STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB43

ORDINANCE NUMBER: 2021- 43

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 11, 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 December 8, 2021, 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 City Council finds that the property described in the attached Exhibit A is part of the serial annexation of a larger parcel of land.

Section 2. 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 3. 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 September 21, 2021.

Section 4. The City Council, by resolution at a properly-noticed meeting on October 13, 2021, 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 8th day of December, 2021.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

EXHIBIT A

Lake Gulch Whiskey Resort Annexation No. 11

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 72° 51' 36" E a distance of 2,275.62 feet to corner No. 1 of the Caledonia Lode, US Mineral Survey No. 519, being the Point of Beginning.

Thence N 49° 29' 47" E along line 1-2 of said Caledonia Lode a distance of 318.07 feet to the point of intersection with the southwesterly edge of Lake Gulch Road, County Road 6;

thence along the southwesterly edge of Lake Gulch Road the following 10 courses:

1. S 28° 29' 34" E a distance of 21.80 feet;
2. S 29° 02' 31" E a distance of 38.14 feet;
3. S 30° 53' 34" E a distance of 34.55 feet;
4. S 32° 21' 41" E a distance of 29.64 feet;
5. S 34° 37' 33" E a distance of 34.03 feet;
6. S 38° 27' 56" E a distance of 36.03 feet;
7. S 44° 59' 11" E a distance of 33.97 feet;
8. S 48° 19' 15" E a distance of 30.25 feet;
9. S 48° 45' 27" E a distance of 32.27 feet;
10. S 50° 32' 17" E a distance of 30.35 feet to the point of intersection with line 1-2 of the Clay County Lode, US Mineral Survey No. 329B;

thence S 50° 08' 44" W along said line 1-2 of said Clay County Lode a distance of 159.20 feet to corner No. 2 of said Clay County Lode;

thence S 58° 08' 12" E along line 2-3 of said Clay County Lode a distance of 188.25 feet to the point of intersection with line 2-1 of the Clay County Lode, US Mineral Survey No. 329A;

thence S 37° 28' 00" W along said line 2-1 of said Clay County Lode a distance of 623.18 feet to corner No. 1 of said Clay County Lode, US Mineral Survey No. 329A;

thence S 52° 39' 32" E along line 1-4 of said Clay County Lode a distance of 151.05 feet to corner No. 4 of said Clay County Lode;

thence N 37° 26' 41" E along line 4-3 of said Clay County Lode a distance of 389.56 feet to corner No. 4 of the East Clay County Lode, US Mineral Survey No. 18776;

thence N 89° 56' 08" E along line 4-3 of said East Clay County Lode and its extension thereof a distance of 190.48 feet to the point of intersection with line 6-5 of the Blow Out Lode, US Mineral Survey No. 18776;

thence S 36° 04' 17" W along said line 6-5 of said Blow Out Lode a distance of 20.54 feet to corner No. 5 of said Blow Out Lode;

thence S 89° 57' 28" E along line 5-4 of said Blow Out Lode a distance of 184.33 feet to corner No. 4 of said Blow Out Lode;

thence N 36° 08' 54" E along line 4-3 of said Blow Out Lode a distance of 103.56 feet to corner No. 4 of the Great Britian Lode, US Mineral Survey No. 18776;

thence S 89° 57' 40" E along line 4-5 of said Great Britian Lode a distance of 186.34 feet to corner No. 5 of said Great Britian Lode;

thence N 36° 07' 10" E along line 5-6 of said Great Britian Lode a distance of 1.36 feet to the point of intersection with said southwesterly edge of Lake Gulch Road, County Road 6;

thence S 46° 05' 49" E along said southwesterly edge of Lake Gulch Road a distance of 12.22 feet;

thence S 47° 24' 34" E along said southwesterly edge of Lake Gulch Road a distance of 33.36 feet;

thence S 46° 33' 23" E along said southwesterly edge of Lake Gulch Road a distance of 8.79 feet to the point of intersection with line 2-1 of the Tariff Lode, US Mineral Survey No. 966;

thence S 47° 00' 48" W along said line 2-1 of said Tariff Lode a distance of 403.36 feet to corner No. 1 of said Tariff Lode;

thence S 42° 58' 42" E along line 1-4 of said Tariff Lode a distance of 149.74 feet to corner No. 4 of said Tariff Lode;

thence S 62° 22' 36" W a distance of 991.81 feet to corner No. 3 of the Success Lode, US Mineral Survey No. 5280;

thence N 04° 16' 10" W along line 3-2 of said Success Lode a distance of 150.04 feet to corner No. 2 of said Success Lode;

thence S 85° 49' 05" W along line 2-1 of said Success Lode a distance of 476.25 feet;

thence N 46° 11' 59" E a distance of 716.62 feet to corner No. 3 of the Pittburg Ext. Lode, US Mineral Survey No. 7069;

thence N 00° 25' 37" W along line 3-2 of said Pittburg Ext. Lode a distance of 150.29 feet to corner No. 2 of said Pittburg Ext. Lode;

thence S 89° 18' 06" W along line 2-1 of said Pittburg Ext. Lode a distance of 499.53 feet to the point of intersection with line 3-4 of the Calendonia No. 2 Lode, US Mineral Survey No. 520;

thence N 48° 54' 18" E along said line 3-4 of said Calendonia No. 2 Lode a distance of 705.54 feet to corner No. 4 of said Caledonia Lode, US Mineral Survey No. 519;

thence N 40° 18' 18" W along line 4-1 of said Caledonia Lode a distance of 150.08 feet to the Point of Beginning, containing 20.37 Acres, more or less.