

ORDINANCE NO. 19-71

AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE USAFA VISITOR'S CENTER BUSINESS IMPROVEMENT DISTRICT

WHEREAS, City Council received a Petition for Exclusion (the "Petition") filed pursuant to C.R.S. § 31-25-1220 for the exclusion of certain property described in the Petition attached and made a part of this Ordinance as Exhibit "A" (the "Property") from the USAFA Visitors Center Business 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 Gazette, calling for a public hearing on the exclusion 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 exclusion of the Property from the District; and

WHEREAS, the Property sought to be excluded from 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 USAFA Visitors Center 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 exclusion of the Property from the boundaries of the District.

Section 4. This ordinance shall be in full force and effect from and after the last of the following to occur: (a) its final adoption and publication as provided by Charter and (b) after Ordinance 19-___ (the "Inclusion Ordinance") regarding the inclusion of certain property into the boundaries of the District, has become in full force and effect pursuant to the terms of the Inclusion Ordinance.

Section 5. Upon the filing of a certified copy of the Inclusion Ordinance with the County Clerk and Recorder of El Paso County, Colorado, the City Clerk is thereafter

directed to also file a certified copy of this Ordinance with the County Clerk and Recorder of El Paso County, Colorado.

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 8th day of October, 2019.

FINALLY PASSED: October 22nd, 2019




Council President


ATTEST:


Sarah B. Johnson, City Clerk


I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE USAFA VISTOR’S CENTER BUSINESS IMPROVEMENT DISTRICT”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 8th, 2019; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 22nd day of October, 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 22nd day of October, 2019.


Sarah B. Johnson, City Clerk



1st Publication Date: October 11th, 2019

2nd Publication Date: October 25th, 2019

Effective Date: October 30th, 2019

Initial: SBJ
City Clerk

IN THE MATTER OF THE)
)
USAFA VISITOR'S CENTER) PETITION FOR EXCLUSION
)
BUSINESS IMPROVEMENT DISTRICT)

The undersigned fee owner of real property situated in El Paso County, Colorado, does hereby petition the Board of Directors of said District that the land hereinafter described be excluded and taken from the District.

Your Petitioner represents as follows:

1. The undersigned is the fee owner of the real property set forth below and that such parcels, if more than one, are contiguous to each other.
2. The following described land at present constitutes a portion of the USAFA Visitor's Center Business Improvement District.
3. The legal description of the property sought to be excluded, all of which lies in El Paso County, Colorado, is as follows, to-wit:

SEE ATTACHED EXHIBIT A

4. The undersigned, constituting 100% of the owners of the land herein described, hereby assents to the exclusion of same from said District.

Petitioner: Great River Equities LLP
Address: 2435 Research Parkway, Suite 300
Colorado Springs, Colorado 80920

PETITIONER:

GREAT RIVER EQUITIES LLP,
a Colorado limited liability partnership

By: *Dan Schnepf*

Name: DANIEL J. SCHNEPF

Its: MANAGING MEMBER

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

The foregoing instrument was acknowledged before me this 26 day of September, 2019, by Daniel J. Schnepf as Managing Member of Great River Equities LLP.

Witness my hand and official seal.

My Commission Expires: 9.7.2020

(Notary Seal) JANET E TURLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124058546
MY COMMISSION EXPIRES SEPTEMBER 7, 2020

Janet E. Turley
Notary Public

EXHIBIT A
LEGAL DESCRIPTION
GRE/CSHP FILING NO. 1
A REPLAT OF LOT 1, BLOCK 3, BRIARGATE BUSINESS CAMPUS FILING NO. 1
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

**NOTICE OF EXCLUSION HEARING
USAFA VISITOR'S CENTER BUSINESS IMPROVEMENT DISTRICT**

NOTICE IS HEREBY GIVEN that there has been filed with the City of Colorado Springs, Colorado, a petition praying for the exclusion of certain lands from within the USAFA Visitor's Center Business Improvement District.

1. The name and address of the petitioner mentioned in such petition are as follows:

Petitioner: Great River Equities LLP
Address: 2435 Research Parkway, Suite 300
Colorado Springs, Colorado 80920

Legal Description: GRE/CSHP FILING NO. 1, A REPLAT OF LOT 1, BLOCK3, BRIARGATE BUSINESS CAMPUS FILING NO.1, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

2. The prayer of the petition is that the above property be excluded from within the USAFA Visitor's Center Business Improvement District.

3. The area sought to be excluded into the District is located entirely within the City of Colorado Springs.

Accordingly, notice is hereby given to all interested persons to appear at the public hearing of the City Council of the City of Colorado Springs at 10:00 a.m. on Tuesday, October 8, 2019, at 107 N. Nevada Avenue, Colorado Springs, Colorado, and show cause, if any they have, why such petition should not be granted.

By Order of the Colorado Springs City Clerk
By: */s/ Sarah b. Johnson*
City Clerk

72795

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 10/08/2019**

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.

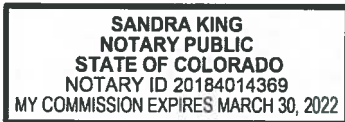


Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 10/08/2019, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette



Document Authentication Number
20184014369-961053

NOTICE OF EXCLUSION HEARING
USFAA VISITOR'S CENTER BUSINESS IMPROVEMENT DISTRICT

NOTICE IS HEREBY GIVEN that there has been filed with the City of Colorado Springs, Colorado, a petition praying for the exclusion of certain lands from within the USFAA Visitor's Center Business Improvement District.

- The name, and address of the petitioner mentioned in such petition are as follows:
 Petitioner: Great River Equities LLP
 Address: 2435 Research Parkway, Suite 300
 Colorado Springs, Colorado 80929
- The prayer of the petition is that the above property be excluded from within the USFAA Visitor's Center Business Improvement District.
- The area sought to be excluded into the District is located entirely within the City of Colorado Springs.

Accordingly, notice is hereby given to all interested persons to appear at the public hearing of the City Council of the City of Colorado Springs at 10:00 a.m. on Tuesday, October 8, 2019 (first reading) and 10:00 a.m. on Tuesday, October 22 (second reading) at 107 N. Nevada Avenue, Colorado Springs, Colorado, and show cause, if any they have, why such petition should not be granted.

By Order of the Colorado Springs City Clerk
 By: /s/ Sarah B. Johnson, City Clerk

Published On: October 8, 2019
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