



Erin K. Stutz
Attorney

303-858-1800
estutz@wbapc.com

August 15, 2024

VIA E-MAIL

Kyle Fenner, Senior Planner
Land Use Review (LUR) Division
City of Colorado Springs
30. S. Nevada Avenue
Colorado Springs, CO
Kyle.Fenner@coloradosprings.gov

Re: Gold Hill North Business Improvement District - Request for Boundary Adjustments

Dear Ms. Fenner:

Our firm serves as general counsel to the Gold Hill North Business Improvement District (the “**District**”), which is located wholly within the limits of the City of Colorado Springs (the “**City**”). Pursuant to Section 31-25-1220, C.R.S., and the District’s Operating Plan, the District is seeking to include certain properties into and exclude certain properties from the boundaries of the District. The proposed properties are generally located west of HWY 25 on the site of the former Golden Cycle Mill as more fully described in the Petitions for Inclusion and Exclusion enclosed with this letter. The inclusion property is being developed for commercial purposes and is eligible to be within the District’s boundaries pursuant to Section 31-25-1203(10), C.R.S. The exclusion property will be used for residential purposes and is statutorily ineligible to be within the District’s boundaries. The exclusion property will be included into one of Gold Hill North Metropolitan District Nos. 1 and 2. The following documents are enclosed with this letter: (1) draft Petitions for Inclusion and Exclusion of Property; (2) draft Notices of Inclusion and Exclusion of Property; (3) a map showing the location of the property and the current District boundaries; and (4) draft Ordinances Including and Excluding Certain Properties from the District. In addition, the District’s application fee in the amount of \$1,600 was paid to the City on August 14, 2024.

As the property to be included and excluded from the BID is currently located within the Colorado Springs Urban Renewal Authority (the “**URA**”), the inclusion and exclusion of the property into the District will not impact the URA’s activities.

August 15, 2024

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Once a hearing date has been set, we will publish the Notices of Inclusion and Exclusion on behalf of the City in *The Gazette*.

The District requests the City Council approve the inclusion and exclusion. Please feel free to contact us with any questions.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON

A handwritten signature in black ink, appearing to read "Erin K. Stutz". The signature is written in a cursive style with a large initial "E" and a long, sweeping underline.

Erin K. Stutz
Attorney

Enclosures

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.

1. The names and addresses of the Petitioners and the description of the property mentioned in such Petition are as follows:

Owner: AIPA Colorado Investments, LLC

Address: 10500 NE 8th St Ste 1760
Bellevue, WA 98004

Legal Description: Parcels located in the Gold Hill Mesa Filing No. 11, as recorded under Reception No. 222715041, 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

Owner: Gold Hill Neighborhood, LLC

Address: 142 S Raven Mine Dr Ste 200
Colorado Springs, CO 80905

Legal Description: Parcels located in a portion of the Gold Hill Mesa Filing No. 11, as recorded under Reception No. 222715041, 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 and a portion of the Southwest Quarter of Section 11, 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

2. The prayer of the Petition is that the above properties be included into 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 24th day of September, 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 8th 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 included, 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

**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 Neighborhood, LLC, a Colorado 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”).

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.

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.

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.

Petitioners’ names and addresses are as follows:

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

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

Remainder of page intentionally left blank. Signature page follows.

EXHIBIT A
(The Property)

ORDINANCE NO. 24__

AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO
THE BOUNDARIES OF THE GOLD HILL NORTH BUSINESS
IMPROVEMENT DISTRICT

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") into the Gold Hill North 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 from 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 into 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 ____ day of _____, 2024.

Finally passed: _____

Council President

Mayor's Action:

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

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: ____

Exhibit A

[Copy of Petition for Inclusion of Property]

COS: ____
CAO: ____

Exhibit B

[Proof of Publication]

COS: ____
CAO: ____

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 names and addresses of the Petitioners and the description of the property mentioned in such Petition is as follows:

Owner: AIPA Colorado Investments, LLC

Address: 10500 NE 8th St. Ste. 1760
Bellevue, WA 98004

Legal Description: Parcels located in the Southeast Quarter of Section 11, the Northwest Quarter of Section 13, and 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

Owner: Gold Hill Neighborhood, LLC

Address: 142 S Raven Mine Dr Ste 200
Colorado Springs, CO 80905

Legal Description: Parcel located in 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 properties 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 24th day of September, 2024, at 10:00 a.m. and show cause in writing, if any they have, why such Petition should not be granted.

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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

**PETITION FOR EXCLUSION 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 Neighborhood, LLC, a Colorado 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 exclusion of the property described below from the Gold Hill North Business Improvement District (the “District”).

Petitioners hereby request 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.

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.

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 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.

Petitioners’ names and addresses are as follows:

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

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

Remainder of page intentionally left blank. Signature page follows.

GOLD HILL NEIGHBORHOOD, LLC,
a Colorado limited liability company

Printed Name: _____

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The above and foregoing instrument was acknowledged before me this _____ day of _____
2024, by _____, as _____ of Gold Hill
Neighborhood, LLC.

WITNESS my hand and official seal.

(SEAL)

Notary Public

My commission expires: _____

EXHIBIT A
(The Property)

ORDINANCE NO. 24__

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

WHEREAS, City Council received a Petition for Exclusion of Property (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 Gold Hill North 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 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 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 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 excluded from 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 ____ day of _____, 2024.

Finally passed: _____

Council President

Mayor's Action:

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

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: ____

Exhibit A

[Copy of Petition for Exclusion of Property]

COS: ____
CAO: ____





Exhibit B

[Proof of Publication]

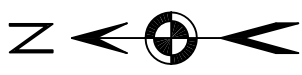
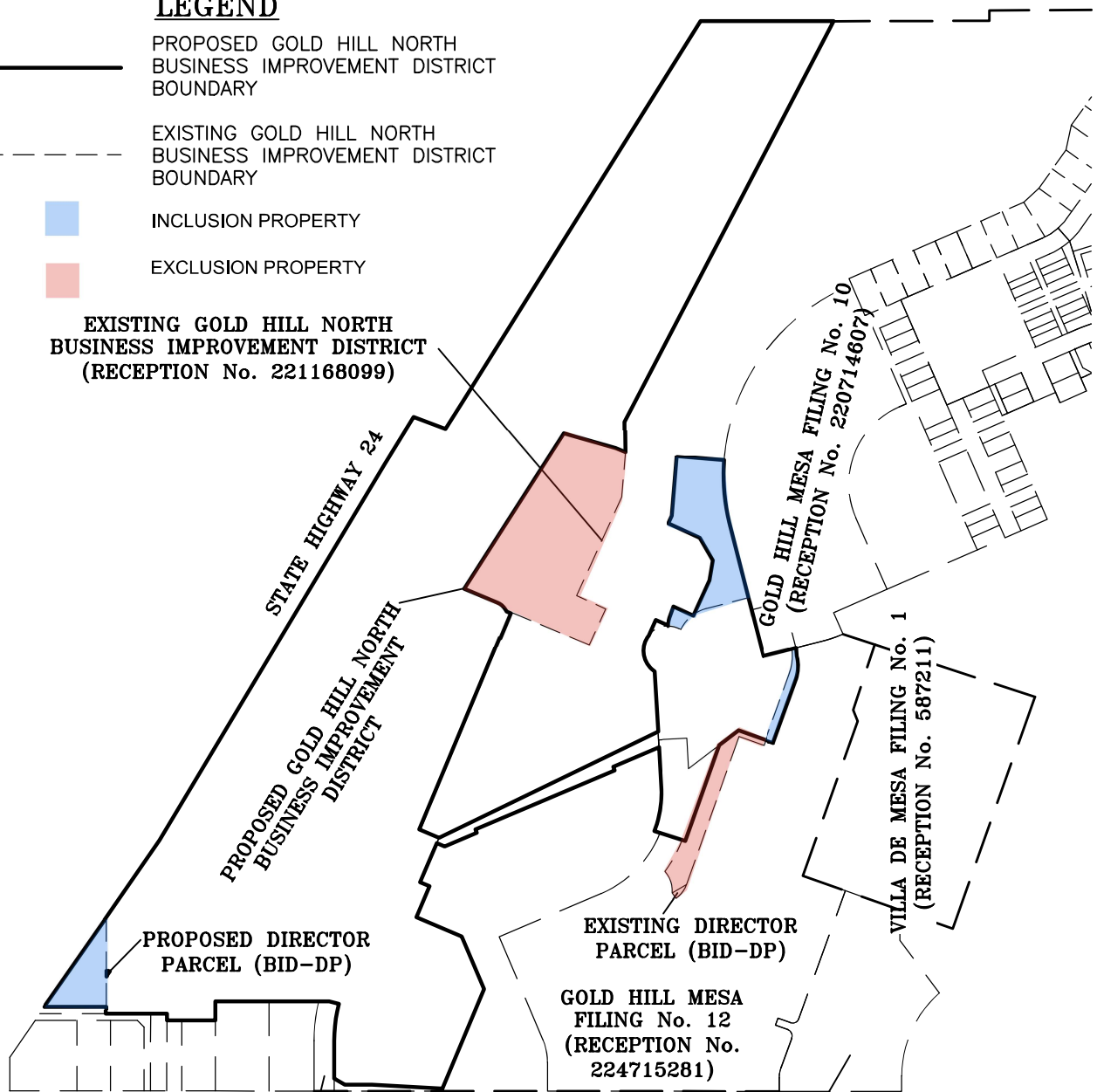
COS: ____
CAO: ____

PROPOSED & EXISTING GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT EXHIBIT

LEGEND

-  PROPOSED GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT BOUNDARY
-  EXISTING GOLD HILL NORTH BUSINESS IMPROVEMENT DISTRICT BOUNDARY
-  INCLUSION PROPERTY
-  EXCLUSION PROPERTY

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



1" = 500'



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