



STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB14

ORDINANCE NUMBER: 2023-14

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 20, CONSISTING OF CONTIGUOUS UNINCORPORATED TERRITORY IN GILPIN COUNTY ALSO KNOWN AS A PORTION OF THE LAKE GULCH WHISKEY RESORT ANNEXATION

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the City Council of the City of Black Hawk, Colorado, written petition(s) for annexation to and by the City of Black Hawk, Colorado, of that property described in attached **Exhibit A**, being contiguous unincorporated territory, situated, lying and being in the County of Gilpin, State of Colorado;

WHEREAS, the City Council of the City of Black Hawk, Colorado, has conducted a public hearing on June 14, 2023, as required by law to determine the eligibility for annexation of that property described in attached **Exhibit A**;

WHEREAS, the City Council of the City of Black Hawk, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in attached **Exhibit A** and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the City of Black Hawk, Colorado;

WHEREAS, the City Council of the City of Black Hawk, Colorado, by resolution determined that the applicable parts of C.R.S. §§ 31-12-104 and 31-12-105 have been met, that an election is not required under C.R.S. § 31-12-107(2), and that no additional terms and conditions are to be imposed;

WHEREAS, it is the opinion of the City Council that it is desirable and necessary that the property described in the attached **Exhibit A** be annexed to the City; and

WHEREAS, it is in the best interest of the City and its citizens to annex said parcel.

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

Section 1. The annexation by and to the City of Black Hawk, State of Colorado, of that property described in attached **Exhibit A**, situated, lying and being in the County of Gilpin, State of Colorado, meets all requirements of law and the annexation policy of the City of Black Hawk, and therefore, said annexation is hereby approved and made effective.



Section 2. The owner(s) of more than fifty percent (50%) of the area of the property described in attached **Exhibit A**, exclusive of public streets and alleys, petitioned for annexation with the City by filing a Petition for Annexation, together with four (4) copies of the annexation map, as required by law, on April 11, 2023.

Section 3. The City Council, by resolution at a properly-noticed meeting on April 24, 2023, accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, as amended, have been met and further determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the City of Black Hawk.

Section 5. Considering all of the foregoing and based on the conviction that annexation of this property to the City of Black Hawk will serve the best interests of the City of Black Hawk and the owner(s) of the territory to be annexed, the unincorporated territory described in **Exhibit A**, which is attached hereto and made a part hereof, is hereby annexed to the City of Black Hawk, Colorado.

Section 6. The City Clerk shall file for recording one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Clerk and Recorder of the County of Gilpin, State of Colorado.

Section 7. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Gilpin County Clerk and Recorder.

Section 8. The City Clerk shall file two certified copies of the Annexation Ordinance and two certified copies of the Annexation Map for the Real Property with the Clerk and Recorder of the County of Gilpin, State of Colorado, for such Clerk and Recorder's filing with the Division of Local Governments of the Department of Local Affairs and the Department of Revenue.

Section 9. Safety Clause. The City Council 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 10. 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 11. Effective Date. By operation of C.R.S. § 31-12-113(2), the annexation and this Ordinance will not become effective until the City Clerk completes the filings required by statute. For the purpose of general taxation, this Ordinance shall become effective on January 1st of the next succeeding year following its passage.

READ, PASSED AND ORDERED POSTED this 14th day of June, 2023.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk





EXHIBIT A

LAKE GULCH WHISKEY RESORT NO. 20

PORTIONS OF THE UNEXPECTED MS 327 AND GOVERNMENT LOTS 118 AND 119 LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO. MORE PARTICULARLY DESCRIBED AS FOLLOWS, COMMENCING AT THE EAST QUARTER CORNER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE 6TH P.M. FROM WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEARS NORTH 00°14'12" EAST A DISTANCE OF 2639.74 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE NORTH 00°14'12" EAST ON THE EAST LINE OF SAID SECTION 13, A DISTANCE OF 1032.02 FEET TO LINE 2-3 OF THE CECIL MS 11171 AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°14'12" EAST ON THE EAST LINE OF SAID SECTION 13, A DISTANCE OF 392.25 FEET TO THE SOUTH LINE OF MINERS' MESA SUBDIVISION FILING NO. 4; THENCE SOUTH 89°38'10" EAST ON THE SOUTH LINE OF SAID MINERS' MESA SUBDIVISION FILING NO. 4 A DISTANCE OF 335.31 FEET TO LINE 1-4 OF SAID UNEXPECTED MS 327; THENCE SOUTH 52°34'12" WEST ON LINE 1-4 OF SAID UNEXPECTED MS 327 A DISTANCE OF 71.15 FEET TO THE INTERSECTION OF LINE 2-3 OF THE CECIL MS 11171; THENCE SOUTH 38°57'12" WEST ON LINE 2-3 OF SAID CECIL MS 11171 A DISTANCE OF 446.05 FEET TO THE POINT OF BEGINNING, CONTAINING 1.42 ACRES MORE OR LESS.

CITY OF BLACK HAWK PORTION OF LAKE GULCH WHISKEY RESORT
ANNEXATION NO. 20

ALL THAT PORTION OF THE UNEXPECTED 327 LYING EASTERLY OF THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE 6TH PRINCIPAL MERIDIAN AND LYING SOUTHERLY OF THE BLACK HAWK PATENTED BOUNDARY LINE. LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO.

PROXIMO DISTILLERS, LLC PORTION OF LAKE GULCH WHISKEY RESORT
ANNEXATION NO. 20

GOVERNMENT LOT 118 AND GOVERNMENT LOT 119, LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO.