

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB24

ORDINANCE NUMBER: 2016-24

TITLE: AN ORDINANCE STATING THE INTENT OF THE CITY OF BLACK HAWK TO ACQUIRE CERTAIN PROPERTIES FOR OPEN SPACE AND RECREATIONAL PURPOSES WITHIN THE MEANING OF C.R.S. § 38-6-101, AND C.R.S. § 31-25-201

WHEREAS, the City of Black Hawk, Colorado possesses the power of eminent domain pursuant to the provisions of Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter, C.R.S. § 38-1-101, *et seq.*, C.R.S. § 38-6-101, *et seq.*, and C.R.S. § 31-25-201 ; and

WHEREAS, the City of Black Hawk wishes to acquire the properties more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, which properties are hereinafter referred to as the "Subject Properties," said Subject Properties to be acquired for open space and recreational purposes within the meaning of Article XX, § 1 of the Colorado Constitution, Article 8, Section 4 of the City of Black Hawk Home Rule Charter, C.R.S. § 38-6-101, and C.R.S. § 31-25-201.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Notice is hereby given that the City of Black Hawk, Colorado, intends to acquire the Subject Properties.

Section 2. The acquisition of the Subject Properties, and each of them individually and collectively, serve the public purposes of providing open space and a further public recreational purpose of a recreational trail system, and is necessary and essential to the City's ability to provide such facilities for the City within the meaning of C.R.S. § 38-6-101, C.R.S. § 31-25-201, and C.R.S. § 31-25-201. Said purposes are specifically authorized as set forth above and pursuant to Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter.

Section 3. The City further finds and determines as follows:

- A. The City of Black Hawk finds that consistent with its home rule eminent domain authority, that the purpose of providing open space and the recreational trail purpose for which the Subject Properties are sought constitutes a valid public purpose within the meaning of Article XX, § 1

of the Colorado Constitution, C.R.S. § 38-6-101, and C.R.S. § 31-25-201;
and

- B. That it is necessary and essential that the City acquire the Subject Properties for the public purposes set forth herein.

Section 4. The staff of the City is directed to comply with all requirements of applicable law in the conduct of the within authorized eminent domain action.

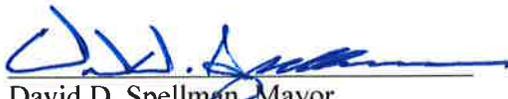
Section 5. In the prosecution of the within authorized eminent domain action, the City shall retain all rights and powers lawfully delegated to it by the Colorado Constitution, the City of Black Hawk Home Rule Charter, and C.R.S. § 38-1-101, et seq.

Section 6. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 28th day of September, 2016.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, City Clerk

EXHIBIT A

Government Lot 72

Section 6, Township 3 South, Range 72 West

Buckeye Tract

Section 7, Township 3 South, Range 72 West

