

ORDINANCE NO. 17-87

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

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

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in the Colorado Springs Daily Transcript, calling for a public hearing on the inclusions request set forth in the Petition, 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 Petition 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 from 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 12th day of September, 2017.

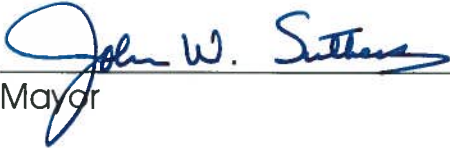
Finally passed: September 26th, 2017



Council President

Mayor's Action:

- Approved on Oct. 2, 2017.
- 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. Brinson, City Clerk

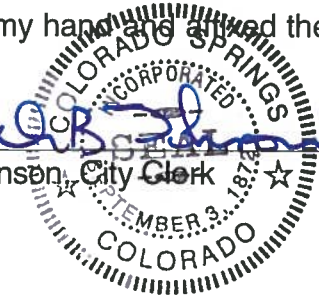


COS: _____
CAO: 

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE INCLUDING CERTAIN PROPERTY WITHIN 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 September 12th, 2017; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 26th day of September, 2017, 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 2nd day of October, 2017.


Sarah B. Johnson, City Clerk



1st Publication Date: September 15th, 2017
2nd Publication Date: October 4th, 2017

Effective Date: October 9th, 2017

Initial: SBJ
City Clerk

**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 31251220, 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 Mienka

Title: Manager

Petitioner's

Street Address:

90 S. Cascade Avenue, Suite 1500
Colorado Springs, Colorado 80903

Denver 1743839.1

EXHIBIT A

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

The foregoing instrument was acknowledged before me this 15th day of June, 2017, by Danny Mientka, as Manager of Pikes Peak Equities LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires: 10-13-2019

Michaele Salsgiver
Notary Public

MICHAELE SALSGIVER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19914013148
MY COMMISSION EXPIRES OCT. 13, 2019

EXHIBIT A

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

LEGAL DESCRIPTION

CREEKWALK MARKETPLACE METROPOLITAN DISTRICT

ANNEXATION PARCEL 1

Property Address: 1505 Tejon Street South
Tax Schedule No. 6419308023
Ownership: Pikes Peak Equities LLC

Legal Description:

THAT PORTION OF LOT 2 IN BOCK 2 IN MADDOCK'S ADDITION TO IVYWILD, EXCEPT THE EAST 8 FEET THEREOF, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT, 70 FEET; THENCE ANGLE RIGHT 89 DEGREES 66 MINUTES WESTERLY, 68.16 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT; THENCE ANGLE RIGHT AND RUN NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID LOT, 76.7 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE EAST ALONG THE NORTH LINE OF SAID LOT, 26.94 FEET TO THE PLACE OF BEGINNING, AND LOT 1 IN BLOCK 2 IN MADDOCK'S ADDITION TO IVYWILD, EXCEPT THE EAST 8 FEET THEREOF, AND THAT PORTION OF ALLEY BEGINNING AT A POINT ON THE NORTH LINE OF LOT 2 IN BLOCK 2 IN MADDOCK'S ADDITION TO IVYWILD THAT IS 8 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT AND RUN THENCE WEST ON SAID NORTH LINE, 18.94 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTHEASTERLY ON THE EASTERLY LINE OF SOUTH TEJON STREET, 17.5 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN SAID BLOCK 2; THENCE EAST ON THE SOUTH LINE OF SAID LOT 1, 11.82 FEET; THENCE SOUTH 16 FEET TO THE POINT OF BEGINNING, AS VACATED BY RESOLUTION RECORDED SEPTEMBER 21, 1955 IN BOOK 1525 AT PAGE 574, COUNTY OF EL PASO, STATE OF COLORADO.

ANNEXATION PARCEL 2

Property Address: 115 Ramona Avenue East
Tax Schedule No. 6430209023
Ownership: Pikes Peak Equities LLC

Legal Description:

LOT 1, BLOCK 1, VACATION AND REPLAT OF A PORTION OF LOTS 1 AND 2, BLOCK 2, IVYWILD, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

ANNEXATION PARCEL 3

Property Address: 1778 Nevada Avenue South
Tax Schedule No. 6430211021
Ownership: Pikes Peak Equities LLC

Legal Description:

LOT 2, THE ARTS IN IVYWILD SUBDIVISION, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.