

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB46

ORDINANCE NUMBER: 2021- 46

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING
THE ANNEXATION OF PARCEL NO. 14, 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:

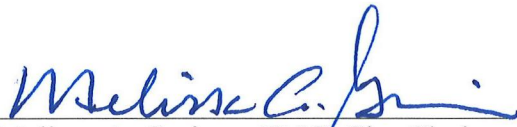

Melissa A. Greiner, CMC, City Clerk



EXHIBIT A

Lake Gulch Whiskey Resort Annexation No. 14

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 $\frac{1}{4}$ corner of Section 13, T3S, R73W, being a US BLM standard brass cap, stamped "T3S R73W R72W $\frac{1}{4}$ 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 30° 07' 02" E a distance of 580.34 feet to the point of intersection of line 1-2 of the Black Diamond Lode, US Mineral Survey No. 17634 with line 2-3 of the Fay Lode, US Mineral Survey No. 13338 being the Point of Beginning.

thence N 26° 04' 04" W along said line 1-2 of said Black Diamond Lode a distance of 80.46 feet to the point of intersection with line 1-7 of the Dale Lode, US Mineral Survey No. 13338;

thence N 26° 54' 00" E along said line 1-7 of said Dale Lode a distance of 4.46 feet to corner No. 7 of said Dale Lode;

thence N 39° 29' 28" E along line 7-6 of said Dale Lode a distance of 160.32 feet to line 2-3 of said Black Diamond Lode;

thence N 63° 58' 12" E along said line 2-3 of said Black Diamond Lode a distance of 446.58 feet to the point of intersection with the southerly edge of Lake Gulch Road, County Road 6;

thence along the southwesterly edge of Lake Gulch Road the following 34 courses:

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| 1. | N 83° 11' 19" E a distance of 23.36 feet; | 4. | N 77° 53' 04" E a distance of 25.96 feet; |
| 2. | N 81° 54' 30" E a distance of 26.00 feet; | 5. | N 76° 30' 21" E a distance of 27.01 feet; |
| 3. | N 80° 36' 50" E a distance of 37.64 feet; | 6. | N 74° 45' 56" E a distance of 27.07 feet; |
| | | 7. | N 73° 10' 29" E a distance of 27.76 feet; |
| | | 8. | N 71° 02' 53" E a distance of 29.23 feet; |
| | | 9. | N 69° 29' 32" E a distance of 29.75 feet; |
| | | 10. | N 68° 02' 26" E a distance of 28.95 feet; |
| | | 11. | N 68° 11' 55" E a distance of 28.31 feet; |
| | | 12. | N 68° 11' 21" E a distance of 28.17 feet; |
| | | 13. | N 70° 17' 29" E a distance of 27.18 feet; |
| | | 14. | N 72° 23' 23" E a distance of 26.00 feet; |
| | | 15. | N 72° 28' 10" E a distance of 26.92 feet; |
| | | 16. | N 68° 41' 24" E a distance of 27.19 feet; |
| | | 17. | N 71° 51' 48" E a distance of 26.69 feet; |
| | | 18. | N 74° 45' 31" E a distance of 27.02 feet; |
| | | 19. | N 75° 42' 50" E a distance of 28.46 feet; |
| | | 20. | N 77° 13' 39" E a distance of 28.92 feet; |
| | | 21. | N 78° 51' 11" E a distance of 28.33 feet; |
| | | 22. | N 78° 32' 38" E a distance of 27.26 feet; |
| | | 23. | N 76° 41' 51" E a distance of 24.88 feet; |
| | | 24. | N 79° 17' 59" E a distance of 14.47 feet; |
| | | 25. | N 79° 17' 59" E a distance of 14.37 feet; |
| | | 26. | N 78° 11' 27" E a distance of 5.81 feet; |
| | | 27. | N 77° 38' 35" E a distance of 7.14 feet; |
| | | 28. | N 77° 38' 35" E a distance of 27.82 feet; |
| | | 29. | N 77° 18' 33" E a distance of 35.14 feet; |
| | | 30. | N 76° 11' 24" E a distance of 34.55 feet; |
| | | 31. | N 76° 19' 36" E a distance of 34.26 feet; |

32. N 75° 55' 53" E a distance of 33.03 feet;
33. N 75° 45' 56" E a distance of 33.26 feet;
34. N 77° 56' 07" E a distance of 37.18 feet to the point of intersection with line 1-4 of the St. Anthony Lode, US Mineral Survey No. 19174;

thence S 39° 30' 42" W along said line 1-4 of said St. Anthony Lode a distance of 392.10 feet to the point of intersection with line 3-4 of the Alice Lode, US Mineral Survey No. 18785;

thence N 63° 23' 00" E along said line 3-4 of said Alice Lode a distance of 371.35 feet to the point of intersection with line 3-2 of said St. Anthony Lode;

Thence N 39° 31' 27" E along said line 3-2 of said St. Anthony Lode a distance of 210.07 feet to the point of intersection with said southerly edge of Lake Gulch Road, County Road 6;

thence along said southwesterly edge of Lake Gulch Road the following 18 courses:

1. S 89° 47' 40" E a distance of 26.55 feet;
2. S 89° 16' 33" E a distance of 25.73 feet;
3. N 89° 11' 13" E a distance of 25.02 feet;
4. N 89° 11' 41" E a distance of 28.08 feet;
5. N 87° 57' 44" E a distance of 28.75 feet;
6. N 89° 07' 00" E a distance of 25.28 feet;
7. S 88° 32' 40" E a distance of 28.15 feet;
8. S 82° 16' 38" E a distance of 26.04 feet;
9. S 77° 37' 44" E a distance of 25.62 feet;
10. S 73° 18' 40" E a distance of 30.03 feet;
11. S 71° 44' 22" E a distance of 26.36 feet;
12. S 69° 56' 57" E a distance of 31.66 feet;
13. S 67° 22' 05" E a distance of 26.00 feet;
14. S 64° 31' 22" E a distance of 25.12 feet;
15. S 63° 34' 32" E a distance of 26.32 feet;

16. S 61° 36' 30" E a distance of 25.13 feet;
17. S 55° 33' 38" E a distance of 30.91 feet;
18. S 47° 36' 27" E a distance of 0.69 feet to the point of intersection with line 3-2 of the Golden Gad Lode, US Mineral Survey No. 13048;

thence S 63° 17' 40" W along said line 3-2 of said Golden Gad Lode a distance of 722.08 feet to corner No. 2 of said Golden Gad Lode;

thence S 31° 40' 56" E along line 2-1 of said Golden Gad Lode a distance of 95.57 feet to the point of intersection with line 2-1 of the Calumet and Hecla No. 2 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 61.79 feet to the point of intersection with line 3-4 of the Margaret Lode, US Mineral Survey No. 19229;

thence N 21° 01' 44" W along said line 3-4 of said Margaret Lode a distance of 114.04 feet to corner No. 4 of said Margaret Lode;

thence S 69° 01' 22" W along line 4-1 of said Margaret Lode a distance of 186.95 feet to the point of intersection with line 3-2 of said St. Anthony Lode;

thence N 39° 31' 27" E along said line 3-2 of said St. Anthony Lode a distance of 73.31 feet to the point of intersection with line 1-2 of said Alice Lode;

thence S 63° 22' 25" W along said line 1-2 of said Alice Lode a distance of 53.94 feet to corner No. 2 of said Alice Lode;

thence N 26° 45' 28" W along line 2-3 of said Alice Lode a distance of 140.24 feet to the point of intersection with said line 1-4 of said St. Anthony Lode;

thence S 39° 30' 42" W along said line 1-4 of said St. Anthony Lode a distance of 345.75 feet to the point of intersection with said line 4-1 of said Margaret Lode;

thence S 69° 01' 22" W along said line 4-1 of said Margaret Lode a distance of 16.29 feet to the point of intersection with line 3-4 of said Elizabeth Lode;

thence S 39° 23' 48" W along said line 3-4 of said Elizabeth Lode a distance of 272.15 feet to corner No. 4 of said Elizabeth Lode;

thence N 50° 27' 18" W along line 4-1 of said Elizabeth Lode a distance of 148.43 feet to the point of intersection with line 4-3 of the Annie Mary Lode, US Mineral Survey No. 11571;

thence N 62° 32' 35" E along line 4-3 of said Annie Mary Lode a distance of 221.31 feet to corner No. 3 of said Annie Mary Lode;

thence N 27° 32' 41" W along line 3-2 of said Annie Mary Lode a distance of 149.99 feet to corner No. 2 of said Annie Mary Lode;

thence S 62° 32' 35" W along line 2-1 of said Annie Mary Lode a distance of 607.56 feet to the point of intersection with the northeasterly right-of-way of the Central City Parkway;

thence along a non-tangent curve concave to the southwest an arc distance of 13.72 feet, a delta angle of 00° 44' 55", having a radius of 1050.00 feet, and whose long chord bears N 62° 43' 25" W a distance of 13.72 feet to the point of intersection with line 5-4 of the Marks Lode, US Mineral Survey No. 13338;

thence N 44° 35' 21" E along said line 5-4 of said Marks Lode a distance of 80.14 feet to the point of intersection with line 1-4 of the Fay Lode, US Mineral Survey No. 13338;

thence N 60° 43' 32" E along said line 1-4 of said Fay Lode a distance of 714.47 feet to corner No. 4 of said Fay Lode;

thence N 29° 20' 48" W along line 4-3 of said Fay Lode a distance of 150.66 feet to corner No. 3 of said Fay Lode;

thence S 60° 42' 01" W along line 3-2 of said Fay Lode a distance of 442.61 feet to the point of intersection with line 4-3 of the Marks Lode, US Mineral Survey No. 13338;

thence S 86° 28' 49" W along said line 4-3 of said Marks Lode a distance of 122.51 feet to corner No. 3 of said Marks Lode;

thence S 44° 22' 49" W along line 3-2 of said Marks Lode a distance of 189.62 feet to the point of intersection with line 4-1 of said Black Diamond Lode;

thence S 60° 42' 01" W along said line 4-1 of said Black Diamond Lode a distance of 120.71 feet to the Point of Beginning, containing 11.43 Acres, more or less.