STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB45

ORDINANCE NUMBER: 2021- 45

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 13, 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 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 September 21, 2021.

Section 3. 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 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 8th day of December, 2021.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

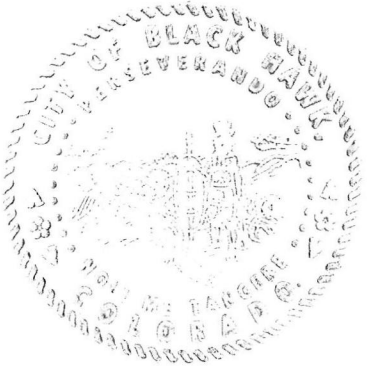


EXHIBIT A

Lake Gulch Whiskey Resort Annexation No. 13

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 S 87° 12' 22" E a distance of 4,688.84 feet to corner No. 3 of the Washingtons Day Lode, US Mineral Survey No. 11885, being the Point of Beginning.

thence along said line 3-4 of the said Washingtons Day Lode S 45° 12' 88" E a distance of 150.58 feet to

corner No. 4 of said Washingtons Day Lode;

thence along line 4-1 of said Washingtons Day Lode S 39° 23' 17"W a distance of 633.47 feet to the point of intersection with the northeasterly edge of Lake Gulch Road, County Road 6;

Thence along said northeasterly edge of Lake Gulch Road the following 7 courses:

1. N 66° 40' 06" W a distance of 2.05 feet;
2. N 66° 41' 03" W a distance of 25.85 feet;
3. N 62° 17' 04" W a distance of 31.05 feet;
4. N 56° 10' 53" W a distance of 31.14 feet;
5. N 51° 44' 53" W a distance of 28.55 feet;
6. N 48° 55' 48" W a distance of 29.88 feet;
7. N 48° 28' 12" W a distance of 3.30 feet to the point of intersection with line 2-3 of said Washingtons Day Lode;

thence N 39° 23' 18" E along said line 2-3 of said Washingtons Day lode a distance of 664.25 feet to the Point of Beginning, containing 2.25 acres more or less.