS, in accord with the law, a public notice of the Petitions has been given and published in the Colorado Springs Daily Transcript, calling for a public hearing on the inclusion request set forth in the Petitions, 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 inclusion of the Property into the District; and

WHEREAS, the Property sought to be included into 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 Creekwalk Marketplace Business Improvement District as proposed in the Petitions does not adversely affect the District.

Section 3. Pursuant to C.R.S. § 31-25-1220, City Council grants the Petition and orders the inclusion of the Property into 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 into 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 12<sup>th</sup> day of March, 2019.

**Finally passed:** March 26, 2019

Council President

**Mayor's Action:**

- Approved on March 27, 2019.
- 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

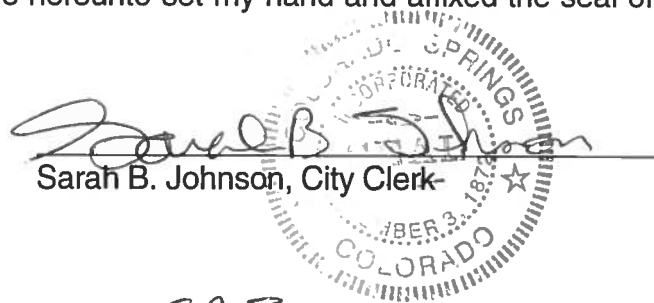


Council President

COS: CAO: TJP

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on March 12<sup>th</sup>, 2019; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 26<sup>th</sup> day of March, 2019, 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 27<sup>th</sup> day of March, 2019.



Sarah B. Johnson, City Clerk

1<sup>st</sup> Publication Date: March 15<sup>th</sup>, 2019

2<sup>nd</sup> Publication Date: April 3<sup>rd</sup>, 2019

Effective Date: April 8<sup>th</sup>, 2019

Initial: SB3  
City Clerk

**PETITION FOR INCLUSION OF PROPERTY  
INTO  
CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT**

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

The undersigned, Creekwalk 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 inclusion of the hereinafter described property into the Creekwalk Marketplace Business Improvement District.

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "Property") be included in said District and that an Ordinance be adopted by the City Council including the Property into said District, and that from and after the effective date of such Ordinance, the Property shall be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property 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 consideration of the Petition.

This Petition is accompanied by a deposit of five hundred dollars (\$500.00); said deposit is believed to be sufficient to pay all pre- and post-acceptance costs for the inclusion 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 inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the property from said District, whether or not such inclusion 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:**

Creekwalk LLC, a Colorado limited liability company

**By:** \_\_\_\_\_

**Name:** Danny Mientka

**Title:** Manager and Sole Member

**Petitioner's**

**Street Address:**

c/o The Equity Group  
90 South Cascade, Suite 1500  
Colorado Springs, CO 80903

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

The foregoing instrument was acknowledged before me this 8 day of January, 2019, by Danny Mientka, as manager and sole member of Creekwalk LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: 06/20/2022

S. Griswold  
Notary Public



**EXHIBIT A**

**Creekwalk Marketplace Business Improvement District  
Petition for Inclusion**

**LEGAL DESCRIPTION**

**100 E Cheyenne Road • 6430212031**

THAT PART OF LOT 8 (FORMER LOTS 7, 8) BLK 4 IVYWILD ADD AS FOLS; COM AT SE COR OF SD LOT 8, TH N 90<00'00" W 110.0 FT ALG SLY LN OF SD LOT FOR POB, TH N 00<00'00" E 88.0 FT, N 90<00'00" W 80.33 FT, S 00<00'00" W 88.0 FT, TH S 90<00'00" E 81.3 FT TO POB, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**114 E Cheyenne Road • 6430212023**

E 50 FT OF S 140 FT OF LOT 9 BLK 4 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1827 Mt Washington Avenue • 6430212005**

LOT 6 BLK 4 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**110 E Cheyenne Road • 6430212022**

S 150 FT OF W 50 FT OF LOT 9 BLK 4 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1833 Mt Washington Avenue • 6430212020**

N 100 FT OF W 50 FT OF LOT 9 BLK 4 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1818 Mt Washington Avenue • 6430213003**

LOT 1 BLK 5 IVYWILD EX N 80 FT, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1812 Mt Washington Avenue • 6430213001**

LOT 1 EX W 108 FT OF N 80 FT, EX S 120 FT BLK 5 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**55 St Elmo Avenue East • 6430213002**

W 108 FT OF N 80 FT OF LOT 1 BLK 5 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1801 St Elmo Court • 6430212003**

LOT 1 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF LOTS 4, 5 BLK 4 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1803 St Elmo Court • 6430212007**

LOT 2 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF LOTS 4, 5 BLK 4  
IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1805 St Elmo Court • 6430212010**

LOT 3 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF LOTS 4, 5 BLK 4  
IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1807 St Elmo Court • 6430212012**

LOT 4 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF LOTS 4, 5 BLK 4  
IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1809 St Elmo Court • 6430212013**

LOT 5 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF LOTS 4, 5 BLK 4  
IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1808 St Elmo Court • 6430212011**

LOT 6, S 40 FT OF LOT 7 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF LOTS 4  
& 5 BLK 4 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1806 St Elmo Court • 6430212006**

LOT 8, N 10 FT OF LOT 7 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF 4, 5  
BLK 4 IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1804 ST Elmo Court • 6430212004**

LOTS 9, 10 IN THE AMENDED PLAT OF W H TERRY'S RESUB OF LOTS 4, 5 BLK 4  
IVYWILD, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**125 E Ramona Avenue • 6430209024**

LOT 2 BLK 1 VACATION + REPLAT PORTION OF LOTS 1 + 2 BLK 2 IVYWILD, CITY  
OF COLORADO SPRINGS, EL PASO COUNTY

**1838 Mt Washington Avenue • 6430213010**

PART OF LOT 5 BLK 9 IVYWILD ADD 1 AS FOLS, BEG AT PT ON N LN OF LOT 5 142.5  
FT W OF NE COR OF SD LOT, TH S AT R/A TO N LN 101.42 FT TO POB, TH CONT ALG  
SD LN 35 FT TO PT ON N LN MT WASHINGTON AVE, ANG R 52<05' SWLY ALG SD LN  
127.1 FT NLY ALG LN PARA TO + 99 FT FROM 1ST COURSE 76.8 FT, ANG R 68<56'  
NELY 106.2 FT TO BEG EX E 28 FT, ALSO THAT PART AS FOLS, BEG AT PT ON  
NWLY LN OF MT WASHINGTON AVE 135.31 FT NELY FROM POI WITH N LN OF  
CHEYENNE RD, TH NWLY AT R/A TO NWLY LN OF MT WASHINGTON AVE 52.3 FT  
M/L TO CEN OF CHEYENNE CRK, ELY ALG CEN OF CHEYENNE CRK 41.25 FT, TH  
SLY 67 FT TO POB, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1842 Mt Washington Avenue • 6430213015**

PART OF LOT 5 BLK 9 IVYWILD ADD 1 AS FOLS, BEG AT PT 67 FT NELY OF POI OF N LNS OF MT WASHINGTON AVE + CHEYENNE RD, TH 68.31 FT NELY ON SD LN, TH R/A NWLY 52.8 FT M/L, ANG L SWLY 63.3 FT TO INTSEC LN DRAWN 69.8 FT NWLY FROM POB, TH ANG L 69.8 FT TO POB, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**1844 Mt Washington Avenue • 6430213014**

THAT PART OF LOT 5 BLK 9 IVYWILD ADD 1 AS FOLS, BEG AT SW COR OF LOT 5, TH NLY ALG WLY LN OF SD LOT 76 FT, ANG R 78<00' ELY 70 FT TO POB, TH ANG L 35<02' NELY 63.3 FT, ANG R SELY 69.8 FT M/L TO PT ON SELY LN OF SD LOT 67 FT NELY FROM POI OF NLY LN OF CHEYENNE RD AND NWLY LN OF MT WASHINGTON AVE, SWLY ALG SD SELY LN 67 FT, TH NWLY ON STRAIGHT LN 79.4 FT M/L TO POB, CITY OF COLORADO SPRINGS, EL PASO COUNTY

**12 E Cheyenne Road • 6430213013**

PART OF LOT 5 BLK 9 IVYWILD ADD 1 AS FOLS, BEG AT PT ON WLY LN OF LOT 5 47.4 FT NLY FROM SW COR OF SD LOT, TH NLY ALG WLY LN OF SD LOT 28.6 FT, ANG R 78< ELY 70 FT, SELY ALG WLY LN 79.4 FT M/L TO POI OF NLY LN OF CHEYENNE RD + NWLY LN OF MT WASHINGTON AVE, RUN WLY ALG S LN OF SD LOT TO PT 47.4 FT E OF SW COR THEREOF, TH NWLY ON CURVED LN HAVING A RAD OF 35 FT A DIST OF 65.4 FT TO POB, EX R/W, CITY OF COLORADO SPRINGS, EL PASO COUNTY



**Proof of Publication**

**THE TRANSCRIPT  
Colorado Springs, Colorado**

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

I, Amy Sweet, Publisher and Executive Editor, or the undersigned Authorized Agent of the Publisher and Executive Editor, do solemnly swear that I am the Publisher and Executive Editor, or Authorized Agent of the Publisher and Executive Editor 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.

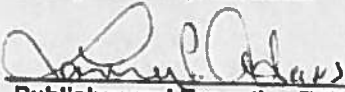
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

08, MARCH, A.D. 2019.

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

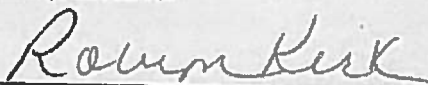
08, MARCH, A.D. 2019.

In witness whereof, I have hereunto set my hand this 8th day of March, A.D. 2019.



**Publisher and Executive Editor / Authorized Agent**

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 8th day of March, A.D. 2019.



**Notary Public**



**NOTICE OF INCLUSION**

NOTICE IS HEREBY GIVEN that there has been filed with the City Council of the City of Colorado Springs, Colorado, a petition praying for the inclusion of certain lands into the Creekwalk Marketplace Business Improvement District.

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

Owners: Creekwalk LLC, a Colorado limited liability company  
Address: c/o The Equity Group  
90 South Cascade, Suite 1500  
Colorado Springs, CO 80903  
General Description: 100 E Cheyenne Road; 114 E Cheyenne; 1827 Mt Washington Avenue; 110 E Cheyenne Road;

1833 Mt Washington Avenue; 1818 Mt Washington Avenue; 1812 Mt Washington Avenue, 55 St Elmo Avenue East;

1801 St Elmo Court; 1803 St Elmo Court;

1805 St Elmo Court; 1807 St Elmo Court; 1809 St Elmo Court; 1808 St Elmo Court, 1806 St Elmo Court; 1804 St Elmo Court;

115 E Ramona Avenue; 125 E Ramona Avenue; 1838 Mt Washington Avenue, 1842 Mt Washington Avenue;

1844 Mt Washington Avenue; 12 E Cheyenne Road. A full legal description can be provided upon request.

2. The prayer of the Petition is that the above properties be included within the boundaries of the District.

3. The properties sought to be included into the District are located entirely within the City of Colorado Springs, County of El Paso, State of Colorado, and the same are not included within any other county or within any other incorporated city, town, or city and county. Therefore, no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required.

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 12th day of March, 2019, 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 inclusion of the area described in this notice.

CITY OF COLORADO  
SPRINGS, COLORADO  
By: /s/ Colorado Springs City Clerk  
Publication Date: March 8, 2019  
Published in The Transcript  
DT35118

**PETITION FOR INCLUSION OF PROPERTY  
INTO  
CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT**

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

The undersigned, Pikes Peak Equities 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 inclusion of the hereinafter described property into the Creekwalk Marketplace Business Improvement District.

The undersigned hereby requests that the herein described property described in **Exhibit A**, attached hereto and incorporated herein (the "Property") be included in said District and that an Ordinance be adopted by the City Council including the Property into said District, and that from and after the effective date of such Ordinance, the Property shall be liable for assessments and other obligations of the District.

The undersigned represents to the City Council 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 consideration of the Petition.

This Petition is accompanied by a deposit of five hundred dollars (\$500.00); said deposit is believed to be sufficient to pay all pre- and post-acceptance costs for the inclusion 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 inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the property from said District, whether or not such inclusion 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:** Pikes Peak Equities LLC, a Colorado limited liability company

**By:** \_\_\_\_\_  
**Name:** Danny Mientka  
**Title:** Member

**Petitioner's  
Street Address:** 90 South Cascade, Suite 1500  
Colorado Springs, CO 80903

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

The foregoing instrument was acknowledged before me this 8 day of January, 2019, by Danny Mientka, as member of Pikes Peak Equities LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: 06/20/2022

S. Griswold  
Notary Public



**EXHIBIT A**

**Creekwalk Marketplace Business Improvement District  
Petition for Inclusion**

**LEGAL DESCRIPTION**

1778 S Nevada Avenue  
LOT 2 THE ARTS IN IVYWILD SUB  
Schedule No. 6430211021

Proof of Publication

THE TRANSCRIPT  
Colorado Springs, Colorado

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

I, Amy Sweet, Publisher and Executive Editor, or the undersigned Authorized Agent of the Publisher and Executive Editor, do solemnly swear that I am the Publisher and Executive Editor, or Authorized Agent of the Publisher and Executive Editor 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.

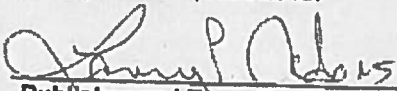
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

08, MARCH, A.D. 2019.

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


08, MARCH, A.D. 2019.

In witness whereof, I have hereunto set my hand this 8th day of March, A.D. 2019.



Publisher and Executive Editor / Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 8th day of March, A.D. 2019.

  
Notary Public

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

NOTICE OF INCLUSION  
NOTICE IS HEREBY GIVEN that there has been filed with the City Council of the City of Colorado Springs, Colorado, a petition praying for the inclusion of certain lands into the Creekwalk Marketplace Business Improvement District.

1 The name and address of the petitioner and the description of the property mentioned in such petition are as follows:  
Owners: Pikes Peak Equities LLC, a Colorado limited liability company  
Address: c/o The Equity Group  
90 South Cascade, Suite 1500  
Colorado Springs, CO 80903  
Legal Description: 1778 S Nevada Avenue  
LOT 2 THE ARTS IN IVYWILD SUB  
Schedule No 6430211021

2 The prayer of the Petition is that the above property be included within the boundaries of the District.

3 The property sought to be included into the District is located entirely within the City of Colorado Springs, County of El Paso, State of Colorado, and the same is not included within any other county or within any other incorporated city, town, or city and county. Therefore, no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required.

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 12th day of March, 2019, 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 inclusion of the area described in this notice.

CITY OF COLORADO  
SPRINGS, COLORADO  
By: /s/ Colorado Springs City Clerk  
Publication Date: March 8, 2019  
Published in The Transcript  
DT35117