

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB17

ORDINANCE NUMBER: 2022-17

TITLE: AN ORDINANCE STATING THE INTENT OF THE CITY OF BLACK HAWK TO ACQUIRE CERTAIN PROPERTY FOR OPEN SPACE AND RECREATIONAL PURPOSES WITHIN THE MEANING OF C.R.S. § 38-6-101, C.R.S. § 31-25-201, ARTICLE XX, § 1 OF THE COLORADO CONSTITUTION, AND ARTICLE 8, SECTION 4 OF THE CITY OF BLACK HAWK HOME RULE CHARTER

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, as well as 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 property more particularly described in **Exhibit A** and depicted on **Exhibit B**, attached hereto and incorporated herein by this reference (the "Subject Property"), said property 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, 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 Property.

Section 2. The acquisition of the Subject Property serves 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, 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 Property is 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 Property 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 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 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. 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 10th day of August, 2022.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

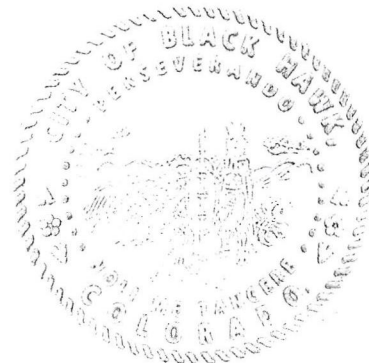


EXHIBIT A

DESCRIPTION:

A PORTION OF THE FREEDOM M.S. 640 LOCATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING A FOUND 3-1/4" DIAMETER BRASS CAP, STAMPED BLM 1970, WHENCE THE NORTHWEST CORNER OF SAID SECTION 7, BEING A FOUND 2-1/2" DIAMETER BRASS CAP, STAMPED GLO 1927 IS ASSUMED TO BEAR NORTH 00°04'52" EAST A DISTANCE OF 2579.47 FEET. WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 81°01'31" WEST A DISTANCE OF 1846.06 FEET TO THE INTERSECTION WITH LINE 5-6 OF SAID FREEDOM M.S. 640 AND LINE 1-6 OF CITY OF CENTRAL SURVEY NO. 261 AND THE POINT OF BEGINNING;

THENCE NORTH 78°13'25" WEST ON LINE 1-6 OF SAID CITY OF CENTRAL SURVEY NO. 261 A DISTANCE OF 179.21 FEET TO LINE 3-4 OF SAID FREEDOM M.S. 640;

THENCE NORTH 44°57'00" EAST ON SAID LINE 3-4 A DISTANCE OF 319.34 FEET TO CORNER 4 OF SAID FREEDOM M.S. 640;

THENCE SOUTH 52°42'00" EAST ON LINE 4-5 OF SAID FREEDOM M.S. 640 A DISTANCE OF 151.35 FEET TO CORNER 5 OF SAID FREEDOM M.S. 640;

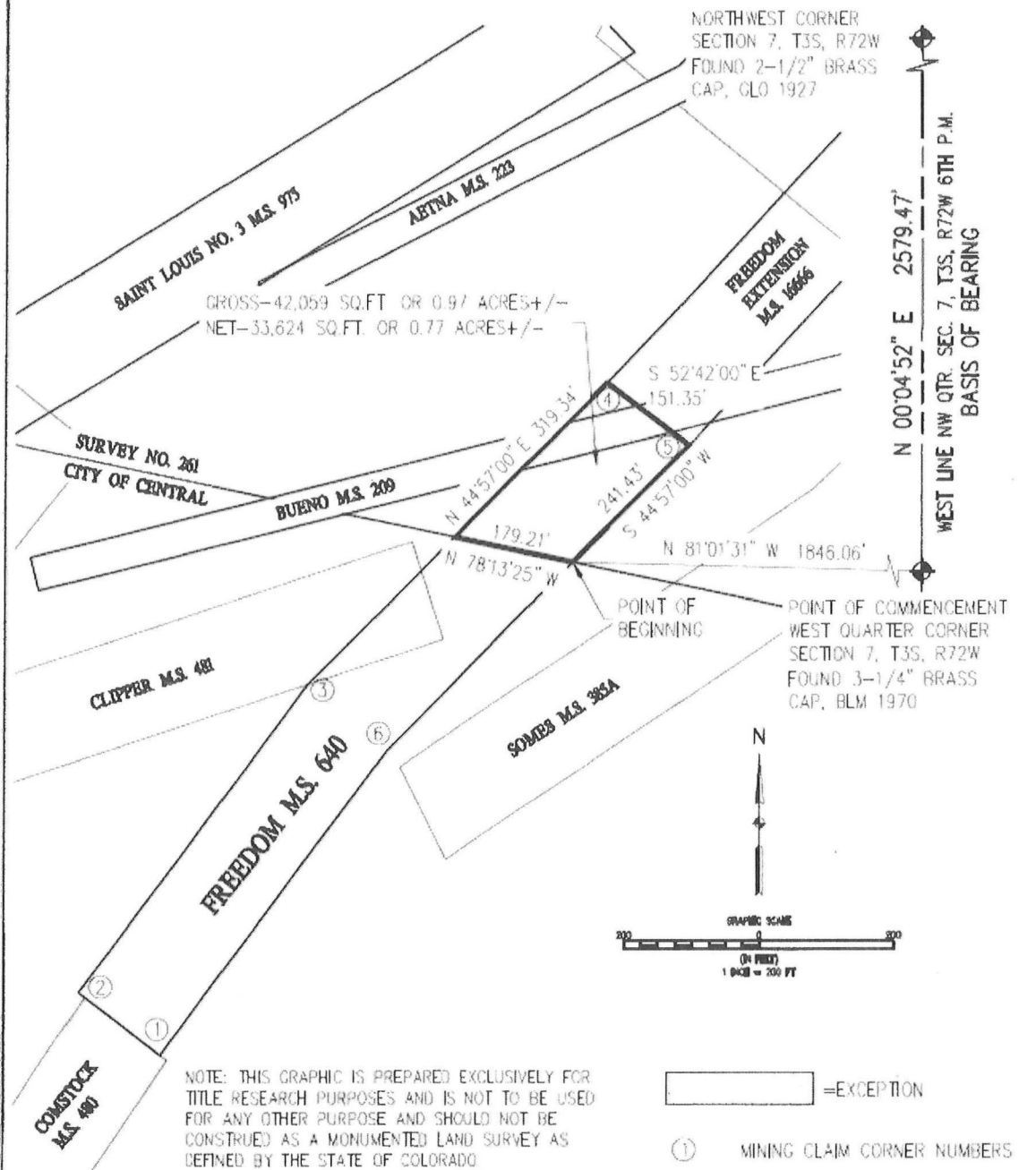
THENCE SOUTH 44°57'00" WEST ON LINE 5-6 OF SAID FREEDOM M.S. 640 A DISTANCE OF 241.43 FEET TO THE POINT OF BEGINNING;


EXCEPTING THEREFROM ANY PORTION OF THE BUENO M.S. 209.

SAID PARCEL CONTAINS A GROSS AREA OF 42,059 SQ. FT. OR 0.97 ACRES AND A NET AREA OF 33,624 SQ. FT. OR 0.77 ACRES MORE OR LESS.

This description is prepared exclusively for Title research purposes and is not to be used for any other purpose and should not be construed as a monumented land survey as defined by the State of Colorado.

EXHIBIT B **A PORTION OF THE FREEDOM LODGE M.S. 640**



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	BLACK HAWK	QUINN	DRAWN BY	DATE		
			CHECKED BY	DATE		
			APPROVED BY	DATE		
			DATE	DATE		