

ORDINANCE NO. 22 - 20

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO
THE BOUNDARIES OF THE MW RETAIL BUSINESS
IMPROVEMENT DISTRICT LOCATED NEAR THE
INTERSECTION OF WOODMEN AND MARKSHEFFEL
ROADS

WHEREAS, City Council received a Petition for Inclusion of Property (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") from the MW Retail Business Improvement District (the "District"); and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in *The Gazette*, calling for a public hearing on the inclusion 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 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. This Ordinance shall be in full force and effect into and after its final adoption and publication as provided by Charter.

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, whereupon the Property shall be included in the District.

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 April, 2022.

Finally passed: April 26, 2022



Council President

Mayor's Action:

- Approved on April 28, 2022.
- Disapproved on _____, based on the following objections:

John W. Sullivan
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
Sarah B. Johnson, City Clerk



[Signature]

Exhibit A

[Copy of Petition for Exclusion of Property]

**PETITION FOR INCLUSION OF PROPERTY
INTO
MW RETAIL BUSINESS IMPROVEMENT DISTRICT**

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

The undersigned, MW Colorado Springs, 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 MW Retail Business Improvement District ("District").

The undersigned hereby requests that the property legally described as Lot 2 and Tract B, "Tallgrass at the Ranch Filing No. 1" as recorded under Reception No. 222714899 in the records of El Paso County, Colorado (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 Lot 2 and Tract B, "Tallgrass at the Ranch Filing No. 1" as recorded under Reception No. 222714899 in the records of El Paso County, Colorado.

This is a verified petition.

Petitioner: MW Colorado Springs, LLC, a Colorado corporation

By: 
Name: John Boshart
Title: Founding Principal

Petitioner's
Street Address: 1827 N. Grant Street, #503
Denver, Colorado 80203

STATE OF Colorado)
) ss.
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 2 day of March, 2022, by John Eldred Boshart, as Founding principal of MW Colorado Springs, LLC, a Colorado limited liability company, Petitioner.

Witness my hand and official seal.

My Commission Expires: 7/15/2025

ABOLGHASEM ESMAEILI
NOTARY PUBLIC - STATE OF COLORADO
Notary ID #20214028290
My Commission Expires 7/15/2025

[Signature]
Notary Public

Exhibit B

[Proof of Publication]

138636

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 03/18/2022**
5035121.000

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 03/18/2022, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette

**SANDRA KING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184014369
MY COMMISSION EXPIRES MARCH 30, 2022**

Document Authentication Number
20184014369-637574

NOTICE OF INCLUSION
NOTICE IS HEREBY GIVEN that there has been filed with the City Council of the City of Colorado Springs, a petition praying for the inclusion of certain lands into the MW Retail Business Improvement District:
1. The name and address of the petitioner and the description of the properties mentioned in such petition are as follows:
Owner: MW Colorado Springs, LLC, a Colorado corporation
Address: 1927 N. Grant Street, #503
Denver, CO 80203
Description: Lot 2 and Tract B, "Tatlerpass at the Ranch" Filing No. 1st as recorded under Reception No. 222714899 in the records of El Paso County, Colorado.
2. The prayer of the petition is that the above properties be included into the MW Retail Business Improvement District.
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 at 10:00 a.m. on Tuesday, the 12th day of April, 2022, on the 3rd Floor of City Hall, 197 N. Nevada Avenue, Colorado Springs, El Paso County, Colorado, and show cause in writing, if any they have, why such petitions 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 inclusions of the areas described in this notice.
CITY OF COLORADO SPRINGS, COLORADO
By: /s/ _____
City Clerk
Published in The Gazette March 18, 2022.

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE MW RETAIL BUSINESS IMPROVEMENT DISTRICT LOCATED NEAR THE INTERSECTION OF WOODMEN AND MARKSHEFFEL ROADS” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 12, 2022; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 26th day of April 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 26th day of April 2022.


Sarah B. Johnson, City Clerk

1st Publication Date: April 15, 2022
2nd Publication Date: May 4, 2022

Effective Date: May 9, 2022

Initial: SB3
City Clerk