

ORDINANCE NO. 22-16

AN ORDINANCE DECLARING THE ORGANIZATION OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021, APPROVING A MILL LEVY NOT TO EXCEED 4.409 MILLS, AND APPROVING A MAINTENANCE SCHEDULE DESCRIBING THE AREAS TO BE MAINTAINED ALONG WITH THE DESCRIPTION OF THE MAINTENANCE, AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, pursuant to Colorado Revised Statutes § 31-25-604, the City of Colorado Springs ("City") received a petition signed by over 200 electors of the proposed Colorado Springs Briargate General Improvement District 2021 ("District") seeking the formation of a general improvement district; and

WHEREAS, the District will assume provision of the services currently provided by the existing Briargate Special Improvement Maintenance District ("SIMD"), which will have its mill levy set to zero (0) in 2022 for taxes payable in 2023 by separate resolution of City Council; and

WHEREAS, the City Clerk had determined that the petition was sufficient; and

WHEREAS, the City Council conducted a hearing on July 27, 2021; and

WHEREAS, notice of said hearing was mailed to each elector in the proposed District and published as required by statute; and

WHEREAS, at said hearing the City Council ascertained the number of electors in the proposed District and the total value of assessment of real and personal property and further found that the proposed maintenance obligations of the proposed District would not be excessive as compared with the value of the property; and

WHEREAS, the City Council by ordinance set this matter for an election held on November 2, 2021; and

WHEREAS, at said election the voters approved the passage of the ballot question in favor of the organization of the District and imposition of a mill levy of not more than 4.409 mills.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Creation of the District. Council hereby finds that it has full jurisdiction under the law to adopt this ordinance, and declares the Colorado Springs Briargate General Improvement District 2021 organized, which District boundaries are set forth within the legal description and map, both attached and incorporated herein as Exhibit A. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the powers set forth in Part 6, Article 25, Title 31, C.R.S. By virtue of office and operation of law, the Council shall constitute *ex officio* the Board of Directors of the District (the "Board of Directors").

Section 2. Advisory Committee. The Council shall appoint a District Advisory Board to consist of five (5) property owners of the District. The District Advisory Board shall serve in an advisory capacity at the pleasure of the Board of Directors. The Advisory Committee is subject to Chapter 1, Article 2, Part 9 of the City Code of the City of Colorado Springs, the City of Colorado Springs "Code of Ethics," Chapter 1, Article 3 of the City Code, and the "Open Meetings Law" as set forth in the City Charter.

Section 3. Mill Levy. A mill levy of 4.409 mills shall be imposed upon the properties within the District. For its first year, the District's mill levy of 4.409 mills shall be fixed and certified in 2022 to the Board of County Commissioners of El Paso County, Colorado, for taxes payable in 2023.

Section 4. GID Operations. Beginning January 1, 2023, the District shall perform the functions of the SIMD and shall perform all maintenance and operations of certain public improvements of general benefit to the residents of

the District. The public improvements to be maintained by the district may include, but are not limited to, parks, open space, trails, bicycle paths, landscaping, fencing, pillars, medians, entry islands, utility rights-of-way, irrigation facilities and associated water system improvements, theme areas and neighborhood theme signage located as shown on the map of maintained areas and as described within the Schedule of Maintenance, both attached and incorporated herein as Exhibit B. In the future, if the Schedule of Maintenance should change, the Advisory Board shall, in conjunction with City staff, make recommendations to the Board of Directors for such changes.

Section 5. Following the conclusion of 2022 financial audit received by the City's Budget and Finance Department, any remaining SIMD funds shall be transferred to the District to be utilized in its maintenance and operations.

Section 6. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. Pursuant to § 31-25-608, C.R.S., the City Clerk shall within thirty (30) days after this ordinance becomes effective, transmit a copy of this ordinance for recording to the El Paso County Clerk and Recorder.

Section 7. The City waives the requirements of a bond as set forth in C.R.S. § 31-25-605 and further waives the requirement of assessing an administrative filing fee.

Section 8. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this ordinance are hereby ratified, approved and confirmed.

Section 9. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 10. This ordinance shall be in full force and effect from and after its final Adoption and publication as provided by Charter.

Section 11. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 8th day of March, 2022.


Finally passed: March 22, 2022



Council President

Mayor's Action:

- Approved on 3/26/2022.
- 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



CAO: 
COS: _____

EXHIBIT A

Two parcels of land located in SECTIONS 28,33,34,35,36 TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., El Paso County, SECTIONS 1,2,3,4,10 and 11 TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., El Paso County, Colorado. Colorado. More particularly described as follows;

First parcel;

Beginning at the center of the intersection of BRIARGATE PARKWAY and N. POWERS BLVD.; thence southeast and coincident with the center line of N. POWERS BLVD. to the north line of lot 5, PINKERTON SUBDIVISION FILING NO. 2 as recorded RECEPTION NO. 208712884 in the records of El Paso County, Colorado, extended east to the center of said Powers Blvd.; thence west, southwesterly and coincident with said north lines of lot 5; thence south and coincident with the west line of said lot 5 and the east line of lot 4, PINKERTON SUBDIVISION FILING NO. 2 to the southeast corner thereof; thence westerly, southwesterly and coincident with the boundary line of said lot 4 and lot 3, PINKERTON SUBDIVISION FILING NO. 2 extended southerly to the center line of DURANT DRIVE; thence westerly, southwesterly and coincident with the said center line of DURANT DRIVE to the center of the intersection with DURYEA DRIVE; thence southwesterly and coincident with the center line of said DURYEA DRIVE to the center of the intersection with EAST WOODMEN RD.;

thence westerly and coincident with the center line of WOODMEN RD. to the intersection of the center line of TAOS DR. extended south to the center of WOODMEN RD.;

thence north on said extended center line of TAOS DR. to the center of the intersection of TECUMSEH RD.;

thence west and coincident with said center line of TECUMSEH RD. to the center of the intersection of the N. UNION BLVD.;

thence north and coincident with said UNION BLVD. center line to a point of intersection with the south line of BRIARGATE SUBDIVISION FILING NO. 36 as recorded in PLAT BOOK A-4 at PAGE 148 in the records of El Paso County, Colorado extended east to the UNION BLVD. center line;

thence west and coincident with the south line of said BRIARGATE SUBDIVISION FILING NO. 36 to the west boundary of said subdivision;

thence north and coincident with the west boundary of said subdivision extended northerly to the center line of BRIARGATE BLVD.;

thence westerly and coincident with said center line to the center of the intersection with CHAPEL HILLS DR.;

thence northerly and coincident with the said center line of CHAPEL HILLS DR. to the center of the intersection with JAMBOREE DR.;

thence southwesterly on said JAMBOREE DR. center line to the west line extended south of the BRIARGATE SUBDIVISION FILING NO. 29 as recorded in PLAT BOOK X-3 at PAGE 25 in the records of El Paso County, Colorado;

thence northerly on said west boundary line to the northwest corner thereof;

thence northeasterly on the north boundary line of said BRIARGATE SUBDIVISION FILING NO. 29 extended to the center line of CHAPEL HILLS DR.;

thence northeasterly and northerly on said center line of CHAPEL HILLS DR.

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Colorado Springs Briargate
General Improvement District
2021

Drawn By: R. Kotwica Date: 10/12/2020

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EXHIBIT A

CONTINUED FROM PAGE 1

to the center of the intersection of BRIARGATE PARKWAY;
thence easterly and coincident with the center line of said BRIARGATE PARKWAY to the center of the intersection of N. UNION BLVD.;
thence south and coincident with the center line of said N. UNION BLVD. to the center of the intersection of FAMILY PL.;
thence easterly and coincident with the center line of said FAMILY PL. to the center of the intersection of AUSTIN BLUFFS PARKWAY;
thence north and coincident with the center line of said AUSTIN BLUFFS PARKWAY to the center of the intersection of BRIARGATE PARKWAY;
thence east, northeasterly and coincident with said center line of BRIARGATE PARKWAY to the point of beginning.

Second parcel;

All the area in the following subdivisions; CHARTER GREENS FILING NO. 1 as recorded in PLAT BOOK E-5 at PAGE 220 in the records of El Paso County, Colorado;
CHARTER GREENS FILING NO. 2 as recorded in PLAT BOOK G-5 at PAGE 151 in the records of El Paso County, Colorado;
CHARTER GREENS FILING NO. 3 as recorded at reception number 097085696 in the records of El Paso County, Colorado;
CHARTER GREENS FILING NO. 4 as recorded at reception number 098146133 in the records of El Paso County, Colorado;
PINE CREEK SUBDIVISION FILING NO. 1 as recorded in PLAT BOOK E-5 at PAGE 47 in the records of El Paso County, Colorado;
PINE CREEK SUBDIVISION FILING NO. 2 as recorded in PLAT BOOK E-5 at PAGE 156 in the records of El Paso County, Colorado;

This legal description was prepared for and on behalf of The City of Colorado Springs by
Robert A. Pisciotta, Jr., Colorado P.L.S. 38224
30 S. Nevada Ave., Suite 402
Colorado Springs, CO.
719-385-5545

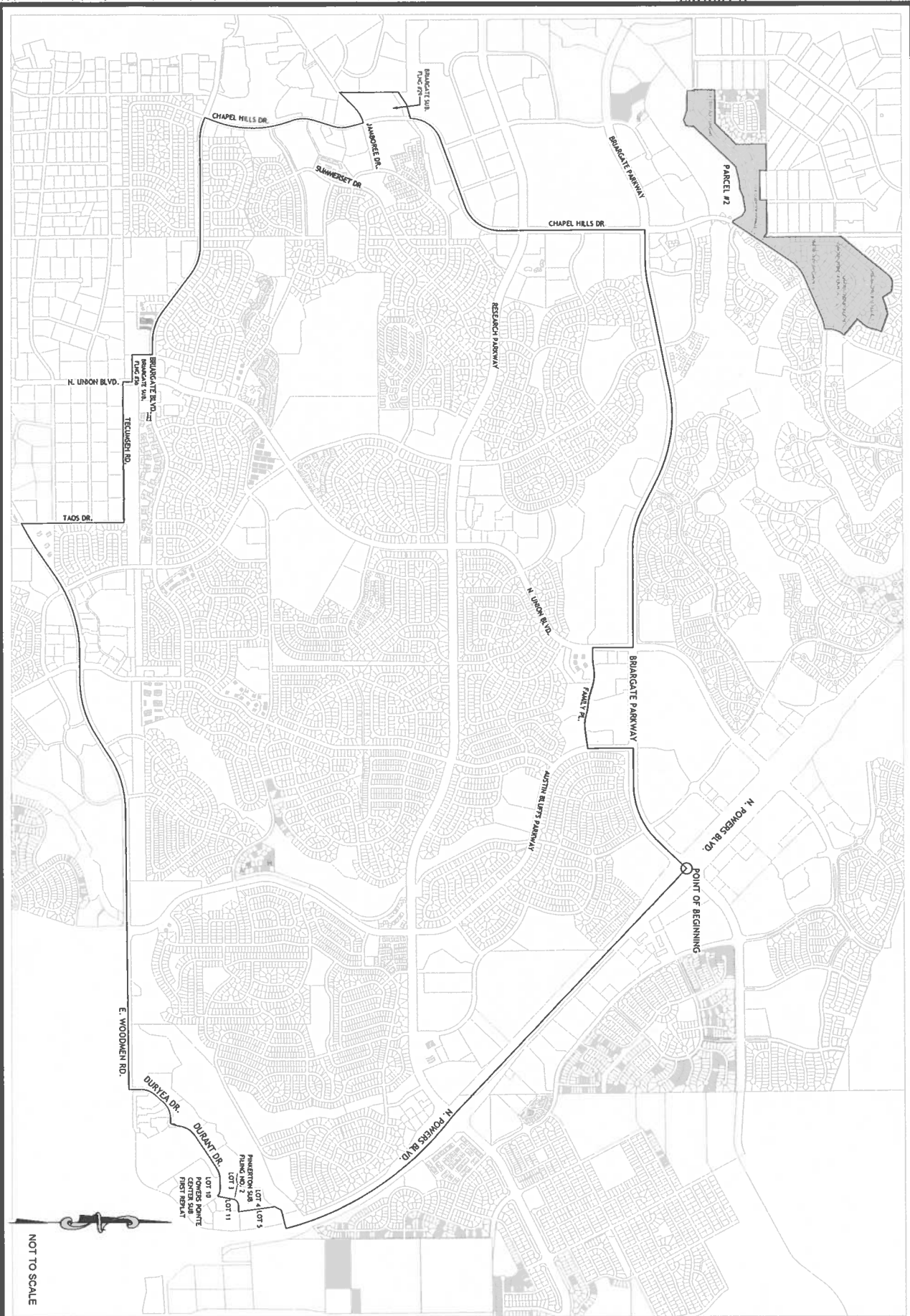
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Colorado Springs Briargate
General Improvement District
2021

Drawn By: R. Kotwica Date: 10/12/2020

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NOT TO SCALE

Colorado Springs Briargate General Improvement District 2021

FINAL

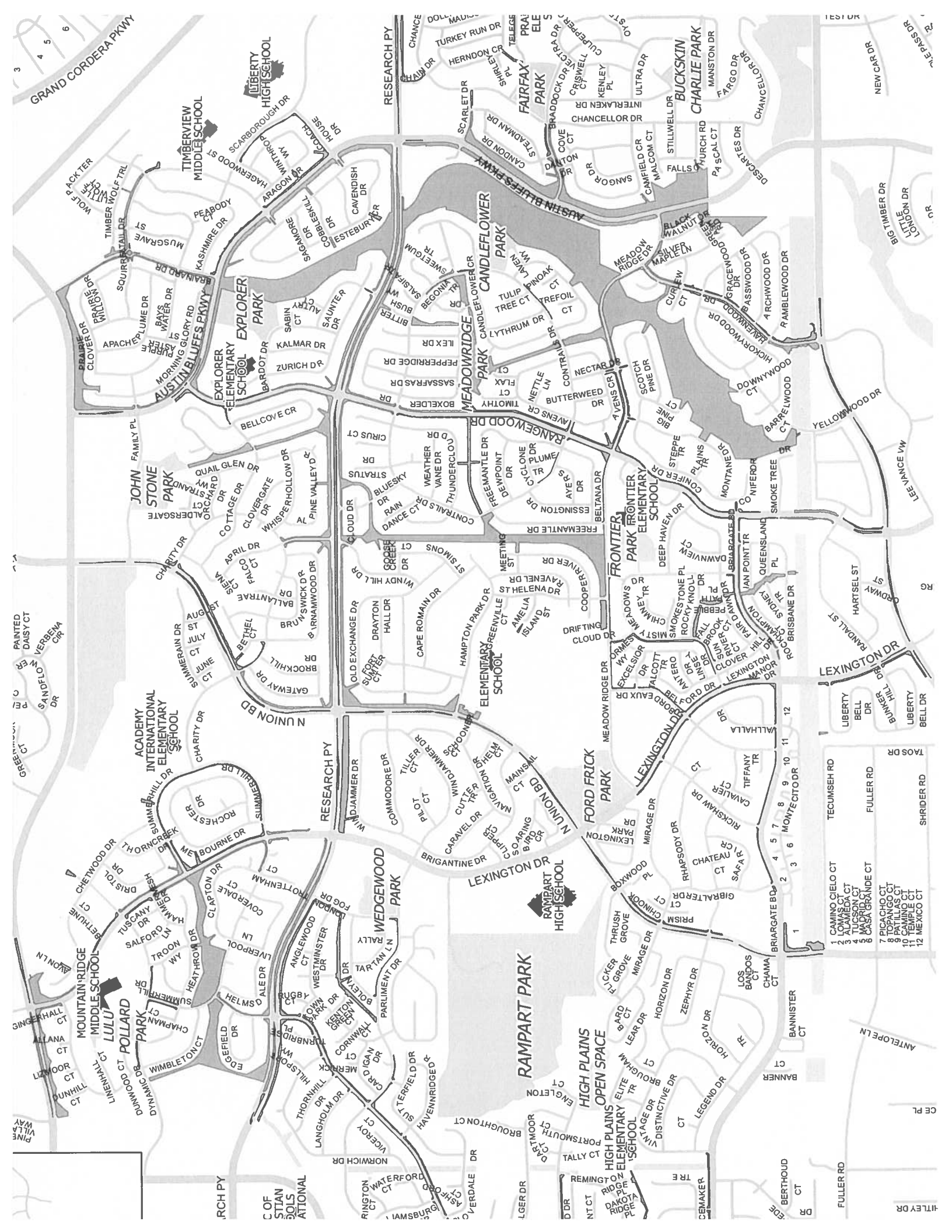
H-SCALE	REVISIONS
V-SCALE	1
DRAWN BY	2
DESIGNED BY	3
CHECKED BY	4
	5

PUBLIC WORKS / CITY ENGINEERING
 PO BOX 1575, MAIL CODE 410
 30 S NEVADA AVE SUITE 401
 COLORADO SPRINGS, CO. 80903

FOR BURIED UTILITY INFORMATION

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- 1 CAMINO CIELO CT
- 2 CAMINO CIELO CT
- 3 CAMINO CIELO CT
- 4 TUCSON CT
- 5 CASA GRANDE CT
- 6 CASA GRANDE CT
- 7 PICACHO CT
- 8 TOPANGO CT
- 9 CAMINO CIELO CT
- 10 CAMINO CIELO CT
- 11 TEMPLE CT
- 12 MEXICO CT

EXHIBIT B

Colorado Springs Briargate General Improvement District 2021 Schedule of Maintenance

Street Location	Improvement Location	Description
April Dr	East and West side	From Research Pkwy north to Charity Dr
Austin Bluffs Pkwy	East side	From south boundary of parcel 6302409046 at the SE corner of Austin Bluffs Pkwy and Meadow Ridge Dr continuing north to Scarlet Drive to include sidewalk trail and open space right-of-way
	East side	Coach House Dr north to Briargate Pkwy
	West side	From south boundary of parcel 6302401082 at the SW corner of Austin Bluffs and Meadow Ridge Dr continuing north to the south boundary of the YMCA parcel 6235201013
	Median	From Briargate Pkwy south to 170 ft east of Rangewood Dr
	Entrance wall & signage	Northeast corner of Brainard Dr
Braddock Dr	North and South side	Austin Bluffs Pkwy to Chancellor Dr including walking path to Steadman Dr
	Entry both sides	At Austin Bluffs Pkwy
Bordeaux Dr	East side	Lexington Dr north to Meadow Ridge Dr
Brainard Dr	West side and roundabout	From Briargate Pkwy south to Austin Bluffs Pkwy to include roundabout at Squirreltail intersection
	East side	From Squirreltail Dr north to south boundary apartment complex parcel 235112075
Briargate Blvd	North side	From east boundary of parcel 6304301111 at Chapel Hills Dr and Briargate Blvd east to Vintage Dr
	North side	From east boundary of the Rampart Village Centre parcel 6303303017 east (approx 2,500 ft) to Lexington Dr
	North side	Clover Hill Dr east to Rangewood Dr (approx 1,450 ft)
	South side	Union Blvd east a distance of approx 375 ft
	South side	From east boundary of parcel 6303410040 at Briargate Blvd & Lexington Dr east (approx 1,500 ft) to the west boundary of parcel 6302319004 at Briargate Blvd and Rangewood Dr
	Median	Street median on Briargate Blvd from Rangewood Dr to Conifer St
Briargate Parkway	South side	From Skyline Trail east to west boundary of High Valley Land parcel 6234208041
	Median	From Skyline Trail east to approximately 800 ft east of Lexington Dr
	South side	From Austin Bluffs to Brainard to include parcels 6235207044 & 6235109013
Chain Dr	East side and entry	From Research Pkwy south to Chancellor Dr
Chancellor Dr	North and South side	From Channel Dr north to end of open space approximately 215'
Channel Dr	West side	From Research south to Chancellor Dr

Chapel Hills Dr	North side	From Lexington Dr west to south boundary of parcel 6228407014 at Craycroft Dr and Chapel Hills Dr
Charity Dr (South Entrance)	North side	From Union east to Birnamwood Dr
Coach House Dr.	North side and entry	From Austin Bluffs Pkwy to Scarborough Dr
	Median	Street median at Austin Bluffs Pkwy to Estebury Circle
Contraills Dr	North side	Cyclone Dr east a distance of approx. 375 Ft
	North and South side	Rangewood east to Avens Cir
	South side	From east boundary of parcel 6302108001 east to west boundary of parcel 6302108032
	East side	From Candelflower Cir north to west boundary of parcel 6302101001
	West Side	From Snapdragon Dr to Meadowridge Park
Cottage Dr	North side	From Bellcove Cir east to Rangewood Dr
Drifting Cloud	West side	From Misty Meadows Dr north to Meadow Ridge Dr
Dynamic Dr	South side	Starting 155 ft east of Heathro Dr extending east 775 ft to Troon Way
	North side	Wimbleton Dr east 340 ft to the park boundary
	Easement	East end of Dynamic at cul-de-sac parcel 6234208004
Havenwood Dr	East and West side	Meadow Ridge Dr south to Woodmen Rd
Lexington Dr	West Side	Woodmen Rd north (approx 1,200 ft) to the south boundary of the City electric (powerline) easement
	West side	Briargate Blvd north (approx 2,100 ft) to the south boundary of the 8.4 acre PUD site at Briargate Blvd & Meadow Ridge Dr
	West side	From the NE corner of the LDS Church property parcel #6234309041 north to Dynamic Dr
	West side	Wimbleton Ct north 350 ft to Briargate Pkwy
	West side	From Chapel Hills Dr to Lightning Way
	East side	Starting 175 Ft north of Briargate Blvd north (approx 2,000 ft) to Meadow Ridge Dr
	East side	From SE end of water tank parcel #6234305001 north to Briargate Pkwy
	Median	From intersection of Lexington Dr and Woodmen Rd north 500 Ft
Meadow Ridge Dr	North side	From east boundary of City parcel 6303105027 east to open space area (Briargate Trail)
	South side	Bordeaux Dr east to Frontier Park (approx 1,450 ft)
	South side	Rangewood Dr east to Austin Bluffs Pkwy
	Median	At Montane Dr intersection south to Conifer Dr
	Median	At Nectar intersection on both sides of Meadow Ridge Dr
Mirage Dr	South side	From the east boundary of parcel 6304209012 at the SE corner of Chapel Hills Dr and Mirage Dr east (approx 1500 ft) to Sablechase Dr (East entrance)

Misty Meadows Dr	West side	From Belford Dr north to Drifting Cloud Dr
	East side	From Clover Hill Dr north to west boundary of parcel 6303412022
Parliament Dr	North side	Boleyn Dr east to London Fog Dr
	South side	Summerset Dr east to west boundary of parcel 6304103123
Potomac Dr	North side	Starting 100 ft east of French Rd extending east 130 ft west of Water Valley Dr
	South side	Starting 130 Ft west of Swiftrun Rd extending east approx 2,100 ft to the 7 acre park site
Rangewood Dr	West side	From Randall Dr north to Brandy Cir
	West side	From Meadow Ridge Dr north to Austin Bluffs Pkwy
	East side	From north boundary of medium density housing site parcel 6302304130 north to Austin Bluffs Pkwy
	East side Median	At the intersection of Rangewood and Woodmen Rd north to the south boundary of the medium density housing site parcel 6302304130 At the intersection of Rangewood and Woodmen Rd on north side running north approx 345 ft
Research Pkwy	South side	From Skyline Trail east to London Fog Dr
	South side	From Lexington Dr east to Scarlet Dr
	South side	From Chain Dr east to Channel Dr
	North side	From Skyline Trail east to Lexington Dr
	North side Median	From Union Blvd east to Austin Bluffs Pkwy From Skyline Trail east to Channel Dr
Saunter Dr	Entry	East and west corners with Research Pkwy
	Median	Street median at Research Pkwy
Scarborough Dr	West side	From Coach House Dr to Hagerwood St
	East & West side	From Chancellor Dr to Research Pkwy
Scarlet Dr	South side	Austin Bluffs Pkwy to Chancellor Dr
	Entry	At Austin Bluffs Pkwy
Squirreltail Dr	North side	From north boundary of Timberview Middle School parcel 6235419002 west to Brainard Dr
Springcrest Rd	West side	From SE corner of church property parcel 6229010008 located at Springcrest Rd and Otero Ave north approximately 400'
	East side	From east boundary of TCA parcel 6232101003 north approximately 490'
	Entrance & Median	At Mulligan Dr
Summerhill Dr	North side	Starting 340 ft west of the Summerset intersection extending east 930 Ft to the volleyball park area
	East & West side	Heathrow Dr east 775 ft to Dynamic Dr

	North side	Clapton Dr 370 ft east to Lexington Dr
	North & South side	North entrance at Lexington Dr east 280 ft to Thorncreek Dr
	North side	South entrance at Lexington Dr east, north, and west to Thorncreek Dr
	East side	From Summerhill Dr south to 175 ft south of Cloverdale Dr
	West side	Research Pkwy south to 10 acre church site parcel 6304206011
	North side	Directly across the street from Prairie Hills Elementary 580' of right-of-way
	East side	Tecumseh Rd north 500 ft to Briargate Blvd
	Entrance wall & signage	Northeast corner of Union Blvd and Tecumseh Rd.
	East side	From the north boundary of the Rampart Village Centre parcel 6303303017 (Briargate Blvd & Union Blvd) north (approx 1,150 ft) to the south boundary of the 2 acre multifamily site parcel 6303301049
	East side	From south boundary of Academy School District 20 parcel 6303107053 (270' south of Hampton Park Dr) north to North Charity Dr
	Entrance wall & signage	Northeast corner of Union Blvd and north Charity Dr entrance
	Medians	From Tecumseh Rd north to Briargate Pkwy
	North side	From Lexington Dr west approx 400 ft
	Median	Starting approx 400 ft west of Lexington Dr east to Havenwood Dr
	Entry	NE corner at Yellowwood Dr and Woodmen Rd
	Trail	Westerly from Rangoewood Dr (approx 1,530 ft) to east boundary of HP Trail to include the following parcels: 6302201024, 6302201044 & 6302209001
	Trail	From Telegraph Dr north to Herndon Dr
	Trail & Greenbelt	From west side of parcel 6303105027 along Medadownridge Dr west of St Helena Dr northerly to Research Pkwy to include the following parcels: 6234419017, 6235302009, & 6235301055
	Park	Park area from Meadow Ridge Dr north and east to Contrails Dr and west to Rangoewood Dr to include the following parcels: 6302210025, 6302210046, 6302210082, & 6302104012
	Trail	From SE intersection of Rocky Knoll Dr and Misty Meadows Dr south to the City Utility (power line) easement
	Trail	From Skyline Trail west (approx 1,600 ft) to the east boundary of OP parcel at the SE corner of Chapel Hill Dr and Mirage Dr to include parcel 6304301094
	Trail	Parliament Dr north to Research Pkwy to include parcels 6234304021 and 6233409007
	Trail	

Fairfax Open Space	Open Space	Scarborough Dr (adjacent to Prairie Hills Elementary School) east 960 ft to Fairfax drainage channel to include parcel 6301209060 and 6301101001
Fairfax Ridge Park		South of Channel Dr and Chancellor Dr to include parcel 6301101045
AT&T easement	Easement	Research Pkwy north to John Stone Park to include parcel 6235317047, 6235306009 and 6235306054
Volleyball Court and Trail	Trail & Open Space	From Lexington Dr (parcel #6234312029 & 6234204022) west across SummerHill Dr extending west and north to Dynamic Dr and south to research Pkwy (parcel 6233416020)
Drainage/pedestrian easements	Alpine Valley Dr	From Alpine Valley Dr south to Research Pkwy to include parcel 6235306009
	French Rd	From French road south to Cottonwood Creek drainage to include parcel 6301310011
	Lorton Dr	From Lorten Dr east to Cottonwood Creek drainage to include parcel 6301101008
	Radcliff Dr	To include parcel 6301101045 & 6301101060 east of Radcliff Dr to Andrus Dr and west of Radcliff Dr to Cottonwood Creek drainage
	Summerhill Dr	Easement north of Summerset Dr parcel 6234208004
	Estebury Circle	Includes (4) easements parcel 6235410054
	Lockport Dr	From Lockport Dr west to Cottonwood Creek drainage parcel 6301101034
	Chetwood Dr	Easement to include parcel 6233109001
	Liberty Bell Drive	Easement north of Liberty Bell Dr to E Woodmen Trail parcel 6310101001

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE DECLARING THE ORGANIZATION OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021, APPROVING A MILL LEVY NOT TO EXCEED 4.409 MILLS, AND APPROVING A MAINTENANCE SCHEDULE DESCRIBING THE AREAS TO BE MAINTAINED ALONG WITH THE DESCRIPTION OF THE MAINTENANCE, AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on March 8, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 22nd day of March 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 22th day of March 2022.

Sarah B. Johnson
Sarah B. Johnson, City Clerk



1st Publication Date: March 11, 2022
2nd Publication Date: March 30, 2022

Effective Date: April 4, 2022

Initial: DJ for SBJ
City Clerk