

ORDINANCE NO. 24 - 98

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO
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 inclusion ("Inclusion") of certain property (the "Property") into the Creekwalk Marketplace Business Improvement District ("District") described in the Petition for Inclusion ("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 included, the request of said petitioners, and calling for a public hearing on the inclusion 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 included 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 inclusion of the Property into the District; and

WHEREAS, the area 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. The above recitals are hereby incorporated into this Ordinance, are approved, and are effective.

Section 2. City Council, being fully informed, 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, finds and determines that the change in boundaries of the Creekwalk Marketplace Business Improvement District, as proposed

in the Petition, does not adversely affect the District.

Section 4. Pursuant to Section 31-25-1220, C.R.S., City Council hereby grants the Petition and orders the inclusion of the Property into the boundaries of the 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 22nd day of October 2024.

Finally passed: November 12, 2024


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



Exhibit A
[Petition for Inclusion of Property]

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

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

The undersigned, SNA Equities LLC, a Colorado limited liability company, hereby respectfully petitions the City Council of the City of Colorado Springs ("City Council") 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 ("District").

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "Property") be included in the District and that an Ordinance be adopted by the City Council including the Property into the 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.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of 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 land into said District, whether or not such inclusion 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.

Petitioner:
SNA Equities LLC,
a Colorado limited liability company

By: _____

Name: DANNY MIENKA

Title: MANAGER

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

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

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

Witness my hand and official seal.

My Commission Expires: June 20, 2026

SVENJA OLLAND-GRISWOLD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184025608
MY COMMISSION EXPIRES JUNE 20, 2028

S. Griswold
Notary Public

EXHIBIT A

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

LEGAL DESCRIPTION

PARCEL A:

**LOTS 2, 3 EX E 111.4 FT + EX W 20 FT BLK 1 LIHUE
(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1401 S. NEVADA
AVE)**

PARCEL B:

**LOT 4 EX W 20.0 FT BLK 1 LIHUE
(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1411 S. NEVADA
AVE)**

PARCEL C:

**W 210 FT OF LOT 5, EX WLY 20 FT FOR RD BLK 1 LIHUE
(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 1455 S. NEVADA
AVE)**

PARCEL D:

**LOT 5 EX WLY 210.0 FT BLK 1 LIHUE
(FOR INFORMATIONAL PURPOSES ONLY: COMMONLY KNOWN AS 220 E.
BROOKSIDE ST)**

Exhibit B
[Proof of publication]

206367

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. 24-98

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

**KAREN HOGAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224024441
MY COMMISSION EXPIRES 06/23/2026**

ORDINANCE NO. 24-98

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO 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 including certain property into the boundaries of the Creekwalk Marketplace Business Improvement District

Sarah B. Johnson
City Clerk

Published in The Gazette October 25, 2024.

Document Authentication Number
20224024441-282530

207755

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. 24-98

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

ORDINANCE NO. 24-98
AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO 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 including certain property into the boundaries of the Creekwalk Marketplace Business Improvement District
Sarah B. Johnson
City Clerk
Published in The Gazette November 15, 2024.

**KAREN HOGAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224024441
MY COMMISSION EXPIRES 06/23/2026**

Document Authentication Number
20224024441-165658

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 October 22, 2024; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 12th 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, 12th day of November 2024.


Sarah B. Johnson, City Clerk

1st Publication Date: October 25, 2024
2nd Publication Date: November 15, 2024

Effective Date: November 20, 2024

Initial: 
City Clerk

