

ORDINANCE NO. 19-26

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO  
THE BOUNDARIES OF THE SOUTHWEST DOWNTOWN  
BUSINESS IMPROVEMENT DISTRICT

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

WHEREAS, in accord with the law, a public notice of the Petitions has been given and published in the Colorado Springs Daily Transcript, calling for a public hearing on the inclusion request set forth in the Petitions, 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 Properties 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, §§ 31-25-1201 through 31-25-1228, C.R.S.

Section 2. City Council finds and determines that the change in boundaries of the Southwest Downtown 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 Petitions 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 into 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 23<sup>rd</sup> day of April, 2019.

**Finally passed:** May 14<sup>th</sup>, 2019



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Council President

**Mayor's Action:**

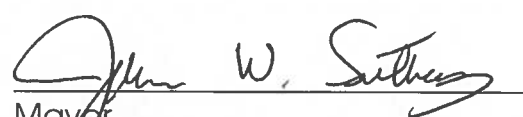
- Approved on May 17th, 2019.
- Disapproved on \_\_\_\_\_, based on the following objections:

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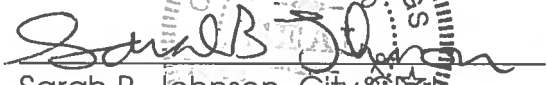
  
\_\_\_\_\_  
Mayor

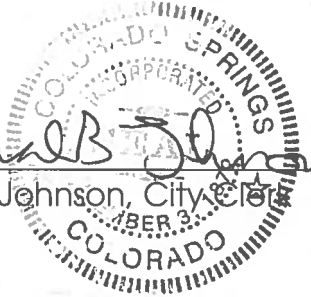
**Council Action After Disapproval:**


- 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



COS:   
CAO: TSF

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE SOUTHWEST DOWNTOWN BUSINESS IMPROVEMENT DISTRICT”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 23<sup>rd</sup>, 2019; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 14<sup>th</sup> day of May, 2019, 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 17<sup>th</sup> day of May, 2019.



Sarah B. Johnson, City Clerk

1<sup>st</sup> Publication Date: April 26<sup>th</sup>, 2019  
2<sup>nd</sup> Publication Date: May 22<sup>nd</sup>, 2019

Effective Date: May 27<sup>th</sup>, 2019

Initial: SBJ  
City Clerk

PETITION FOR INCLUSION OF PROPERTY  
into  
SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

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

The undersigned, DDJ No. 1, LLC, hereby respectfully petitions the City Council pursuant to Section 31-12-1220, C.R.S., for the inclusion of the hereinafter described land into the SW Downtown Business Improvement District ("District").

The undersigned hereby requests that the herein described property be included in said District and that an Ordinance be adopted by the City Council including said property in said District, and that from and after the entry of such Ordinance, said property and the improvements thereon shall be liable for all applicable taxes, assessments and other obligations of said District.

The undersigned represents to the City Council that 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.

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 description of said land situate in the County of El Paso, State of Colorado, is:

**SEE ATTACHED EXHIBIT A**

all in the City of Colorado Springs, State of Colorado.

This is a verified petition.

PETITIONER:  
DDJ NO. 1, LLC  
a Colorado limited liability company

By: [Signature]  
Name: David Jenkins  
Its: Manager

Address: 111 S. Tejon Street, Suite 222  
Colorado Springs, CO 80903

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

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of November, 2018, by David Jenkins as Manager of DDJ No. 1, 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
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[Signature]  
Notary Public

EXHIBIT A  
INCLUSION PROPERTY

Legal Description of Property to be Included:

LOTS 25, 26 AND THE WESTERLY 20.30 FEET OF LOT 27, ALL IN BLOCK 272, IN ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH THE SOUTHERLY 10 FEET OF ALLEYWAY VACATED BY ORDINANCE NO. 96-105 RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057 LOCATED ADJACENT TO SAID LOTS.

Also known as: 110 W Vermijo Avenue, COLORADO SPRINGS, CO (Assessor Schedule No. 6418306017);

LOTS 28, 29, 30, 31, 32 AND THE EASTERLY 4.70 FEET OF LOT 27, ALL IN BLOCK 272 OF ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH SOUTHERLY 10 FEET OF ALLEYWAY VACATED BY ORDINANCE NO. 96-105 RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057 LOCATED ADJACENT TO SAID LOTS.

Also known as: 114 W Vermijo Avenue, COLORADO SPRINGS, CO (Assessor Schedule No. 6418306016);

LOTS 23 AND 24, ALL IN BLOCK 272, IN ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH THE SOUTHERLY 10 FEET OF ALLEYWAY VACATED BY ORDINANCE NO. 96-105 RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057 LOCATED ADJACENT TO SAID LOTS.

Also known as: 118 W Vermijo Avenue, COLORADO SPRINGS, CO (Assessor Schedule No. 6418306018);

LOT 22, BLOCK 272, IN ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH THE SOUTHERLY 10 FEET OF ALLEYWAY VACATED BY ORDINANCE NO. 96-105 RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057 LOCATED ADJACENT TO SAID LOT.

Also known as: 122 W Vermijo Avenue, COLORADO SPRINGS, CO (Assessor Schedule No. 6418306019);

LOTS 17 AND 18, IN BLOCK 272, IN ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH THE SOUTHERLY 10 FEET OF ALLEYWAY VACATED BY ORDINANCE NO. 96-105 RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057 LOCATED ADJACENT TO SAID LOTS.

Also known as: 130 W Vermijo Avenue, Colorado Springs, CO (Assessor Schedule No. 6418306021);

LOTS 3, 4, 5, 6 AND THE EAST 2 1/2 FEET OF LOT 7 IN BLOCK 272 IN ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH THE NORTHERLY 10 FEET OF VACATED ALLEY ADJACENT TO SAID LOTS VACATED BY ORDINANCE RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057.

Also known as: 111 W. Cucharras Street, Colorado Springs, CO (Assessor's Schedule No. 64183-06-014);

LOTS 8 THROUGH 16, INCLUSIVE, AND THE WEST 22 1/2 FEET OF LOT 7 IN BLOCK 272, IN ADDITION NO. 1 TO THE CITY OF COLORADO SPRING, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH THE NORTHERLY 10 FEET OF VACATED ALLEY ADJACENT TO SAID LOTS VACATED BY ORDINANCE RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057;

Also known as: 119-121 W. Cucharras Street, Colorado Springs, CO (Assessor's Schedule No. 64183-06-013)



PETITION FOR INCLUSION OF PROPERTY  
into  
SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

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

The undersigned, CSJ No. 1, LLC, hereby respectfully petitions the City Council pursuant to Section 31-12-1220, C.R.S., for the inclusion of the hereinafter described land into the SW Downtown Business Improvement District ("District").

The undersigned hereby requests that the herein described property be included in said District and that an Ordinance be adopted by the City Council including said property in said District, and that from and after the entry of such Ordinance, said property and the improvements thereon shall be liable for all applicable taxes, assessments and other obligations of said District.

The undersigned represents to the City Council that 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.

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 description of said land situate in the County of El Paso, State of Colorado, is:

**SEE ATTACHED EXHIBIT A**

all in the City of Colorado Springs, State of Colorado.

This is a verified petition.

PETITIONER:  
CSJ NO. 1, LLC  
a Colorado limited liability company

By: Carolyn Jenkins  
Name: Carolyn Jenkins  
Its: Manager

Address: 111 S. Tejon Street, Suite 222  
Colorado Springs, CO 80903

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

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of November, 2018, by Carolyn Jenkins as Manager of DDJ No. 1, 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

Loretta D. Jibreen  
Notary Public

EXHIBIT A  
INCLUSION PROPERTY

Legal Description of Property to be Included:

LOTS 19, 20 AND 21, BLOCK 272, IN ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, TOGETHER WITH THE SOUTHERLY 10 FEET OF ALLEYWAY VACATED BY ORDINANCE NO. 69-105 RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057, LOCATED ADJACENT TO SAID LOTS.

Also known as: 124 W Vermijo Avenue, Colorado Springs, CO (Assessor Schedule No. 64183-06-020);

LOTS 1 AND 2, TOGETHER WITH THE NORTHERLY 10 FEET OF VACATED ALLEY ADJACENT TO SAID LOTS, VACATED BY ORDINANCE NO. 69-105 RECORDED JULY 25, 1996 UNDER RECEPTION NO. 96093057, BLOCK 272, ADDITION NO. 1 TO THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

Also known as: 103 W. Cucharras Street, Colorado Springs, CO (Assessor's Schedule No. 64183-06-015).

## NOTICE OF INCLUSION

NOTICE IS HEREBY GIVEN that there has been filed with the City Council of the City of Colorado Springs, petitions praying for the inclusion of certain lands into the SW Downtown Business Improvement District.

1. The name and address of the petitioners and the description of the properties mentioned in such petitions are as follows:

Owner 1: DDJ NO. 1, LLC  
Address 1: 111 S. Tejon St., Ste 222  
Colorado Springs, CO 80903

Owner 2: CSJ NO. 1, LLC  
Address 2: 111 S. Tejon St., Ste 222  
Colorado Springs, CO 80903

Description: Generally located south of W. Cucharras Street and east of S. Sierra Madre Street, in the City of Colorado Springs, El Paso County, Colorado. A full legal description can be provided upon request.

2. The prayer of the petitions are that the above properties be included into the SW Downtown 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 \_\_\_\_\_, on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_, 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

Proof of Publication

THE TRANSCRIPT  
Colorado Springs, Colorado

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

I, Amy Sweet, Publisher and Executive Editor, or the undersigned Authorized Agent of the Publisher and Executive Editor, do solemnly swear that I am the Publisher and Executive Editor, or Authorized Agent of the Publisher and Executive Editor 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:

08, APRIL, A.D. 2019.

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

08, APRIL, A.D. 2019.

In witness whereof, I have hereunto set my hand this 8th day of April, A.D. 2019.

*Cathy Reilly*

Publisher and Executive Editor / Authorized Agent

Subscribed and sworn to before me, a notary public in and for the County of El Paso, State of Colorado, this 8th day of April, A.D. 2019.

*Robyn Kirk*

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, petitions praying for the inclusion of certain lands into the SW Downtown Business Improvement District.

1. The name and address of the petitioners and the description of the properties mentioned in such petitions are as follows:

Owner 1: DDJNO 1, LLC  
Address 1: 111 S. Tejon St.  
Ste 222  
Colorado Springs, CO 80903  
Owner 2: CSJNO 1, LLC  
Address 2: 111 S. Tejon St.  
Ste 222  
Colorado Springs, CO 80903

Description: Generally located south of W. Cucharas Street and east of S. Sierra Madre Street, in the City of Colorado Springs, El Paso County, Colorado. A full legal description can be provided upon request.

2. The prayer of the petitions are that the above properties be included into the SW Downtown 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 1:00 p.m. on Tuesday, the 23rd day of April, 2019, on the 3rd Floor of City Hall, 107 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/ Sarah Johnson  
City Clerk

Publication Date: April 8, 2019  
Published In The Transcript  
DT35270