

ORDINANCE NO. 21-68

AN ORDINANCE ORDERING THAT THE QUESTION OF ORGANIZATION OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021 AND APPROVING A MILL LEVY BE SUBMITTED TO THE ELECTORS OF THE PROPOSED DISTRICT AT THE COORDINATED ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON TUESDAY, NOVEMBER 2, 2021; PROVIDING FOR THE FORM OF THE BALLOT TITLE AND TEXT; PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION; 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 would replace the services of and serve as a mill levy alternative to the existing Briargate Special Improvement Maintenance District which, if the question is passed, it is City's Council's intention to set the Special Improvement Maintenance District's mill levy to zero; and

WHEREAS, the City Clerk has determined that the petition is sufficient; and

WHEREAS, the City Council set this matter for 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 determined that the petition had been duly signed and presented in conformity with statute and that the allegations were true.

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

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Council hereby submits and refers to the vote of the registered qualified electors of the proposed District to be held at the Election (as defined in Section 3), the question of approving the organization of the Colorado Springs Briargate General Improvement District 2021 and the approval of a mill levy, which appears in full in Section 5 of this Ordinance.

Section 3. The Election shall be held as part of the Coordinated Election conducted by mail ballot on November 2, 2021.

Section 4. The legal boundaries of the proposed Colorado Springs Briargate General Improvement District 2021 are set forth within Exhibit A, attached hereto and incorporated herein. The boundaries are fully within the City and City Council hereby adjudicates all questions of jurisdiction.

Section 5. The question of formation of the District and approval of the mill levy shall be submitted to the qualified electors of the proposed District in substantially the following form:

SHALL COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021 TAXES BE INCREASED \$1,462,683 ANNUALLY BEGINNING JANUARY 1, 2022, AND BY WHATEVER AMOUNTS ARE RAISED THEREAFTER, BY THE IMPOSITION OF A MILL LEVY IMPOSED ON ALL TAXABLE PROPERTY LOCATED WITHIN THE DISTRICT OF NOT MORE THAN 4.409 MILLS, SOLELY FOR THE PURPOSE OF FUNDING THE DISTRICT'S OPERATIONS, MAINTENANCE, AND OTHER REASONABLE EXPENSES, AS MAY BE DETERMINED BY THE DISTRICT BOARD OF DIRECTORS; AND SHALL THE DISTRICT BE PERMITTED TO COLLECT, RETAIN AND SPEND ALL REVENUES DERIVED THEREFROM AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO ANY

CONSTITUTIONAL, STATUTORY AND CITY CHARTER REVENUE AND SPENDING LIMITATIONS WHICH MAY OTHERWISE APPLY:

- AND WITH THE INTENT OF THE VOTERS THAT MONIES DERIVED FROM THE TAX INCREASE SERVE AS AN ALTERNATIVE TO AND REPLACEMENT FOR THE BRIARGATE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT MILL LEVY SO THAT THE PROPERTIES CURRENTLY PAYING THE BRIARGATE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT MILL LEVY WILL NOT SEE AN OVERALL INCREASE IN TAXES; AND
- ANY FUTURE INCREASE IN THE PROPOSED DISTRICT'S MILL LEVY WILL REQUIRE FUTURE VOTER APPROVAL;

AND SHALL COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021 BE ORGANIZED?

_____ Yes

_____ No

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. The City Clerk shall assist and cooperate with the County Clerk and Recorder in conducting this Election held as part of a Coordinated Election.

Section 7. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this ordinance and toward the Election, are hereby ratified, approved and confirmed.

Section 8. 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 9. This ordinance shall be in full force and effect from and after its final Adoption and publication as provided by Charter.

Section 10. 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 10th day of August, 2021.

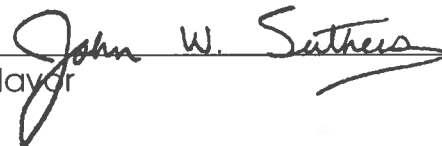
Finally passed: August 27th 2021



Council President

Mayor's Action:

- Approved on Aug. 27, 2021.
- 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 ORDERING THAT THE QUESTION OF ORGANIZATION OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021 AND APPROVING A MILL LEVY BE SUBMITTED TO THE ELECTORS OF THE PROPOSED DISTRICT AT THE COORDINATED ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON TUESDAY, NOVEMBER 2, 2021; PROVIDING FOR THE FORM OF THE BALLOT TITLE AND TEXT; PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION; 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 August 10th, 2021; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 24th day of August 2021, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Gazette on August 30th, 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 26th day of August 2021.


Sarah B. Johnson, City Clerk



1st Publication Date: August 13th, 2021

2nd Publication Date: August 30th, 2021

Effective Date: September 4th, 2021

Initial: SBJ
City Clerk

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.

CONTINUED ON NEXT PAGE

THIS DOCUMENT IS INCOMPLETE WITHOUT PAGE 2



Drawn By: R. Kotwica	Date: 10/12/2020
Job Number: 2020042	PAGE 1 OF 2

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



THIS DOCUMENT IS INCOMPLETE WITHOUT PAGE 1

Drawn By: R. Kotwica	Date: 10/12/2020
Job Number: 2020042	PAGE 2 OF 2

PRELIMINARY

BRIARGATE SIMD AREA

SHEET

NOT TO SCALE



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

PUBLIC WORKS / CITY ENGINEERING
PO BOX 1575 MAIL CODE 410
COLORADO SPRINGS, CO 80903

FOR BURIED UTILITY INFORMATION
48 HRS BEFORE YOU DIG
CALL 1-800-922-1987
FOR LOCATING & MARKING GAS,
ELECTRIC WATER & TELEPHONE LINES
WATER EMERGENCIES 520-0300

