

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB18

ORDINANCE NUMBER: 2023-18

TITLE: A BILL FOR AN ORDINANCE ZONING CERTAIN PROPERTY WITHIN THE CITY OF BLACK HAWK KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATIONS 19 THROUGH 22 TO COMMERCIAL/BUSINESS SERVICES (C/BS) ZONING DISTRICT

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

Section 1. Findings of Fact.

A. On April 26, 2023, the City Council approved a Resolution determining that certain annexation petitions for the real property described in attached **Exhibit A** (collectively, the "Property"), substantially complies with the requirements of C.R.S. § 31-12-107(1)(a) and set a public hearing for June 14, 2023, on the eligibility of the Property to be annexed into the City as provided by state law.

B. The City thereafter instituted the procedure for the initial zoning of the Real Property.

C. An application was submitted for initially zoning the Real Property to Commercial/Business Services (C/BS) pursuant to the City of Black Hawk Zoning Ordinance.

D. Public notice has been given of such zoning by one publication in a newspaper of general circulation within the City and the official newspaper of the City at least fifteen (15) days before the public hearing of such amendment.

E. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.

F. A need exists for rezoning the Property pursuant to Section 16-365 of the City of Black Hawk Municipal Code to the extent provided herein.

Section 2. The Property more particularly described in Exhibit A is hereby rezoned to the Commercial/Business Services (C/BS) Zone District.

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning changes.


Section 4. 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 5. 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 6. 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 14th day of June, 2023.


David D. Spellman, Mayor

ATTEST:



Melissa Greiner, CMC, City Clerk



EXHIBIT A

LAKE GULCH WHISKEY RESORT NO. 19

PORTIONS OF THE DALE MS 13338, THE ANNEX 7799 AND GOVERNMENT LOT 123, 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 20°34'18" EAST A DISTANCE OF 894.73 FEET TO A POINT ON THE SOUTH LINE OF LAKE GULCH ROAD, THE SOUTH LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 3, RECORDED AT RECEPTION NO. 165794 IN THE GILPIN COUNTY RECORDS AND LINE 1-2 OF THE NOTAWAY EXTENSION MS 9772 AND BEING POINT "A"; THENCE NORTH 24°10'55" EAST ON LINE 1-2 OF SAID NOTAWAY EXTENSION MS 9772 TO A POINT ON THE NORTH LINE OF LAKE GULCH ROAD, THE NORTH LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 3 A DISTANCE OF 24.07 FEET AND THE POINT OF BEGINNING; THENCE NORTH 24°10'55" EAST CONTINUING ON LINE 1-2 OF SAID NOTAWAY EXTENSION MS 9772 A DISTANCE OF 79.23 FEET TO A POINT ON LINE 3-4 OF THE DALE MS 13338;

THENCE ALONG THE WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID DALE MS 13338 THE FOLLOWING FOUR (4) COURSES;

1. NORTH 39°23'43" EAST A DISTANCE OF 624.77 FEET;
2. SOUTH 89°24'17" EAST A DISTANCE OF 97.24 FEET;
3. SOUTH 50°28'19" EAST A DISTANCE OF 74.00 FEET;
4. SOUTH 39°23'00" WEST A DISTANCE OF 409.81 FEET TO THE POINT OF INTERSECTION WITH LINE 1-4 OF THE ANNEX MS 7799; THENCE NORTH 61°53'31" EAST ON LINE 1-4 OF SAID ANNEX MS 7799 A DISTANCE OF 776.77 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 314.97 FEET TO LINE 2-3 OF SAID ANNEX MS 7799; THENCE SOUTH 61°53'31" WEST ON LINE 2-3 OF SAID ANNEX MS 7799 A DISTANCE OF 1064.95 FEET TO THE NORTH LINE OF SAID LAKE GULCH ROAD AND THE NORTH LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 3;

THENCE ON THE NORTH LINE OF SAID LAKE GULCH ROAD AND THE NORTH LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 3 THE FOLLOWING FIFTEEN (15) COURSES;

1. SOUTH 80°16'24" WEST A DISTANCE OF 3.30 FEET;
2. SOUTH 80°28'29" WEST A DISTANCE OF 26.01 FEET;
3. SOUTH 79°54'14" WEST A DISTANCE OF 26.32 FEET;
4. SOUTH 78°39'54" WEST A DISTANCE OF 37.64 FEET;

5. SOUTH 78°10'02" WEST A DISTANCE OF 25.48 FEET;
6. SOUTH 77°08'36" WEST A DISTANCE OF 25.55 FEET;
7. SOUTH 76°54'40" WEST A DISTANCE OF 25.60 FEET;
8. SOUTH 78°58'54" WEST A DISTANCE OF 26.68 FEET;
9. SOUTH 82°03'23" WEST A DISTANCE OF 28.00 FEET;
10. SOUTH 84°07'35" WEST A DISTANCE OF 28.85 FEET;
11. SOUTH 84°48'46" WEST A DISTANCE OF 29.08 FEET;
12. SOUTH 85°29'19" WEST A DISTANCE OF 27.58 FEET;
13. SOUTH 87°31'19" WEST A DISTANCE OF 26.26 FEET;
14. SOUTH 88°16'44" WEST A DISTANCE OF 36.59 FEET;
15. NORTH 89°43'04" WEST A DISTANCE OF 15.64 FEET TO THE POINT OF BEGINNING, CONTAINING 5.91 ACRES MORE OR LESS. TOGETHER WITH, BEGINNING AT SAID POINT "A" BEING A POINT ON THE SOUTH LINE OF LAKE GULCH ROAD AND THE SOUTH LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 3; THENCE ALONG THE SOUTH LINE OF LAKE GULCH ROAD AND THE SOUTH LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 3 THE FOLLOWING SEVENTEEN (17) COURSES:

1. SOUTH 89°43'04" EAST A DISTANCE OF 25.76 FEET;
2. NORTH 88°16'44" EAST A DISTANCE OF 37.12 FEET;
3. NORTH 87°31'19" EAST A DISTANCE OF 26.80 FEET;
4. NORTH 85°29'19" EAST A DISTANCE OF 28.10 FEET;
5. NORTH 84°48'46" EAST A DISTANCE OF 29.34 FEET;
6. NORTH 84°07'35" EAST A DISTANCE OF 29.37 FEET;
7. NORTH 82°03'23" EAST A DISTANCE OF 28.99 FEET;
8. NORTH 78°58'54" EAST A DISTANCE OF 27.66 FEET;
9. NORTH 76°54'40" EAST A DISTANCE OF 25.95 FEET;
10. NORTH 77°08'36" EAST A DISTANCE OF 25.31 FEET;
11. NORTH 78°10'02" EAST A DISTANCE OF 25.19 FEET;
12. NORTH 78°39'54" EAST A DISTANCE OF 37.31 FEET;
13. NORTH 79°54'14" EAST A DISTANCE OF 25.97 FEET;
14. NORTH 80°28'29" EAST A DISTANCE OF 25.95 FEET;
15. NORTH 80°13'10" EAST A DISTANCE OF 25.35 FEET;
16. NORTH 82°00'47" EAST A DISTANCE OF 25.30 FEET;
17. NORTH 83°11'19" EAST A DISTANCE OF 2.37 FEET TO A POINT ON THE SOUTHERLY LINE OF GOVERNMENT LOT 123 AND THE NORTHERLY LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 14, RECORDED AT RECEPTION NO. 171508 OF THE GILPIN COUNTY RECORDS; THENCE SOUTH 63°58'12" WEST ON THE COMMON LINE OF SAID GOVERNMENT LOT 123 AND THE NORTHERLY LINE OF LAKE GULCH WHISKEY RESORT ANNEXATION NO. 14 A DISTANCE OF 446.56 FEET TO LINE 6-7 OF SAID DALE MS 13338;
THENCE NORTH 39°29'28" EAST ON LINE 6-7 OF SAID DALE MS 13338 A DISTANCE OF 72.79 FEET TO LINE 3-4 OF THE ANNEX MS 7799; THENCE NORTH 24°45'29" WEST ON LINE 3-4 OF SAID ANNEX MS 7799 A DISTANCE OF 55.87 FEET;

THENCE SOUTH 87°31'19" WEST A DISTANCE OF 4.36 FEET;
THENCE SOUTH 88°16'44" WEST A DISTANCE OF 37.84 FEET;
THENCE NORTH 89°43'04" WEST A DISTANCE OF 36.54 FEET;
THENCE NORTH 88°22'02" WEST A DISTANCE OF 3.01 FEET TO LINE 1-2 OF SAID
NOTAWAY EXTENSION MS 9772; THENCE NORTH 24°10'55" EAST ON LINE 1-2 OF
SAID NOTAWAY EXTENSION MS 9772A DISTANCE OF 32.73 FEET TO POINT "A",
CONTAINING 0.55 ACRES MORE OR LESS.

CITY OF BLACK HAWK PORTION OF LAKE GULCH WHISKEY RESORT

ANNEXATION NO. 19

ALL THAT PORTION OF THE ANNEX 7799 LYING SOUTH OF THE SOUTHERLY LINE
OF MINERS' MESA SUBDIVISION FILING NO. 4 AND LYING SOUTHERLY OF THE
BLACK HAWK PATENTED BOUNDARY LINE, EXCEPT THE PORTION DESCRIBED IN
QUIT CLAIM DEED RECORDED AT RECEPTION NUMBER 171140 AND EXCEPT ANY
PORTION WITHIN LAKE GULCH WHISKEY RESORT ANNEXATION NO. 3. 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. 19

THOSE PORTIONS OF THE DALE 13338 AND THE ANNEX 7799 AS DESCRIBED IN
BARGAIN AND SALE DEED RECORDED AT RECEPTION NUMBER 171138 AND QUIT
CLAIM DEED 171140 AND EXCEPT ANY PORTION WITHIN LAKE GULCH WHISKEY
RESORT ANNEXATION NO. 3. TOGETHER WITH THAT PORTION OF GOVERNMENT
LOT 123 LOCATED SOUTH OF LAKE GULCH WHISKEY RESORT ANNEXATION NO.
3. 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.

AND

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.

AND

LAKE GULCH WHISKEY RESORT NO. 21

A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST ¼ CORNER OF SECTION 13, T3S, R73W, BEING A US BLM STANDARD BRASS CAP, STAMPED "T3S R73W R72W ¼ S13 1980" FROM WHENCE THE NORTHEAST CORNER OF SAID SECTION 13, BEING A US BLM STANDARD BRASS CAP, STAMPED "T3S R73W R72W CC S12 S13 1980", BEARS N 00°14'12" E, A DISTANCE OF 2,639.74 FEET, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N 55° 27' 01" E A DISTANCE OF 1,995.48 FEET TO THE POINT OF INTERSECTION WITH LINE 4-1 OF THE ST. ANTHONY LODGE, US MINERAL SURVEY NO. 19174 WITH THE SOUTHERLY EDGE OF LAKE GULCH ROAD, COUNTY ROAD NO. 6, BEING THE POINT OF BEGINNING. THENCE ALONG SAID SOUTHERLY EDGE OF LAKE GULCH ROAD THE FOLLOWING 9 COURSES:

1. N 77° 56' 07" E A DISTANCE OF 17.03 FEET;
2. N 79° 21' 17" E A DISTANCE OF 32.22 FEET;
3. N 79° 51' 30" E A DISTANCE OF 29.85 FEET;
4. N 81° 04' 54" E A DISTANCE OF 30.14 FEET;
5. N 82° 42' 42" E A DISTANCE OF 25.77 FEET;
6. N 85° 59' 16" E A DISTANCE OF 28.91 FEET;
7. N 87° 30' 36" E A DISTANCE OF 24.87 FEET;
8. N 89° 45' 47" E A DISTANCE OF 26.33 FEET;
9. S 89° 47' 40" E A DISTANCE OF 3.16 FEET TO THE POINT OF INTERSECTION WITH LINE 2-3 OF SAID ST. ANTHONY LODGE; THENCE S 39° 31' 27" W ALONG SAID LINE 2-3 OF SAID ST. ANTHONY LODGE A DISTANCE OF 210.07 FEET TO THE POINT OF INTERSECTION WITH LINE 4-3 OF THE ALICE LODGE, US MINERAL SURVEY NO. 18785; THENCE S 63° 23' 00" W ALONG SAID LINE 4-3 OF SAID ALICE LODGE A DISTANCE OF 371.35 FEET TO THE POINT OF INTERSECTION WITH SAID LINE 4-1 OF SAID ST. ANTHONY LODGE; THENCE N 39° 30' 42" E ALONG SAID LINE 4-1 A DISTANCE OF 392.10 FEET TO THE POINT OF BEGINNING, CONTAINING 1.06 ACRES, MORE OR LESS.

LAKE GULCH WHISKEY RESORT NO. 22

A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST ¼ CORNER OF SECTION 13, T3S, R73W, BEING A US BLM STANDARD BRASS CAP, STAMPED "T3S R73W R72W ¼ S13 1980" FROM WHENCE THE NORTHEAST CORNER OF SAID SECTION 13, BEING A US BLM STANDARD BRASS CAP, STAMPED "T3S R73W R72W CC S12 S13 1980", BEARS N 00°14'12" E, A DISTANCE OF 2,639.74 FEET, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N 70° 34' 33" E A DISTANCE OF 1,061.98 FEET TO CORNER NO. 4 OF THE ST. ANTHONY LODGE, US MINERAL SURVEY NO. 19174, BEING THE POINT OF BEGINNING. THENCE N 39° 30' 42" E ALONG LINE 4-1 OF SAID ST. ANTHONY LODGE A DISTANCE OF 592.33 FEET TO THE POINT OF

INTERSECTION WITH LINE 3-2 OF THE ALICE LODE, US MINERAL SURVEY NO. 18785; THENCE S 26° 45' 28" E ALONG SAID LINE 3-2 OF SAID ALICE LODE A DISTANCE OF 140.24 FEET TO CORNER NO. 2 OF SAID ALICE LODE; THENCE N 63° 22' 25" E ALONG LINE 2-1 OF SAID ALICE LODE A DISTANCE OF 53.94 FEET TO THE POINT OF INTERSECTION WITH LINE 2-3 OF SAID ST. ANTHONY LODE; THENCE S 39° 31' 27" W ALONG LINE 2-3 OF SAID ST. ANTHONY LODE A DISTANCE OF 377.79 FEET TO THE POINT OF INTERSECTION WITH LINE 2-3 OF THE MARGARET LODE, US MINERAL SURVEY NO. 19229; THENCE N 69° 00' 32" E ALONG SAID LINE 2-3 OF SAID MARGARET LODE A DISTANCE OF 354.18 FEET TO THE POINT OF INTERSECTION WITH LINE 2-1 OF THE CALUMET AND HECLA LODE, US MINERAL SURVEY NO. 13048; THENCE S 48° 55' 49" W ALONG SAID LINE 2-1 OF SAID CALUMET AND HECLA LODE A DISTANCE OF 182.19 FEET TO THE POINT OF INTERSECTION WITH LINE 2-1 OF THE EVELYN LODE, US MINERAL SURVEY NO. 15742; THENCE S 74° 31' 02" W ALONG SAID LINE 2-1 OF SAID EVELYN LODE A DISTANCE OF 651.58 FEET TO THE POINT OF INTERSECTION WITH LINE 2-3 OF SAID MARGARET LODE; THENCE N 69° 00' 32" E ALONG SAID LINE 2-3 OF SAID MARGARET LODE A DISTANCE OF 227.05 FEET TO THE POINT OF INTERSECTION WITH LINE 3-4 OF SAID ST. ANTHONY LODE; THENCE N 50° 17' 46" W ALONG SAID LINE 3-4 OF SAID ST. ANTHONY LODE A DISTANCE OF 32.71 FEET TO THE POINT OF BEGINNING, CONTAINING 2.25 ACRES, MORE OR LESS.