

ORDINANCE NO. 24 - 99

AN ORDINANCE EXCLUDING CERTAIN PROPERTY  
FROM THE BOUNDARIES OF THE CREEKWALK  
MARKETPLACE BUSINESS IMPROVEMENT DISTRICT

WHEREAS, City Council received a petition filed pursuant to Section 31-25-1220, C.R.S., for the exclusion ("Exclusion") of certain property (the "Property") from the Creekwalk Marketplace Business Improvement District ("District") described in the Petition for Exclusion (the "Petition"), attached hereto and incorporated herein as Exhibit A; and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in the *Colorado Springs Gazette*, noticing the filing of such petition, the names of the petitioners, descriptions of the Property sought to be excluded, the request of said petitioners, and calling for a public hearing on the exclusion request set forth in the Petition, informing all persons having objections to appear at the time and place stated in said notice and show cause why the petition should not be granted, proof of publication for which is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, based upon the Petition and other evidence presented to City Council, the petition has been signed in conformity with Part 12 of Article 25 of Title 31, C.R.S., signatures on the Petition are genuine, and the signatures represent the persons who own the real or personal property to be excluded from the District, where at least fifty percent (50%) of the service area of the District will continue to be developed and used primarily as commercial property; 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 area 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. The above recitals are hereby incorporated into this Ordinance, are approved, and are effective.

Section 2. City Council, being fully informed, hereby 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 3. City Council, being fully informed, hereby finds and determines that the change in boundaries of the Creekwalk Marketplace Business Improvement District, as proposed in the Petition, does not adversely affect such District.

Section 4. Pursuant to Section 31-25-1220, C.R.S., City Council hereby grants the Petition and orders the exclusion of the Property described in the Petition from the boundaries of the Creekwalk Marketplace Business Improvement District.

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.

Section 6. This Ordinance shall be in full force and effect into and after its final adoption and publication as provided by Charter.

Section 7. City 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 22<sup>nd</sup> day of October 2024.

Finally passed: November 12, 2024

  
Randy Helms, Council President

ATTEST:

  
Sarah B. Johnson, City Clerk



**EXHIBIT A**  
**Petition for Exclusion**

**PETITION FOR EXCLUSION OF PROPERTY  
CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT**

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

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

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (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 City of Colorado Springs, County of El Paso, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

*[Signature page to follow]*

PETITIONER:  
CREEKWALK NORTH LLC

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

Name: Danny Mientha

Title: Manager

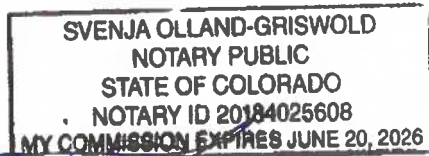
Petitioner's Street Address: 90 S. Cascade Avenue, Suite 1500  
Colorado Springs, CO 80903

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

The foregoing instrument was acknowledged before me this 11 day of July, 2024, by Danny Mientha as manager of Creekwalk North LLC, a Colorado limited liability company, Petitioner.

Witness my hand and official seal.

S-C  
Notary Public



**EXHIBIT A**

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

**LEGAL DESCRIPTION**

**CREEKWALK MARKETPLACE BID  
2024 EXCLUSIONS – LEGAL DESCRIPTIONS**

**PARCEL A:**

LOT 1, THE ARTS IN IVYWILD SUBDIVISION, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, TOGETHER WITH THAT PORTION OF MOUNT WASHINGTON AVENUE VACATED BY ORDINANCE NO. 18-130 RECORDED JUNE 10, 2019 UNDER RECEPTION NO. 219063072. EXCEPTING THEREFROM THAT PORTION AS PLATTED TO CREEKWALK FILING 1 RECORDED MARCH 22, 2022 UNDER RECEPTION NO. 222714933.

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1731 CREEKWALK COURT - ASSESSOR'S SCHEDULE NO. 6430209080)

**PARCEL B:**

LOTS 1, 2 AND 3 IN BLOCK "A" IN METZLER'S SUBDIVISION, EXCEPT THAT PORTION OF LOT 3 DESCRIBED AS FOLLOWS: STARTING AT A POINT ON THE NORTHEAST CORNER OF SAID LOT 3, THENCE RUN WEST 26.33 FEET TO A POINT OF BEGINNING OF THE PORTION OF SAID LOT 3 TO BE DESCRIBED HEREIN, THENCE RUN WEST A DISTANCE OF 20 FEET TO A POINT, THENCE ANGLE LEFT 90°00' AND RUN A DISTANCE OF 24.75 FEET TO A POINT, THENCE ANGLE LEFT 45°50' AND RUN A DISTANCE OF 27.88 FEET TO A POINT, THENCE ANGLE LEFT 134°10' AND RUN A DISTANCE OF 44.29 FEET TO THE PLACE OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO. TOGETHER WITH THAT PORTION OF VACATED MT WASHINGTON AVENUE AS EVIDENCED IN INSTRUMENTS RECORDED JUNE 10, 2019 UNDER RECEPTION NO. 219063072 AND JUNE 10, 2019 UNDER RECEPTION NO. 219714354. EXCEPTING THEREFROM THAT PORTION AS PLATTED TO CREEKWALK FILING 1 RECORDED MARCH 22, 2022 UNDER RECEPTION NO. 222714933.

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1716 CREEKWALK COURT - ASSESSOR PARCEL NO. 64302-09-078)

**PARCEL C:**

PART OF LOTS 1 AND 2, BLOCK 2 IN THE ORIGINAL ADDITION TO IVYWILD, AS FOLLOWS: FROM THE NORTHEAST CORNER OF LOT 1, RUN WEST ON THE NORTHERLY LINE OF SAID LOT 233.9 FEET TO THE POINT OF BEGINNING, THENCE WESTERLY ON THE NORTH LINE 54 FEET, ANGLE LEFT 90° SOUTH 122.6 FEET MORE OR LESS TO THE SOUTHERLY LINE OF THE NORTH HALF OF LOT 2, ANGLE LEFT 91°23' EASTERLY ON SAID LINE 54 FEET, THENCE ANGLE LEFT 88°37' NORTH 121.4 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO. EXCEPTING THEREFROM THAT PORTION AS PLATTED TO CREEKWALK FILING 1 RECORDED MARCH 22, 2022 UNDER RECEPTION NO. 222714933.

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 109 E RAMONA AVENUE - ASSESSOR PARCEL NO. 64302-09-077)

**PARCEL D:**

THAT PART OF LOT 1 AND OF THE NORTH HALF OF LOT 2 IN BLOCK 2 IN THE TOWN OF IVYWILD LYING WESTERLY OF A LINE DRAWN AT RIGHT ANGLES TO THE NORTH LINE OF LOT 1 AT A POINT THAT IS 287.9 FEET WEST OF THE NORTHEAST CORNER OF LOT 1 TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF LOT 2 A DISTANCE OF 178.45 FEET WEST OF THE EASTERLY LINE OF SAID LOT 2, IVYWILD, COUNTY OF EL PASO, STATE OF COLORADO

(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 105 E RAMONA AVENUE - ASSESSOR PARCEL NO. 64302-09-003)



**EXHIBIT B**  
**Proof of Publication**

206368

## 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 10/25/2024**

ORDINANCE NO. 24-99

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 10/30/2024, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.



Karen Hogan  
Notary Public



### ORDINANCE NO. 24-99

AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT

The above-entitled ordinance was introduced, read and passed on first reading at a regular meeting of the City Council held on October 22, 2024. The ordinance is available for public inspection and acquisition at the office of the City Clerk, 30 South Nevada Avenue, Colorado Springs, Colorado 80903.

The following is a summary of the above-named Ordinance:

An ordinance excluding certain property from the boundaries of the Creekwalk Marketplace Business Improvement District.

Sarah B. Johnson  
City Clerk

Published In The Gazette October 25, 2024.

Document Authentication Number  
20224024441-320118

207756

## 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 11/15/2024**

ORDINANCE NO. 24-99

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 11/20/2024, at said City of Colorado Springs, El Paso County, Colorado.

My commission expires June 23, 2026.



Karen Hogan  
Notary Public



Document Authentication Number  
20224024441-066100

### ORDINANCE NO. 24-99

AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE CREEKWALK MARKETPLACE BUSINESS IMPROVEMENT DISTRICT

The above-entitled ordinance was finally passed, adopted, and approved on second reading at a regular meeting of the City Council held on November 12, 2024. The ordinance is available for public inspection and acquisition at the office of the City Clerk, 30 South Nevada Avenue, Colorado Springs, Colorado 80903.

The following is a summary of the above-named Ordinance:

An ordinance excluding certain property from the boundaries of the Creekwalk Marketplace Business Improvement District.

Sarah B. Johnson  
City Clerk

Published in The Gazette November 15, 2024.

I HEREBY CERTIFY that the foregoing ordinance entitled **"AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM 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 October 22, 2024; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 12<sup>th</sup> day of November 2024, 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, 12<sup>th</sup> day of November 2024.

  
Sarah B. Johnson, City Clerk

1<sup>st</sup> Publication Date: October 25, 2024

2<sup>nd</sup> Publication Date: November 15, 2024

Effective Date: November 20, 2024

Initial: SBJ  
City Clerk

