ORDINANCE NO. 24 - 91

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO 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 inclusion ("Inclusion") of certain property (the "Property") into the Gold Hill North Business Improvement District ("District") described in the Petition for Inclusion (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 included, the request of said petitioners, and calling for a public hearing on the inclusion 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 <u>Exhibit B</u>; 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 included in 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 inclusion of the Property into the District; and

WHEREAS, the area sought to be included 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 inclusion of the Property into the boundaries of the 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

PETITION FOR INCLUSION OF PROPERTY GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT

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

The petitioners, AIPA Colorado Investments, LLC, a Washington limited liability company, and Gold Hill Development LLC, a Washington limited liability company (collectively, the "Petitioners"), hereby respectfully petition 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 inclusion of the property described below into the Gold Hill North Business Improvement District (the "District").

The Petitioners hereby request that the property described in **Exhibit A**, attached hereto and incorporated herein (the "Property"), be included into the District's boundaries and that an Ordinance be adopted by the City Council including the Property into the District's boundaries, 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 Petitioners represent to the City Council they are collectively 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 Petitioners agree that they 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 Petitioners' names and addresses are as follows:

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

Gold Hill Development LLC 142 S Raven Mine Dr., Ste. 200 Colorado Springs, CO 80905

Remainder of page intentionally left blank. Signature page follows.

AIPA COLORADO INVESTMENTS, LLC, a Washington limited liability company STATE OF AWAY COUNTY OF MALL The above and foregoing instrument was acknowledged before me this 2024, by Stephanie Edwards, as Greative Vice Westletof AIPA Colorado Investments, LLC. WITNESS my hand and official seal. (SEAL) Notary Public Christ Porchard My commission expires: 5-17-2025

PETITIONERS:

Signature Page to Petition for Inclusion of Real Property

Printed Name: Stephanie Edw	ards
Printed Name: Stephanie Edw Title: Correlle Vice Preside	nt
STATE OF HAWAU) ss.	
The above and foregoing instrument was acknowled 2024, by Stande Educated, Development LLC.	edged before me this 18 day of Sentenbras day of Gold Hill
WITNESS my hand and official seal.	
(SEAL)	Notary Public Christy Projection
My commission expires: 5-17-7025	ζφ.
Doc. Date:	NOTA DO 176 NOTA

GOLD HILL DEVELOPMENT LLC, a Washington limited liability company

Signature Page to Petition for Inclusion of Real Property

EXHIBIT A (The Property)

That parcel of land as described under Book 5140, Page 651, records of El Paso County, lying within the Southeast Quarter of Section 11, Township 14 South, Range 67 West of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado, more particularly described as follows:

Bearings are based upon the Southerly Right—of—Way line of State Highway 24, as recorded under Book 1961, Page 983, monumented at the North angle point of Lot 1, Cimarron Subdivision Filing No. 1, as recorded under Reception No. 205055469, records of El Paso County, with a 1" pipe, and at the Southeast corner of said parcel of land as described under Book 5140, Page 651 of said records, with a 1" pipe, and is assumed to bear S 55°24'20" E, a distance of 503.48 feet.

BEGINNING at the Southeast corner of said parcel of land as described under Book 5140, Page 651; thence S 89°55'48" W along the South line of said parcel of land as described under Book 5140, Page 651, said line also being the North line of the Gold Hill North Business Improvement District, as recorded under Reception No. 221168099; a distance of 264.86 feet;

under Reception No. 221168099; a distance of 264.86 feet; thence N 00°02'05" E along the West line of said parcel of land as described under Book 5140, Page 651, a distance of 182.92 feet to the Southerly Right—of—Way line of said State Highway 24; thence S 55°24'20" E along said Right—of—Way, a distance of 321.61 feet to the POINT OF BEGINNING.

Containing a total calculated area of 24,224 square feet (0.556 acres) of land, more or less.



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



BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION

P: 719.360.6827

2790 N. Academy Blvd. Suite 311 Colorado Springs, CO 80917

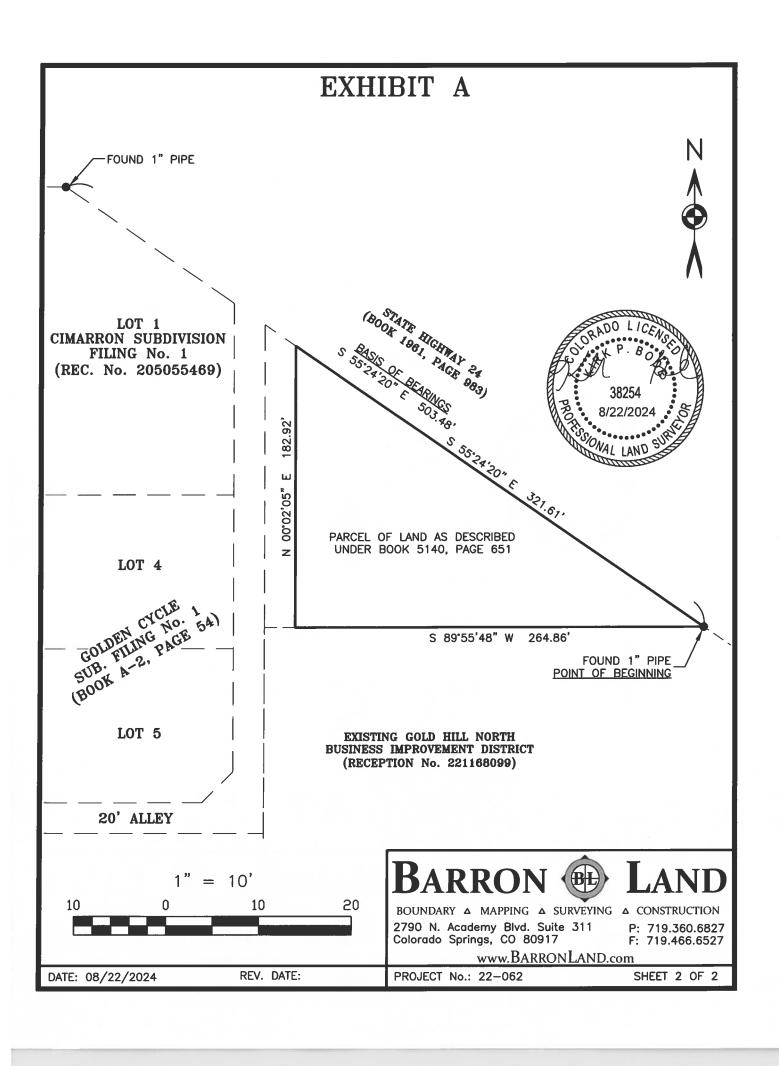
F: 719.466.6527

www.BARRONLAND.com

DATE: 08/22/2024

REV. DATE:

PROJECT No.: 22-062



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 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 North line of the Gold Hill North Metropolitan District No. 1, as recorded under Reception No. 221222555, and the POINT OF BEGINNING;

thence the following three (3) courses along the North line of said Gold Hill North Metropolitan District No.

1) S 70°30'09" E, a distance of 210.38 feet;

2) 75.01 feet along the arc of a 163.00 foot radius curve to the left, having a central angle of 26°22'01" and a chord that bears S 83°41'10" E, 74.35 feet;

3) S 14°23'02" E, a distance of 12.40 feet to an angle point of said Gold Hill Mesa Filing No. 12, said point also being the most Westerly Northwest corner of Gold Hill Mesa Filing No. 10, as recorded under Reception No. 220714607;

thence the following four (4) courses along the North line of said Gold Hill Mesa Filing No. 12:

1) S 84°55'33" W, a distance of 24.74 feet;

2) 70.96 feet along the arc of a 120.00 foot radius curve to the right, having a central angle of 33°52'53" and a chord that bears N 87°26'35" W, 69.93 feet;

3) N 70°30'09" W, a distance of 200.29 feet;

4) N 19°29'51" E, a distance of 24.00 feet to the POINT OF BEGINNING.

Containing a total calculated area of 6,423 square feet (0.147 acres) of land, more or less.



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



BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION 2790 N. Academy Blvd. Suite 311 P: 719.360.682

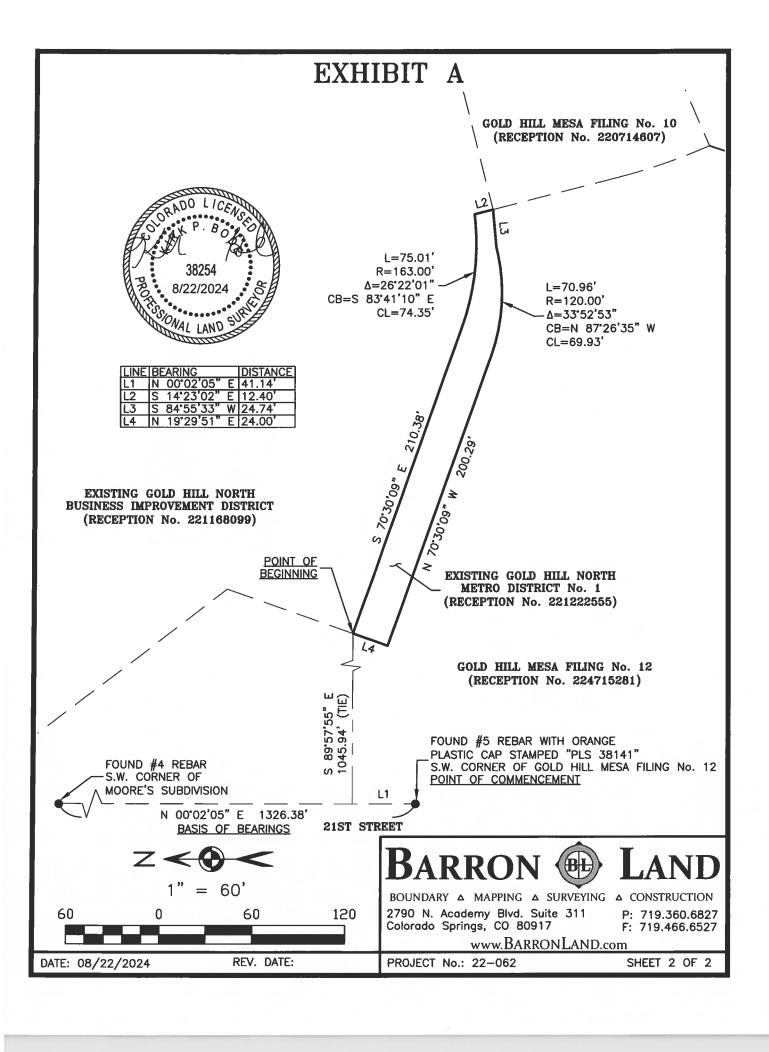
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 Colorado Springs, CO 80917
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DATE: 08/22/2024 REV. DATE:

PROJECT No.: 22-062



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 390.27 feet;

thence S 89°57'55" E, a distance of 1358.07 feet to a point on the East line of the Gold Hill North Business Improvement District, as recorded under Reception No. 221168099, and the POINT OF BEGINNING; thence S 65°21'15" E, a distance of 51.45 feet;

thence S 24°38'45" W, a distance of 40.95 feet;

thence 24.46 feet along the arc of a 69.00 foot radius curve to the right, having a central angle of

20°18'26" and a chord that bears S 80°32'38" E, 24.33 feet; thence S 70°23'25" E, a distance of 35.34 feet; thence S 24°40'50" W, a distance of 62.03 feet to a point on the East line of said Gold Hill North Business Improvement District;

thence the following two (2) courses along the East line of said Gold Hill North Business Improvement

1) 55.03 feet along the arc of a 116.85 foot radius curve to the left, having a central angle of 26'58'53" and a chord that bears N 50'45'52" W. 54.52 feet:

2) 107.43 feet along the arc of a 74.00 foot radius curve to the left, having a central angle of 83°10'34" and a chord that bears N 11°03'23" W, 98.24 feet to the POINT OF BEGINNING.

Containing a total calculated area of 3,455 square feet (0.079 acres) of land, more or less.



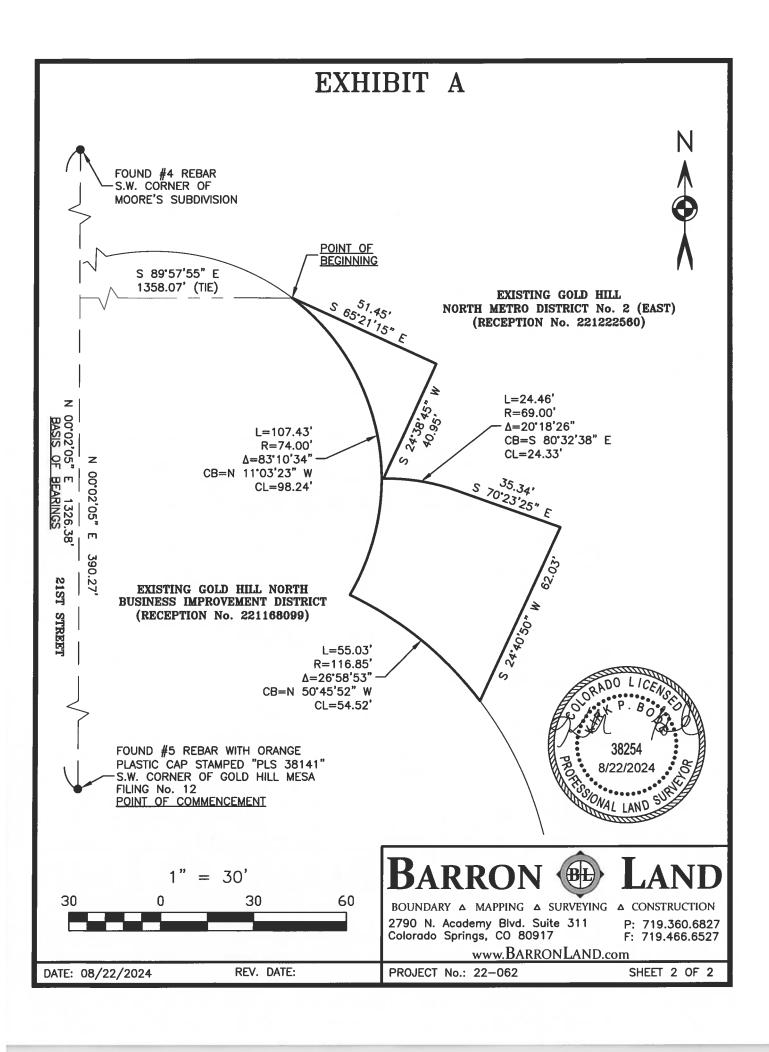
Kirk P. Bode Colorado Professional Land Surveyor No. 38254 For and on behalf of Barron Land, LLC



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

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DATE: 08/22/2024 **REV. DATE:** PROJECT No.: 22-062



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 S 65°19'10" E, a distance of 109.37 feet;

thence S 80°23'25" E, a distance of 60.17 feet;

thence N 59°36′35″ E, a distance of 77.14 feet; thence N 24°36′35″ E, a distance of 103.09 feet; thence S 65°21′15″ E, a distance of 24.93 feet;

thence S 85°14'49" E, a distance of 177.38 feet to the East line of said Gold Hill North Metropolitan District No. 2;

thence S 04°46'48" W along the East line of said Gold Hill North Metropolitan District No. 2, a distance of 141.40 feet to the North line of Gold Hill Mesa Filing No. 10, as recorded under Reception No. 220714607;

thence the following two (2) courses along the North line of said Gold Hill Mesa Filing No. 10: 1) 196.15 feet along the arc of a 612.00 foot radius curve to the left, having a central angle of

18°21'50" and a chord that bears S 84°47'53" W, 195.31 feet; 2) S 75°36'58" W, a distance of 219.79 feet to the West line of said Gold Hill North Metropolitan District

thence the following two (2) courses along the West line of said Gold Hill North Metropolitan District No. 2: 1) N 14°23'13" W, a distance of 128.95 feet;

2) 40.08 feet along the arc of a 116.85 foot radius curve to the left, having a central angle of 19°39'12" and a chord that bears N 24°12'52" W, 39.89 feet to the POINT OF BEGINNING.

Containing a total calculated area of 55,884 square feet (1.283 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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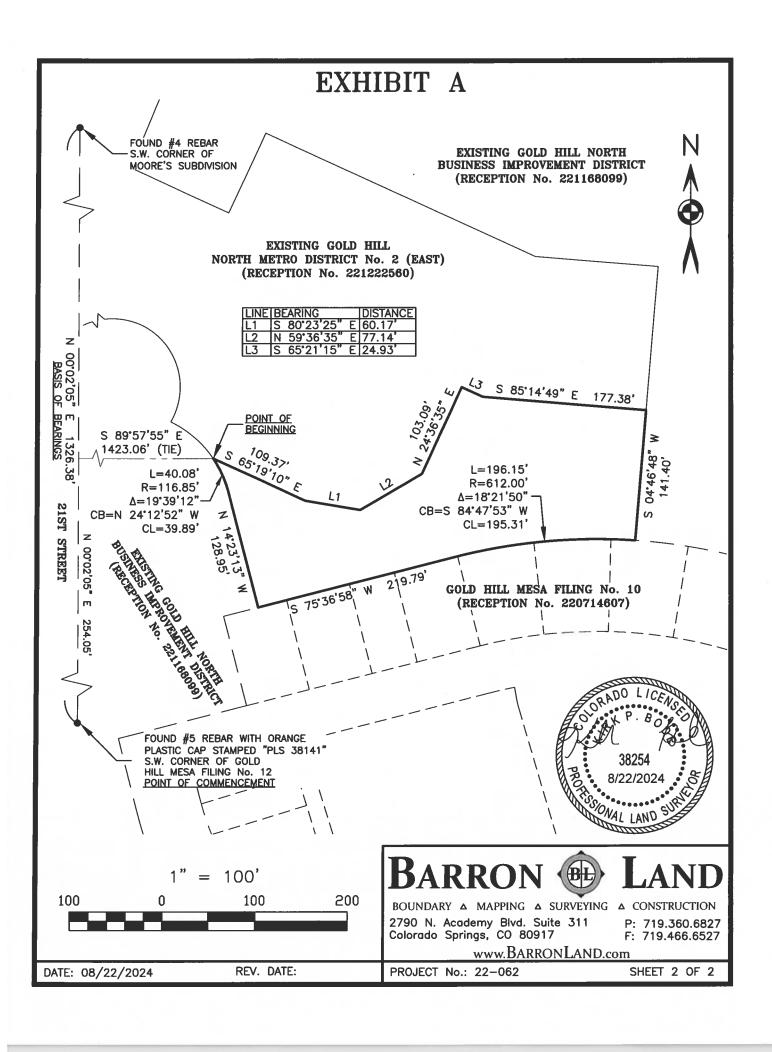


EXHIBIT B

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.

Laren Degan

ate Duken

Karen Hogan Notary Public The Gazette

> KAREN HOGAN NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20224024441 MY COMMISSION EXPIRES 06/23/2028

Document Authentication Number 20224024441-953140

PUBLIC NOTICE

NOTICE OF INCLUSION

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

The names and addresses of the Petitioners and the de scription of the property mentioned in such Petition are as follows:

Owner: AIPA Colorado Investments, LLC Address: 10500 NE 8th St., Ste. 1760

Legal Description: Parcels located in Gold hill Mesa Filing No. 1 as recorded under Reception No. 2273 [504]. Gold Hill Mesa Filing No. 1 12. as recorded under Reception No. 22415 [28], together with a potion of the Northeast Quarter of Section 14. Township 14 South, Rango 57 West of the 6th P.M., City of Colorado Springs, County of El Pas State of Chorado

Owner: Gold Hill Development LLC Address: 142 S Raven Mine Dr., Ste. 200 Colorado Sorinos, CO 80905

Legal Description: Parcels located in a portion of Gold Hill Mesa Piling No. 11. as recorded under Reception No. 227175641, Gold Hill Mesa Filing No. 12, as recorded under Reception No. 22717561, Gold Hill Mesa Filing No. 12, as recorded under Reception No. 224715281, cocether with a portion of the Northeast Qualer of Section 14, Township 16 South, Range 67 and a portion of the Southwest Quarter of Section 15, mortion of the Control of the Southwest Quarter of Section 15, mortion to 10 to 1

2. The prayer of the Petition is that the above properties be

Accordingly, notice is hereby given to all interested persons to a pear for the first reading at a public hearing before the City Council the City of Colorado Springs, to be held on the third floor of City Na 137 N. Nevada Avenue, Colorado Springs, El Pasa County, Colorado Tuesday, the 6th day of October, 2074, at 10:00 a.m. and show caus in writing, I ary they have, why such Petition should not be gran in writing. If any they have, why such Petition should not be gran.

Notice is hereby further given to all interested persons to appear for the second reading at a public hearing before the Gity Council of the City of Color and Springs, to be held on the third floor of City Mall, 107 N. Nevada Avenue, Colorado Springs, EI Paso County, Colorado on Tuesday, the 22nd day of October, 2014, 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 thing of such Petilion to be given and published, which notice shall state the filing of such petilion not expense of the petilioners, describions of the property sought to be included, and the request of appetitioners. The City of Colorado Springs, at the time and place mentioned or at any time to which the hearing may be adjounced, shall proceed to hear the petition and all objections thereto which may be presented by any person showing causes why said petition showled.

CITY OF COLORADO SPRINGS, COLORAD

y: /s/ City Clerk

Published in The Gazette September 17, 202-

I HEREBY CERTIFY that the foregoing ordinance entitled <u>"AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT"</u> 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 31, 2024

Effective Date: November 6, 2024

Initial: <u>505</u>

City Clerk

