

ORDINANCE NO. 18-34

AN ORDINANCE INCLUDING CERTAIN PROPERTY
WITHIN THE BOUNDARIES OF THE FIRST AND MAIN
BUSINESS IMPROVEMENT DISTRICT NO. 2

WHEREAS, City Council received a Petition for Inclusion (the "Petition") filed pursuant to § 31-25-1220, C.R.S., 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 First and Main Business Improvement District No. 2 ("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 First and Main Business Improvement District No. 2 as proposed in the Petition does not adversely affect the District.

Section 3. Pursuant to § 31-25-1220, C.R.S., 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 10th day of April, 2018.


Finally passed: April 24th, 2018



Council President

Mayor's Action:

- Approved on April 26, 2018.
- Disapproved on _____, based on the following objections:



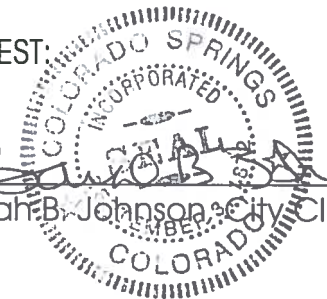

Mayor

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 INCLUDING CERTAIN PROPERTY WITHIN THE BOUNDARIES OF THE FIRST AND MAIN BUSINESS IMPROVEMENT DISTRICT NO. 2” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 10th, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 24th day of April, 2018, 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 26th day of April, 2018.


Sarah B. Johnson, City Clerk



1st Publication Date: April 13th, 2018

2nd Publication Date: May 2nd, 2018

Effective Date: May 7th, 2018

Initial: 
City Clerk

**PETITION FOR INCLUSION OF PROPERTY
INTO
FIRST AND MAIN BUSINESS IMPROVEMENT DISTRICT NO. 2**

TO: City Council, City of Colorado
Springs, El Paso County, State of
Colorado

The undersigned, First and Main LLC, a Colorado limited liability company ("Petitioner") hereby respectfully petitions the City Council of the City of Colorado Springs in accordance with the provisions of Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described real property into the boundaries of the First and Main Business Improvement District No. 2, which real property is situate within the City of Colorado Springs, County of El Paso, State of Colorado.

The undersigned hereby consents that the herein described property be included in said District and that an Ordinance be adopted by the City Council including said land into the boundaries of the District, and that from and after the effective date of such Ordinance, said land shall be liable for assessments or other obligations of the District.

The undersigned represents to the City Council that it is the current record 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.

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 into said District, whether or not such inclusion is approved.

The legal description of the property is as follows, to-wit:

See **Exhibit A** attached hereto and incorporated herein by this reference.


The name and address of the petitioner is as follows:

Petitioner: First and Main LLC, a Colorado limited
liability company
Address: 111 S. Tejon Street, Suite 222

Colorado Springs, Colorado 80903

PETITIONER:

FIRST AND MAIN LLC, a Colorado limited liability company

Signature: _____

Printed Name: Christopher S. Jenkins

Title: Manager

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

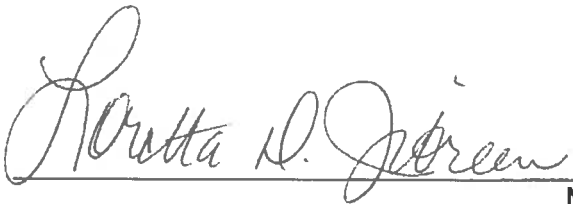
The foregoing instrument was acknowledged before me this 12th day of January, 2018, by Christopher S. Jenkins, as Manager of First and Main LLC, a Colorado limited liability company, Petitioner.

Witness my hand and official seal.

My Commission Expires: 10-24-2021

(Notary Seal)

LORETTA D JIBREEN
Notary Public
State of Colorado
Notary ID # 19894015550
My Commission Expires 10-24-2021



Public Notary

EXHIBIT A

LEGAL DESCRIPTION

Lot 1, First and Main Town Center Filing No. 6, as shown on the plat recorded in the real property records of El Paso County, Colorado

Proof of Publication

THE TRANSCRIPT
Colorado Springs, Colorado

STATE OF COLORADO, } ss.
COUNTY OF EL PASO }

I, Amy Sweet, Editor and COO, or the undersigned Authorized Agent of the Editor and COO, do solemnly swear that I am the Editor and COO, or Authorized Agent of the Editor and COO of The Transcript; that the same is a tri-weekly newspaper and published in the County of El Paso, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a tri-weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

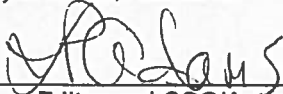
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said tri-weekly newspapers for the period of 1 consecutive insertion(s), and/or once each week and on the same days of each week; and that the first publication of said notice was in the issue of said newspaper dated:

07, MARCH, A.D. 2018.

And that the last publication of said notice was in the issue of said newspaper dated:

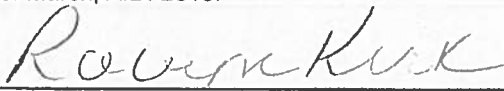
07, MARCH, A.D. 2018.

In witness whereof, I have hereunto set my hand this 7th day of March, A.D. 2018.



Editor and COO/Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 7th day of March, A.D. 2018.



Notary Public

ROBYN KIRK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20114063677
MY COMMISSION EXPIRES OCTOBER 5, 2019

NOTICE OF INCLUSION
NOTICE IS HEREBY GIVEN that there has been filed with the City Council of the City of Colorado Springs, Colorado, a petition praying for the inclusion of certain lands into the First and Main Business Improvement District No. 2.

1. The name and address of the petitioner and the description of the property mentioned in such petition is as follows:
Owner: First and Main, LLC,
a Colorado limited liability company
Address: 111 S. Tejon Street, Suite 222
Colorado Springs, Colorado 80903
Legal Description: Lot 1, First and Main Town Center Filing No. 6, as shown on the plat recorded in the real property records of El Paso County, Colorado

2. The prayer of the Petition is that the above property be included within the boundaries of the District.

3. The property sought to be included into the District is located entirely within the City of Colorado Springs, County of El Paso, State of Colorado, and the same is not included within any other county or within any other incorporated city, town, or city and county. Therefore, no notice of the proposed inclusion under Section 32-1-207(2), C.R.S., as amended, is required.

Accordingly, notice is hereby given to all interested persons to appear at the public hearing before the City Council of the City of Colorado Springs, to be held on the third floor of City Hall, 107 N. Nevada Avenue, Colorado Springs, Colorado, El Paso County, Colorado, on Tuesday, the 10th day of April, 2018, at 1:00 p.m. and show cause in writing, if any they have, why such petition should not be granted. The failure of any person in the existing District to file a written objection shall be taken as an assent on their part to the inclusion of the area described in this notice.

CITY OF COLORADO SPRINGS,
COLORADO
By: /s/ Sarah B. Johnson
City Clerk
Publication Date: March 7, 2018
Published in The Transcript
DT33054

Exhibit B