

ORDINANCE NO. 24 - 92

AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM
THE BOUNDARIES OF THE GOLD HILL NORTH BUSINESS
IMPROVEMENT DISTRICT

WHEREAS, City Council received a petition filed pursuant to Section 31-25-1220, C.R.S., for the exclusion ("Exclusion") of certain property (the "Property") from the Gold Hill North Business Improvement District ("District") described in the Petition for Exclusion (the "Petition"), attached hereto and incorporated herein as Exhibit A; and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in the *Colorado Springs Gazette*, noticing the filing of such petition, the names of the petitioners, descriptions of the Property sought to be excluded, the request of said petitioners, and calling for a public hearing on the exclusion request set forth in the Petition, informing all persons having objections to appear at the time and place stated in said notice and show cause why the petition should not be granted, proof of publication for which is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, based upon the Petition and other evidence presented to City Council, the petition has been signed in conformity with Part 12 of Article 25 of Title 31, C.R.S., signatures on the Petition are genuine, and the signatures represent the persons who own the real or personal property to be excluded from the District, where at least fifty percent (50%) of the service area of the District will continue to be developed and used primarily as commercial property; 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 area 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. The above recitals are hereby incorporated into this Ordinance, are approved, and are effective.

Section 2. City Council, being fully informed, hereby 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 3. City Council, being fully informed, hereby finds and determines that the change in boundaries of the Gold Hill North Business Improvement District, as proposed in the Petition, does not adversely affect such District.

Section 4. Pursuant to Section 31-25-1220, C.R.S., City Council hereby grants the Petition and orders the exclusion of the Property described in the Petition from the boundaries of the Gold Hill North Business Improvement District.

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.

Section 6. This Ordinance shall be in full force and effect into and after its final adoption and publication as provided by Charter.

Section 7. City 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 2024.

Finally passed: October 22, 2024


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



EXHIBIT A

PETITION FOR EXCLUSION OF PROPERTY GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT

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

The petitioner, AIPA Colorado Investments, LLC, a Washington limited liability company (the "Petitioner"), hereby respectfully petitions the City Council (the "City Council") of the City of Colorado Springs (the "City") in accordance with Section 31-25-1220, C.R.S., for the exclusion of the property described below from the Gold Hill North Business Improvement District (the "District").

The Petitioner hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "Property"), be excluded from the District's boundaries and that an Ordinance be adopted by the City Council excluding the Property from the District's boundaries.

The Petitioner 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 Petitioner 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 exclusion, publication of the ordinance approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the land into said District, whether or not such exclusion is approved.

The Petitioner's name and address are as follows:

AIPA Colorado Investments, LLC
10500 NE 8th St., Ste. 1760
Bellevue, WA 98004

Remainder of page intentionally left blank. Signature page follows.

PETITIONER:

AIPA COLORADO INVESTMENTS, LLC,
a Washington limited liability company

Stephanie Edwards

Printed Name: Stephanie Edwards

Title: Executive Vice President

STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

The above and foregoing instrument was acknowledged before me this 18 day of September 2024, by Stephanie Edwards, as Executive Vice President of AIPA Colorado Investments, LLC.

WITNESS my hand and official seal.

(SEAL)

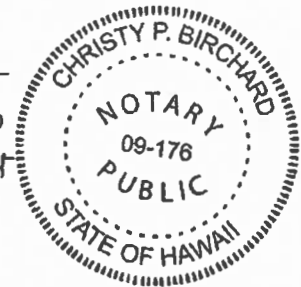
Christy P. Birchard

Notary Public Christy P. Birchard

My commission expires: 5-17-2025



Doc. Date: 9/18/2024 # Pages: 7
Notary Name: Christy P. Birchard 2nd Circuit
Doc. Description: Notarize for (stamp or seal)
Exclusion of Property Cold Hills
Maui Business Improvement District
Oh 9/18/2024
Notary Signature Date



Signature Page to Petition for Exclusion of Real Property



EXHIBIT A
(The Property)



EXHIBIT A

A portion of the Northeast Quarter of Section 14, Township 14 South, Range 67 West of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado, described as follows:

Bearings are based upon the East line of 21st Street, monumented at the Southwest corner of Gold Hill Mesa Filing No. 12, as recorded under Reception No. 224715281, records of El Paso County, with a No. 5 rebar and orange plastic cap stamped "PLS 38141", and at the Southeast corner of 21st Street and Broadway Avenue, also being the Southwest corner of Moore's Subdivision, as recorded under Reception No. 109842 of said records, with a No. 4 rebar, and is assumed to bear N 00°02'05" E, a distance of 1326.38 feet.

COMMENCING at the Southwest corner of said Gold Hill Mesa Filing No. 12, said corner being on the East line of said 21st Street;
thence N 00°02'05" E along said East line of 21st Street, a distance of 254.05 feet;
thence S 89°57'55" E, a distance of 1423.06 feet to a point on the West line of the Gold Hill North Metropolitan District No. 2 (East parcel), as recorded under Reception No. 221222560, and the POINT OF BEGINNING;
thence N 65°19'10" W, a distance of 5.73 feet;
thence N 24°40'50" E, a distance of 3.26 feet to the West line of said Gold Hill North Metropolitan District No. 2;
thence 6.59 feet along the West line of said Gold Hill North Metropolitan District No. 2, along the arc of a 116.85 foot radius curve to the right, having a central angle of 03°13'57" and a chord that bears S 35°39'27" E, 6.59 feet to the POINT OF BEGINNING.

Containing a total calculated area of 10 square feet of land, more or less.



Kirk P. Bode
Colorado Professional Land Surveyor No. 38254
For and on behalf of Barron Land, LLC

BARRON LAND

BOUNDARY Δ MAPPING Δ SURVEYING Δ CONSTRUCTION
2790 N. Academy Blvd. Suite 311 P: 719.360.6827
Colorado Springs, CO 80917 F: 719.466.6527

www.BARRONLAND.com

DATE: 08/22/2024

REV. DATE:

PROJECT No.: 22-062

SHEET 1 OF 2



EXHIBIT A



**EXISTING GOLD HILL
NORTH METRO DISTRICT No. 2 (EAST)
(RECEPTION No. 221222560)**

FOUND #4 REBAR
S.W. CORNER OF
MOORE'S SUBDIVISION

N 00°02'05" E 1326.38'
BASIS OF BEARINGS

LINE	BEARING	DISTANCE
L1	N 65°19'10" W	5.73'
L2	N 24°40'50" E	3.26'

L=6.59'
R=116.85'
Δ=3°13'57"
CB=S 35°39'27" E
CL=6.59'

POINT OF
BEGINNING

S 89°57'55" E 1423.06' (TIE)

21ST STREET

N 00°02'05" E 254.05'

**EXISTING GOLD HILL NORTH
BUSINESS IMPROVEMENT DISTRICT
(RECEPTION No. 221168099)**



FOUND #5 REBAR WITH ORANGE
PLASTIC CAP STAMPED "PLS 38141"
S.W. CORNER OF GOLD
HILL MESA FILING No. 12
POINT OF COMMENCEMENT

1" = 10'



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SHEET 2 OF 2



EXHIBIT A

A portion Gold Hill Mesa Filing No. 12, as recorded under Reception No. 224715281, records of El Paso County, lying within the Northeast Quarter of Section 14, Township 14 South, Range 67 West of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado, described as follows:

Bearings are based upon the East line of 21st Street, monumented at the Southwest corner of said Gold Hill Mesa Filing No. 12, with a No. 5 rebar and orange plastic cap stamped "PLS 38141", and at the Southeast corner of 21st Street and Broadway Avenue, also being the Southwest corner of Moore's Subdivision, as recorded under Reception No. 109842 of said records, with a No. 4 rebar, and is assumed to bear N 00°02'05" E, a distance of 1326.38 feet.

COMMENCING at the Southwest corner of said Gold Hill Mesa Filing No. 12, said corner being on the East line of said 21st Street;

thence N 00°02'05" E along said East line of 21st Street, a distance of 41.14 feet;

thence S 89°57'55" E, a distance of 1045.94 feet to the intersection of the East line of said Gold Hill Mesa Filing No. 12 and the South line of the Gold Hill North Business Improvement District, as recorded under Reception No. 221168099, and the POINT OF BEGINNING;

thence the following seven (7) courses along the South and West lines of said Gold Hill North Business Improvement District:

- 1) N 70°30'09" W, a distance of 16.92 feet;
 - 2) N 19°29'51" E, a distance of 79.00 feet;
 - 3) N 70°30'09" W, a distance of 467.09 feet;
 - 4) 52.40 feet along the arc of a 83.94 foot radius curve to the right, having a central angle of 35°46'03" and a chord that bears N 52°37'30" W, 51.55 feet;
 - 5) N 55°14'36" E, a distance of 19.64 feet;
 - 6) 69.05 feet along the arc of a 89.00 foot radius curve to the left, having a central angle of 44°27'06" and a chord that bears N 71°32'38" E, 67.33 feet;
 - 7) 106.83 feet along the arc of a 393.00 foot radius curve to the left, having a central angle of 15°34'29" and a chord that bears S 61°29'25" E, 106.50 feet;
- thence S 17°52'50" W, a distance of 9.81 feet;
thence S 70°30'09" E, a distance of 302.37 feet to the East line of said Gold Hill Mesa Filing No. 12;
thence the following two (2) courses along the East line of said Gold Hill Mesa Filing No. 12:
1) S 37°28'28" E, a distance of 72.37 feet;
2) S 19°29'51" W, a distance of 86.24 feet to the POINT OF BEGINNING.

Containing a total calculated area of 26,178 square feet (0.601 acres) of land, more or less.



Kirk P. Bode
Colorado Professional Land Surveyor No. 38254
For and on behalf of Barron Land, LLC

BARRON LAND

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SHEET 1 OF 2



EXHIBIT A

EXISTING GOLD HILL NORTH
BUSINESS IMPROVEMENT DISTRICT
(RECEPTION No. 221168099)

POINT OF
BEGINNING

72.37
S 37°28'28" E
86.24'
S 19°29'51" W
L2
N 19°29'51" E
79.00'

GOLD HILL MESA FILING No. 12
(RECEPTION No. 224715281)

S 70°30'09" E 302.37'
EXISTING GOLD HILL NORTH
BUSINESS IMPROVEMENT DISTRICT
(RECEPTION No. 221168099)
N 70°30'09" W 467.09'

EXISTING GOLD HILL NORTH
METRO DISTRICT No. 1
(RECEPTION No. 221222555)

LINE	BEARING	DISTANCE
L1	N 00°02'05" E	41.14'
L2	N 70°30'09" W	16.92'
L3	N 55°14'36" E	19.64'
L4	S 17°52'50" W	9.81'

S 89°57'55" E 1045.94' (TIE)

L=106.83'
R=393.00'
Δ=15°34'29"
CB=S 61°29'25" E
CL=106.50'

L=69.05'
R=89.00'
Δ=44°27'06"
CB=N 71°32'38" E
CL=67.33'

L=52.40'
R=83.94'
Δ=35°46'03"
CB=N 52°37'30" W
CL=51.55'



FOUND #5 REBAR WITH ORANGE PLASTIC CAP STAMPED "PLS 38141"
S.W. CORNER OF GOLD HILL MESA FILING No. 12
POINT OF COMMENCEMENT

FOUND #4 REBAR
S.W. CORNER OF
MOORE'S SUBDIVISION

GOLD HILL MESA FILING No. 12
(RECEPTION No. 224715281)

N 00°02'05" E 1326.38'
BASIS OF BEARINGS 21ST STREET



1" = 60'



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SHEET 2 OF 2

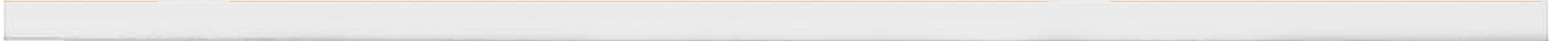


EXHIBIT A

A portion of the Northeast Quarter of Section 14, Township 14 South, Range 67 West of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado, described as follows:

Bearings are based upon the East line of 21st Street, monumented at the Southwest corner of Gold Hill Mesa Filing No. 12, as recorded under Reception No. 224715281, records of El Paso County, with a No. 5 rebar and orange plastic cap stamped "PLS 38141", and at the Southeast corner of 21st Street and Broadway Avenue, also being the Southwest corner of Moore's Subdivision, as recorded under Reception No. 109842 of said records, with a No. 4 rebar, and is assumed to bear N 00°02'05" E, a distance of 1326.38 feet.

COMMENCING at the Southwest corner of said Gold Hill Mesa Filing No. 12, said corner being on the East line of said 21st Street;

thence N 00°02'05" E along said East line of 21st Street, a distance of 656.64 feet;

thence S 89°57'55" E, a distance of 1368.62 feet to a point on the East line of the Gold Hill North Metropolitan District No. 2 (East parcel), as recorded under Reception No. 221222560, and the POINT OF BEGINNING;

thence the following two (2) courses along said East line of the Gold Hill North Metropolitan District No. 2 (East parcel):

1) N 22°37'57" E, a distance of 155.61 feet;

2) N 67°22'30" W, a distance of 3.00 feet;

thence N 22°37'57" E, a distance of 13.63 feet;

thence 39.90 feet along the arc of a 54.06 foot radius curve to the left, having a central angle of 42°16'51" and a chord that bears N 43°46'22" E, 39.00 feet;

thence N 22°37'57" E, a distance of 105.87 feet;

thence S 57°19'21" E, a distance of 547.17 feet;

thence S 15°46'44" W, a distance of 160.01 feet;

thence N 85°13'12" W, a distance of 138.72 feet;

thence N 65°21'15" W, a distance of 315.37 feet;

thence S 24°38'41" W, a distance of 30.00 feet;

thence N 65°21'15" W, a distance of 120.74 feet to the POINT OF BEGINNING.

Containing a total calculated area of 135,930 square feet (3.121 acres) of land, more or less.



Kirk P. Bode
Colorado Professional Land Surveyor No. 38254
For and on behalf of Barron Land, LLC

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PROJECT No.: 22-062

SHEET 1 OF 2

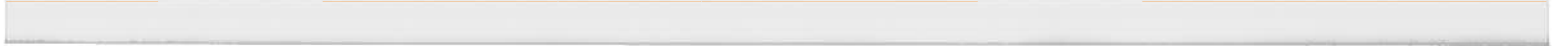
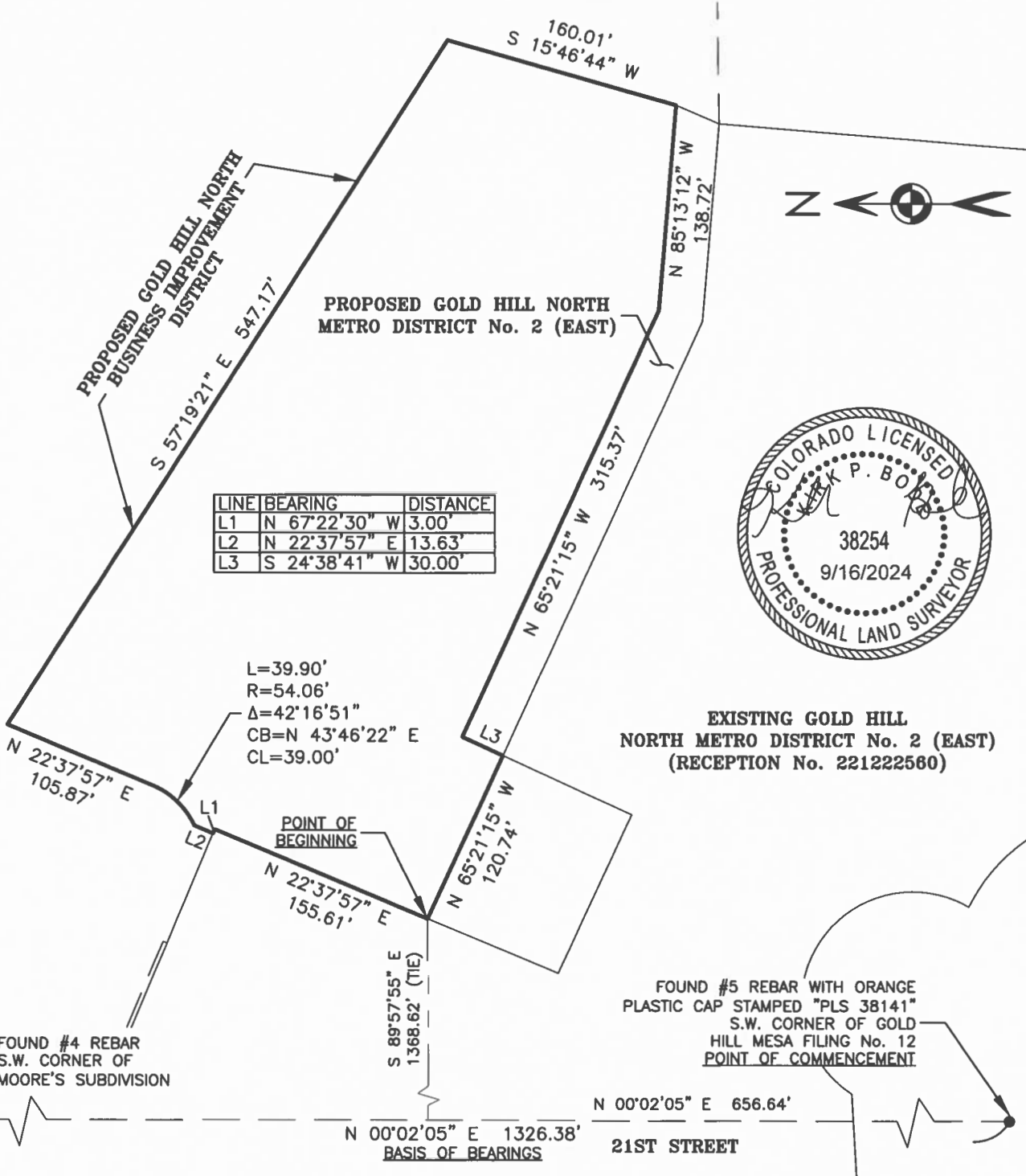


EXHIBIT A



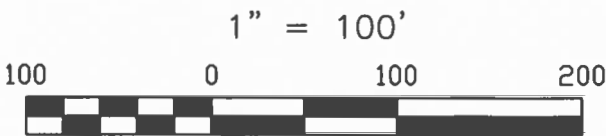
LINE	BEARING	DISTANCE
L1	N 67°22'30" W	3.00'
L2	N 22°37'57" E	13.63'
L3	S 24°38'41" W	30.00'



L=39.90'
 R=54.06'
 Δ=42°16'51"
 CB=N 43°46'22" E
 CL=39.00'

EXISTING GOLD HILL NORTH METRO DISTRICT No. 2 (EAST) (RECEPTION No. 22122560)

FOUND #5 REBAR WITH ORANGE PLASTIC CAP STAMPED "PLS 38141" S.W. CORNER OF GOLD HILL MESA FILING No. 12 POINT OF COMMENCEMENT



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DATE: 09/16/2024

REV. DATE:

PROJECT No.: 22-062

SHEET 2 OF 2



203723

EXHIBIT B

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Kate Dickens, 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 09/17/2024**

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.

Kate Dickens
Sales Center Agent

Subscribed and sworn to me this 09/18/2024, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires June 23, 2026.

Karen Hogan
Notary Public
The Gazette

**KAREN HOGAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224024441
MY COMMISSION EXPIRES 06/23/2026**

Document Authentication Number
20224024441-945320

PUBLIC NOTICE
NOTICE OF EXCLUSION

NOTICE IS HEREBY GIVEN that there has been filed with the City of Colorado Springs a Petition praying for the exclusion of certain lands from the Gold Hill North Business Improvement District.

1. The name and address of the Petitioner and the description of the property mentioned in such Petition is as follows:
 Owner: AIPA Colorado Investments, LLC
 Address: 10500 NE 8th St, Ste. 1700
 Bellevue, WA 98004

Legal Description: Parcels located in Gold Hill Mesa Filing No. 11, as recorded under Reception No. 212715041; Gold Hill Mesa Filing No. 12, as recorded under Reception No. 224715281; together with a portion of the Northeast Quarter of Section 14, Township 14 South, Range 67 West of the 6th P.M., 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 the Gold Hill North Business Improvement District.

Accordingly, notice is hereby given to all interested persons to appear for the first reading at a 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, El Paso County, Colorado on Tuesday, the 23rd day of October, 2024, at 10:00 a.m. and show cause in writing, if any they have, why such Petition should not be granted.

Notice is hereby further given to all interested persons to appear for the second reading at a 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, El Paso County, Colorado on Tuesday, the 29th day of October, 2024, at 10:00 a.m. and show cause in writing, if any they have, why such Petition should not be granted.

The City Clerk of the City of Colorado Springs shall cause notice of the filing of such Petition to be given and published, which notice shall state the filing of such petition, the names of the petitioners, descriptions of the property sought to be excluded, and the request of said petitioners, the City of Colorado Springs, at the time and place mentioned or at any time to which the hearing may be adjourned, shall proceed to hear the petition and all objections thereto which may be presented by any person showing cause why said petition should not be granted.

CITY OF COLORADO SPRINGS, COLORADO
 By: /s/ City Clerk
 Published in The Gazette September 17, 2024.



I HEREBY CERTIFY that the foregoing ordinance entitled "**AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF THE GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT**" was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on October 8, 2024; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 22nd day of October 2024, 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 22nd day of October 2024.


Sarah B. Johnson, City Clerk

1st Publication Date: October 11, 2024

2nd Publication Date: October 25, 2024

Effective Date: October 30, 2024

Initial: SBJ
City Clerk

