



## REGULAR MEETING AGENDA

City of Black Hawk City Council  
211 Church Street, Black Hawk, CO

June 14, 2023  
3:00 p.m.

### RINGING OF THE BELL:

#### 1. CALL TO ORDER:

#### 2. ROLL CALL & PLEDGE OF ALLEGIANCE:

#### 3. AGENDA CHANGES:

#### 4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)

#### 5. PUBLIC COMMENT: *Please limit comments to 5 minutes*

#### 6. APPROVAL OF MINUTES: May 24, 2023

#### 7. PUBLIC HEARINGS:

- A. Resolution 49-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 19
- B. Resolution 50-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation No. 20
- C. Resolution 51-2023, A Resolution Making Certain Findings of Fact Regarding the Proposed Annexation of a Parcel of Land to the City of Black Hawk, Colorado, Known as the Lake Gulch Whiskey Resort Annexation Numbers 21 and 22
- D. CB13, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 19, Consisting of Contiguous Unincorporated Territory in Gilpin County also Known as a Portion of the Lake Gulch Whiskey Resort Annexation
- E. CB14, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel No. 20, Consisting of Contiguous Unincorporated Territory in Gilpin County also Known as a Portion of the Lake Gulch Whiskey Resort Annexation
- F. CB15, A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcel Numbers 21 and 22, Consisting of Contiguous Unincorporated Territory in Gilpin County also Known as a Portion of the Lake Gulch Whiskey Resort Annexation
- G. CB16, A Bill for an Ordinance Approving and Accomplishing the Annexation of Certain Unincorporated Properties Completely Surrounded By and Within the Boundaries of the City of Black Hawk Identified as Quartz Valley/Maryland Mountain - 2023 Annexation Numbers 1-3
- H. CB17, A Bill for an Ordinance Approving and Accomplishing the Annexation of Certain Contiguous Unincorporated Municipally-Owned Properties Identified as Quartz Valley/Maryland Mountain – 2023 Annexation Numbers 4 and 5
- I. CB18, 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
- J. CB19, A Bill for an Ordinance Zoning Certain City-Owned Properties Known as the Quartz Valley/Maryland Mountain – 2023 Annexations 1 Through 5 to the History Appreciation Recreation Destination (HARD) Zone District

**MISSION STATEMENT:** The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community

**AMERICANS WITH DISABILITY ACT NOTICE** Any disabled person who plans to attend any governmental meeting of the City of Black Hawk and requires special assistance can contact City Hall at (303) 582-2221. Please make any request for assistance at least 24 hours before the scheduled meeting

- K. CB20, A Bill for an Ordinance Rezoning Certain Properties Known as Lots 6-12, Block 42 Within the City of Black Hawk to the History Appreciation Recreation Destination (HARD) Zone District

8. ACTION ITEMS:

- A. Resolution 52-2023, A Resolution Approving the Temporary Construction Easement From the City of Black Hawk to Larry Linker Associated with the Construction Occurring at 311 Chase Street
- B. Resolution 53-2023, A Resolution Conditionally Approving a Certificate of Appropriateness for the Exterior Renovations to the City of Black Hawk City Hall Located at 201 Selak Street
- C. Resolution 54-2023, A Resolution Approving the Contract Between the City of Black Hawk and LRE Water in the Amount Not to Exceed \$67,250 for Engineering Services Pertaining to the Drilling of a Water Well in or Around 4-Mile Gulch
- D. Resolution 55-2023, A Resolution Approving Amendment No. 1 to the General Contractor Agreement Executed on April 12, 2023 Between the City of Black Hawk and MW Golden Constructors, Establishing the Guaranteed Maximum Price (GMP) of \$1,057,561 for Construction of the Police Station Renovation Project

9. CITY MANAGER REPORT:

10. CITY ATTORNEY REPORT:

11. EXECUTIVE SESSION:

Executive Session to hold a conference with the City Attorney to receive legal advice on specific legal issues regarding potential litigation and regarding options related to City-owned property pursuant to C.R.S. § 24-6-402(4)(b), and to instruct negotiators regarding City-owned land on Gregory Hill, the Gregory Street HARD District, other City-owned property, and potential property acquisition pursuant to C.R.S § 24-6-402(4)(e).

12. ADJOURNMENT:

**MISSION STATEMENT:** The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community

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**City of Black Hawk  
City Council**

**May 24, 2023**

**MEETING MINUTES**

Corey Colombin, the City's Information Specialist and artist extraordinaire, rang the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, May 24, 2023 at 3:00 p.m.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

**Staff Present:** City Attorney Hoffmann, City Manager Cole, Police Chief Moriarty, Fire Chief Woolley, Fire Marshal Walsh, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Maintenance Services Manager Jackson, City Engineer Reed, Community Planning & Development Director Linker, Development Services Coordinator Richards, Baseline Engineering Consultants Harris, Charles, and Rivas, and Deputy City Clerk Martin.

**PLEDGE OF ALLEGIANCE:** Mayor Spellman led the meeting in reciting the Pledge of Allegiance.

3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed that agenda items 7D and 7E, Resolutions 42 and 43, were pulled from the agenda.

4. **CONFLICTS OF INTEREST:** City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State.

Alderman Midcap recused himself from agenda item 8C regarding the City's Paint Program. No other member from Council noted a conflict.

City Attorney Hoffmann asked the audience if there were any objections to any member of the Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. PUBLIC COMMENT: Deputy City Clerk Martin confirmed no one had signed up to speak.

6. APPROVAL OF  
MINUTES: May 10, 2023

**MOTION TO  
APPROVE** Alderman Bennett **MOVED** and was **SECONDED** by Alderman  
Armbright to approve the Minutes as presented.

**MOTION PASSED** There was no discussion, and the motion **PASSED** unanimously.

7. PUBLIC HEARINGS:

**A. CB12, An Ordinance of the City of Black Hawk Amending the Black Hawk Municipal  
Code Regarding Smoke and Carbon Monoxide Detectors and Fire Extinguishers in  
Short-Term Rental Properties**

Mayor Spellman read the title and opened the public hearing.

Deputy City Clerk Martin introduced this item. She said the International Fire Code reference in the Short-Term Rental Code was irrelevant and can be removed. Also, she said, staff recommended adding smoke detectors and fire extinguishers to the Carbon Monoxide Code to give SAFEbuilt the authority to inspect all three safety devices when inspecting short-term rental properties.

Alderman Midcap had a few questions, which Fire Marshal Walsh answered.

**PUBLIC HEARING:** Mayor Spellman declared a Public Hearing on CB12, an Ordinance of the City of Black Hawk amending the Black Hawk Municipal Code regarding Smoke and Carbon Monoxide Detectors and Fire Extinguishers in Short-Term Rental Properties open and invited anyone wanting to address the Board either “for” or “against” the proposed Ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO  
APPROVE** Alderman Johnson **MOVED** and was **SECONDED** by Alderman  
Bennett to approve CB12, an Ordinance of the City of Black Hawk  
amending the Black Hawk Municipal Code regarding Smoke and Carbon  
Monoxide Detectors and Fire Extinguishers in Short-Term Rental  
Properties.



**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**B. Resolution 40-2023, A Resolution Approving the Site Development Plan and Certificate of Architectural Compatibility for the Garage at 311 Chase Street**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Charles went through the presentation for a new 3-car garage at 311 Chase Street. The variance for this property for a front setback and minor subdivision were approved back in January.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 40-2023, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the garage at 311 Chase Street open and invited anyone wanting to address the Board either “for” or “against” the proposed Resolution to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 40-2023, a Resolution approving the Site Development Plan and Certificate of Architectural Compatibility for the garage at 311 Chase Street.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**C. Resolution 41-2023, A Resolution Approving a Site Development Plan for the City-owned Properties Located at 200-496 Gregory Street**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Rivas went through their presentation. This is for City-owned buildings in the HARD District that already received Certificates of Architectural Compatibility for improvements, some have been completed, and others have not, but there was no Site Development Plan (SDP) established at the time. Mr. Harris added that this SDP lays the framework for the subdivision plat they are working on, which recreates a new right-of-way on Gregory Street and a reconfiguration of the extra land needed for the roadway. It will come before Council in a future meeting.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 41-2023, a Resolution approving a Site Development Plan for the City-owned properties located at 200-496 Gregory Street open and invited anyone

wanting to address the Board either “for” or “against” the proposed Resolution to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO  
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 41-2023, a Resolution approving a Site Development Plan for the City-owned properties located at 200-496 Gregory Street.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**D. Resolution 42-2023, A Resolution Conditionally Approving a Certificate of Architectural Compatibility for the Copper Kitchen Pizzeria Located at 307 Gregory Street**

Pulled from the agenda.

**E. Resolution 43-2023, A Resolution Conditionally Approving a Certificate of Architectural Compatibility to Allow an Elevator and Exterior Improvements for Gregory Point at Mountain City Located at 410-496 Gregory Street**

Pulled from the agenda.

**F. Resolution 44-2023, A Resolution Approving the Gregory Hill Subdivision for Property Located at 987 Miners Road in Order to Reconfigure Lot, Tract, Parcel, and Right-Of-Way Lines on Gregory Hill**

Mayor Spellman read the title and opened the public hearing.

Baseline Engineering Consultants Harris and Rivas went through their presentation for City-owned property zoned PF. As the title suggests, the subdivision intends to reconfigure lot, tract, parcel, and right-of-way lines on Gregory Hill. Ms. Rivas pointed out that the Miners Road extension shown on the plat will connect down to Lake Gulch Road.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on Resolution 44-2023, a Resolution approving the Gregory Hill Subdivision for property located at 987 Miners Road in order to reconfigure lot, tract, parcel, and right-of-way lines on Gregory Hill open and invited anyone wanting to address the Board either “for” or “against” the proposed Resolution to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO  
APPROVE**

Alderman Moates **MOVED** and was **SECONDED** by Alderman Midcap to approve Resolution 44-2023, a Resolution approving the Gregory Hill Subdivision for property located at 987 Miners Road in order to reconfigure lot, tract, parcel, and right-of-way lines on Gregory Hill.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**G. Local Liquor Licensing Authority Consideration of a Special Event Liquor Permit for Team Evergreen Cycling - TENTATIVE**

Mayor Spellman read the title and opened the public hearing.

Deputy City Clerk Martin introduced this placeholder item in case any objections were received regarding a Special Event Liquor Permit for a bike race hosted by Team Evergreen Cycling at Hidden Treasure Parking Lot. They plan to have beer after the event on June 30<sup>th</sup>. She said no objections were received by today's deadline, so technically, there was no need for a public hearing.

**PUBLIC HEARING:**

Mayor Spellman declared a Public Hearing on the Local Liquor Licensing Authority's consideration of a Special Event Liquor Permit for Team Evergreen Cycling open and invited anyone wanting to address the Board either "for" or "against" the Special Event Liquor Permit to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

**MOTION TO  
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve the Special Event Liquor Permit for Team Evergreen Cycling.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

Alderman Johnson asked to be recused from agenda item 8C regarding the City's Paint Program.

**8. ACTION ITEMS:**

**A. Resolution 45-2023, A Resolution Conditionally Approving a Certificate of Appropriateness for the Interior Renovation to the City of Black Hawk Police Station Located at 221 Church Street**

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this item. As per Code, she said, this project went before the Historic Preservation Commission (HPC) because it is landmarked as the old Black Hawk School House constructed in 1870. The HPC met on May 16, 2023 and recommended conditional approval as outlined in the Resolution.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 45-2023, a Resolution conditionally approving a Certificate of Appropriateness for the interior renovation to the City of Black Hawk Police Station located at 221 Church Street.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**B. Resolution 46-2023, A Resolution Approving the Request of the New Property Owner of 101 Horn Street to Remain in the Queue for Participation in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs for a Rehabilitation and Preservation Easement**

Mayor Spellman read the title.

Community Planning & Development Director Linker said she received a request from the current owner of 101 Horn Street, who is in the Air Force stationed in South Korea, to remain in the queue. She said due to a miscommunication problem, the 45-day deadline to submit a Letter of Intent was missed. She said staff recommends waiving the requirement due to the breach in communication and to keep the home in the program's queue, subject to budget and appropriations, as explained in the program.

**MOTION TO  
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 46-2023, a Resolution approving the request of the new property owner of 101 Horn Street to remain in the queue for participation in the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs for a Rehabilitation and Preservation Easement.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**C. Resolution 47-2023, A Resolution Approving Expenditures in the Total Amount Not to Exceed \$116,326.55 for the City's Exterior Paint Program**

Mayor Spellman read the title.

Community Planning & Development Director Linker introduced this item. She said six residents want to participate in the program. She said the approved budget was \$100,000, but the bids received from Independent Painting exceeded that amount. Staff asked Independent Painting to revisit his bids, and he returned with a 5% reduction for each property. She said that if Council approves this Resolution, staff recommends reviewing the Program Guidelines to determine costs saving measures for the program's future.

**MOTION TO  
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 47-2023, a Resolution approving expenditures in the total amount not to exceed \$116,326.55 for the City's Exterior Paint Program.

**MOTION PASSED**

There was no discussion, and the motion was **PASSED**, noting recusals from Aldermen Johnson and Midcap.

**D. Resolution 48-2023, A Resolution Approving the Second Amendment to Subdivision and Development Agreement Between the City of Black Hawk and Club Vista Properties II, LLC Regarding the Black Hawk Park Subdivision**

Mayor Spellman read the title.

City Manager Cole introduced this item. He said Club Vista redesigned their Black Hawk Park plan, which included only airstreams, by adding 45 geodesic domes and eliminating 45 of the airstreams. He said the previous agreement had an attachment describing the process for the airstreams, and since they are going with the domes, the process has changed, and so must the agreement to clarify the new process.

**MOTION TO  
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 48-2023, a Resolution approving the Second Amendment to Subdivision and Development Agreement between the City of Black Hawk and Club Vista Properties II, LLC regarding the Black Hawk Park Subdivision.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**9. CITY MANAGER  
REPORT:**

City Manager Cole had nothing to report.

**10. CITY ATTORNEY  
REPORT:**

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE  
SESSION:

City Attorney Hoffmann recommended item number 5 only for Executive Session to instruct negotiators regarding City-owned land in the Gregory Street HARD District.

**MOTION TO ADJOURN  
INTO EXECUTIVE  
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:22 p.m. to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

**MOTION TO  
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:45 p.m.

**MOTION PASSED**

There was no discussion, and the motion **PASSED** unanimously.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 4:45 p.m.

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Melissa A. Greiner, CMC  
City Clerk

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David D. Spellman  
Mayor

**RESOLUTION 49-2023**  
**A RESOLUTION MAKING**  
**CERTAIN FINDINGS OF**  
**FACT REGARDING THE**  
**PROPOSED ANNEXATION**  
**OF A PARCEL OF LAND**  
**TO THE CITY OF BLACK**  
**HAWK, COLORADO,**  
**KNOWN AS THE LAKE**  
**GULCH WHISKEY**  
**RESORT ANNEXATION**  
**NO. 19**



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

**Resolution No. 49-2023**

**TITLE:       A RESOLUTION MAKING CERTAIN FINDINGS OF FACT  
REGARDING THE PROPOSED ANNEXATION OF A  
PARCEL OF LAND TO THE CITY OF BLACK HAWK,  
COLORADO, KNOWN AS THE LAKE GULCH WHISKEY  
RESORT ANNEXATION NO. 19**

WHEREAS, a Petition in Annexation was filed with the City Clerk on or about April 11, 2023, requesting the annexation of certain unincorporated territory located in the County of Gilpin, State of Colorado, otherwise known as the Lake Gulch Whiskey Resort Annexation No. 19, and described in the attached **Exhibit A**;

WHEREAS, said Petition in Annexation was forwarded by the City Clerk to the City Council;

WHEREAS, the City Council of the City of Black Hawk, Colorado, by resolution passed on April 26, 2023, found substantial compliance of said Petition with C.R.S. § 31-12-107(1);

WHEREAS, the City Council of the City of Black Hawk, Colorado, conducted a public hearing on June 14, 2023, as required by law to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 to establish eligibility for annexation of that property described in **Exhibit A**;

WHEREAS, public notice of such public hearing was published once a week for four (4) consecutive weeks and notice by registered mail was given to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed as required by law;

WHEREAS, the public hearing on said annexation Petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to C.R.S. § 31-12-110, the City Council, sitting as the governing body of the City of Black Hawk, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility for annexation to the City of Black Hawk of the property described in **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. With regard to the annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein, the applicable provisions of C.R.S. § 31-12-104 have been met in that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City; the territory proposed to be annexed is urban or will be urbanized in the near future, and the territory proposed to be annexed is integrated or is capable of being integrated with the City.

Section 2. The applicable provisions of C.R.S. § 32-12-105 have been met in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three (3) miles; that the City has in place a plan for said three-mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and that no additional terms or conditions are to be imposed upon the area to be annexed.

Section 4. The property described in the attached **Exhibit A** is eligible for annexation to the City of Black Hawk and all requirements of law have been met for such annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended.

Section 5. An ordinance annexing to the City of Black Hawk that property described in the attached **Exhibit A** shall be considered by this City Council pursuant to C.R.S. § 31-12-111.

Section 6. Effective Date. This Resolution shall take effect upon adoption by the City Council. However, by operation of C.R.S. § 31-12-113(2), the annexation will not become effective until the City Clerk completes the filings required by statute.

RESOLVED AND PASSED this 14th day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. 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.

# **CITY OF BLACK HAWK**

## **REQUEST FOR COUNCIL ACTION**

---

**SUBJECT:** Three Resolutions making certain findings of fact regarding the proposed Annexation of parcels of unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexation No. 19, Lake Gulch Whiskey Resort Annexation No. 20, Lake Gulch Whiskey Resort Annexation No. 21 & 22).

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** RESOLUTION 49-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19

**MOTION TO APPROVE:** RESOLUTION 50-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20

**MOTION TO APPROVE:** RESOLUTION 51-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NUMBERS 21 AND 22

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** Three Resolutions making certain findings of fact regarding the proposed Annexation of parcels of unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexation No. 19-22); associated with three Ordinances approving and accomplishing the Annexation of parcels of Lake Gulch Whiskey Resort Annexations No. 19-22.

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

**DOCUMENTS ATTACHED:** Resolution 49-2023  
Resolution 50-2023  
Resolution 51-2023



**RECORD:**

☐ Yes      ☒ No

**CoBH CERTIFICATE OF INSURANCE REQUIRED**

☐ Yes      ☒ No

**CITY ATTORNEY REVIEW:**

☒ Yes      ☐ N/A

**SUBMITTED BY:**

**REVIEWED BY:**



\_\_\_\_\_  
Cynthia L. Linker, CP&D Director

\_\_\_\_\_  
Stephen N. Cole, City Manager



\_\_\_\_\_  
Vincent Harris, AICP, Baseline Corporation

**RESOLUTION 50-2023**  
**A RESOLUTION MAKING**  
**CERTAIN FINDINGS OF**  
**FACT REGARDING THE**  
**PROPOSED ANNEXATION**  
**OF A PARCEL OF LAND**  
**TO THE CITY OF BLACK**  
**HAWK, COLORADO,**  
**KNOWN AS THE LAKE**  
**GULCH WHISKEY**  
**RESORT ANNEXATION**  
**NO. 20**

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

**Resolution No. 50-2023**

**TITLE:       A RESOLUTION MAKING CERTAIN FINDINGS OF FACT  
REGARDING THE PROPOSED ANNEXATION OF A  
PARCEL OF LAND TO THE CITY OF BLACK HAWK,  
COLORADO, KNOWN AS THE LAKE GULCH WHISKEY  
RESORT ANNEXATION NO. 20**

WHEREAS, a Petition in Annexation was filed with the City Clerk on or about April 11, 2023, requesting the annexation of certain unincorporated territory located in the County of Gilpin, State of Colorado, otherwise known as the Lake Gulch Whiskey Resort Annexation No. 20, and described in the attached **Exhibit A**;

WHEREAS, said Petition in Annexation was forwarded by the City Clerk to the City Council;

WHEREAS, the City Council of the City of Black Hawk, Colorado, by resolution passed on April 26, 2023, found substantial compliance of said Petition with C.R.S. § 31-12-107(1);

WHEREAS, the City Council of the City of Black Hawk, Colorado, conducted a public hearing on June 14, 2023, as required by law to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 to establish eligibility for annexation of that property described in **Exhibit A**;

WHEREAS, public notice of such public hearing was published once a week for four (4) consecutive weeks and notice by registered mail was given to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed as required by law;

WHEREAS, the public hearing on said annexation Petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to C.R.S. § 31-12-110, the City Council, sitting as the governing body of the City of Black Hawk, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility for annexation to the City of Black Hawk of the property described in **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. With regard to the annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein, the applicable provisions of C.R.S. § 31-12-104 have been met in that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City; the territory proposed to be annexed is urban or will be urbanized in the near future, and the territory proposed to be annexed is integrated or is capable of being integrated with the City.

Section 2. The applicable provisions of C.R.S. § 32-12-105 have been met in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three (3) miles; that the City has in place a plan for said three-mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and that no additional terms or conditions are to be imposed upon the area to be annexed.

Section 4. The property described in the attached **Exhibit A** is eligible for annexation to the City of Black Hawk and all requirements of law have been met for such annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended.

Section 5. An ordinance annexing to the City of Black Hawk that property described in the attached **Exhibit A** shall be considered by this City Council pursuant to C.R.S. § 31-12-111.

Section 6. Effective Date. This Resolution shall take effect upon adoption by the City Council. However, by operation of C.R.S. § 31-12-113(2), the annexation will not become effective until the City Clerk completes the filings required by statute.

RESOLVED AND PASSED this 14th day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

EXHIBIT A

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.

# **CITY OF BLACK HAWK**

## **REQUEST FOR COUNCIL ACTION**

---

**SUBJECT:** Three Resolutions making certain findings of fact regarding the proposed Annexation of parcels of unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexation No. 19, Lake Gulch Whiskey Resort Annexation No. 20, Lake Gulch Whiskey Resort Annexation No. 21 & 22).

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** RESOLUTION 49-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19

**MOTION TO APPROVE:** RESOLUTION 50-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20

**MOTION TO APPROVE:** RESOLUTION 51-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NUMBERS 21 AND 22

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** Three Resolutions making certain findings of fact regarding the proposed Annexation of parcels of unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexation No. 19-22); associated with three Ordinances approving and accomplishing the Annexation of parcels of Lake Gulch Whiskey Resort Annexations No. 19-22.

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

**DOCUMENTS ATTACHED:** Resolution 49-2023  
Resolution 50-2023  
Resolution 51-2023



**RECORD:**

[ ] Yes [ X ] No

**CoBH CERTIFICATE OF INSURANCE REQUIRED**

[ ] Yes [ X ] No

**CITY ATTORNEY REVIEW:**

[ X ] Yes [ ] N/A

**SUBMITTED BY:**

**REVIEWED BY:**



\_\_\_\_\_  
Cynthia L. Linker, CP&D Director

\_\_\_\_\_  
Stephen N. Cole, City Manager



\_\_\_\_\_  
Vincent Harris, AICP, Baseline Corporation

**RESOLUTION 51-2023**  
**A RESOLUTION MAKING**  
**CERTAIN FINDINGS OF**  
**FACT REGARDING THE**  
**PROPOSED ANNEXATION**  
**OF A PARCEL OF LAND**  
**TO THE CITY OF BLACK**  
**HAWK, COLORADO,**  
**KNOWN AS THE LAKE**  
**GULCH WHISKEY**  
**RESORT ANNEXATION**  
**NUMBERS 21 AND 22**

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

**Resolution No. 51-2023**

**TITLE:        A RESOLUTION MAKING CERTAIN FINDINGS OF FACT  
REGARDING THE PROPOSED ANNEXATION OF A  
PARCEL OF LAND TO THE CITY OF BLACK HAWK,  
COLORADO, KNOWN AS THE LAKE GULCH WHISKEY  
RESORT ANNEXATION NUMBERS 21 AND 22**

WHEREAS, a Petition in Annexation was filed with the City Clerk on or about April 11, 2023, requesting the annexation of certain unincorporated territory located in the County of Gilpin, State of Colorado, otherwise known as the Lake Gulch Whiskey Resort Annexation Numbers 21 and 22, and described in the attached **Exhibit A**;

WHEREAS, said Petition in Annexation was forwarded by the City Clerk to the City Council;

WHEREAS, the City Council of the City of Black Hawk, Colorado, by resolution passed on April 26, 2023, found substantial compliance of said Petition with C.R.S. § 31-12-107(1);

WHEREAS, the City Council of the City of Black Hawk, Colorado, conducted a public hearing on June 14, 2023, as required by law to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 to establish eligibility for annexation of that property described in **Exhibit A**;

WHEREAS, public notice of such public hearing was published once a week for four (4) consecutive weeks and notice by registered mail was given to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed as required by law;

WHEREAS, the public hearing on said annexation Petitions was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to C.R.S. § 31-12-110, the City Council, sitting as the governing body of the City of Black Hawk, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility for annexation to the City of Black Hawk of the property described in **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1.        With regard to the annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein, the applicable provisions of C.R.S. § 31-12-104 have been met in that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City; and therefore, because of such contiguity, a community

of interest exists between the territory proposed to be annexed and the City; the territory proposed to be annexed is urban or will be urbanized in the near future, and the territory proposed to be annexed is integrated or is capable of being integrated with the City.

Section 2. The applicable provisions of C.R.S. § 32-12-105 have been met in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three (3) miles; that the City has in place a plan for said three-mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and that no additional terms or conditions are to be imposed upon the area to be annexed.

Section 4. The property described in the attached **Exhibit A** is eligible for annexation to the City of Black Hawk and all requirements of law have been met for such annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended.

Section 5. An ordinance annexing to the City of Black Hawk that property described in the attached **Exhibit A** shall be considered by this City Council pursuant to C.R.S. § 31-12-111.

Section 6. Effective Date. This Resolution shall take effect upon adoption by the City Council. However, by operation of C.R.S. § 31-12-113(2), the annexation will not become effective until the City Clerk completes the filings required by statute.

RESOLVED AND PASSED this 14<sup>th</sup> day of June, 2023.

---

David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

## EXHIBIT A

### 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 LODE 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.

## **CITY OF BLACK HAWK**

### **REQUEST FOR COUNCIL ACTION**

---

**SUBJECT:** Three Resolutions making certain findings of fact regarding the proposed Annexation of parcels of unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexation No. 19, Lake Gulch Whiskey Resort Annexation No. 20, Lake Gulch Whiskey Resort Annexation No. 21 & 22).

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** RESOLUTION 49-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19

**MOTION TO APPROVE:** RESOLUTION 50-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20

**MOTION TO APPROVE:** RESOLUTION 51-2023: A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE CITY OF BLACK HAWK, COLORADO, KNOWN AS THE LAKE GULCH WHISKEY RESORT ANNEXATION NUMBERS 21 AND 22

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** Three Resolutions making certain findings of fact regarding the proposed Annexation of parcels of unincorporated territory located in the County of Gilpin (Lake Gulch Whiskey Resort Annexation No. 19-22); associated with three Ordinances approving and accomplishing the Annexation of parcels of Lake Gulch Whiskey Resort Annexations No. 19-22.

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

**DOCUMENTS ATTACHED:** Resolution 49-2023  
Resolution 50-2023  
Resolution 51-2023



**RECORD:**

☐ Yes

☒ No

**CoBH CERTIFICATE OF INSURANCE REQUIRED**

☐ Yes

☒ No

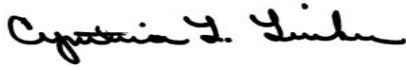
**CITY ATTORNEY REVIEW:**

☒ Yes

☐ N/A

**SUBMITTED BY:**

**REVIEWED BY:**



\_\_\_\_\_  
Cynthia L. Linker, CP&D Director

\_\_\_\_\_  
Stephen N. Cole, City Manager



\_\_\_\_\_  
Vincent Harris, AICP, Baseline Corporation

**COUNCIL BILL 13**  
**ORDINANCE 2023-13**

**A BILL FOR AN  
ORDINANCE APPROVING  
AND ACCOMPLISHING  
THE ANNEXATION OF  
PARCEL NO. 19,  
CONSISTING OF  
CONTIGUOUS  
UNINCORPORATED  
TERRITORY IN GILPIN  
COUNTY ALSO KNOWN  
AS A PORTION OF THE  
LAKE GULCH WHISKEY  
RESORT ANNEXATION**

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

**COUNCIL BILL NUMBER: CB13**

**ORDINANCE NUMBER: 2023-13**

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 19, 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 June 14, 2023, 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 April 11, 2023.

Section 3. The City Council, by resolution at a properly-noticed meeting on April 24, 2023, 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 14th day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. 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.



## **CITY OF BLACK HAWK**

### **REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** A Bill for an Ordinance Approving and Accomplishing the Annexation of Parcels of Unincorporated Territory Located in the County of Gilpin (Lake Gulch Whiskey Resort Annexations No. 19-22)

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** **CB13** - A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 19, CONSISTING OF CONTIGUOUS UNINCORPORATED TERRITORY IN GILPIN COUNTY ALSO KNOWN AS A PORTION OF THE LAKE GULCH WHISKEY RESORT ANNEXATION

**MOTION TO APPROVE:** **CB14** - A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 20, CONSISTING OF CONTIGUOUS UNINCORPORATED TERRITORY IN GILPIN COUNTY ALSO KNOWN AS A PORTION OF THE LAKE GULCH WHISKEY RESORT ANNEXATION

**MOTION TO APPROVE:** **CB15** - A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NUMBERS 21 AND 22, CONSISTING OF CONTIGUOUS UNINCORPORATED TERRITORY IN GILPIN COUNTY ALSO KNOWN AS A PORTION OF THE LAKE GULCH WHISKEY RESORT ANNEXATION

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** The City of Black Hawk received petitions for annexation of property in unincorporated Gilpin County. The petitions are from the City of Black Hawk and Proximo Distillers, LLC, landowners, and cover approximately 7.88 acres of land north of Central City Parkway, south of Gregory Hill, and intersecting Lake Gulch Road. **Lake Gulch Whiskey Resort Annexation No. 19** includes all or portions of Dale MS 13338, Annex MS 7799, and the portion of Government Lot 123 south of Lake Gulch Road. **Lake Gulch Whiskey Resort Annexation No. 20** includes a portion of Unexpected MS 327, Government Lot 118, and Government Lot 119, all located in Section 18, Township 3 South, Range 72 West, 6<sup>th</sup> P.M.

Additionally, the City of Black Hawk has received petitions for annexation of property in unincorporated Gilpin County. The petitions are from Proximo Distillers, LLC, landowner, and cover approximately 3.31 acres of land north of Central City Parkway, south of Gregory Hill, and intersecting Lake Gulch Road. **Lake Gulch Whiskey Resort Annexation No. 21** includes portions of St. Anthony MS 19174. **Lake Gulch Whiskey Resort Annexation No. 22** includes portions of St. Anthony MS 19174, Government Lot 125, and Government Lot 129, all located in Section 18, Township 3 South, Range 72 West, 6<sup>th</sup> P.M

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:**

☒ Yes    ☐ No

**STAFF PERSON RESPONSIBLE:**

Cynthia L. Linker  
CP&D Director

**DOCUMENTS ATTACHED:**

Ordinance 2023-13  
Ordinance 2023-14  
Ordinance 2023-15  
Staff Report

**RECORD:**

☒ Yes    ☐ No

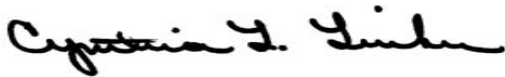
**CoBH CERTIFICATE OF INSURANCE REQUIRED**

☐ Yes    ☒ No

**CITY ATTORNEY REVIEW:**

☒ Yes    ☐ N/A

**SUBMITTED BY:**



Cynthia L. Linker, CP&D Director



Vincent Harris, AICP, Baseline Corporation

**REVIEWED BY:**



Stephen N. Cole, City Manager

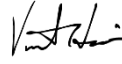
# **Staff Report**

**CITY OF BLACK HAWK  
PLANNING / LAND USE**

Date prepared: May 23, 2023  
Meeting Date: June 14, 2023

**STAFF REPORT: Lake Gulch Whiskey Resort Annexations 19 through 22**

**For:** City Council  
**Project Number:** P-23-04  
**Property Address:** Lake Gulch Road, Black Hawk, CO 80422  
**Applicants:** City of Black Hawk  
**Zoning:** Gilpin County  
**Prepared by:** Alyssa Rivas - Baseline Corporation  
**Approved by:** Vincent Harris, AICP - Baseline Corporation  
**Reviewed by:** Cynthia Linker, CP&D Director



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**BACKGROUND:**

The City of Black Hawk received petitions for annexation of property in unincorporated Gilpin County. The petitions are from the City of Black Hawk and Proximo Distillers, LLC, landowners, and cover approximately 7.88 acres of land north of Central City Parkway, south of Gregory Point, and intersecting Lake Gulch Road. **Lake Gulch Whiskey Resort Annexation No. 19** includes all or portions of Dale MS 13338, Annex MS 7799, and the portion of Government Lot 123 south of Lake Gulch Road. **Lake Gulch Whiskey Resort Annexation No. 20** includes a portion of Unexpected MS 327, Government Lot 118, and Government Lot 119, all located in Section 18, Township 3 South, Range 72 West, 6<sup>th</sup> P.M.

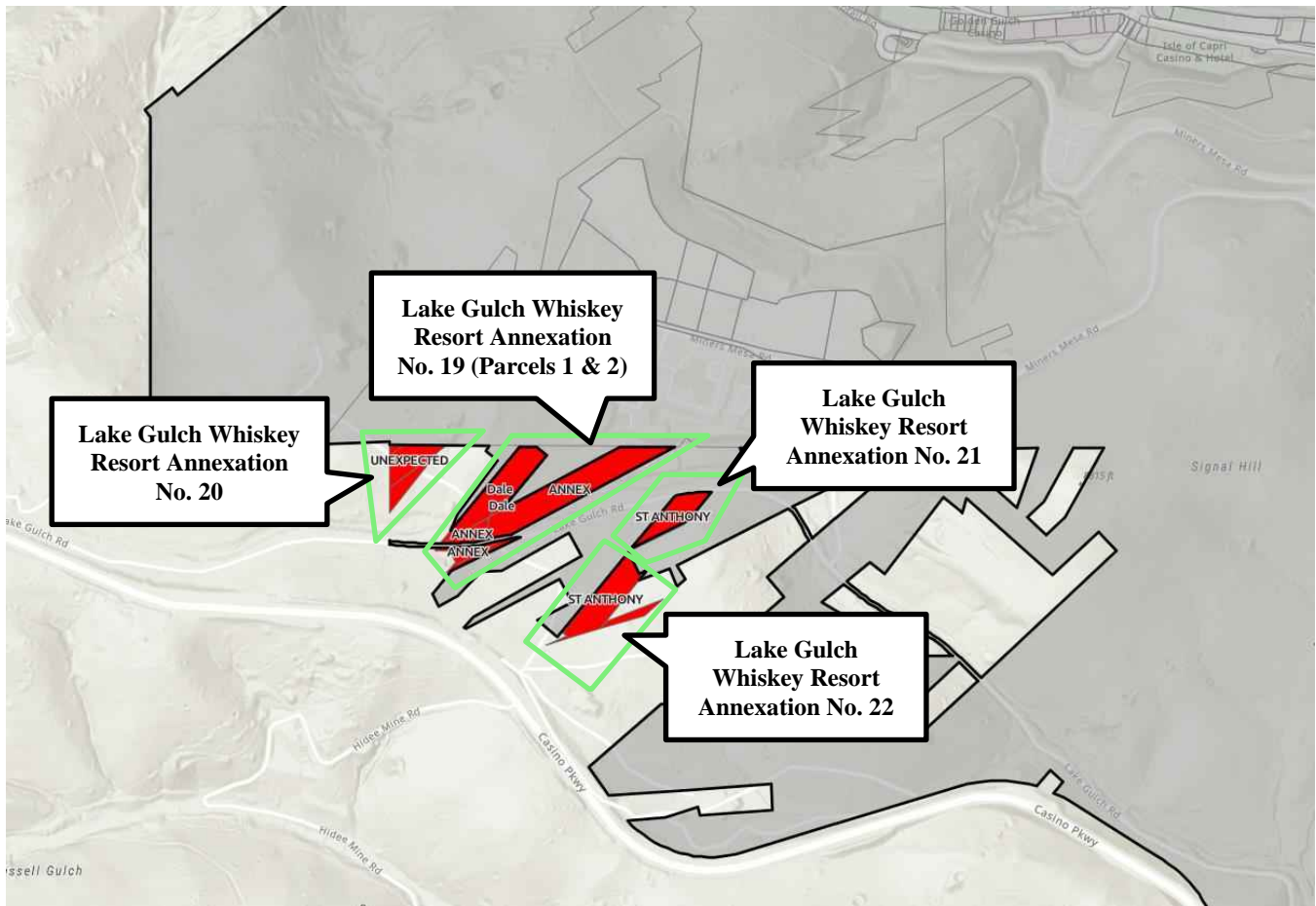
Additionally, the City of Black Hawk has received petitions for annexation of property in unincorporated Gilpin County. The petitions are from Proximo Distillers, LLC, landowner, and cover approximately 3.31 acres of land north of Central City Parkway, south of Gregory Hill, and intersecting Lake Gulch Road. **Lake Gulch Whiskey Resort Annexation No. 21** includes portions of St. Anthony MS 19174. **Lake Gulch Whiskey Resort Annexation No. 22** includes portions of St. Anthony MS 19174, Government Lot 125, and Government Lot 129, all located in Section 18, Township 3 South, Range 72 West, 6<sup>th</sup> P.M.

All of the land proposed to be annexed is within the agreed upon Growth Area Boundary per the 2020 Amended and Restated Intergovernmental Agreement (IGA) with Central City. The application proposes four (4) annexations containing a total of five (5) parcels of land. Each annexation must individually meet state standards for contiguity to the current City boundary. The perimeter of each annexation must border the City limits by a ratio of at least 1/6<sup>th</sup> of the boundary of the proposed annexation. Each parcel meets the contiguity requirements.

The Lake Gulch Whiskey Resort Annexations 19-22 consist of four (4) proposed annexation ordinances, containing five (5) parcels of land:

<i>Property Name</i>	<i>Annexation Name</i>	<i>Area (acres)</i>
All or portions of Dale MS 13338, Annex MS 7799, and the portion of Govt. Lot 123 (Parcel 1)	Lake Gulch Whiskey Resort Annexation 19	5.91
All or portions of Dale MS 13338, Annex MS 7799, and the portion of Govt. Lot 123 (Parcel 2)	Lake Gulch Whiskey Resort Annexation 19	0.55
Portion of Unexpected MS 327, Govt. Lot 118, and Govt. Lot 119 (Parcel 1)	Lake Gulch Whiskey Resort Annexation 20	1.42
Portions of St. Anthony MS 19174	Lake Gulch Whiskey Resort Annexation 21	1.06
Portions of St. Anthony MS 19174, Govt. Lot 125, and Govt. Lot 129	Lake Gulch Whiskey Resort Annexation 22	2.25

Total area annexed = 11.19 acres (more or less)



*Proposed Lake Gulch Whiskey Resort Annexations 19-22 are shown in red, and outlined in green. This image is for illustrative purposes only – please refer to the official annexation maps after this staff report.*

## **ZONING:**

The parcels to be annexed currently lie outside of city limits in Gilpin County. Concurrent with the annexation, the Petitions are requesting approval of an initial zoning to the Commercial/Business Services (C/BS) zoning district. All annexed land shall be zoned at the time of annexation. A separate staff report for the initial zoning of Lake Gulch Whiskey Resort Annexations 19-22 has been prepared.

## **REQUEST:**

The City of Black Hawk and Proximo Distillers, LLC (petitioners) request the annexation of Lake Gulch Whiskey Resort Annexation No. 19, Lake Gulch Whiskey Resort Annexation No. 20, Lake Gulch Whiskey Resort Annexation No. 21, and Lake Gulch Whiskey Resort Annexation No. 22 into the City of Black Hawk, Colorado.

## **APPLICABLE STATE STATUTES:**

Excerpts from:

***Title 31. Government – Municipal  
Article 12. Annexation – Consolidation – Disconnection  
Part 1. Municipal Annexation Act of 1965***

### ***§ 31-12-104. Eligibility for annexation***

*(1) No unincorporated area may be annexed to a municipality unless one of the conditions set forth in section 30 (1) of article II of the state constitution first has been met. An area is eligible for annexation if the provisions of section 30 of article II of the state constitution have been complied with and the governing body, at a hearing as provided in section 31-12-109, finds and determines:*

*(a) That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality. Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed. Subject to the requirements imposed by section 31-12-105(1)(e), contiguity may be established by the annexation of one or more parcels in a series, which annexations may be completed simultaneously and considered together for the purposes of the public hearing required by sections 31-12-108 and 31-12-109 and the annexation impact report required by section 31-12-108.5.*

**Staff Comment:** Each of the four proposed Lake Gulch Whiskey Resort annexations meets the one-sixth contiguity requirement.

*(b) That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the contiguity with the annexing municipality required by paragraph (a) of this subsection (1) shall be a basis for a finding of compliance with these requirements...*

**Staff Comment:** A community of interest exists between the City of Black Hawk and the area proposed to be annexed. The property is within the Future Growth Area identified in the Comprehensive Plan of the City of Black Hawk. The property is directly adjacent to the existing City limits.

**§ 31-12-105. Limitations**

*(1) Notwithstanding any provisions of this part 1 to the contrary, the following limitations shall apply to all annexations:*

*(e)(I) Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. ... Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually. ...*

**Staff Comment:** The Comprehensive Plan of the City of Black Hawk is adopted as the Three-Mile Plan. The Comprehensive Plan identifies areas of the proposed annexation as a future growth area. The area is also identified as within Black Hawk's Future Growth Area in the 2020 Amended and Restated Intergovernmental Agreement between Black Hawk and Central City.

*(f) In establishing the boundaries of any area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley shall be included within the area annexed.*

**Staff Comment:** Lake Gulch Whiskey Resort Annexations 19-22 do not annex any rights-of-way. Lake Gulch Road was previously annexed into Black Hawk in 2020. The annexations abut Lake Gulch Road, which is located within the city limits of Central City.

**§ 31-12-107. Petitions for annexation and for annexation elections**

*(1) Petition for annexation in accordance with section 30(1)(b) of article II of the state constitution:*

*(a) Persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets and alleys and any land owned by the annexing municipality, meeting the requirements of sections 31-12-104 and 31-12-105 may petition the governing body of any municipality for the annexation of such territory.*

*(b) The petition shall be filed with the clerk.*

*(c) The petition shall contain the following:*

*(I) An allegation that it is desirable and necessary that such area be annexed to the municipality;*

*(II) An allegation that the requirements of sections 31-12-104 and 31-12-105 exist or have been met;*

*(III) An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality;*

*(IV) A request that the annexing municipality approve the annexation of the area proposed to be annexed;*

- (V) *The signatures of such landowners;*
- (VI) *The mailing address of each such signer;*
- (VII) *The legal description of the land owned by such signer;*
- (VIII) *The date of signing of each signature; and*
- (IX) *The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.*
- (d) *Accompanying the petition shall be four copies of an annexation map containing the following information:*
  - (I) *A written legal description of the boundaries of the area proposed to be annexed;*
  - (II) *A map showing the boundary of the area proposed to be annexed;*
  - (III) *Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;*
  - (IV) *Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.*
- (e) *No signature on the petition is valid if it is dated more than one hundred eighty days prior to the date of filing the petition for annexation with the clerk. All petitions which substantially comply with the requirements set forth in paragraphs (b) to (d) of this subsection (1) shall be deemed sufficient. No person signing a petition for annexation shall be permitted to withdraw his signature from the petition after the petition has been filed with the clerk, except as such right of withdrawal is otherwise set forth in the petition.*
- (f) *The clerk shall refer the petition to the governing body as a communication. The governing body, without undue delay, shall then take appropriate steps to determine if the petition so filed is substantially in compliance with this subsection (1).*
- (g) *If the petition is found to be in substantial compliance with this subsection (1), the procedure outlined in sections 31-12-108 to 31-12-110 shall then be followed. If it is not in substantial compliance, no further action shall be taken.*

**Staff Comment:** The annexation petitions and accompanying maps and other information meet the requirements of the Municipal Annexation Act. The City Council adopted Resolutions 26-2023, 27-2023, and 28-2023 on April 26, 2023, accepting the petitions, finding substantial compliance with the statutes, and setting the public hearing date on June 14, 2023.

#### **§ 31-12-108. Setting hearing date - notice given**

(2) *The clerk shall give notice as follows: A copy of the resolution or the petition as filed (exclusive of the signatures) together with a notice that, on the given date and at the given time and place set by the governing body, the governing body shall hold a hearing upon said resolution of the annexing municipality or upon the petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of section 30 of article II of the state constitution and sections 31-12-104 and 31-12-105 and is considered eligible for annexation. Said notice shall be published once a week for four successive weeks in some newspaper of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty days prior to the date of the hearing. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed, the certificate of the owner, editor, or manager of the newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held*



*as provided in said notice. A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such hearing. The notice required to be sent to the special district or school district by this subsection (2) shall not confer any right of review in addition to those rights provided for in section 31-12-116.*

**Staff comment:** Notices were published in the Weekly Register-Call on May 11, May 18, May 25, June 1, and June 8, 2023. Notice was mailed via registered mail and hand delivered to the Gilpin County Board of County Commissioners, the Gilpin County Attorney, Gilpin County RE-1 School District, and Timberline Fire Protection District on May 17, 2023.

***§ 31-12-108.5. Annexation impact report – requirements***

*(1) The municipality shall prepare an impact report concerning the proposed annexation at least twenty-five days before the date of the hearing established pursuant to section 31-12-108 and shall file one copy with the board of county commissioners governing the area proposed to be annexed within five days thereafter. Such report shall not be required for annexations of ten acres or less in total area or when the municipality and the board of county commissioners governing the area proposed to be annexed agree that the report may be waived. ...*

**Staff comment:** An annexation impact report was prepared by the City of Black Hawk in accordance with state statutes and filed with the Gilpin County Board of County Commissioners on May 25, 2023. A copy is attached.

***§ 31-12-110. Findings***

*(1) Upon the completion of the hearing, the governing body of the annexing municipality, by resolution, shall set forth its findings of fact and its conclusion based thereon with reference to the following matters:*

- (a) Whether or not the requirements of the applicable provisions of section 30 of article II of the state constitution and sections 31-12-104 and 31-12-105 have been met;*
- (b) Whether or not an election is required under section 30 (1)(a) of article II of the state constitution and section 31-12-107 (2).*

*(2) The governing body shall also determine whether or not additional terms and conditions are to be imposed.*

*(3) A finding that the area proposed for annexation does not comply with the applicable provisions of section 30 of article II of the state constitution or sections 31-12-104 and 31-12-105 shall terminate the annexation proceeding.*

**Staff comment:** See “Findings” section of this staff report, below on page 9.

***Colorado Constitution  
Article II***

**Section 30. Right to vote or petition on annexation – enclaves**

*(1) No unincorporated area may be annexed to a municipality unless one of the following conditions first has been met:*

*(a) The question of annexation has been submitted to the vote of the landowners and the registered electors in the area proposed to be annexed, and the majority of such persons voting on the question have voted for the annexation; or*

*(b) The annexing municipality has received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality; or*

*(c) The area is entirely surrounded by or is solely owned by the annexing municipality.*

**Staff Comment:** The City has received a petition for annexation signed by the owner of more than 50% of the landowners in the area and owning 100% of the area, excluding public streets.

#### **APPLICABLE CITY OF BLACK HAWK REGULATIONS:**

Excerpts from:

*City of Black Hawk  
Zoning Code  
Chapter 16 – Zoning*

***Sec. 16-365. Rezoning procedures, amendments to zoning ordinance and special review use permits.***

*Sec. 16-365 (b) All territory annexed to the City shall be zoned in accordance with the zoning classifications established by this Chapter and in accordance with the procedures in this Section for rezoning. All annexed land shall be zoned at the time of annexation as required by this Chapter.*

**Staff Comment:** The initial zoning of the property is addressed in a separate staff report.

*City of Black Hawk  
Home Rule Charter  
Article VIII: Miscellaneous*

#### ***Section 8. Annexation and Zoning.***

*In all proceedings for the annexation of territory to the City, the City Council shall require concurrent zoning of the same.*

**Staff Comment:** The initial zoning of the property is addressed in a separate staff report.

#### **STAFF COMMENTS:**

Four annexation maps for the Lake Gulch Whiskey Resort Annexations 19 through 22 were submitted for review. Staff then reviewed the maps against State and City standards. State standards of contiguity and authority to petition for annexation have been met.

Annexing the land into Black Hawk will extend the applicable city services to these properties, including police and fire protection.

All annexed land shall be zoned at the time of annexation. A separate staff report for the initial zoning of Lake Gulch Whiskey Resort Annexations 19-22 has been prepared.

In accordance with state standards and Black Hawk regulations, staff recommends that City Council pass ordinances approving the Lake Gulch Whiskey Resort Annexations 19-22 inclusive, and annexing said territory shown on the maps thereof into the City of Black Hawk.

**STAFF SUMMARY:**

City of Black Hawk staff and its consultants reviewed annexation petitions and accompanying application materials. On April 26, 2023, the City Council adopted Resolutions 26-2023, 27-2023, and 28-2023 finding the annexation petitions “substantially compliant” and setting June 14, 2023 as the date of the public hearing.

Staff from Baseline Corporation has evaluated the information provided by the petitioners and the applicants for this project. Annexations have been processed and reviewed in accordance with City of Black Hawk Municipal Code and the Annexation Act, and other applicable sections of Colorado Revised Statutes and Colorado Constitution.

The Municipal Code is silent on annexations because it is a matter of statewide concern, with the exception of the requirement to zone the property concurrently with the annexation. The applicants are requesting initial zoning to the Commercial/Business Services (C/BS) district.

Upon the City Council finding substantial compliance and setting the hearing date of June 14, 2023, a number of notices and reports were prepared according to State Statutes. Excerpts from these regulations are cited above.

The following notices were provided:

Per § 31-12-108

- Notice published in the Weekly Register-Call on May 11, May 18, May 25, June 1, and June 8, 2023.
- Notice mailed via registered mail and hand delivered May 17, 2023 to:
  - Gilpin County Board of County Commissioners
  - Gilpin County Attorney
  - Gilpin County RE-1 School District
  - Timberline Fire Protection District

With respect to the 2020 Amended and Restated Intergovernmental Agreement between Black Hawk and Central City, the proposed annexation is wholly within the Black Hawk Growth Area. Exhibit 1.B of the amended IGA is included with this staff report.

In summary, in accordance with Colorado State Statutes and Black Hawk regulations, Staff recommends that City Council adopt resolutions and pass ordinances accomplishing the approval of Lake Gulch Whiskey Resort Annexation No. 19, Lake Gulch Whiskey Resort Annexation No. 20, Lake Gulch Whiskey Resort Annexation No. 21, and Lake Gulch Whiskey Resort Annexation No. 22, and annexing said territory shown on the maps thereof into the City of Black Hawk, Colorado and approving the annexation agreement.

## **FINDINGS:**

City Council may *approve, conditionally approve, or deny* a request to annex territory into the City of Black Hawk. To support this proposal, the following findings can be used:

1. The annexation to the City of Black Hawk, State of Colorado meets all requirements of Colorado law and the annexation policy of the City of Black Hawk.
2. The owner(s) of more than fifty percent (50%) of the area of the property, exclusive of public streets and alleys, petitioned for annexation with the City by filing Petitions for Annexation, together with four (4) copies of the annexation maps, as required by law, on April 12, 2023.
3. The City Council, by resolution at a properly-noticed meeting on April 26, 2023, accepted said Petitions 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, had 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.
4. The applicable provisions of C.R.S. § 31-12-104 have been met, including specifically Section 31-12-104(1)(a) permitting annexation of one or more parcels in a series, in that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City; the territory proposed to be annexed is urban or will be urbanized in the near future, and the territory proposed to be annexed is integrated or is capable of being integrated with the City.
5. The applicable provisions of C.R.S. § 32-12-105 have been met in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three (3) miles; that the City has in place a plan for said three-mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

## **RECOMMENDATION:**

Staff recommends that City Council consider a **MOTION TO APPROVE** an ordinance approving the Lake Gulch Whiskey Resort Annexation No. 19 and annexing said territory shown on the map thereof into the City of Black Hawk; AND

Staff recommends that City Council consider a **MOTION TO APPROVE** an ordinance approving the Lake Gulch Whiskey Resort Annexation No. 20 and annexing said territory shown on the map thereof into the City of Black Hawk; AND

Staff recommends that City Council consider a **MOTION TO APPROVE** an ordinance approving the Lake Gulch Whiskey Resort Annexation No. 21 and annexing said territory shown on the map thereof into the City of Black Hawk; AND

Staff recommends that City Council consider a **MOTION TO APPROVE** an ordinance approving the Lake Gulch Whiskey Resort Annexation No. 22 and annexing said territory shown on the map thereof into the City of Black Hawk.

Attachments:

- Lake Gulch Whiskey Resort Annexations No. 19 Map
- Lake Gulch Whiskey Resort Annexations No. 20 Map
- Lake Gulch Whiskey Resort Annexations No. 21 Map
- Lake Gulch Whiskey Resort Annexations No. 22 Map
- Annexation Impact Report
- Exhibit 1.B Black Hawk Growth Area from Amended and Restated IGA
- Copy of notice published in Weekly Register-Call

# **Applicant's Submittal**



## Black Hawk

PO Box 68, Black Hawk, CO 80422

## Annexation

23BH-PL00016

### Application Details

<b>Application Date:</b> 04/13/2023 <b>Acceptance Date:</b> 04/13/2023 <b>Job Site Address:</b> Lake Gulch Rd, Black Hawk, CO 80422 <b>Category:</b> Planning <b>Permit Type:</b> Annexation	<b>Property Owner:</b> City of Black Hawk & Proximo Distillers LLC <b>Mailing Address:</b>  <b>Phone:</b> <b>Email:</b>
<b>Description of Work:</b> P-23-04 Lake Gulch Whiskey Resort Annexations 19, 20, 21 & 22 Annexation and zoning of 3.31 acres	
<b>Contractors:</b>	<b>Applicant:</b> <b>Name:</b> Cynthia Linker <b>Phone:</b> (303) 582-0615 <b>Email:</b> CLinker@cityofblackhawk.org  <b>Occupant:</b> <b>Name:</b> <b>Phone:</b> <b>Email:</b>
<b>Permit Fields</b>	
<b># Parking Spaces:</b> <b>Lot Size:</b> <b>Required Setback East:</b> <b>Required Setback North:</b> <b>Required Setback South:</b> <b>Total Square Footage:</b>	<b>Estimated Valuation:</b> \$0.00 <b>Required Setback Back:</b> <b>Required Setback Left:</b> <b>Required Setback Right:</b> <b>Required Setback West:</b>
<b>Application Terms</b>	
I, as the applicant, hereby certify that I believe to the best of my knowledge that all information supplied with this application is true and accurate and that consent of the property owner has been obtained. I also commit to pay all fees based on the City of Black Hawk's adopted fee schedule.	
Submitted by: Julie.esterl@baselinecorp.com	

**This document is NOT a permit and does not constitute approval or authorize any construction or changes to the above location.**

M:\co-BLACK HAWK ON CALL PROJECTS\co-S-22-08 Gregory Hill Subdivision Plat\Drawings\Date-Annexation Map.dwg, 4/4/2023 9:41:21 AM, Doug Lancaster

LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19  
A PORTION OF THE DALE MS 13338, ANNEX MS 7799 AND GOVERNMENT LOT 123, LOCATED  
WITH IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.  
TO THE CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO

DESCRIPTION:

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:

PARCEL 1

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;

- NORTH 39°23'43" EAST A DISTANCE OF 624.77 FEET;
- SOUTH 89°24'17" EAST A DISTANCE OF 97.24 FEET;
- SOUTH 50°28'19" EAST A DISTANCE OF 74.00 FEET;
- 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;

- SOUTH 80°16'24" WEST A DISTANCE OF 3.30 FEET;
- SOUTH 80°28'29" WEST A DISTANCE OF 26.01 FEET;
- SOUTH 79°54'14" WEST A DISTANCE OF 26.32 FEET;
- SOUTH 78°39'54" WEST A DISTANCE OF 37.64 FEET;
- SOUTH 78°10'02" WEST A DISTANCE OF 25.48 FEET;
- SOUTH 77°08'36" WEST A DISTANCE OF 25.55 FEET;
- SOUTH 76°54'40" WEST A DISTANCE OF 25.60 FEET;
- SOUTH 78°58'54" WEST A DISTANCE OF 26.68 FEET;
- SOUTH 82°03'23" WEST A DISTANCE OF 28.00 FEET;
- SOUTH 84°07'35" WEST A DISTANCE OF 28.85 FEET;
- SOUTH 84°48'46" WEST A DISTANCE OF 29.08 FEET;
- SOUTH 85°29'19" WEST A DISTANCE OF 27.58 FEET;
- SOUTH 87°31'19" WEST A DISTANCE OF 26.26 FEET;
- SOUTH 88°16'44" WEST A DISTANCE OF 36.59 FEET;
- 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,  
PARCEL 2

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:

- SOUTH 89°43'04" EAST A DISTANCE OF 25.76 FEET;
- NORTH 88°16'44" EAST A DISTANCE OF 37.12 FEET;
- NORTH 87°31'19" EAST A DISTANCE OF 26.80 FEET;
- NORTH 85°29'19" EAST A DISTANCE OF 28.10 FEET;
- NORTH 84°48'46" EAST A DISTANCE OF 29.34 FEET;
- NORTH 84°07'35" EAST A DISTANCE OF 29.37 FEET;
- NORTH 82°03'23" EAST A DISTANCE OF 28.99 FEET;
- NORTH 78°58'54" EAST A DISTANCE OF 27.66 FEET;
- NORTH 76°54'40" EAST A DISTANCE OF 25.95 FEET;
- NORTH 77°08'36" EAST A DISTANCE OF 25.31 FEET;
- NORTH 78°10'02" EAST A DISTANCE OF 25.19 FEET;
- NORTH 78°39'54" EAST A DISTANCE OF 37.31 FEET;
- NORTH 79°54'14" EAST A DISTANCE OF 25.97 FEET;
- NORTH 80°28'29" EAST A DISTANCE OF 25.95 FEET;
- NORTH 80°13'10" EAST A DISTANCE OF 25.35 FEET;
- NORTH 82°00'47" EAST A DISTANCE OF 25.30 FEET;
- 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.

GENERAL NOTES:

- DEFINITION: CERTIFY, CERTIFICATION - A PROFESSIONAL'S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL'S CERTIFICATION OF A CONDITION'S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
- THIS MAP DOES NOT REPRESENT A MONUMENTED LAND SURVEY, IT IS INTENDED ONLY TO DEPICT THE ATTACHED ANNEXATION GRAPHIC AND DESCRIPTION.
- THIS ANNEXATION MAP WAS PREPARED BY AARON ALVIN DEMO, PLS 38285, FOR AND ON BEHALF OF BASELINE CORPORATION, 4007 S. LINCOLN AVE. SUITE# 405, LOVELAND, CO. 80537.
- DISTANCES ON THIS MAP ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- THIS ANNEXATION DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THESE LOTS, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD.
- BASIS OF BEARINGS: ASSUMING THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A 2-1/2" PIPE WITH A 3-1/4" BRASS CAP STAMPED DOI-BLM AT THE EAST QUARTER CORNER OF SAID SECTION 13 AND A 3-1/4" BRASS CAP STAMPED DOI-BLM AT THE NORTHEAST CORNER OF SAID SECTION 13 TO BEAR NORTH 00°14'12" EAST A DISTANCE OF 2639.74 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

CONTIGUITY STATEMENT:

PARCEL 1

TOTAL PERIMETER OF ANNEXED PARCEL 3,830.32'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 638.39'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 3,751.09'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY / / /

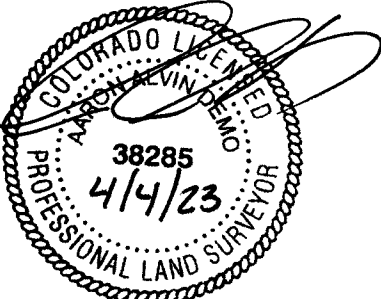
PARCEL 2

TOTAL PERIMETER OF ANNEXED PARCEL 1,141.54'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 190.26'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 898.40'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY / / /

SURVEYOR'S STATEMENT:

I, AARON ALVIN DEMO, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ANNEXATION MAP IS AN ACCURATE REPRESENTATION OF THE LANDS AS SHOWN AND THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCELS ARE CONTIGUOUS TO THE PRESENT CITY OF BLACK HAWK BOUNDARY, ALL THIS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION



MAYOR'S CERTIFICATE:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY, COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

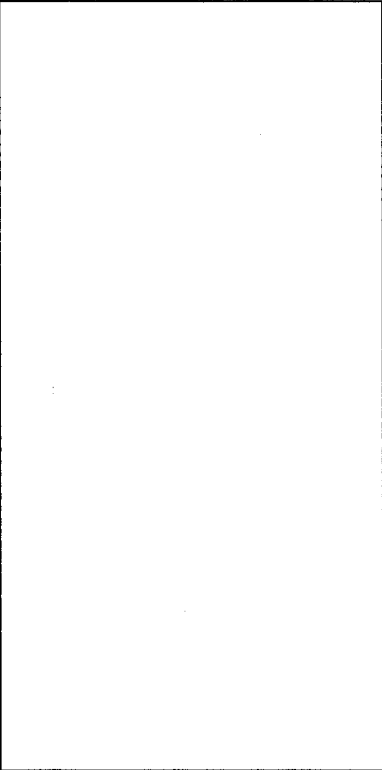
MELISSA A. GREINER, CMC, CITY CLERK

CITY CLERK'S CERTIFICATE:

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK, COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, BY ORDINANCE NO. \_\_\_\_\_ A CERTIFIED COPY OF WHICH IS HEREBY FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

CLERK AND RECORDER:



DESIGNED BY	DATE	PREPARED BY	REVISION DESCRIPTION
DRAWN BY			
DKL			
CHECKED BY			
AAD			

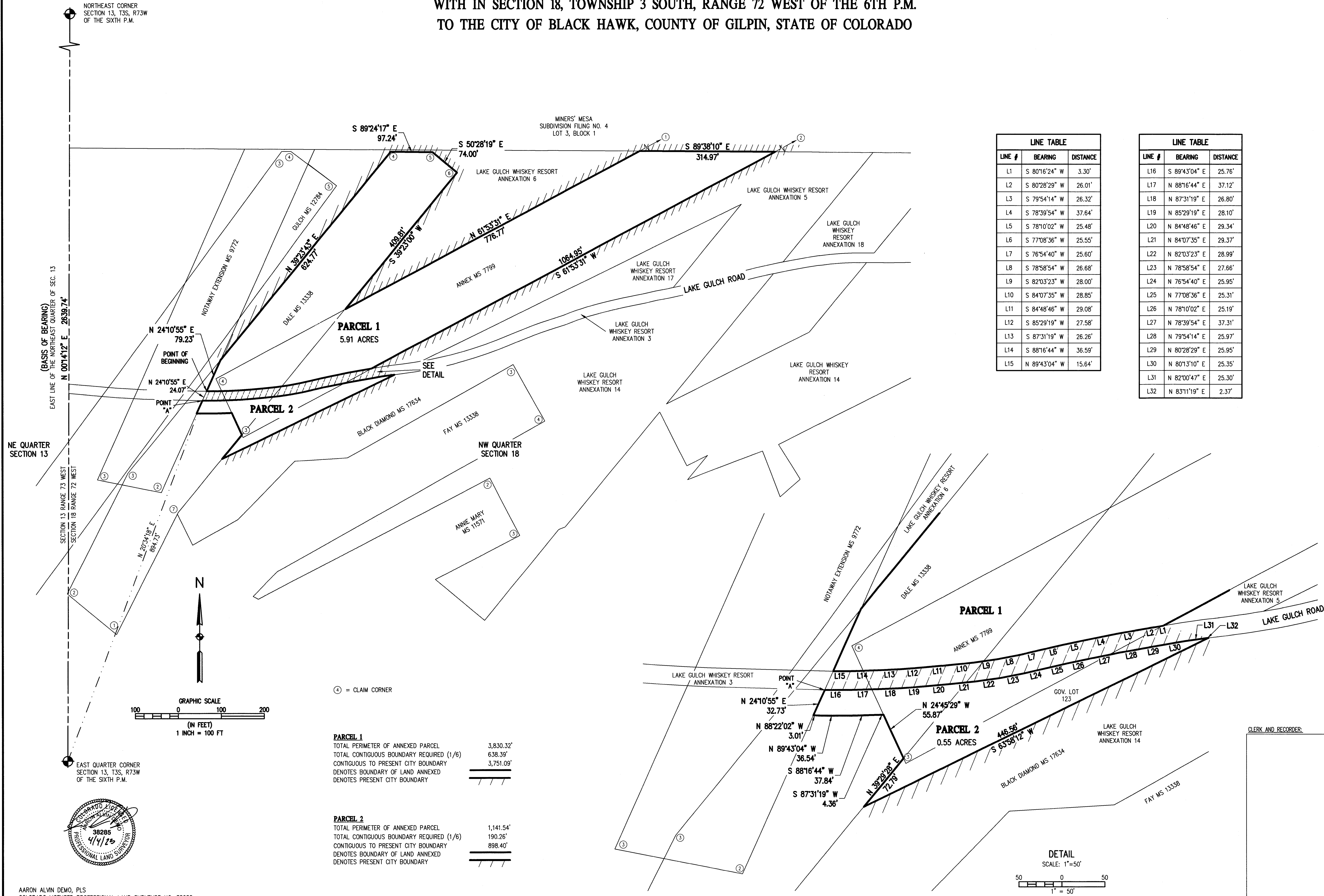
CITY OF BLACK HAWK	COUNTY OF GILPIN
DALE, ANNEX, GOV. LOT 123	
LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19	

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF BASELINE CORPORATION	
INITIAL SUBMITTAL	03/10/2023
DRAWING SIZE	24" X 36"
SURVEY FIRM	SURVEY DATE
JOB NO.	15391
DRAWING NAME	Date-Annexation Map.dwg
SHEET	1 OF 2



LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19  
A PORTION OF THE DALE MS 13338, ANNEX MS 7799 AND GOVERNMENT LOT 123, LOCATED  
WITH IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.  
TO THE CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



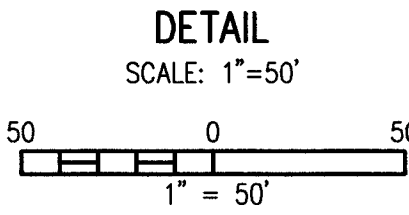
LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 80°16'24" W	3.30'
L2	S 80°28'29" W	26.01'
L3	S 79°54'14" W	26.32'
L4	S 78°39'54" W	37.64'
L5	S 78°10'02" W	25.48'
L6	S 77°08'36" W	25.55'
L7	S 76°54'40" W	25.60'
L8	S 78°58'54" W	26.68'
L9	S 82°03'23" W	28.00'
L10	S 84°07'35" W	28.85'
L11	S 84°48'46" W	29.08'
L12	S 85°29'19" W	27.58'
L13	S 87°31'19" W	26.26'
L14	S 88°16'44" W	36.59'
L15	N 89°43'04" W	15.64'

LINE TABLE		
LINE #	BEARING	DISTANCE
L16	S 89°43'04" E	25.76'
L17	N 88°16'44" E	37.12'
L18	N 87°31'19" E	26.80'
L19	N 85°29'19" E	28.10'
L20	N 84°48'46" E	29.34'
L21	N 84°07'35" E	29.37'
L22	N 82°03'23" E	28.99'
L23	N 78°58'54" E	27.66'
L24	N 76°54'40" E	25.95'
L25	N 77°08'36" E	25.31'
L26	N 78°10'02" E	25.19'
L27	N 78°39'54" E	37.31'
L28	N 79°54'14" E	25.97'
L29	N 80°28'29" E	25.95'
L30	N 80°13'10" E	25.35'
L31	N 82°00'47" E	25.30'
L32	N 83°11'19" E	2.37'

④ = CLAIM CORNER

**PARCEL 1**  
TOTAL PERIMETER OF ANNEXED PARCEL 3,830.32'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 638.39'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 3,751.09'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

**PARCEL 2**  
TOTAL PERIMETER OF ANNEXED PARCEL 1,141.54'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 190.26'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 898.40'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY



**BASELINE**

Engineering · Planning · Surveying  
4007 S. LINCOLN AVENUE SUITE 405 • LOVELAND, COLORADO 80537  
P. 970.533.7600 • F. 970.533.7601 • www.baselinecorp.com

DESIGNED BY	DATE	PREPARED BY	REVISION DESCRIPTION
DRAWN BY			
DKL			
CHECKED BY			
AAD			

**CITY OF BLACK HAWK**  
COUNTY OF GILPIN  
DALE, ANNEX, GOV. LOT 123  
LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF	
BASELINE CORPORATION	
INITIAL SUBMITTAL	03/10/2023
DRAWING SIZE	24" X 36"
SURVEY FIRM	SURVEY FIRM
JOB NO.	15391
DRAWING NAME	Date-Annexation Map.dwg
SHEET	2 OF 2

AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION

M:\co-BLACK HAWK ON CALL PROJECTS\co-S-22-08 Gregory Hill Subdivision Plat\Drawings\Unexpected-Annexation Map.dwg, 4/4/2023 9:13:25 AM, Doug Lancaster

LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20  
A PORTION OF THE UNEXPECTED MS 327 AND GOVERNMENT LOTS 118 AND 119, LOCATED  
WITH IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.  
TO THE CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO

DESCRIPTION:

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,

PARCEL 1

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.

GENERAL NOTES:

- DEFINITION: CERTIFY, CERTIFICATION – A PROFESSIONAL'S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL'S CERTIFICATION OF A CONDITION'S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
- THIS MAP DOES NOT REPRESENT A MONUMENTED LAND SURVEY, IT IS INTENDED ONLY TO DEPICT THE ATTACHED ANNEXATION GRAPHIC AND DESCRIPTION.
- THIS ANNEXATION MAP WAS PREPARED BY AARON ALVIN DEMO, PLS 38285, FOR AND ON BEHALF OF BASELINE CORPORATION, 4007 S. LINCOLN AVE. SUITE# 405, LOVELAND, CO. 80537.
- DISTANCES ON THIS MAP ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- THIS ANNEXATION DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THESE LOTS, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD.
- BASIS OF BEARINGS: ASSUMING THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A 2-1/2" PIPE WITH A 3-1/4" BRASS CAP STAMPED DOI-BLM AT THE EAST QUARTER CORNER OF SAID SECTION 13 AND A 3-1/4" BRASS CAP STAMPED DOI-BLM AT THE NORTHEAST CORNER OF SAID SECTION 13 TO BEAR NORTH 00°14'12" EAST A DISTANCE OF 2639.74 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

CONTIGUITY STATEMENT:

PARCEL 1

TOTAL PERIMETER OF ANNEXED PARCEL	1,244.76'
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6)	207.46'
CONTIGUOUS TO PRESENT CITY BOUNDARY	335.31'
DENOTES BOUNDARY OF LAND ANNEXED	=====
DENOTES PRESENT CITY BOUNDARY	_____/_____/_____/_____

SURVEYOR'S STATEMENT:

I, AARON ALVIN DEMO, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ANNEXATION MAP IS AN ACCURATE REPRESENTATION OF THE LANDS AS SHOWN AND THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCELS ARE CONTIGUOUS TO THE PRESENT CITY OF BLACK HAWK BOUNDARY, ALL THIS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION



MAYOR'S CERTIFICATE:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY, COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

CITY CLERK'S CERTIFICATE:

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK, COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, BY ORDINANCE NO. \_\_\_\_\_, A CERTIFIED COPY OF WHICH IS HEREBY FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

CLERK AND RECORDER:

BASELINE

Engineering · Planning · Surveying  
4007 S. LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537  
P. 970.933.7800 • F. 966.679.4684 • www.baselinecorp.com

DESIGNED BY

DRAWN BY

CHECKED BY

AAD

DATE

PREPARED BY

REVISION DESCRIPTION

CITY OF BLACK HAWK

COUNTY OF GILPIN  
UNEXPECTED MS 327, GOV. LOTS 118 AND 119  
LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF BASELINE CORPORATION

INITIAL SUBMITTAL 03/22/2023

DRAWING SIZE 24" X 36"

SURVEY FIRM SURVEY DATE

SURVEY FIRM

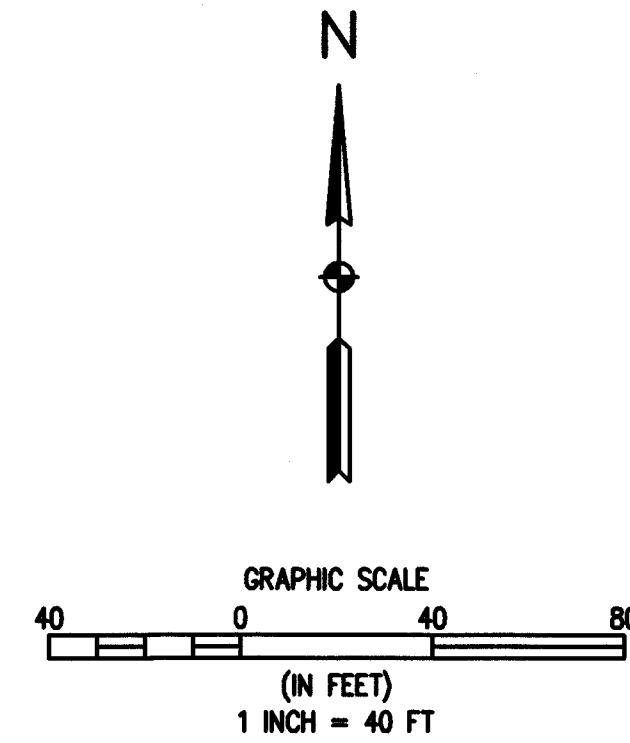
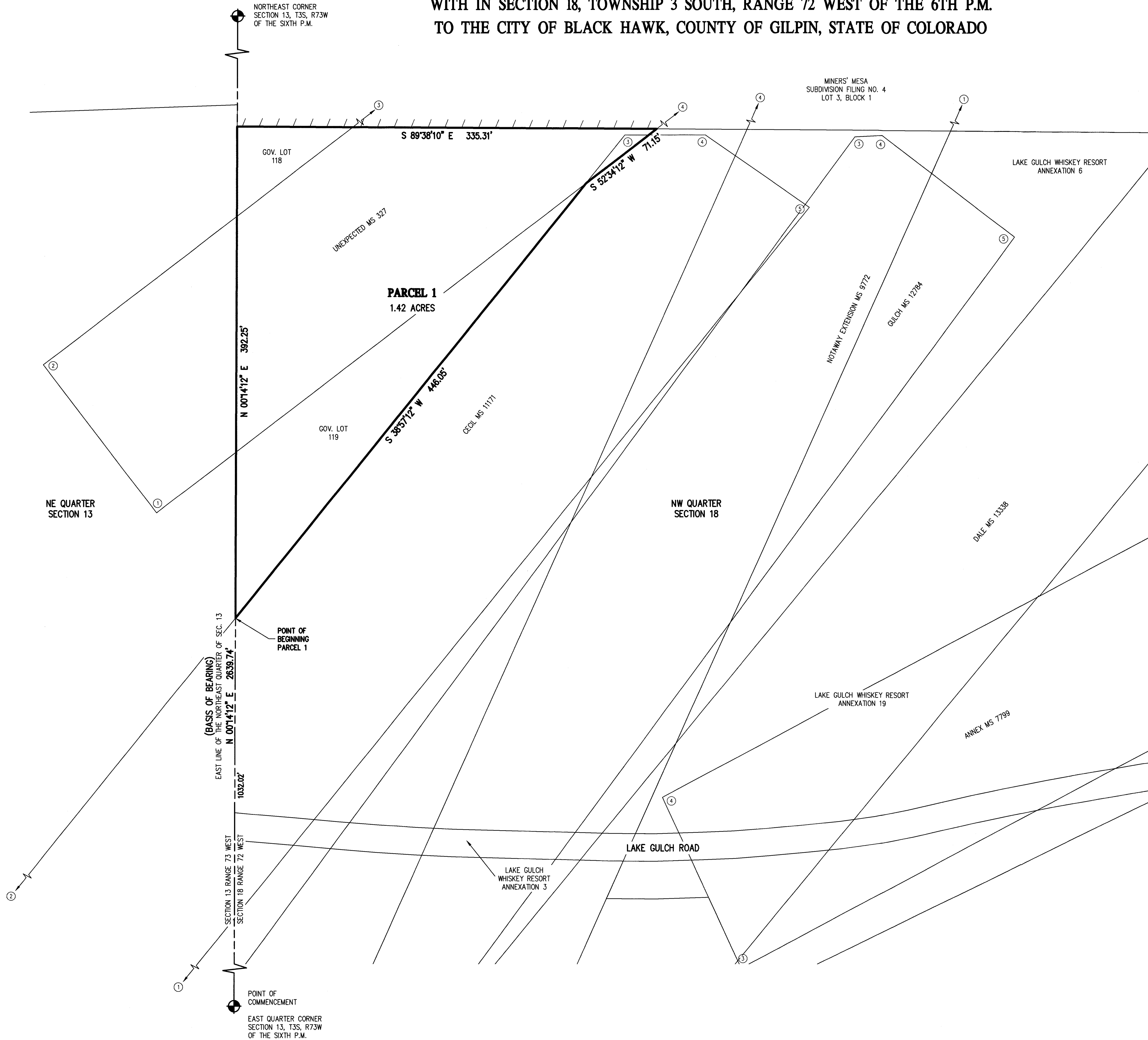
JOB NO. 15391

DRAWING NAME Unexpected-Annexation Map.dwg

SHEET 1 OF 2

M:\co-BLACK HAWK ON CALL PROJECTS\co-S-22-08 Gregory Hill Subdivision Plat\Drawings\Unexpected-Annexation Map.dwg, 4/4/2023 9:13:56 AM, Doug Lancaster

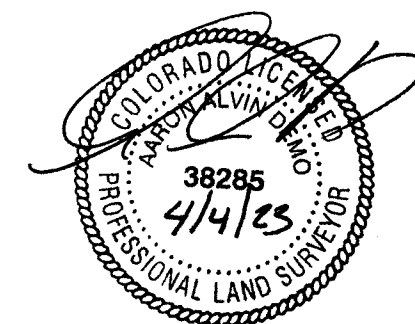
LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20  
A PORTION OF THE UNEXPECTED MS 327 AND GOVERNMENT LOTS 118 AND 119, LOCATED  
WITH IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.  
TO THE CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



④ = CLAIM CORNER

**CONTIGUITY STATEMENT:**

<b>PARCEL 1</b>	
TOTAL PERIMETER OF ANNEXED PARCEL	1,244.76'
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6)	207.46'
CONTIGUOUS TO PRESENT CITY BOUNDARY	335.31'
DENOTES BOUNDARY OF LAND ANNEXED	
DENOTES PRESENT CITY BOUNDARY	



AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION

<b>BASELINE</b> Engineering · Planning · Surveying 4007 S. LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537 P. 303.667.6664 • F. 303.667.6664 • www.baselinecorp.com	
DESIGNED BY	DATE
DRAWN BY	PREPARED BY
CHECKED BY	REVISION DESCRIPTION
AAD	
<b>CITY OF BLACK HAWK</b> COUNTY OF GILPIN UNEXPECTED MS 327, GOV. LOTS 118 AND 119 LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20	
FOR AND ON BEHALF OF BASELINE CORPORATION INITIAL SUBMITTAL 03/22/2023 DRAWING SIZE 24" x 36" SURVEY FIRM SURVEY DATE JOB NO. 15391 DRAWING NAME Unexpected-Annexation Map.dwg SHEET 2 OF 2	

LAKE GULCH WHISKEY RESORT  
ANNEXATION NO. 21 TO THE CITY OF BLACK HAWK

A PART OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,  
COUNTY OF GILPIN, STATE OF COLORADO  
SHEET 1 OF 2

PARCEL DESCRIPTION

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 Lode, 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 Lode;

Thence S 39° 31' 27" W along said line 2-3 of said St. Anthony Lode a distance of 210.07 feet to the point of intersection with line 4-3 of the Alice Lode, US Mineral Survey No. 18785; thence S 63° 23' 00" W along said line 4-3 of said Alice Lode a distance of 371.35 feet to the point of intersection with said line 4-1 of said St. Anthony Lode; 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.

MAYOR'S CERTIFICATE:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY  
THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY,  
COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

CITY CLERK'S CERTIFICATE:

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK,  
COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE  
ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,  
COLORADO, BY ORDINANCE NO. \_\_\_\_\_ A CERTIFIED COPY OF WHICH IS HEREBY  
FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

NOTES

TOTAL PERIMETER, THIS PLAT = 1191.81'  
1/6 TOTAL PERIMETER = 198.64'  
PERIMETER CONTIGUOUS TO EXISTING CITY OF BLACK HAWK = 1191.81'  
DENOTES BOUNDARY OF LAND ANNEXED \_\_\_\_\_

DENOTES CONTIGUOUS CITY BOUNDARY ////

P.O.C. = POINT OF COMMENCEMENT

P.O.B. = POINT OF BEGINNING

1. NOTICE:  
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.
2. This Survey does not constitute a title search by His Consultants, Inc. to determine ownership or easements of record, right-of-way and title of record.

SURVEYOR'S CERTIFICATE

I, DOUGLAS L. HOWELL, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE MAP HEREON SHOWN IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND AND THAT AT LEAST ONE-SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF BLACK HAWK, GILPIN COUNTY, COLORADO. THIS ANNEXATION MAP IS NOT A GUARANTY OF WARRANTY, EITHER EXPRESSED OR IMPLIED.

DOUGLAS L. HOWELL

PLS 20140

CLERK AND RECORDER'S CERTIFICATE

ACCEPTED FOR FILING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER  
OF GILPIN COUNTY AT CENTRAL CITY, COLORADO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_, IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ RECEPTION NO. \_\_\_\_\_

GILPIN COUNTY CLERK AND RECORDER

DEPUTY CLERK



NOTICE

THIS MAP IS PREPARED EXCLUSIVELY FOR ANNEXATION PURPOSES AND IS NOT TO BE USED FOR ANY OTHER PURPOSE AND SHOULD NOT BE CONSTRUED AS A BOUNDARY SURVEY.

His Consultants, Inc.

Lakewood, Colorado

720-273-9940

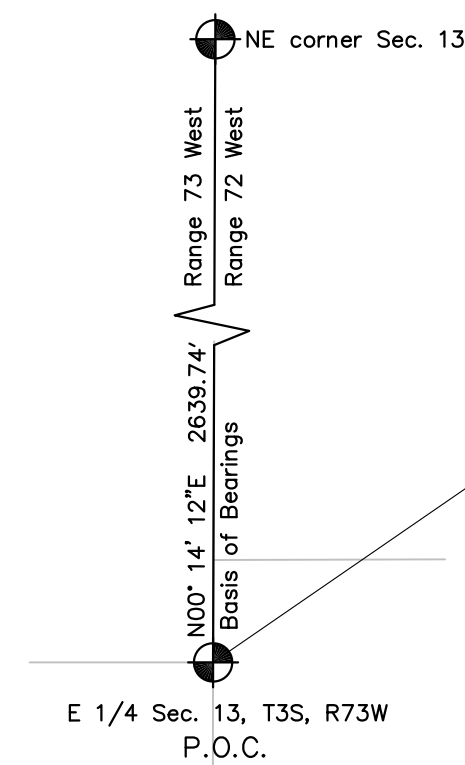
LAKE GULCH WHISKEY RESORT  
ANNEXATION PLAT No. 21  
CITY OF BLACK HAWK

DATE	REVISIONS								

DESIGNED BY: dlh	CHECKED BY: dea
DATE: 4/06/2023	DRAWN BY: dlh
FILE NAME: annex plat18 2021	SCALE: shown
PROJECT NO.	SHEET NO. 1 of 2



A PART OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,  
COUNTY OF GILPIN, STATE OF COLORADO  
SHEET 2 OF 2



TOTAL PERIMETER, THIS PLAT = 1191.81'  
 1/6 TOTAL PERIMETER = 198.64'  
 PERIMETER CONTIGUOUS TO EXISTING CITY OF BLACK HAWK = 1191.81'  
 DENOTES BOUNDARY OF LAND ANNEXED \_\_\_\_\_

DOUGLAS L. HOWELL, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 20140  
FOR AND ON BEHALF OF HIS CONSULTANTS, INC.

Lakewood, Colorado  
720-273-9940

LAKE GULCH WHISKEY RESORT  
ANNEXATION PLAT No. 21  
CITY OF BLACK HAWK

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DESIGNED BY: dlh	CHECKED BY: dea
DATE: 06/23	DRAWN BY: dlh
NAME: plat21 2023	SCALE: shown
SHEET NO. 1	SHEET NO. 2 of 2

LAKE GULCH WHISKEY RESORT  
ANNEXATION NO. 22 TO THE CITY OF BLACK HAWK

A PART OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,  
COUNTY OF GILPIN, STATE OF COLORADO  
SHEET 1 OF 2

PARCEL DESCRIPTION

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 Lode, US Mineral Survey No. 19174, being the Point of Beginning.

Thence N 39° 30' 42" E along line 4-1 of said St. Anthony Lode 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.

MAYOR'S CERTIFICATE:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY  
THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY,  
COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

CITY CLERK'S CERTIFICATE:

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK,  
COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE  
ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,  
COLORADO, BY ORDINANCE NO. \_\_\_\_\_ A CERTIFIED COPY OF WHICH IS HEREBY  
FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

NOTES

TOTAL PERIMETER, THIS PLAT = 2612.01'  
1/6 TOTAL PERIMETER = 435.34'  
PERIMETER CONTIGUOUS TO EXISTING CITY OF BLACK HAWK = 613.24'  
DENOTES BOUNDARY OF LAND ANNEXED \_\_\_\_\_

DENOTES CONTIGUOUS CITY BOUNDARY ////

P.O.C. = POINT OF COMMENCEMENT

P.O.B. = POINT OF BEGINNING

- NOTICE:  
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.
- This Survey does not constitute a title search by His Consultants, Inc. to determine ownership or easements of record, right-of-way and title of record.

SURVEYOR'S CERTIFICATE

I, DOUGLAS L. HOWELL, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE MAP HEREON SHOWN IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND AND THAT AT LEAST ONE-SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF BLACK HAWK, GILPIN COUNTY, COLORADO. THIS ANNEXATION MAP IS NOT A GUARANTY OF WARRANTY, EITHER EXPRESSED OR IMPLIED.

DOUGLAS L. HOWELL

PLS 20140

CLERK AND RECORDER'S CERTIFICATE

ACCEPTED FOR FILING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER  
OF GILPIN COUNTY AT CENTRAL CITY, COLORADO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_, IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ RECEPTION NO. \_\_\_\_\_

GILPIN COUNTY CLERK AND RECORDER

DEPUTY CLERK



NOTICE

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His Consultants, Inc.

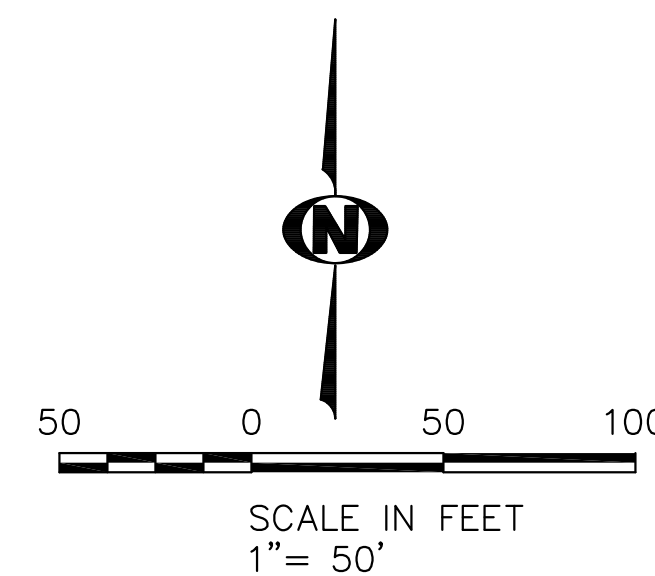
Lakewood, Colorado  
720-273-9940


LAKE GULCH WHISKEY RESORT  
ANNEXATION PLAT No. 22  
CITY OF BLACK HAWK

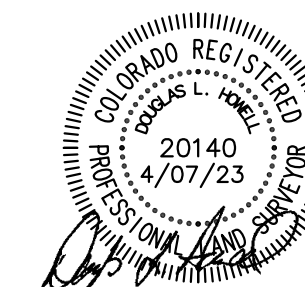
DATE	REVISIONS								

DESIGNED BY: dlh		CHECKED BY: dea	
DATE: 4/06/2023		DRAWN BY: dlh	
FILE NAME: annex plat22 2023		SCALE: shown	
PROJECT NO.		SHEET NO. 1 of 2	

A PART OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,  
COUNTY OF GILPIN, STATE OF COLORADO  
SHEET 2 OF 2



 found monument as described  
 — — — — — Section or other Aliquot line  
 - . . - . . City of Black Hawk Patented Boundary



DOUGLAS L. HOWELL, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 20140  
FOR AND ON BEHALF OF HIS CONSULTANTS, INC.

Lakewood, Colorado  
720-273-9940

LAKE GULCH WHISKEY RESORT  
ANNEXATION PLAT No. 22  
CITY OF BLACK HAWK

[illegible]

DESIGNED BY: dlh	CHECKED BY: dea
DATE: 4/06/23	DRAWN BY: dlh
FILE NAME: annex plat22 2023	SCALE: shown
PROJECT NO.	SHEET NO. 2 of 2



**City of Black Hawk**

**Lake Gulch Whiskey Resort  
Annexations 19-22  
Annexation Impact Report**

**May 20, 2023**

Report Prepared by:





## Introduction

Proximo Distillers, LLC and the City of Black Hawk, landowners, have submitted petitions (dated April 11, 2023) to annex property consisting of approximately 11.19 acres (more or less) into the City of Black Hawk. The proposed area is generally vacant and includes numerous parcels to the south of a geographical area of the City commonly referred to as Gregory Hill (previously referred to as Miners Mesa). Three annexation petitions were submitted covering four annexations. Refer to Exhibits A and B for maps of the area. The four annexations are known as Lake Gulch Whiskey Resort Annexations 19, 20, 21, and 22.

The proposed annexation is located in Section 18, Township 3 South, Range 72 West of the 6<sup>th</sup> Principal Meridian. The property proposed to be annexed is generally bounded to the south and west by Central City Parkway and to the north by Lake Gulch Road and the existing Black Hawk city limits. Lake Gulch Road extends through the middle of the area. The four annexations build upon and fill in gaps around Lake Gulch Whiskey Resort Annexations 1 through 18, which were annexed to the City of Black Hawk in 2020 and 2021. See Exhibits A and B in the Appendix for existing and proposed city boundaries.

A map showing the present streets and utilities in the vicinity of the proposed annexation is included in Exhibit F.

## Gas

The property proposed to be annexed lies within the service area of Public Service Company of Colorado dba Xcel Energy. At the time of development, costs to extend gas services will be financed by the petitioner and/or developer.

## Electricity

The property proposed to be annexed lies within the service area of Public Service Company of Colorado dba Xcel Energy. At the time of development, costs to extend electrical services will be financed by the petitioner and/or developer.

## Water

The City of Black Hawk has a water distribution system to serve its community. The City of Black Hawk Water Department has existing water lines in the area and new main line extension and taps and private

service lines can be accommodated. At the time of development, costs to extend water services will be financed by the petitioner and/or developer.

## **Fire Protection and Public Safety**

The property proposed to be annexed is currently within the Timberline Fire Protection District and Gilpin County Sheriff jurisdiction. The existing boundaries of Timberline are shown in Exhibit C. Once annexed to the City of Black Hawk, the City's Fire and Police Departments will assume the property into its own service area for fire and emergency response services. The City of Black Hawk and the petitioner and/or developer will work with Timberline Fire Protection District to have the lands withdrawn from the Timberline district.

## **Sewer**

The property proposed to be annexed is not within the boundaries of a sanitation district. Proximo has indicated its intent to annex all or a portion of its property into the Black Hawk-Central City Sanitation District (BHCCSD). The existing boundaries of BHCCSD are shown in Exhibit D. A letter from BHCCSD indicating its availability to service the property is provided in Exhibit E.

At the time of development, costs to extend sewer services will be financed by the petitioner and/or developer. BHCCSD has indicated that the landowner will be able to annex the property into the District and the District will be able to provide sanitation services.

## **Streets**

The property proposed to be annexed is accessed via Lake Gulch Road and Miners Road via a future extension. Lake Gulch Road through the area is already annexed into the City of Black Hawk. Any roads annexed into the City of Black Hawk will be maintained by the City of Black Hawk. See Exhibit F.

## **School District**

The property proposed to be annexed lies within the Gilpin County RE-1 School District. The specific impacts will be determined during review of future phases. Such reviews may include subdivision platting and/or site development plans. It is anticipated that the school district will receive additional property tax revenue over time with the land improvements, but will receive minimal impacts of essentially none to a very minute number of students from a maximum of one housing unit that is allowed within the Lake Gulch Whiskey resort Amendment 1 Planned Unit Development.

## **Districts**

Taxing districts that currently cover the Lake Gulch Whiskey Resort Annexation properties include the following:

- Timberline Fire Protection District
- Gilpin County RE-1 School District
- General Fund for Gilpin County

## **Requirements**

This annexation impact report for the proposed Lake Gulch Whiskey Resort Annexations 19 through 22 to the City of Black Hawk, Colorado has been prepared as required by the Colorado Municipal Annexation Act of 1965, as amended, and the City of Black Hawk Municipal Code.

## **Appendix**

- Exhibit A – Existing City Boundary Map
- Exhibit B – Proposed City Boundary Map
- Exhibit C – Timberline Fire Protection District Boundary Map
- Exhibit D – Black Hawk Central City Sanitation District Boundary Map
- Exhibit E – Black Hawk Central City Sanitation District Availability of Sanitary Service
- Exhibit F – Existing Utility & Street Map

Exhibit A  
Existing City Boundary

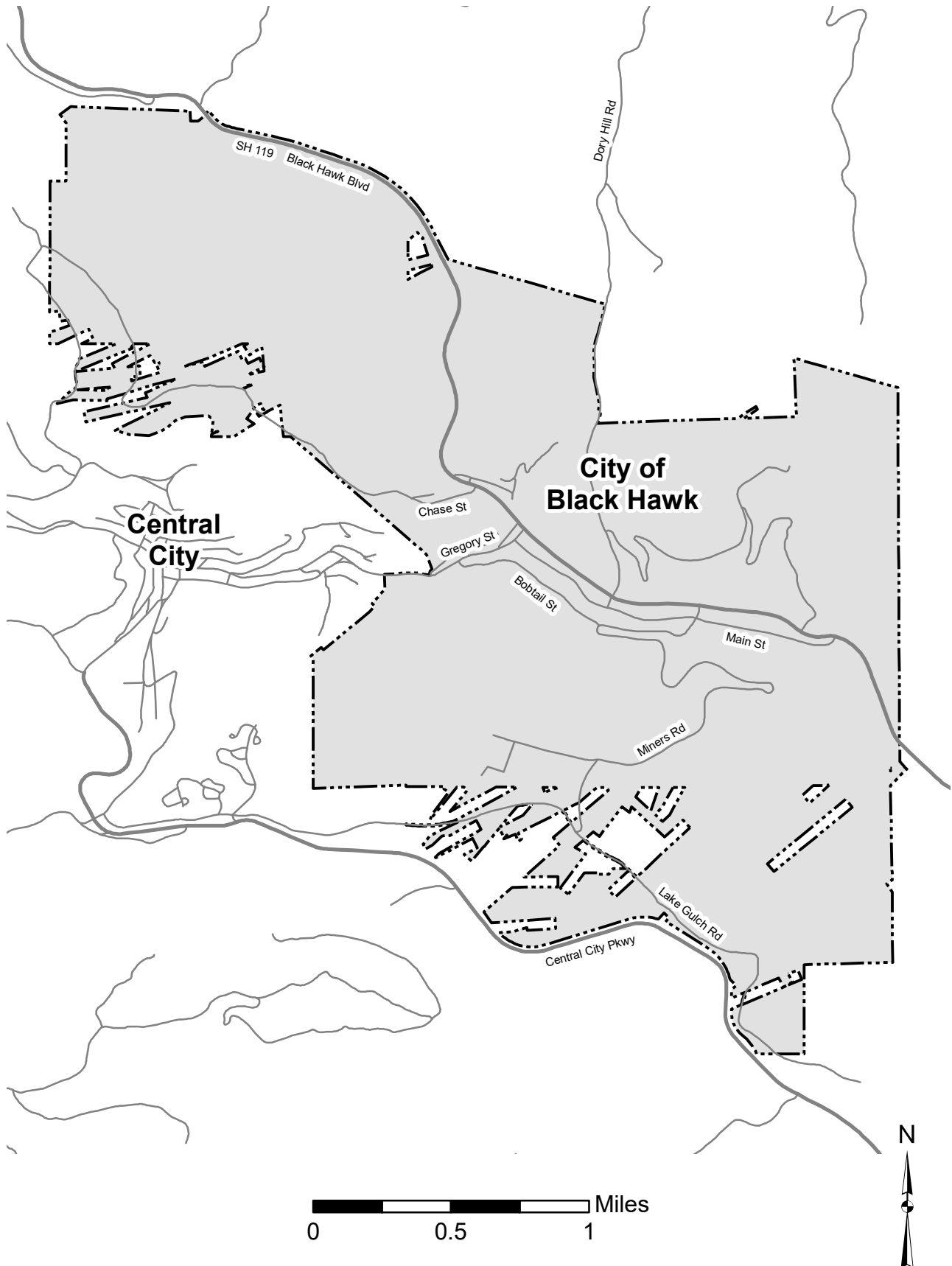
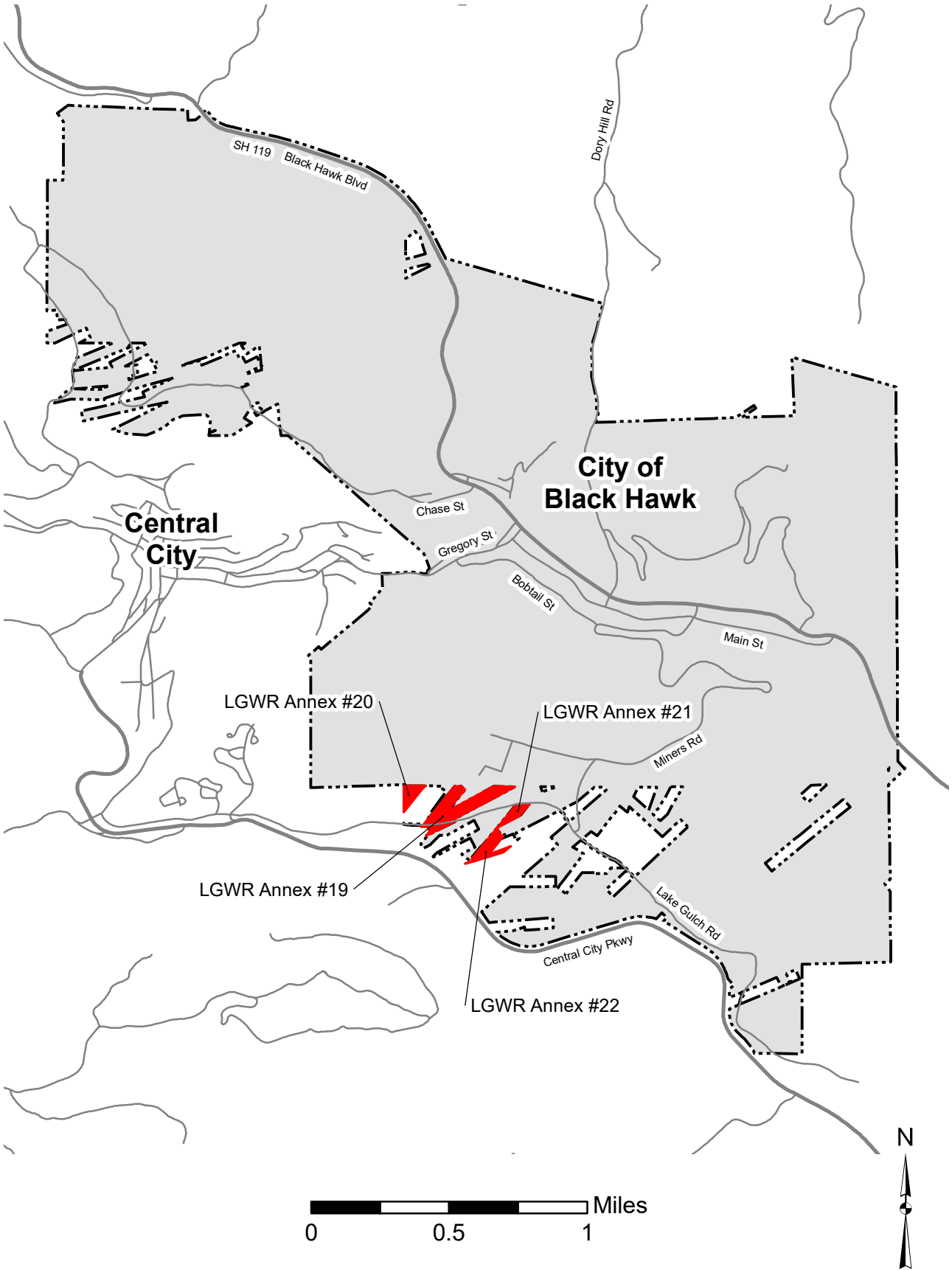
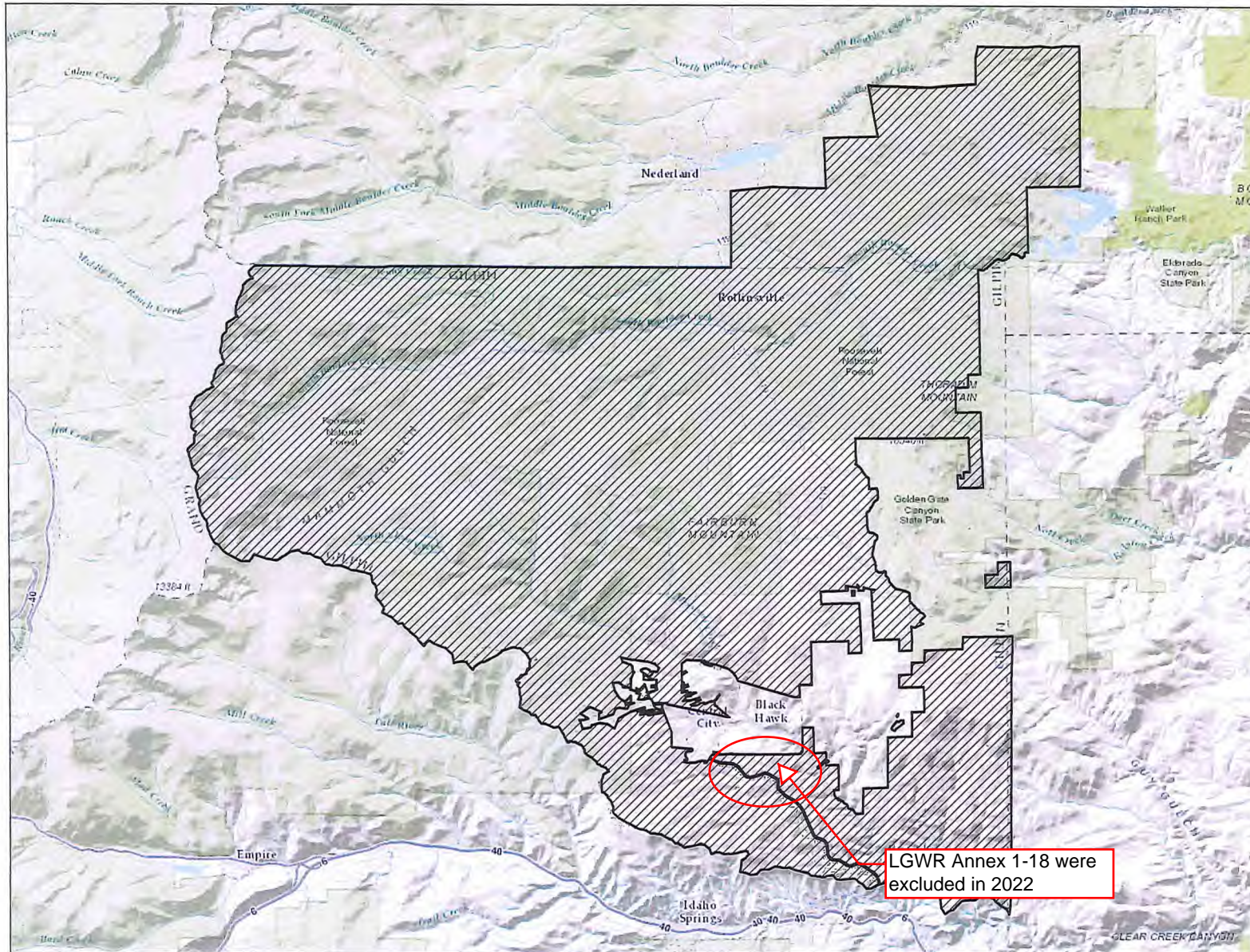


Exhibit A  
Proposed City Boundaries  
Lake Gulch Whiskey Resort Annexations 19-22





# Exhibit C



## Timberline Fire Protection District

### Legend



District Boundary

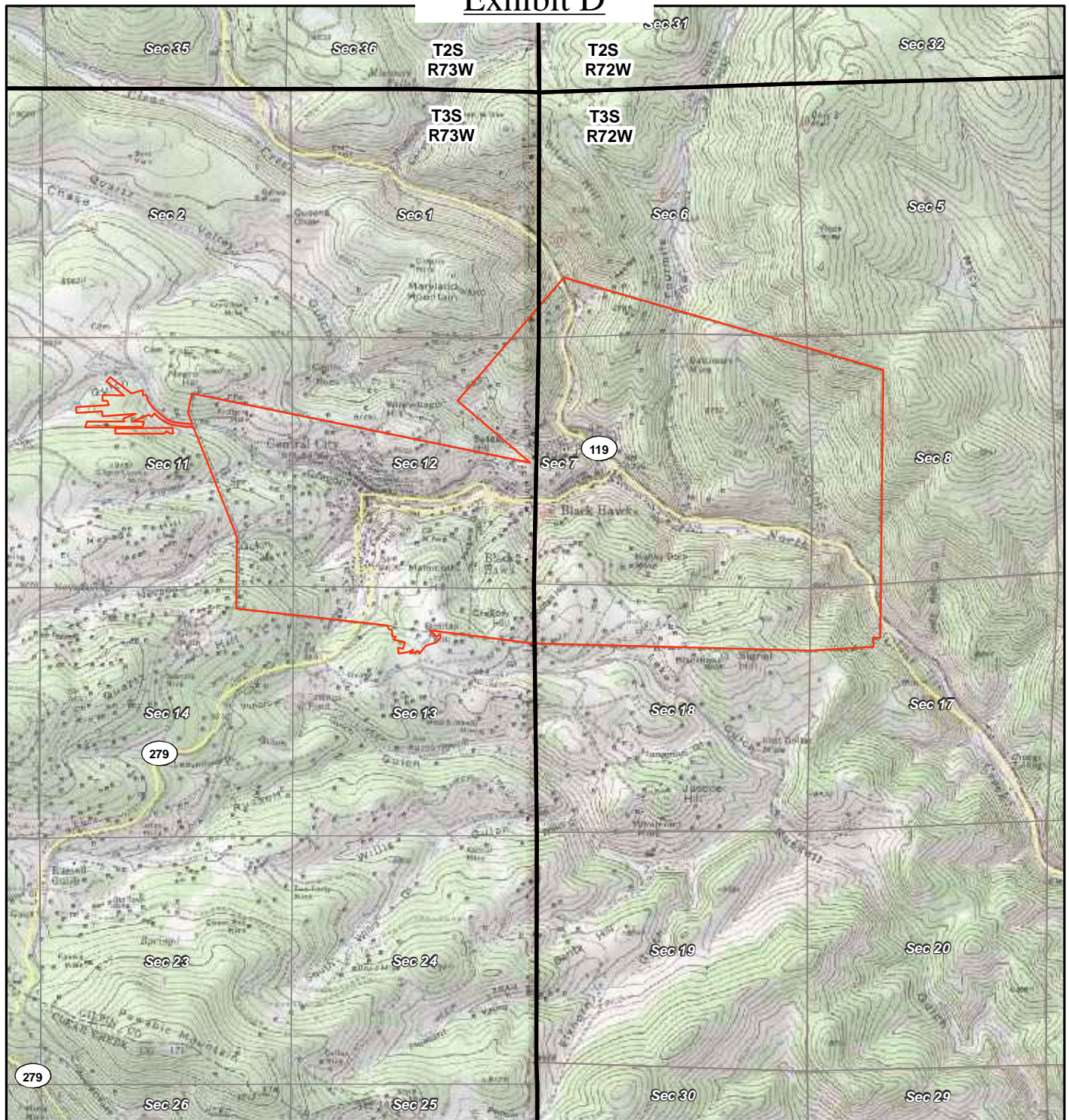
*This district boundary includes  
US Forest Service lands which  
are excluded.*

0 1 2 4 Miles  
0 1.25 2.5 5 Kilometers  
NAD 1983 StatePlane Colorado North FIPS 0501 Feet  
Prepared by: Digital Data Services, Inc. (DDS)  
Date: 10/26/2017





DDS makes every effort to ensure this map is free of errors but does not warrant the map or its features are either spatially nor temporally accurate or fit for a particular use. The depiction of features is representative not authoritative. Notification of any errors will be appreciated.

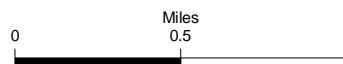


# Exhibit D



Substantial efforts have been made to accurately compile GIS data and documentation. Accuracy is not guaranteed. This product is for reference purposes only and is not to be construed as a legal document or survey instrument.

-  Black Hawk / Central City Sanitation District (December 2009)
-  Township and Range
-  Sections
-  Highways



DECEMBER 2009

## BLACK HAWK / CENTRAL CITY SANITATION DISTRICT



Black Hawk/Central City Sanitation District  
P.O. Box 362, Black Hawk, CO 80422  
(303) 582-3422 Office  
(303) 582-3424 Fax

## Exhibit E

### **BLACK HAWK / CENTRAL CITY SANITATION DISTRICT**

135 CLEAR CREEK STREET 2ND FLOOR ■ P.O. BOX 362 BLACK HAWK, CO 80422  
PHONE: 303-582-3422 ■ FAX: 303-582-3424



February 21, 2020

Troy Tengwall  
Coburn Architecture  
Via email: [ttengwall@coburnpartners.com](mailto:ttengwall@coburnpartners.com)

**Regarding: Availability of Sanitary Sewer Service – Lake Gulch Whiskey Resort**

Dear Troy:

As of this date, the Black Hawk/Central City Sanitation District has sufficient capacity to serve the Lake Gulch Whiskey Resort based on the stated flows of 60,000 gallons of wastewater per day.

Sincerely,

BLACK HAWK/CENTRAL CITY  
SANITATION DISTRICT

A handwritten signature in cursive script that reads 'Lynn M. Hillary'.

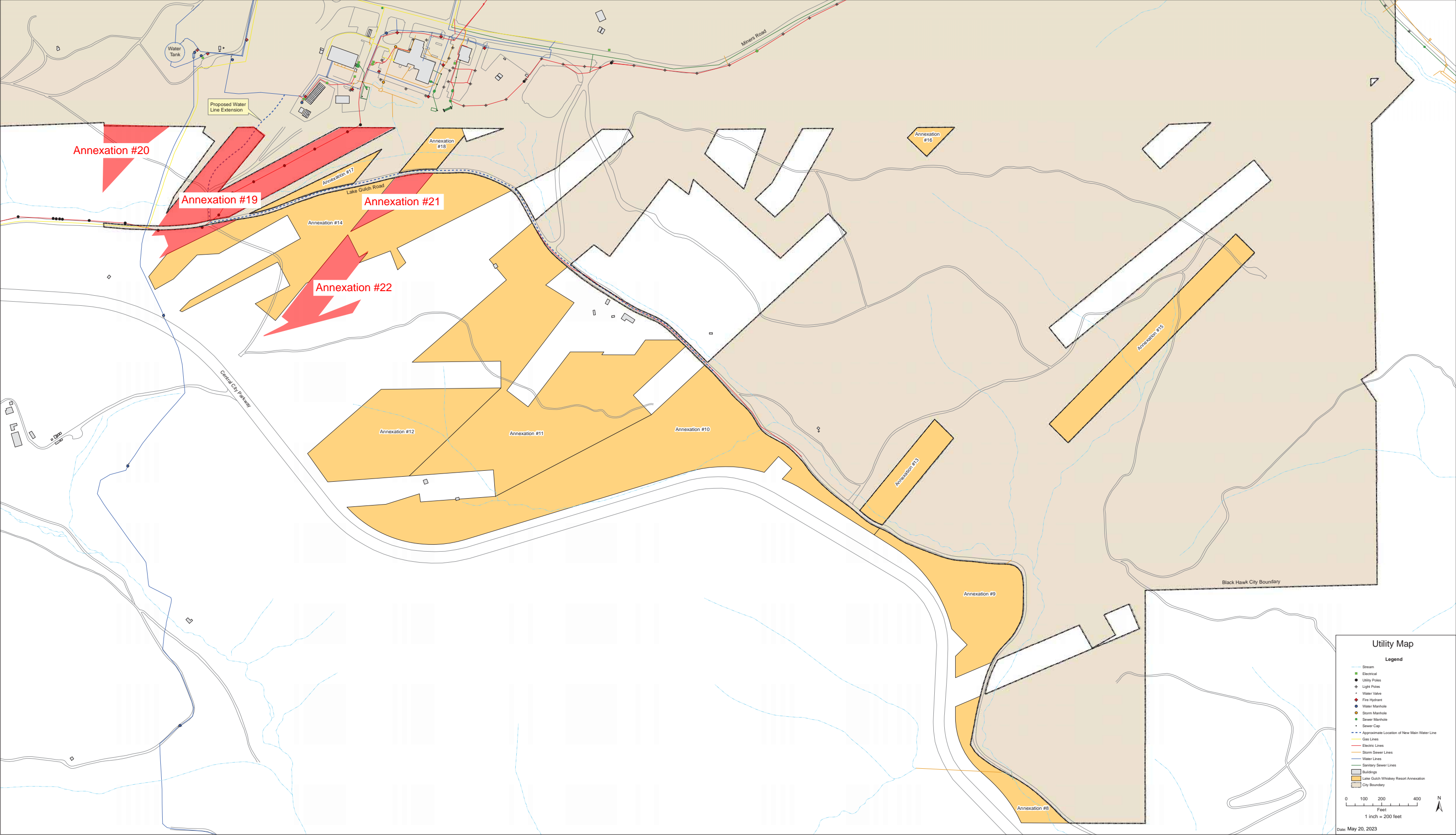
Lynn M. Hillary  
District Administrator

/lmh

Cc: Black Hawk Planning Department



EXHIBIT F







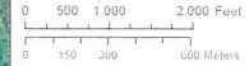
Amended and Restated  
Intergovernmental  
Agreement

Exhibit 1.B  
New Black Hawk Growth Area

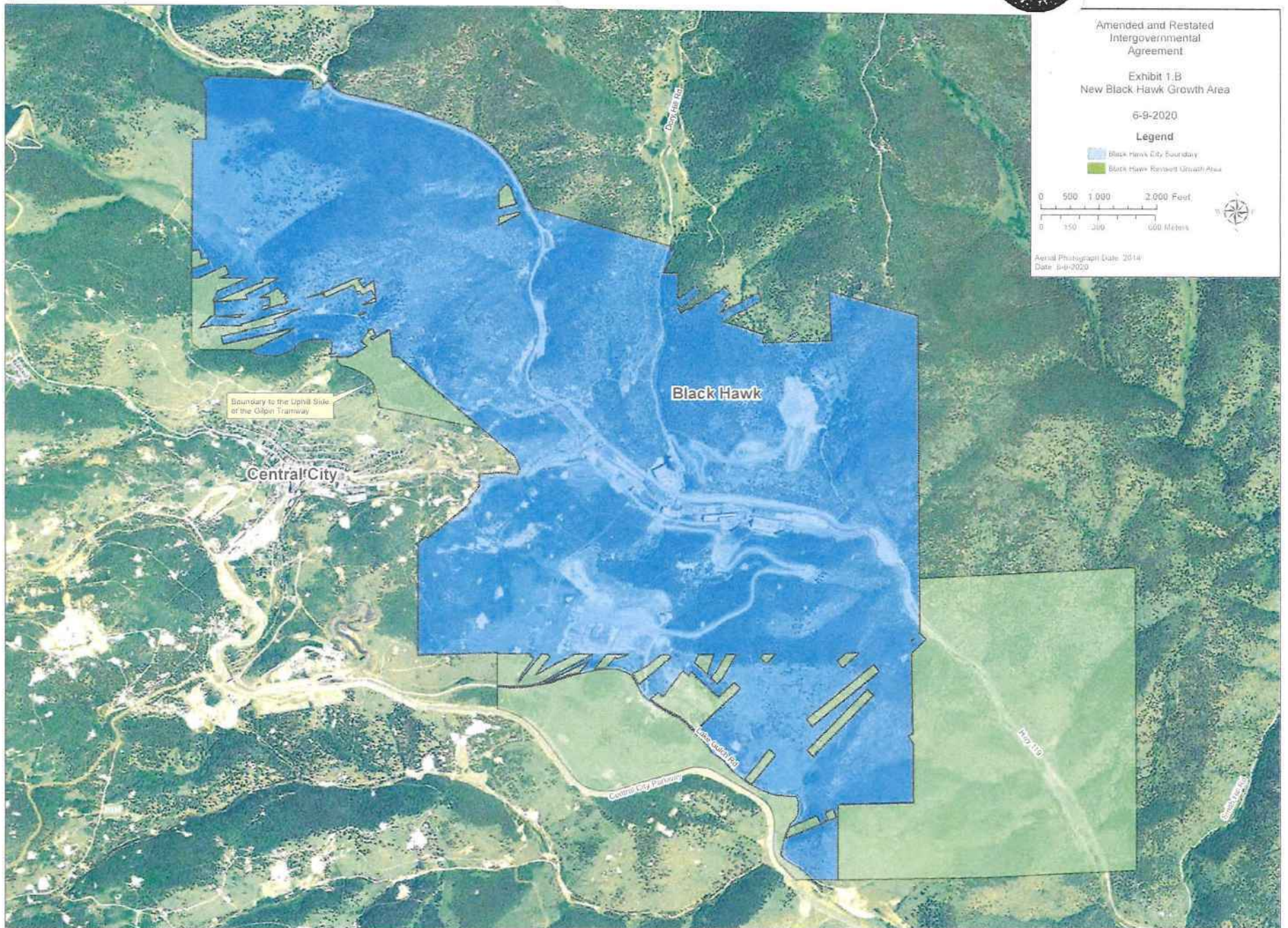
6-9-2020

Legend

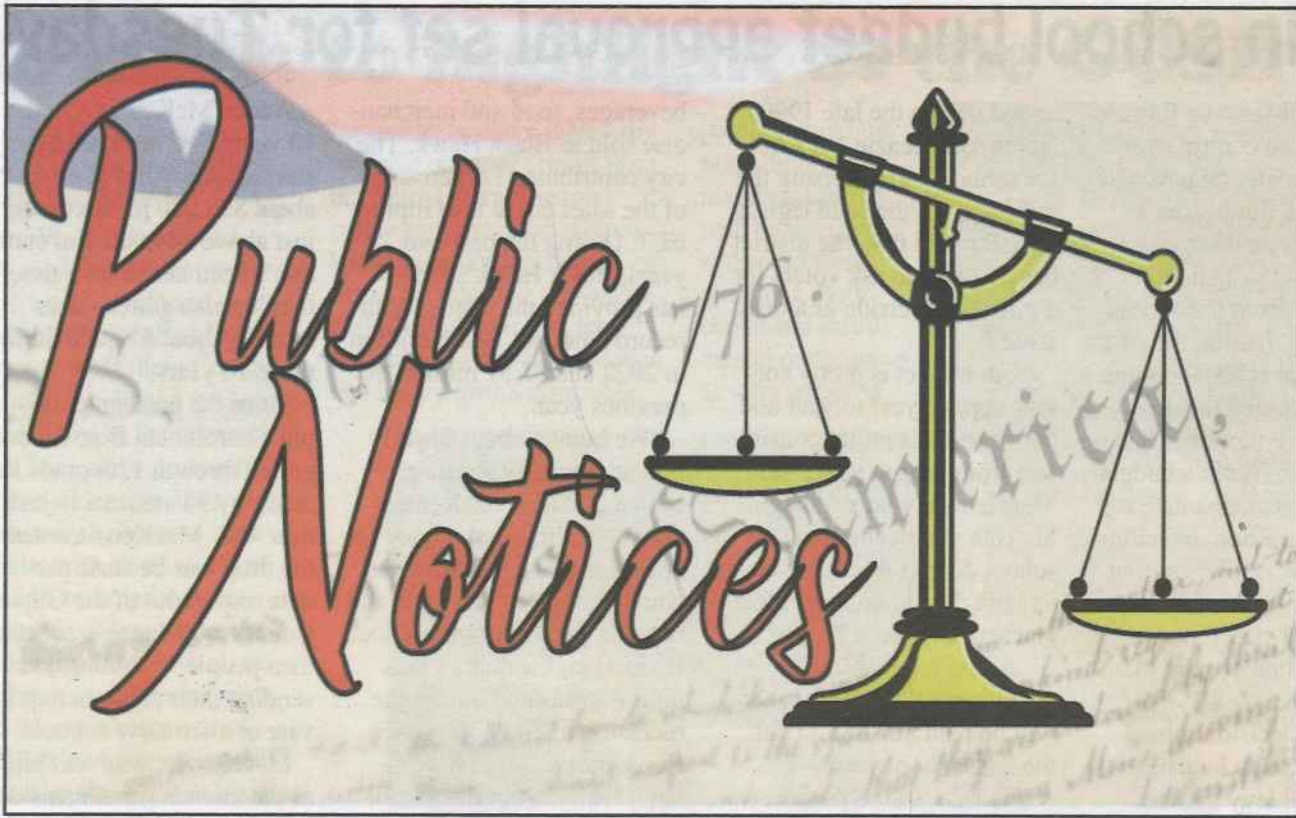
- Black Hawk City Boundary
- Black Hawk Forested Growth Area



Aerial Photograph Date: 2014  
Date: 6-9-2020







BLACK HAWK

Notice of  
PROPOSED ANNEXATION  
ORDINANCE

Notice is hereby given that the City of Black Hawk Board of Aldermen will consider a proposed annexation by ordinance of the enclaves described in Resolution No. 29-2023, pursuant to Colorado Constitution, Article II, Sec. 30(1)(c) at a meeting to be held on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The meeting shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES MAY ATTEND  
A complete copy of Resolution No. 29-2023, including a legal description of the proposed property to be annexed is set forth in full below:

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 29-2023

**TITLE: A RESOLUTION PROVIDING NOTICE OF THE CITY'S INTENT TO ANNEX CERTAIN PROPERTY AS ENCLAVE ANNEXATIONS PURSUANT TO C.R.S. § 31-12-106(1), WITH SUCH ENCLAVE ANNEXATIONS TO BE CONSIDERED AT THE JUNE 14, 2023 CITY COUNCIL MEETING FOR UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN IDENTIFIED AS THE QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATIONS NUMBERS 1, 2 AND 3**

**WHEREAS**, the City has identified certain parcels of property that qualify pursuant to C.R.S. § 31-12-106 as enclaves because such parcels of property have been completely surrounded by property incorporated within the municipal boundaries of the City of Black Hawk for more than three years, as more particularly described in **Exhibit A** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 1], **Exhibit B** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 2], and **Exhibit C** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 3] (collectively, the "Enclave Annexations"), attached hereto and incorporated herein by this reference;

**WHEREAS**, C.R.S. § 31-12-106(1) requires that the City provide notice of such proposed enclave annexations as provided by C.R.S. § 31-12-108(2), but such notice shall only be provided of the consideration of an ordinance(s) annexing such properties, with the first publication of notice provided no less than thirty (30) days prior to consideration of such enclave annexation ordinance(s); and

**WHEREAS** the City Council, at its regular meeting on April 26, 2023, directed that such notice be provided of the City's consideration of the Enclave Annexations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

Section 1. The City Council hereby directs the City Clerk to publish notice in accordance with C.R.S. § 31-12-106(1) and C.R.S. § 31-12-108(2) that the City will consider ordinances to annex the Enclave Annexations as more particularly described in **Exhibit A** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 1], **Exhibit B** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 2], and **Exhibit C** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 3]. The City's consideration of such ordinances shall occur on June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. § 31-12-106, and under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**RESOLVED AND PASSED** this 26th day of April, 2023.  
/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. Greiner, CMC, City Clerk

EXHIBIT A

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 1, LOCATED WITHIN THE NORTH 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:

BASIS OF BEARING: ASSUMING LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 TO BEAR NORTH 66°50'45" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOTS NO. 14 AND NO. 15 - PARCEL 1

BEGINNING AT A POINT ON LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 AND THE NORTH LINE OF SAID SECTION 12; THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 86.90 FEET TO A POINT ON LINE 3-4 OF THE SANS SOUCI MS 793; THENCE SOUTH 57°24'25" WEST ON LINE 3-4 OF SAID SANS SOUCI MS 793, A DISTANCE OF 85.88 FEET TO CORNER 3 OF SAID SANS SOUCI MS 793; THENCE SOUTH 32°35'35" EAST ON LINE 2-3 OF SAID SANS SOUCI MS 793, A DISTANCE OF 150.00 FEET TO CORNER 2 OF SAID SANS SOUCI MS 793; THENCE NORTH 57°24'25" EAST ON LINE 1-2 OF SAID SANS SOUCI MS 793, A DISTANCE OF 215.65 FEET TO A POINT ON LINE 36-37 OF THE BONANZA TUNNEL NO. 9 MS 7417; THENCE SOUTH 06°06'35" EAST ON LINE 36-37 OF SAID BONANZA TUNNEL NO. 9 MS 7417, LINE 32-33 OF BONANZA TUNNEL NO. 8 MS 7417 AND LINE 28-29 OF BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 289.74 FEET TO A POINT ON LINE 3-4 OF THE ALONZO FURNALD MS 440A AND TO POINT "A"; THENCE NORTH 26°44'32" WEST ON LINE 3-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 147.70 FEET TO CORNER 3 OF SAID ALONZO FURNALD MS 440A; THENCE SOUTH 63°15'28" WEST ON LINE 2-3 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 187.68 FEET TO THE EXTENDED LINE 1-6 OF THE SECURITY MS 5863; THENCE NORTH 26°35'00" WEST ON THE EXTENDED LINE AND ON LINE 1-6 OF SAID SECURITY MS 5863, A DISTANCE OF 82.56 FEET; THENCE SOUTH 66°05'18" WEST A DISTANCE OF 55.37 FEET TO A POINT ON LINE 3-4 OF THE ALLIE MS 795; THENCE NORTH 24°35'16" WEST ON LINE 3-4 OF SAID ALLIE MS 795, A DISTANCE OF 136.36 FEET TO CORNER 3 OF SAID ALLIE MS 795; THENCE SOUTH 66°03'52" WEST ON LINE 2-3 OF SAID ALLIE MS 795, A DISTANCE OF 543.28 FEET TO A POINT ON LINE 1-6 OF THE CASTLE ROCK MS 9169; THENCE NORTH 06°14'00" WEST ON LINE 1-6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 74.74 FEET TO CORNER 6 OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 75°43'00" WEST ON LINE 5-6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 308.75 FEET TO A POINT ON LINE 2-3 OF THE MOUNTAIN CLUB MS 14918; THENCE NORTH 71°21'00" EAST ON LINE 2-3 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 391.83 FEET TO CORNER 2 OF SAID MOUNTAIN CLUB MS 14918; THENCE NORTH 66°50'45" EAST ON LINE 1-2 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 528.88 FEET TO THE POINT OF BEGINNING, CONTAINING 106,881 SQUARE FEET OR 2.45 ACRES MORE OR LESS. TOGETHER WITH, PARCEL 2 COMMENCING AT SAID POINT "A", THENCE SOUTH 06°06'35" EAST ON LINE 28-29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 2.45 FEET TO LINE 1-4 OF THE ALONZO FURNALD MS 440A AND THE POINT OF BEGINNING; THENCE SOUTH 06°06'35" EAST ON LINE 28-29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 64.28 FEET TO LINE 5-6 OF THE GREENSIDE MS 6313; THENCE SOUTH 77°00'00" WEST ON LINE 5-6 OF SAID GREENSIDE MS 6313, A DISTANCE OF 253.24 FEET TO A POINT ON LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 268.64 FEET TO THE POINT OF BEGINNING, CONTAINING 8,081 SQUARE FEET OR 0.19 ACRES MORE OR LESS.

EXHIBIT B

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 2, LOCATED WITHIN THE NORTH HALF QUARTER 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:

BASIS OF BEARING: ASSUMING LINE 2-3 OF THE GREENSIDE MS 6313 TO BEAR SOUTH 67°00'00" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 12  
BEGINNING AT A POINT ON LINE 1-2 OF THE DEWEY MS 12581 AND ON LINE 1-4 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 69°01'21" WEST ON LINE 1-2 OF SAID DEWEY MS 12581, A DISTANCE OF 1.58 FEET TO A POINT OF INTERSECTION WITH THE FIRST CENTENNIAL MS 476; THENCE NORTH 63°08'54"

EAST ON LINE 1-2 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 1.03 FEET TO CORNER 1 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 35.74 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 25°24'51" EAST ON LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 35.88 FEET TO THE POINT OF BEGINNING, CONTAINING 10 SQUARE FEET MORE OR LESS.  
TOGETHER WITH GOVERNMENT LOT NO. 13  
BEGINNING AT A POINT ON LINE 2-3 OF SAID GREENSIDE MS 6313 AND LINE 1-6 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 67°00'00" EAST ON LINE 2-3 OF SAID GREENSIDE MS 6313, A DISTANCE OF 36.27 FEET TO CORNER 2 OF SAID GREENSIDE MS 6313; THENCE NORTH 77°00'00" EAST ON LINE 1-2 OF SAID GREENSIDE MS 6313, A DISTANCE OF 112.41 FEET TO A POINT OF INTERSECTION WITH LINE 1-2 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 64°35'09" WEST ON LINE 1-2 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 146.42 FEET TO A POINT ON LINE 1-6 OF THE FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 25.70 FEET TO THE POINT OF BEGINNING, CONTAINING 2,235 SQUARE FEET OR 0.051 ACRES MORE OR LESS.

TOGETHER WITH GOVERNMENT LOT NO. 16  
BEGINNING AT THE INTERSECTION OF LINE 1-6 OF THE BLACK QUARTZ MS 438 AND LINE 3-4 OF THE GREENSIDE MS 6313; THENCE NORTH 29°52'25" WEST ON LINE 1-6 OF SAID BLACK QUARTZ MS 438, A DISTANCE OF 42.47 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 5.09 FEET TO A POINT OF INTERSECTION WITH LINE 3-4 OF SAID GREENSIDE MS 6313; THENCE SOUTH 23°00'00" EAST ON LINE 3-4 OF SAID GREENSIDE MS 6313, A DISTANCE OF 42.50 FEET TO THE POINT OF BEGINNING, CONTAINING 108 SQUARE FEET MORE OR LESS.

EXHIBIT C

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 3, LOCATED WITHIN THE NORTHWEST QUARTER 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:

BASIS OF BEARING: ASSUMING LINE 2-3 OF THE LULU BOWEN MS 1013 TO BEAR NORTH 85°00'00" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 22  
BEGINNING AT THE INTERSECTION OF LINE 2-3 OF SAID LULU BOWEN MS 1013 AND LINE 5-6 OF THE GULNARE MS 641; THENCE NORTH 85°00'00" EAST ON LINE 2-3 OF SAID LULU BOWEN MS 1013, A DISTANCE OF 513.70 FEET TO THE INTERSECTION OF LINE 4-5 OF THE CASTLE ROCK MS 9169; THENCE SOUTH 72°53'00" WEST ON LINE 4-5 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 101.95 FEET TO CORNER 4 OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 06°14'00" EAST ON LINE 3-4 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 24.50 FEET TO CORNER 6 OF SAID GULNARE MS 641; THENCE NORTH 88°41'00" WEST ON LINE 5-6 OF SAID GULNARE MS 641, A DISTANCE OF 417.08 FEET TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES MORE OR LESS.

Name of Publication: Weekly Register-Call  
First Publication: 5/11/2023  
Second Publication: 5/18/2023  
Third Publication: 5/25/2023  
Fourth Publication: 6/1/2023  
Last Publication: 6/8/2023  
Melissa A. Greiner, CMC, City Clerk

Published in The Weekly Register-Call  
First Publication: May 11, 2023  
Last Publication: June 8, 2023  
Legal # 11210

Notice of Public Hearing  
ON PROPOSED ANNEXATION

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing upon Resolution No. 26-2023, for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Ar-

ticle II of the State Constitution and Colorado Revised Statutes Sections 31-12-104 and 31-12-105, and is considered eligible for annexation.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES  
MAY ATTEND

A complete copy of Resolution No. 26-2023 including a legal description of the proposed property to be annexed is set forth in full below:

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 26-2023

**TITLE: A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING JUNE 14 2023, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF PARCELS OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN (LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19)**

**WHEREAS**, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, has filed a petition for annexation of a certain unincorporated property to the City (the "Petition"), which territory is more particularly described in Exhibit A, attached to the Petition;

**WHEREAS**, C.R.S. § 31-12-108 requires that the City accept the Petition and establish a date, time, and place that the City Council will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

**WHEREAS** the City Council, at its regular meeting on April 26, 2023, reviewed the Petition and various documents submitted in support of the Petition;

**WHEREAS**, the City Council has examined the record in this case and the various exhibits; has considered the request, the Comprehensive Plan, and the recommendations of the staff; and based upon the record which has been made concerning the request, has arrived at its decision; and

**WHEREAS**, it has been found and determined that the applicant has substantially complied with all the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

**Section 1.** The Petition is hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

**Section 2.** That a public hearing to consider the Petition is scheduled for June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**Section 3.** Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Gilpin County, may appear at such hearing and present evidence upon any matter to be determined by the City Council.

**RESOLVED AND PASSED** this 26th day of April, 2023.

/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. 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

Continued on next page



**BLACK HAWK**

Continued from previous page

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 9772 A 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.  
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Legal # 11211

**Notice of Public Hearing  
ON PROPOSED ANNEXATION**

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing upon Resolution No. 27-2023, for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and Colorado Revised Statutes Sections 31-12-104 and 31-12-105, and is considered eligible for annexation.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

**ALL INTERESTED PARTIES  
MAY ATTEND**

A complete copy of Resolution No. 27-2023 including a legal description of the proposed property to be annexed is set forth in full below:

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

**Resolution No. 27-2023**  
**TITLE: A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING JUNE 14 2023, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF PARCELS OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN (LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20)**

WHEREAS, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, has filed a petition for annexation of a certain unincorporated property to the City (the "Petition"), which territory is more particularly described in Exhibit A, attached to the Petition;

WHEREAS, C.R.S. § 31-12-108 requires that the City accept the Petition and establish a date, time, and place that the City Council will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

WHEREAS, the City Council, at its regular meeting on April 26, 2023, reviewed the Petition and various documents submitted in support of the Petition;

WHEREAS, the City Council has examined the record in this case and the various exhibits; has considered the request, the Comprehensive Plan, and the recommendations of the staff; and based upon the record which has been made concerning the request, has arrived at its decision; and

WHEREAS, it has been found and determined that the applicant has substantially complied with all the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

**Section 1.** The Petition is hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

**Section 2.** That a public hearing to consider the Petition is scheduled for June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**Section 3.** Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Gilpin County, may appear at such hearing and present evidence upon any matter to be determined by the City Council.

RESOLVED AND PASSED this 26<sup>th</sup> day of April, 2023.

/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. Greiner, CMC, City Clerk

**EXHIBIT A**

**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.

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Melissa A. Greiner, CMC, City Clerk

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Legal # 11212

**Notice of Public Hearing  
ON PROPOSED ANNEXATION**

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing upon Resolution No. 28-2023, for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and Colorado Revised Statutes Sections 31-12-104 and 31-12-105, and is considered eligible for annexation.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

**ALL INTERESTED PARTIES  
MAY ATTEND**

A complete copy of Resolution No. 28-2023 including a legal description of the proposed property to be annexed is set forth in full below:

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK  
Resolution No. 28-2023**

**TITLE: A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING JUNE 14 2023, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF PARCELS OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN (LAKE GULCH WHISKEY RESORT ANNEXATION NOS. 21 AND 22)**

WHEREAS, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, have filed petitions for annexation of a certain unincorporated property to the City (the "Petitions"), which territory is more particularly described in Exhibit A, attached to each Petition;

WHEREAS, C.R.S. § 31-12-108 requires that the City accept the Petitions and establish a date, time, and place that the City Council will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

WHEREAS, the City Council, at its regular meeting on April 26, 2023, reviewed the Petitions and various documents submitted in support of the Petition;

WHEREAS, the City Council has examined the record in this case and the various exhibits; has considered the request, the Comprehensive Plan, and the recommendations of the staff; and based upon the record which has been made concerning the request, has arrived at its decision; and

WHEREAS, it has been found and determined that

the applicant has substantially complied with all the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petitions.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

**Section 1.** The Petitions are hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

**Section 2.** That a public hearing to consider the Petitions is scheduled for June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**Section 3.** Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Gilpin County, may appear at such hearing and present evidence upon any matter to be determined by the City Council.

RESOLVED AND PASSED this 26<sup>th</sup> day of April, 2023.

/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. Greiner, CMC, City Clerk

**EXHIBIT A**

**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 Lode, 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 Lode; Thence S 39° 31' 27" W along said line 2-3 of said St. Anthony Lode a distance of 210.07 feet to the point of intersection with line 4-3 of the Alice Lode, US Mineral Survey No. 18785; thence S 63° 23' 00" W along said line 4-3 of said Alice Lode a distance of 371.35 feet to the point of intersection with said line 4-1 of said St. Anthony Lode; 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 Lode, US Mineral Survey No. 19174, being the Point of Beginning. Thence N 39° 30' 42" E along line 4-1 of said St. Anthony Lode 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.

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Legal # 40005



**COUNCIL BILL 14  
ORDINANCE 2023-14  
A BILL FOR AN  
ORDINANCE APPROVING  
AND ACCOMPLISHING  
THE ANNEXATION OF  
PARCEL NO. 20,  
CONSISTING OF  
CONTIGUOUS  
UNINCORPORATED  
TERRITORY IN GILPIN  
COUNTY ALSO KNOWN  
AS A PORTION OF THE  
LAKE GULCH WHISKEY  
RESORT ANNEXATION**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB14

ORDINANCE NUMBER: 2023-14

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 20, 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 June 14, 2023, 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 April 11, 2023.

Section 3. The City Council, by resolution at a properly-noticed meeting on April 24, 2023, 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 14th day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk



EXHIBIT A

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.

**COUNCIL BILL 15**  
**ORDINANCE 2023-15**

**A BILL FOR AN  
ORDINANCE APPROVING  
AND ACCOMPLISHING  
THE ANNEXATION OF  
PARCEL NUMBERS 21  
AND 22, CONSISTING OF  
CONTIGUOUS  
UNINCORPORATED  
TERRITORY IN GILPIN  
COUNTY ALSO KNOWN  
AS A PORTION OF THE  
LAKE GULCH WHISKEY  
RESORT ANNEXATION**

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

**COUNCIL BILL NUMBER: CB15**

**ORDINANCE NUMBER: 2023-15**

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NUMBERS 21 AND 22, 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 June 14, 2023, 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 April 11, 2023.

Section 3. The City Council, by resolution at a properly-noticed meeting on April 24, 2023, 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 14th day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

## EXHIBIT A

### 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 LODE 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.

**COUNCIL BILL 16  
ORDINANCE 2023-16  
A BILL FOR AN  
ORDINANCE APPROVING  
AND ACCOMPLISHING THE  
ANNEXATION OF CERTAIN  
UNINCORPORATED  
PROPERTIES COMPLETELY  
SURROUNDED BY AND  
WITHIN THE BOUNDARIES  
OF THE CITY OF BLACK  
HAWK IDENTIFIED AS  
QUARTZ  
VALLEY/MARYLAND  
MOUNTAIN – 2023  
ANNEXATION NUMBERS 1-3**



STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB16

ORDINANCE NUMBER: 2023-16

**TITLE:       A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING  
THE ANNEXATION OF CERTAIN UNINCORPORATED PROPERTIES  
COMPLETELY SURROUNDED BY AND WITHIN THE BOUNDARIES  
OF THE CITY OF BLACK HAWK IDENTIFIED AS QUARTZ  
VALLEY/MARYLAND MOUNTAIN – 2023 ANNEXATION NUMBERS 1-  
3**

WHEREAS, those certain unincorporated properties identified as Quartz Valley/Maryland Mountain – 2023 Annexation Numbers 1-3, attached hereto as **Exhibit A**, and incorporated herein by this reference, constitute properties that are contiguous and completely surrounded by and within the boundaries of the City of Black Hawk within the meaning of C.R.S. § 31-12-106(1) (the "Enclaved Properties");

WHEREAS, notice of this proposed ordinance considering annexation of the Enclaved Properties was provided pursuant to C.R.S. § 31-12-108(2);

WHEREAS, the City Council of the City of Black Hawk, Colorado, has satisfied itself concerning the eligibility for annexation of the Enclaved Properties, and concerning the conformance of the proposed annexation to the applicable law and the annexation policy of the City of Black Hawk, Colorado;

WHEREAS, the Enclaved Properties have been surrounded by the boundaries of the City of Black Hawk within the meaning of C.R.S. § 31-12-106(1) for a period of not less than three years;

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 Enclaved Properties have been completely surrounded by the boundaries of the City of Black Hawk within the meaning of C.R.S. § 31-12-106(1) for a period

of not less than three years, and the Enclaved Properties do not fall within the language which would make such Enclaved Properties ineligible for such annexation pursuant to C.R.S. § 31-12-106(1.1).

Section 3. 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 cities and to all ordinances, resolutions, rules and regulations of the City of Black Hawk.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10.    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 14th day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

EXHIBIT A

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 1,**  
LOCATED WITHIN THE NORTH 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:

BASIS OF BEARING: ASSUMING LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 TO  
BEAR NORTH 66°50'45" EAST, WITH ALL BEARINGS CONTAINED HEREIN  
RELATIVE THERETO.

GOVERNMENT LOTS NO. 14 AND NO. 15 - PARCEL 1

BEGINNING AT A POINT ON LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 AND THE  
NORTH LINE OF SAID SECTION 12; THENCE SOUTH 89°59'53" EAST ON THE NORTH  
LINE OF SAID SECTION 12, A DISTANCE OF 86.90 FEET TO A POINT ON LINE 3-4 OF  
THE SANS SOUCI MS 793; THENCE SOUTH 57°24'25" WEST ON LINE 3-4 OF SAID  
SANS SOUCI MS 793, A DISTANCE OF 65.88 FEET TO CORNER 3 OF SAID SANS  
SOUCI MS 793; THENCE SOUTH 32°35'35" EAST ON LINE 2-3 OF SAID SANS SOUCI  
MS 793, A DISTANCE OF 150.00 FEET TO CORNER 2 OF SAID SANS SOUCI MS 793;  
THENCE NORTH 57°24'25" EAST ON LINE 1-2 OF SAID SANS SOUCI MS 793, A  
DISTANCE OF 215.65 FEET TO A POINT ON LINE 36-37 OF THE BONANZA TUNNEL  
NO. 9 MS 7417; THENCE SOUTH 06°06'35" EAST ON LINE 36-37 OF SAID BONANZA  
TUNNEL NO. 9 MS 7417, LINE 32-33 OF BONANZA TUNNEL NO. 8 MS 7417 AND LINE  
28-29 OF BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 289.74 FEET TO A  
POINT ON LINE 3-4 OF THE ALONZO FURNALD MS 440A AND TO POINT "A";  
THENCE NORTH 26°44'32" WEST ON LINE 3-4 OF SAID ALONZO FURNALD MS 440A,  
A DISTANCE OF 147.70 FEET TO CORNER 3 OF SAID ALONZO FURNALD MS 440A;  
THENCE SOUTH 63°15'28" WEST ON LINE 2-3 OF SAID ALONZO FURNALD MS 440A,  
A DISTANCE OF 187.68 FEET TO THE EXTENDED LINE 1-6 OF THE SECURITY MS  
5863; THENCE NORTH 26°35'00" WEST ON THE EXTENDED LINE AND ON LINE 1-6  
OF SAID SECURITY MS 5863, A DISTANCE OF 82.56 FEET; THENCE SOUTH 66°05'18"  
WEST A DISTANCE OF 55.37 FEET TO A POINT ON LINE 3-4 OF THE ALLIE MS 795;  
THENCE NORTH 24°35'16" WEST ON LINE 3-4 OF SAID ALLIE MS 795, A DISTANCE  
OF 136.36 FEET TO CORNER 3 OF SAID ALLIE MS 795; THENCE SOUTH 66°03'52"  
WEST ON LINE 2-3 OF SAID ALLIE MS 795, A DISTANCE OF 543.28 FEET TO A POINT  
ON LINE 1-6 OF THE CASTLE ROCK MS 9169; THENCE NORTH 06°14'00" WEST ON  
LINE 1-6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 74.74 FEET TO CORNER 6  
OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 75°43'00" WEST ON LINE 5-6 OF  
SAID CASTLE ROCK MS 9169, A DISTANCE OF 308.75 FEET TO A POINT ON LINE 2-3  
OF THE MOUNTAIN CLUB MS 14918; THENCE NORTH 71°21'00" EAST ON LINE 2-3  
OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 391.83 FEET TO CORNER 2 OF  
SAID MOUNTAIN CLUB MS 14918; THENCE NORTH 66°50'45" EAST ON LINE 1-2 OF  
SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 528.88 FEET TO THE POINT OF  
BEGINNING, CONTAINING 106,881 SQUARE FEET OR 2.45 ACRES MORE OR LESS.  
TOGETHER WITH, PARCEL 2 COMMENCING AT SAID POINT "A", THENCE SOUTH  
06°06'35" EAST ON LINE 28-29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A  
DISTANCE OF 2.45 FEET TO LINE 1-4 OF THE ALONZO FURNALD MS 440A AND THE  
POINT OF BEGINNING; THENCE SOUTH 06°06'35" EAST ON LINE 28-29 OF SAID

BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 64.28 FEET TO LINE 5-6 OF THE GREENSIDE MS 6313; THENCE SOUTH 77°00'00" WEST ON LINE 5-6 OF SAID GREENSIDE MS 6313, A DISTANCE OF 253.24 FEET TO A POINT ON LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 268.64 FEET TO THE POINT OF BEGINNING, CONTAINING 8,081 SQUARE FEET OR 0.19 ACRES MORE OR LESS.

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 2,**  
LOCATED WITHIN THE NORTH HALF QUARTER 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:  
BASIS OF BEARING: ASSUMING LINE 2-3 OF THE GREENSIDE MS 6313 TO BEAR SOUTH 67°00'00" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 12

BEGINNING AT A POINT ON LINE 1-2 OF THE DEWEY MS 12581 AND ON LINE 1-4 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 69°01'21" WEST ON LINE 1-2 OF SAID DEWEY MS 12581, A DISTANCE OF 1.58 FEET TO A POINT OF INTERSECTION WITH THE FIRST CENTENNIAL MS 476; THENCE NORTH 63°08'54" EAST ON LINE 1-2 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 1.03 FEET TO CORNER 1 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 35.74 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 25°24'51" EAST ON LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 35.88 FEET TO THE POINT OF BEGINNING, CONTAINING 10 SQUARE FEET MORE OR LESS.

TOGETHER WITH GOVERNMENT LOT NO. 13

BEGINNING AT A POINT ON LINE 2-3 OF SAID GREENSIDE MS 6313 AND LINE 1-6 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 67°00'00" EAST ON LINE 2-3 OF SAID GREENSIDE MS 6313, A DISTANCE OF 36.27 FEET TO CORNER 2 OF SAID GREENSIDE MS 6313; THENCE NORTH 77°00'00" EAST ON LINE 1-2 OF SAID GREENSIDE MS 6313, A DISTANCE OF 112.41 FEET TO A POINT OF INTERSECTION WITH LINE 1-2 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 64°35'09" WEST ON LINE 1-2 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 146.42 FEET TO A POINT ON LINE 1-6 OF THE FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 25.70 FEET TO THE POINT OF BEGINNING, CONTAINING 2,235 SQUARE FEET OR 0.051 ACRES MORE OR LESS.

TOGETHER WITH GOVERNMENT LOT NO. 16

BEGINNING AT THE INTERSECTION OF LINE 1-6 OF THE BLACK QUARTZ MS 438 AND LINE 3-4 OF THE GREENSIDE MS 6313; THENCE NORTH 29°52'25" WEST ON LINE 1-6 OF SAID BLACK QUARTZ MS 438, A DISTANCE OF 42.47 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 5.09 FEET TO A POINT OF INTERSECTION WITH LINE 3-4 OF SAID GREENSIDE MS 6313; THENCE SOUTH 23°00'00" EAST ON LINE 3-4 OF SAID

GREENSIDE MS 6313, A DISTANCE OF 42.50 FEET TO THE POINT OF BEGINNING, CONTAINING 108 SQUARE FEET MORE OR LESS.

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 3,**  
LOCATED WITHIN THE NORTHWEST QUARTER 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:  
BASIS OF BEARING: ASSUMING LINE 2-3 OF THE LULU BOWEN MS 1013 TO BEAR  
NORTH 85°00'00" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE  
THERETO.

GOVERNMENT LOT NO. 22

BEGINNING AT THE INTERSECTION OF LINE 2-3 OF SAID LULU BOWEN MS 1013  
AND LINE 5-6 OF THE GULNARE MS 641; THENCE NORTH 85°00'00" EAST ON LINE 2-  
3 OF SAID LULU BOWEN MS 1013, A DISTANCE OF 513.70 FEET TO THE  
INTERSECTION OF LINE 4-5 OF THE CASTLE ROCK MS 9169; THENCE SOUTH  
72°53'00" WEST ON LINE 4-5 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 101.95  
FEET TO CORNER 4 OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 06°14'00"  
EAST ON LINE 3-4 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 24.50 FEET TO  
CORNER 6 OF SAID GULNARE MS 641; THENCE NORTH 88°41'00" WEST ON LINE 5-6  
OF SAID GULNARE MS 641, A DISTANCE OF 417.08 FEET TO THE POINT OF  
BEGINNING, CONTAINING 0.24 ACRES MORE OR LESS.

# **CITY OF BLACK HAWK**

## **REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** A Bill for an Ordinance Approving and Accomplishing the Annexation of Certain Property as Enclave Annexations for unincorporated Territory Located in the County of Gilpin Identified as the Quartz Valley / Maryland Mountain - 2023 Annexations Numbers 1, 2, and 3

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CERTAIN UNINCORPORATED PROPERTIES COMPLETELY SURROUNDED BY AND WITHIN THE BOUNDARIES OF THE CITY OF BLACK HAWK IDENTIFIED AS QUARTZ VALLEY/MARYLAND MOUNTAIN – 2023 ANNEXATION NUMBERS 1-3

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** The City is initiating annexation proceedings on the additional parcels in unincorporated Gilpin County to “fill in the gaps.” These proposed annexations are comprised entirely of enclaves unincorporated Gilpin County: Government Lot 14 and Government Lot 15, Section 12, Township 3 South, Range 73 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 1**); Government Lot 12, Government Lot 13, and Government Lot 16, Section 12, Township 3 South, Range 73 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 2**); and Government Lot 22, Section 12, Township 3 South, Range 73 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 3**). All areas considered to be annexed are owned by the United States Bureau of Land Management (BLM) and cover approximately 2.93 acres (total) of land on Maryland Mountain.

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** ☒ Yes ☐ No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

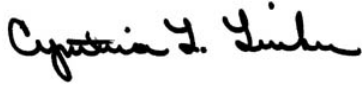
**DOCUMENTS ATTACHED:** Ordinance 16-2023  
Staff Report

**RECORD:** ☒ Yes ☐ No

**CoBH CERTIFICATE OF INSURANCE REQUIRED** ☐ Yes ☒ No

**CITY ATTORNEY REVIEW:** ☒ Yes ☐ N/A

**SUBMITTED BY:**



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Cynthia L. Linker, CP&D Director



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Vincent Harris, AICP, Baseline Corporation

**REVIEWED BY:**

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Stephen N. Cole, City Manager



# **Staff Report**

**CITY OF BLACK HAWK  
PLANNING / LAND USE**

Date prepared: May 21, 2023  
Meeting Date: June 14, 2023

**STAFF REPORT: Quartz Valley/Maryland Mountain - 2023 Annexations 1, 2, and 3**

**For:** City Council  
**Project Number:** P-19-17  
**Property Address:** Various/No address  
**Applicants:** City of Black Hawk  
**Zoning:** Gilpin County  
**Prepared by:** Alyssa Rivas, Baseline Corporation  
**Approved by:** Vincent Harris, AICP - Baseline Corporation  
**Reviewed by:** Cynthia Linker, CP&D Director



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**BACKGROUND:**

In 2013 and 2015, the City of Black Hawk increased its territory by approving the Quartz Valley/Maryland Mountain annexations and Quartz Valley/Maryland Mountain - 2015. Since the 2015 annexations were approved, there are enclaves of unincorporated Gilpin County in Quartz Valley/Maryland Mountain area that have been surrounded by the City of Black Hawk, such lands not owned by the City of Black Hawk.

The City is initiating annexation proceedings on the additional parcels in unincorporated Gilpin County to “fill in the gaps.” These proposed annexations are comprised entirely of enclaves unincorporated Gilpin County: Government Lot 14 and Government Lot 15, Section 12, Township 3 South, Range 73 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 1**); Government Lot 12, Government Lot 13, and Government Lot 16, Section 12, Township 3 South, Range 73 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 2**); and Government Lot 22, Section 12, Township 3 South, Range 73 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 3**).

All areas considered to be annexed are owned by the United States Bureau of Land Management (BLM) and cover approximately 2.93 acres (total) of land on Maryland Mountain. Each of the annexations is within the agreed upon Growth Area Boundary per the 2020 Amended and Restated Intergovernmental Agreement (IGA) with Central City.

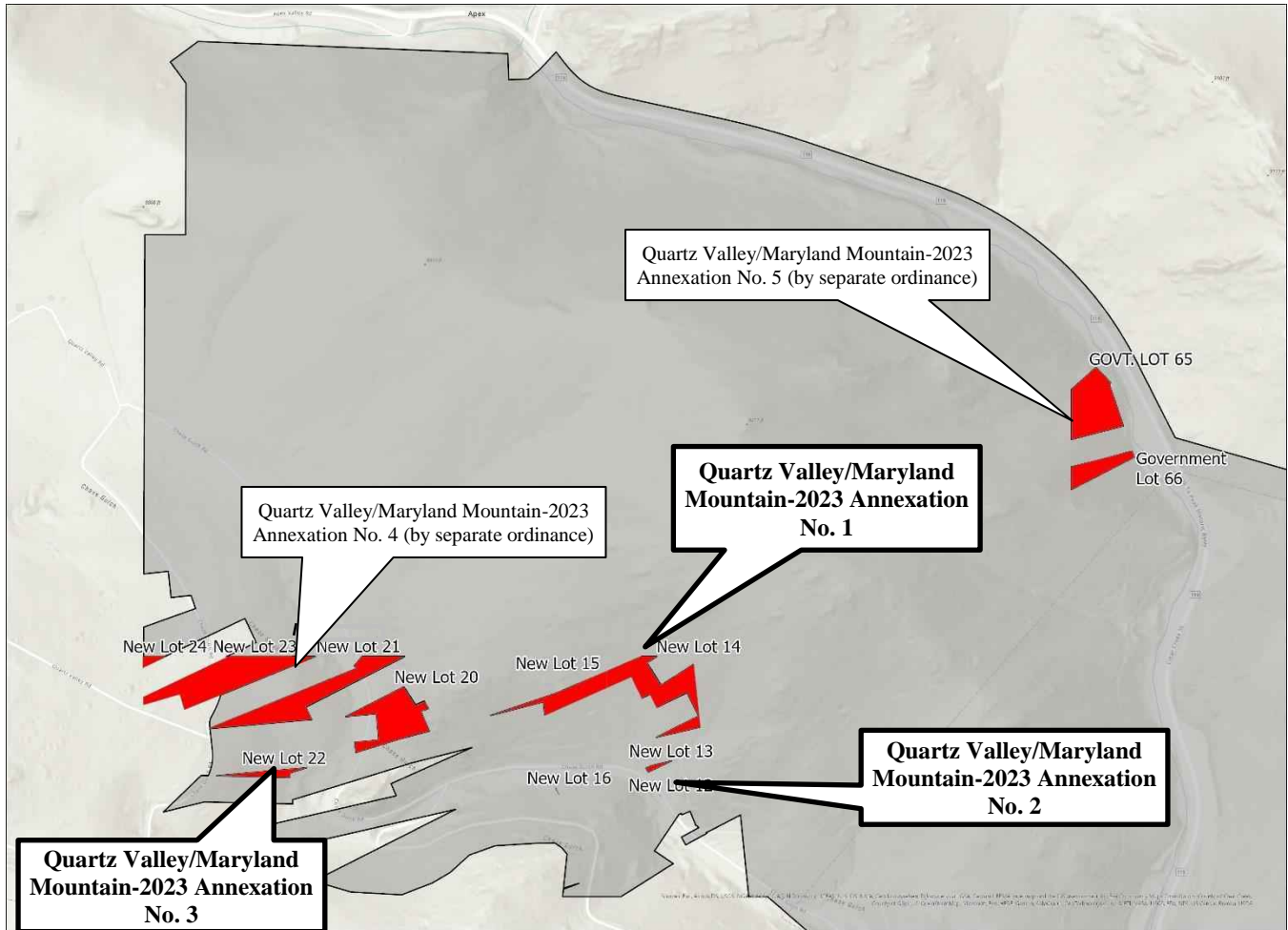
The areas of annexation appear to be in compliance with the requirements of state statutes and applicable intergovernmental agreements. There are no petitions associated with these proposed annexations, as none are required by state statutes for annexations of enclaves.

According to Colorado State Statutes, the City Council may annex enclaves by ordinance and without hearing, provided that the area to be annexed has been surrounded (an enclave) for a period of not less than three years.

The Quartz Valley/Maryland Mountain - 2023 Annexations 1-3 consist of two (3) proposed annexation ordinances, containing the following parcels of land:

<i>Property Name</i>	<i>Annexation Name</i>	<i>Area</i>
Government Lot No. 14 & 15	QV/MM 2023 Annex. No. 1	2.64 acres
Government Lot No. 12	QV/MM 2023 Annex. No. 2	10 sq. ft.
Government Lot No. 13	QV/MM 2023 Annex. No. 2	2,235 sq. ft.
Government Lot No. 16	QV/MM 2023 Annex. No. 2	108 sq. ft.
Government Lot No. 22	QV/MM 2023 Annex. No. 3	0.24 acres

Total area annexed = 2.93 acres (more or less)



*Proposed Quartz Valley/Maryland Mountain 2023 Annexations are shown in red.*

*This image is for illustrative purposes only – please refer to the official annexation maps after this staff report.*

## **ZONING:**

The parcels to be annexed currently lie outside of city limits in Gilpin County. Concurrent with the annexation, the applicant is requesting approval of an initial zoning to the History Appreciation Recreation Destination (HARD) Zoning District. All annexed land shall be zoned at the time of annexation. A separate staff report for the initial zoning of Quartz Valley Maryland Mountain - 2023 Annexations 1-5 has been prepared and is a separate action.

**APPLICABLE STATE STATUTES:**

**Excerpts from:**

***Title 31. Government – Municipal  
Article 12. Annexation – Consolidation – Disconnection  
Part 1. Municipal Annexation Act of 1965***

***31-12-106. Annexations of enclaves, partly surrounded land, and municipally owned land***

***31-12-106(1) Annexation of enclaves.*** When any unincorporated area is entirely contained within the boundaries of a municipality, the governing body may by ordinance annex such territory to the municipality in accordance with section 30 (1)(c) of article II of the state constitution, but without complying with section 31-12-104, 31-12-105, 31-12-108, or 31-12-109, if said area has been so surrounded for a period of not less than three years; except that notice of the proposed annexation ordinance shall be given by publication as provided by section 31-12-108 (2) for notices of annexation petitions, and resolutions initiating annexation proceedings, but no public hearing on the proposed annexation ordinance shall be required, and the first publication of notice shall be at least thirty days prior to the adoption of the ordinance.

***§ 31-12-108. Setting hearing date - notice given***

*(2) The clerk shall give notice as follows: A copy of the resolution or the petition as filed (exclusive of the signatures) together with a notice that, on the given date and at the given time and place set by the governing body, the governing body shall hold a hearing upon said resolution of the annexing municipality or upon the petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of section 30 of article II of the state constitution and sections 31-12-104 and 31-12-105 and is considered eligible for annexation. Said notice shall be published once a week for four successive weeks in some newspaper of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty days prior to the date of the hearing. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed, the certificate of the owner, editor, or manager of the newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held as provided in said notice. A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such hearing. The notice required to be sent to the special district or school district by this subsection (2) shall not confer any right of review in addition to those rights provided for in section 31-12-116.*

**Staff comment:** Notices were published in the Weekly Register-Call on May 11, May 18, May 25, June 1, and June 8, 2023. Notice was mailed via registered mail and hand delivered to the Gilpin County Board of County Commissioners, the Gilpin County Attorney, Gilpin County RE-1 School District, and Timberline Fire Protection District on May 17, 2023.

***§ 31-12-108.5. Annexation impact report – requirements***

*(1) The municipality shall prepare an impact report concerning the proposed annexation at least twenty-five days before the date of the hearing established pursuant to section 31-12-108 and shall file*

*one copy with the board of county commissioners governing the area proposed to be annexed within five days thereafter. Such report shall not be required for annexations of ten acres or less in total area or when the municipality and the board of county commissioners governing the area proposed to be annexed agree that the report may be waived. ...*

**Staff comment:** An annexation impact report was prepared by the City of Black Hawk in accordance with state statutes and filed with the Gilpin County Board of County Commissioners on May 25, 2023. A copy is attached.

***Colorado Constitution  
Article II***

**Section 30. Right to vote or petition on annexation – enclaves**

*(1) No unincorporated area may be annexed to a municipality unless one of the following conditions first has been met:*

- (a) The question of annexation has been submitted to the vote of the landowners and the registered electors in the area proposed to be annexed, and the majority of such persons voting on the question have voted for the annexation; or*
- (b) The annexing municipality has received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality; or*
- (c) The area is entirely surrounded by or is solely owned by the annexing municipality.*

**Staff Comment:** The properties proposed to be annexed are entirely surrounded by the City of Black Hawk.

**APPLICABLE CITY OF BLACK HAWK REGULATIONS:**

**Excerpts from:**

***City of Black Hawk  
Municipal Code  
Chapter 16 - Zoning***

***Sec. 16-365. Rezoning procedures, amendments to zoning ordinance and special review use permits.***

*Sec. 16-365 (b) All territory annexed to the City shall be zoned in accordance with the zoning classifications established by this Chapter and in accordance with the procedures in this Section for rezoning. All annexed land shall be zoned at the time of annexation as required by this Chapter.*

***City of Black Hawk  
Home Rule Charter  
Article VIII: Miscellaneous***

***Section 8. Annexation and Zoning.***

*In all proceedings for the annexation of territory to the City, the City Council shall require concurrent zoning of the same.*

**STAFF COMMENTS:**

The City Surveyor prepared three annexation maps for the Quartz Valley/Maryland Mountain - 2023 Annexations 1, 2, and 3. Staff then reviewed the maps against State and City standards.

Annexing the land into Black Hawk will extend the applicable city services to these properties, including police and fire protection.

All annexed land shall be zoned at the time of annexation. A separate staff report for the initial zoning of Quartz Valley/Maryland Mountain - 2023 Annexation No. 1, Annexation No. 2, and Annexation No. 3 has been prepared.

In accordance with state standards and Black Hawk regulations, staff recommends that City Council pass an ordinance approving the Quartz Valley/Maryland Mountain - 2023 Annexation No. 1, Quartz Valley/Maryland Mountain - 2023 Annexation No. 2, and the Quartz Valley/Maryland Mountain - 2023 Annexation No. 3, and annexing said territory shown on the maps thereof into the City of Black Hawk.

**FINDINGS:**

City Council may *approve, conditionally approve, or deny* a request to annex territory into the City of Black Hawk. To support this proposal, the following findings can be used:

1. The annexation by and to the City of Black Hawk, State of Colorado, of the subject property, situated, lying, and being in the County of Gilpin, State of Colorado, meets all requirements of state law and the annexation policy of the City of Black Hawk.
2. The areas to be annexed have been fully surrounded by the City of Black Hawk for a period of not less than three years.
3. Pursuant to the Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, the City of Black Hawk possesses the authority to annex real property to its territory.
4. C.R.S. § 31-12 authorizes the City of Black Hawk to annex enclaves by ordinance, without a hearing.

**RECOMMENDATION:**

Staff recommends that City Council consider a **MOTION TO APPROVE** an ordinance approving the Quartz Valley/Maryland Mountain - 2023 Annexation(s) No. 1, No. 2 & No. 3 and annexing said territory shown on the map thereof into the City of Black Hawk.

**Attachments:**

- Quartz Valley/Maryland Mountain - 2023 Annexation No. 1 Map
- Quartz Valley/Maryland Mountain - 2023 Annexation No. 2 Map
- Quartz Valley/Maryland Mountain - 2023 Annexation No. 3 Map
- Exhibit 1.B Black Hawk Growth Area from Amended and Restated IGA
- Quartz Valley/Maryland Mountain - 2023 Annexations 1-5 Annexation Impact Report

# **Applicant's Submittal**



## Black Hawk

PO Box 68, Black Hawk, CO 80422

## Annexation

23BH-PL00015

### Application Details

<b>Application Date:</b> 04/13/2023 <b>Acceptance Date:</b> 04/13/2023 <b>Job Site Address:</b> Maryland Mountain Quartz Valley, Black Hawk, CO 80422 <b>Category:</b> Planning <b>Permit Type:</b> Annexation	<b>Property Owner:</b> BLM <b>Mailing Address:</b>  <b>Phone:</b> <b>Email:</b>
<b>Description of Work:</b> P-19-17 Quartz Valley / Maryland Mountain -2023 Annexations 1, 2 & 3 Annexation and zoning of 2.93 acres of enclaves	
<b>Contractors:</b>	<b>Applicant:</b> <b>Name:</b> Cynthia Linker <b>Phone:</b> (303) 582-0615 <b>Email:</b> CLinker@cityofblackhawk.org <b>Occupant:</b> <b>Name:</b> <b>Phone:</b> <b>Email:</b>
<b>Permit Fields</b>	
<b># Parking Spaces:</b> <b>Lot Size:</b> <b>Required Setback East:</b> <b>Required Setback North:</b> <b>Required Setback South:</b> <b>Total Square Footage:</b>	<b>Estimated Valuation:</b> \$0.00 <b>Required Setback Back:</b> <b>Required Setback Left:</b> <b>Required Setback Right:</b> <b>Required Setback West:</b>
<b>Application Terms</b>	
I, as the applicant, hereby certify that I believe to the best of my knowledge that all information supplied with this application is true and accurate and that consent of the property owner has been obtained. I also commit to pay all fees based on the City of Black Hawk's adopted fee schedule.	
Submitted by: Julie.esterl@baselinecorp.com	

**This document is NOT a permit and does not constitute approval or authorize any construction or changes to the above location.**



M:\co-BLACK HAWK ON CALL PROJECTS\co-S-21-06 Maryland Mountain Annexation\Drawings\QUARTZ VALLEY-MARYLAND MOUNTAIN 2023 ANNEXATION NO. 1.dwg, 4/10/2023 7:24:57 AM, Doug Lancaster

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 1  
GOVERNMENT LOTS 14 AND 15 LOCATED IN THE NORTH HALF OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE  
SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO

DESCRIPTION:

QUARTZ VALLEY / MARYLAND MOUNTAIN – 2023 ANNEXATION NO. 1, LOCATED WITHIN THE NORTH 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:

BASIS OF BEARING: ASSUMING LINE 1–2 OF THE MOUNTAIN CLUB MS 14918 TO BEAR NORTH 66°50'45" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOTS NO. 14 AND NO. 15 – **PARCEL 1**  
**BEGINNING** AT A POINT ON LINE 1–2 OF THE MOUNTAIN CLUB MS 14918 AND THE NORTH LINE OF SAID SECTION 12;

THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 86.90 FEET TO A POINT ON LINE 3–4 OF THE SANS SOUCI MS 793;

THENCE SOUTH 57°24'25" WEST ON LINE 3–4 OF SAID SANS SOUCI MS 793, A DISTANCE OF 65.88 FEET TO CORNER 3 OF SAID SANS SOUCI MS 793;

THENCE SOUTH 32°35'35" EAST ON LINE 2–3 OF SAID SANS SOUCI MS 793, A DISTANCE OF 150.00 FEET TO CORNER 2 OF SAID SANS SOUCI MS 793;

THENCE NORTH 57°24'25" EAST ON LINE 1–2 OF SAID SANS SOUCI MS 793, A DISTANCE OF 215.65 FEET TO A POINT ON LINE 36–37 OF THE BONANZA TUNNEL NO. 9 MS 7417;

THENCE SOUTH 06°06'35" EAST ON LINE 36–37 OF SAID BONANZA TUNNEL NO. 9 MS 7417, LINE 32–33 OF BONANZA TUNNEL NO. 8 MS 7417 AND LINE 28–29 OF BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 289.74 FEET TO A POINT ON LINE 3–4 OF THE ALONZO FURNALD MS 440A AND TO **POINT "A"**;

THENCE NORTH 26°44'32" WEST ON LINE 3–4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 147.70 FEET TO CORNER 3 OF SAID ALONZO FURNALD MS 440A;

THENCE SOUTH 63°15'28" WEST ON LINE 2–3 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 187.68 FEET TO THE EXTENDED LINE 1–6 OF THE SECURITY MS 5863;

THENCE NORTH 26°35'00" WEST ON THE EXTENDED LINE AND ON LINE 1–6 OF SAID SECURITY MS 5863, A DISTANCE OF 82.56 FEET;

THENCE SOUTH 66°05'18" WEST A DISTANCE OF 55.37 FEET TO A POINT ON LINE 3–4 OF THE ALLIE MS 795;

THENCE NORTH 24°35'16" WEST ON LINE 3–4 OF SAID ALLIE MS 795, A DISTANCE OF 136.36 FEET TO CORNER 3 OF SAID ALLIE MS 795;

THENCE SOUTH 66°03'52" WEST ON LINE 2–3 OF SAID ALLIE MS 795, A DISTANCE OF 543.28 FEET TO A POINT ON LINE 1–6 OF THE CASTLE ROCK MS 9169;

THENCE NORTH 06°14'00" WEST ON LINE 1–6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 74.74 FEET TO CORNER 6 OF SAID CASTLE ROCK MS 9169;

THENCE SOUTH 75°43'00" WEST ON LINE 5–6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 308.75 FEET TO A POINT ON LINE 2–3 OF THE MOUNTAIN CLUB MS 14918;

THENCE NORTH 71°21'00" EAST ON LINE 2–3 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 391.83 FEET TO CORNER 2 OF SAID MOUNTAIN CLUB MS 14918;

THENCE NORTH 66°50'45" EAST ON LINE 1–2 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 528.88 FEET TO THE **POINT OF BEGINNING**, CONTAINING 106,881 SQUARE FEET OR 2.45 ACRES MORE OR LESS.

TOGETHER WITH,

**PARCEL 2**

**COMMENCING** AT SAID **POINT "A"**, THENCE SOUTH 06°06'35" EAST ON LINE 28–29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 2.45 FEET TO LINE 1–4 OF THE ALONZO FURNALD MS 440A AND THE POINT OF BEGINNING;

THENCE SOUTH 06°06'35" EAST ON LINE 28–29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 64.28 FEET TO LINE 5–6 OF THE GREENSIDE MS 6313;

THENCE SOUTH 77°00'00" WEST ON LINE 5–6 OF SAID GREENSIDE MS 6313, A DISTANCE OF 253.24 FEET TO A POINT ON LINE 1–4 OF THE ALONZO FURNALD MS 440A;

THENCE NORTH 63°15'28" EAST ON LINE 1–4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 268.64 FEET TO THE **POINT OF BEGINNING**, CONTAINING 8,081 SQUARE FEET OR 0.19 ACRES MORE OR LESS.

GENERAL NOTES:

1. DEFINITION: CERTIFY, CERTIFICATION – A PROFESSIONAL'S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL'S CERTIFICATION OF A CONDITION'S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
2. THIS MAP DOES NOT REPRESENT A MONUMENTED LAND SURVEY, IT IS INTENDED ONLY TO DEPICT THE ATTACHED ANNEXATION DESCRIPTION.
3. THIS ANNEXATION MAP WAS PREPARED BY AARON ALVIN DEMO, PLS 38285, FOR AND ON BEHALF OF BASELINE CORPORATION, 4007 S. LINCOLN AVE. SUITE# 405, LOVELAND, CO. 80537.
4. DISTANCES ON THIS MAP ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
5. THIS ANNEXATION DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THESE LOTS, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD.
6. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

CONTIGUITY STATEMENT:

**PARCEL 1**

TOTAL PERIMETER OF ANNEXED PARCEL	3,265.32'
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6)	544.22'
CONTIGUOUS TO PRESENT CITY BOUNDARY	3,265.32'
DENOTES BOUNDARY OF LAND ANNEXED	
DENOTES PRESENT CITY BOUNDARY	/ / /

**PARCEL 2**

TOTAL PERIMETER OF ANNEXED PARCEL	586.16'
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6)	97.69'
CONTIGUOUS TO PRESENT CITY BOUNDARY	586.16'
DENOTES BOUNDARY OF LAND ANNEXED	
DENOTES PRESENT CITY BOUNDARY	/ / /

MAYOR'S CERTIFICATE:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY, COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

CITY CLERK'S CERTIFICATE:

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK, COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, BY ORDINANCE NO. \_\_\_\_\_ A CERTIFIED COPY OF WHICH IS HEREBY FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

SURVEYOR'S STATEMENT:

I, AARON ALVIN DEMO, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ANNEXATION MAP IS AN ACCURATE REPRESENTATION OF THE LANDS AS SHOWN AND THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCELS ARE CONTIGUOUS TO THE PRESENT CITY OF BLACK HAWK BOUNDARY, ALL THIS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION



CLERK AND RECORDER:

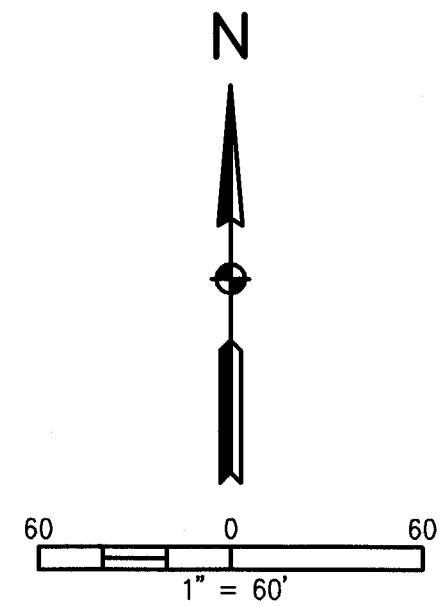
DESIGNED BY	DATE	PREPARED BY	REVISION DESCRIPTION
DRAWN BY			
DKL			
CHECKED BY			
AAD			

CITY OF BLACK HAWK	COUNTY OF GILPIN
	QUARTZ VALLEY/MARYLAND MOUNTAIN
BLACK HAWK	2023 ANNEXATION NO. 1

FOR AND ON BEHALF OF BASELINE CORPORATION	
INITIAL SUBMITTAL	
DRAWING SIZE	24" X 36"
SURVEY FIRM	02/21/2023
SURVEY FIRM	
JOB NO.	COS-21-06
DRAWING NAME	ANNEX-2023-2
SHEET	1 OF 2



GOVERNMENT LOTS 14 AND 15 LOCATED IN THE NORTH HALF OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO



A circular professional seal for Aaron Alvin Demko, a Colorado Professional Land Surveyor. The seal features the text "COLORADO LICENSE" at the top, "AARON ALVIN DEMKO" in the center, "38285" below the name, and "PROFESSIONAL LAND SURVEYOR" at the bottom. The date "4/13/22" is handwritten in the center. The seal is surrounded by a decorative rope-like border. A signature is written over the seal.

4007 S. LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537  
P: 970.353.7600 • F: 866.679.4864 • [www.baselinescorp.com](http://www.baselinescorp.com)

FOR AND ON BEHALF OF BASELINE CORPORATION	
INITIAL SUBMITTAL	
DRAWING SIZE	24" X 36"
SURVEY FIRM	SURVEY DATE
SURVEY FIRM	02/21/2023
JOB NO.	COS-21-06
DRAWING NAME	
ANNEX-2023-2	
SHEET	2 OF 2

M:\co-BLACK HAWK ON CALL PROJECTS\co-S-21-06 Maryland Mountain Annexation\Drawings\QUARTZ VALLEY-MARYLAND MOUNTAIN 2023 ANNEXATION NO. 2.dwg, 4/10/2023 7:36:17 AM, Doug Lancaster

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 2  
GOVERNMENT LOTS 12, 13 AND 16 LOCATED IN THE NORTH HALF OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE  
SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO

DESCRIPTION:

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 2, LOCATED WITHIN THE NORTH HALF QUARTER 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:

BASIS OF BEARING: ASSUMING LINE 2-3 OF THE GREENSIDE MS 6313 TO BEAR SOUTH 67°00'00" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

**GOVERNMENT LOT NO. 12**

BEGINNING AT A POINT ON LINE 1-2 OF THE DEWEY MS 12581 AND ON LINE 1-4 OF THE EAST CENTENNIAL AMENDED MS 11919;

THENCE SOUTH 69°01'21" WEST ON LINE 1-2 OF SAID DEWEY MS 12581, A DISTANCE OF 1.58 FEET TO A POINT OF INTERSECTION WITH THE FIRST CENTENNIAL MS 476;

THENCE NORTH 63°08'54" EAST ON LINE 1-2 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 1.03 FEET TO CORNER 1 OF SAID FIRST CENTENNIAL MS 476;

THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 35.74 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919;

THENCE SOUTH 25°24'51" EAST ON LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 35.88 FEET TO THE POINT OF BEGINNING, CONTAINING 10 SQUARE FEET MORE OR LESS.

TOGETHER WITH

**GOVERNMENT LOT NO. 13**

BEGINNING AT A POINT ON LINE 2-3 OF SAID GREENSIDE MS 6313 AND LINE 1-6 OF SAID FIRST CENTENNIAL MS 476;

THENCE NORTH 67°00'00" EAST ON LINE 2-3 OF SAID GREENSIDE MS 6313, A DISTANCE OF 36.27 FEET TO CORNER 2 OF SAID GREENSIDE MS 6313;

THENCE NORTH 77°00'00" EAST ON LINE 1-2 OF SAID GREENSIDE MS 6313, A DISTANCE OF 112.41 FEET TO A POINT OF INTERSECTION WITH LINE 1-2 OF THE EAST CENTENNIAL AMENDED MS 11919;

THENCE SOUTH 64°35'09" WEST ON LINE 1-2 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 146.42 FEET TO A POINT ON LINE 1-6 OF THE FIRST CENTENNIAL MS 476;

THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 25.70 FEET TO THE POINT OF BEGINNING, CONTAINING 2,235 SQUARE FEET OR 0.051 ACRES MORE OR LESS.

TOGETHER WITH

**GOVERNMENT LOT NO. 16**

BEGINNING AT THE INTERSECTION OF LINE 1-6 OF THE BLACK QUARTZ MS 438 AND LINE 3-4 OF THE GREENSIDE MS 6313;

THENCE NORTH 29°52'25" WEST ON LINE 1-6 OF SAID BLACK QUARTZ MS 438, A DISTANCE OF 42.47 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF THE ALONZO FURNALD MS 440A;

THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 5.09 FEET TO A POINT OF INTERSECTION WITH LINE 3-4 OF SAID GREENSIDE MS 6313;

THENCE SOUTH 23°00'00" EAST ON LINE 3-4 OF SAID GREENSIDE MS 6313, A DISTANCE OF 42.50 FEET TO THE POINT OF BEGINNING, CONTAINING 108 SQUARE FEET MORE OR LESS.

**GENERAL NOTES:**

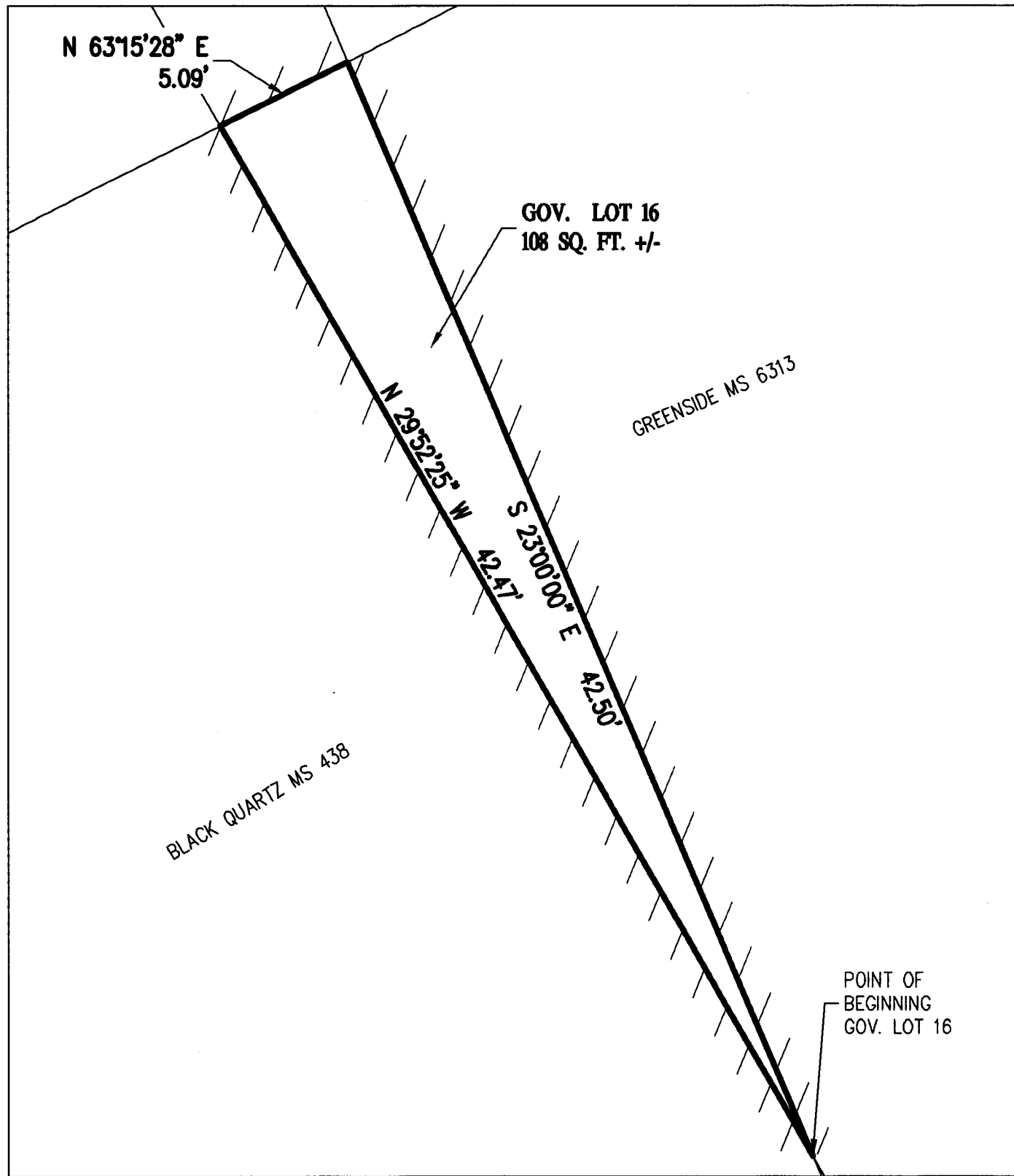
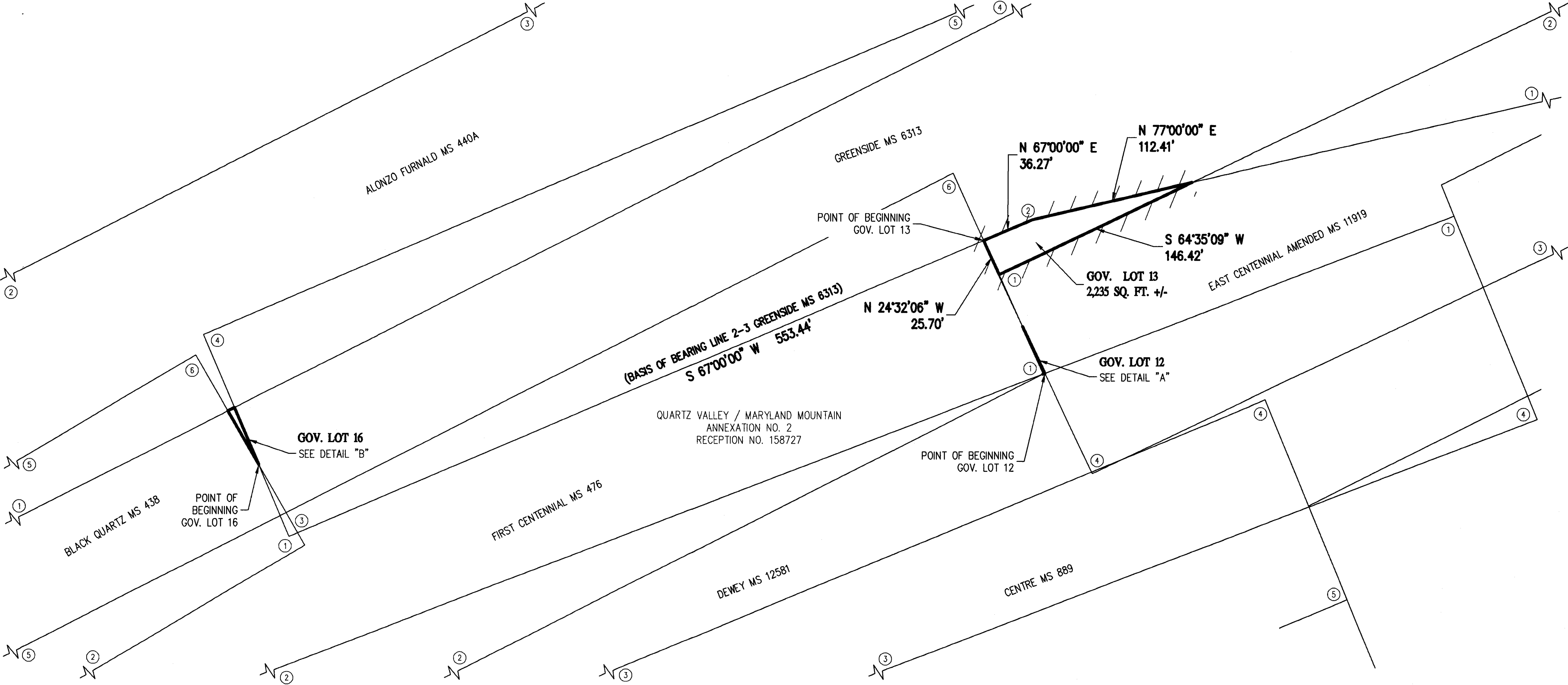
- DEFINITION: CERTIFY, CERTIFICATION - A PROFESSIONAL'S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL'S CERTIFICATION OF A CONDITION'S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
- THIS MAP DOES NOT REPRESENT A MONUMENTED LAND SURVEY, IT IS INTENDED ONLY TO DEPICT THE ATTACHED ANNEXATION DESCRIPTION.
- THIS ANNEXATION MAP WAS PREPARED BY AARON ALVIN DEMO, PLS 38285, FOR AND ON BEHALF OF BASELINE CORPORATION, 4007 S. LINCOLN AVE. SUITE# 405, LOVELAND, CO. 80537.
- DISTANCES ON THIS MAP ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- THIS ANNEXATION DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THESE LOTS, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

④ = CLAIM CORNER

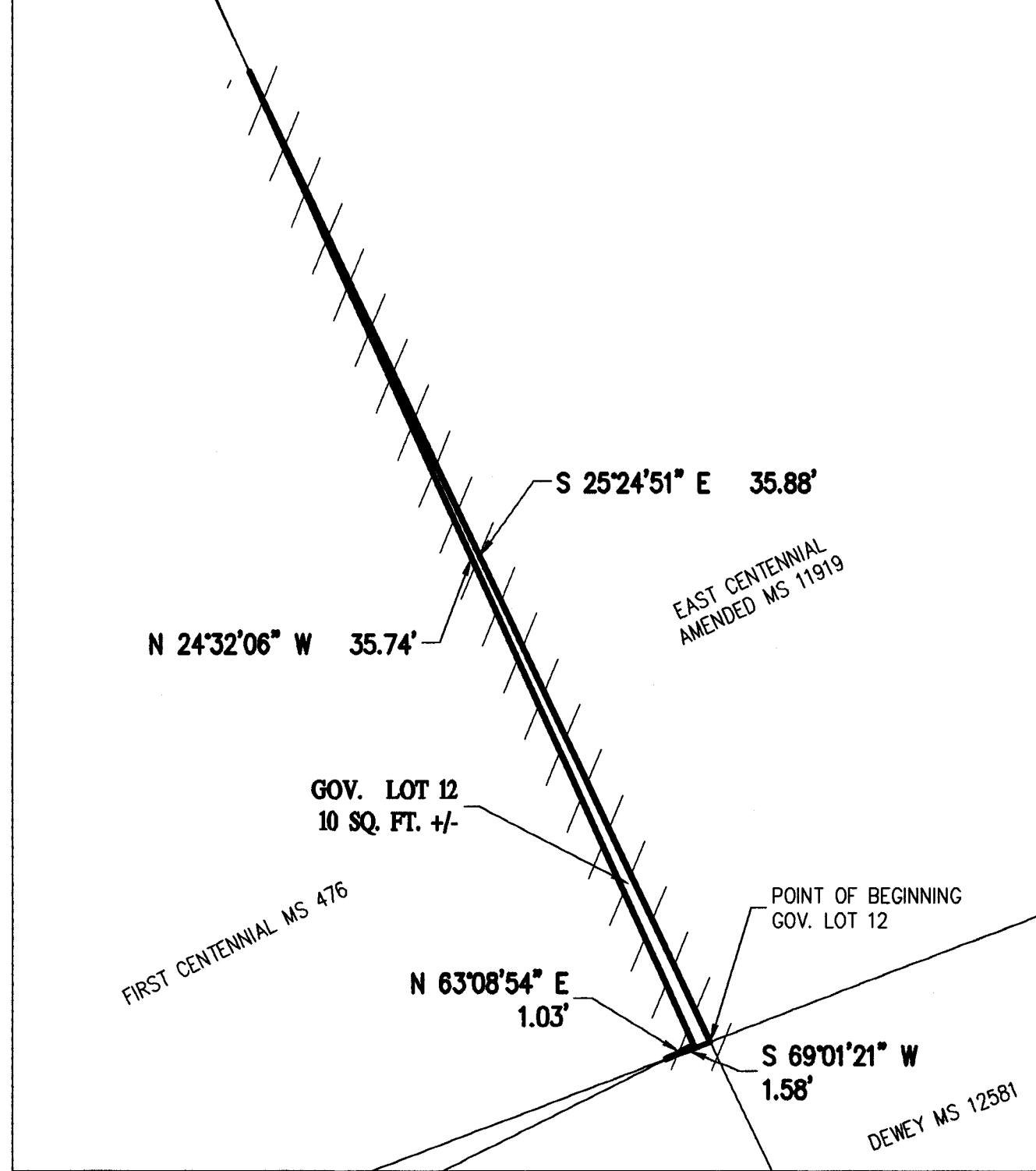
**SURVEYOR'S STATEMENT:**

I, AARON ALVIN DEMO, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ANNEXATION MAP IS AN ACCURATE REPRESENTATION OF THE LANDS AS SHOWN AND THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCELS ARE CONTIGUOUS TO THE PRESENT CITY OF BLACK HAWK BOUNDARY, ALL THIS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION



DETAIL B  
SCALE: 1" = 5'



DETAIL A  
SCALE: 1" = 5'

GOVERNMENT LOT NO. 12  
TOTAL PERIMETER OF ANNEXED PARCEL 74.23'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 12.37'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 74.23'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

GOVERNMENT LOT NO. 13  
TOTAL PERIMETER OF ANNEXED PARCEL 320.80'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 53.47'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 320.80'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

GOVERNMENT LOT NO. 16  
TOTAL PERIMETER OF ANNEXED PARCEL 90.06'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 15.01'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 90.06'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

CLERK AND RECORDER:

FOR AND ON BEHALF OF  
BASELINE CORPORATION

INITIAL SUBMITTAL  
DRAWING SIZE 24" X 36"  
SURVEY FIRM SURVEY DATE  
02/21/2023  
JOB NO. COS-21-06  
DRAWING NAME  
ANNEX-2023-3  
SHEET 1 OF 1

**MAYOR'S CERTIFICATE:**

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY, COLORADO.

CITY OF BLACK HAWK:

ATTEST:

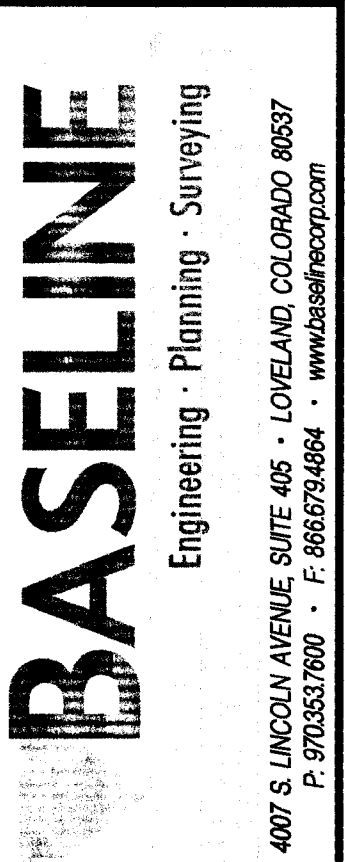
DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

**CITY CLERK'S CERTIFICATE:**

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK, COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, BY ORDINANCE NO. \_\_\_\_\_ A CERTIFIED COPY OF WHICH IS HEREBY FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK



DESIGNED BY	DATE	PREPARED BY	DATE
DAM			
DAM			
CHECKED BY			
AAD			

CITY OF BLACK HAWK  
COUNTY OF GILPIN  
QUARTZ VALLEY/MARYLAND MOUNTAIN  
2023 ANNEXATION NO. 2

FOR AND ON BEHALF OF  
BASELINE CORPORATION

INITIAL SUBMITTAL

DRAWING SIZE 24" X 36"

SURVEY FIRM SURVEY DATE

02/21/2023

JOB NO. COS-21-06

DRAWING NAME

ANNEX-2023-3

SHEET 1 OF 1



QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 3  
GOVERNMENT LOT 22, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73 WEST OF THE  
SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO

DESCRIPTION:

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 3, LOCATED WITHIN THE NORTHWEST QUARTER 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:

BASIS OF BEARING: ASSUMING LINE 2-3 OF THE LULU BOWEN MS 1013 TO BEAR NORTH 85°00'00" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 22

BEGINNING AT THE INTERSECTION OF LINE 2-3 OF SAID LULU BOWEN MS 1013 AND LINE 5-6 OF THE GULNARE MS 641;

THENCE NORTH 85°00'00" EAST ON LINE 2-3 OF SAID LULU BOWEN MS 1013, A DISTANCE OF 513.70 FEET TO THE INTERSECTION OF LINE 4-5 OF THE CASTLE ROCK MS 9169;

THENCE SOUTH 72°53'00" WEST ON LINE 4-5 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 101.95 FEET TO CORNER 4 OF SAID CASTLE ROCK MS 9169;

THENCE SOUTH 06°14'00" EAST ON LINE 3-4 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 24.50 FEET TO CORNER 6 OF SAID GULNARE MS 641;

THENCE NORTH 88°41'00" WEST ON LINE 5-6 OF SAID GULNARE MS 641, A DISTANCE OF 417.08 FEET TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES MORE OR LESS.

GENERAL NOTES:

- DEFINITION: CERTIFY, CERTIFICATION - A PROFESSIONAL'S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL'S CERTIFICATION OF A CONDITION'S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
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④ = CLAIM CORNER

MAYOR'S CERTIFICATE:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY, COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

CITY CLERK'S CERTIFICATE:

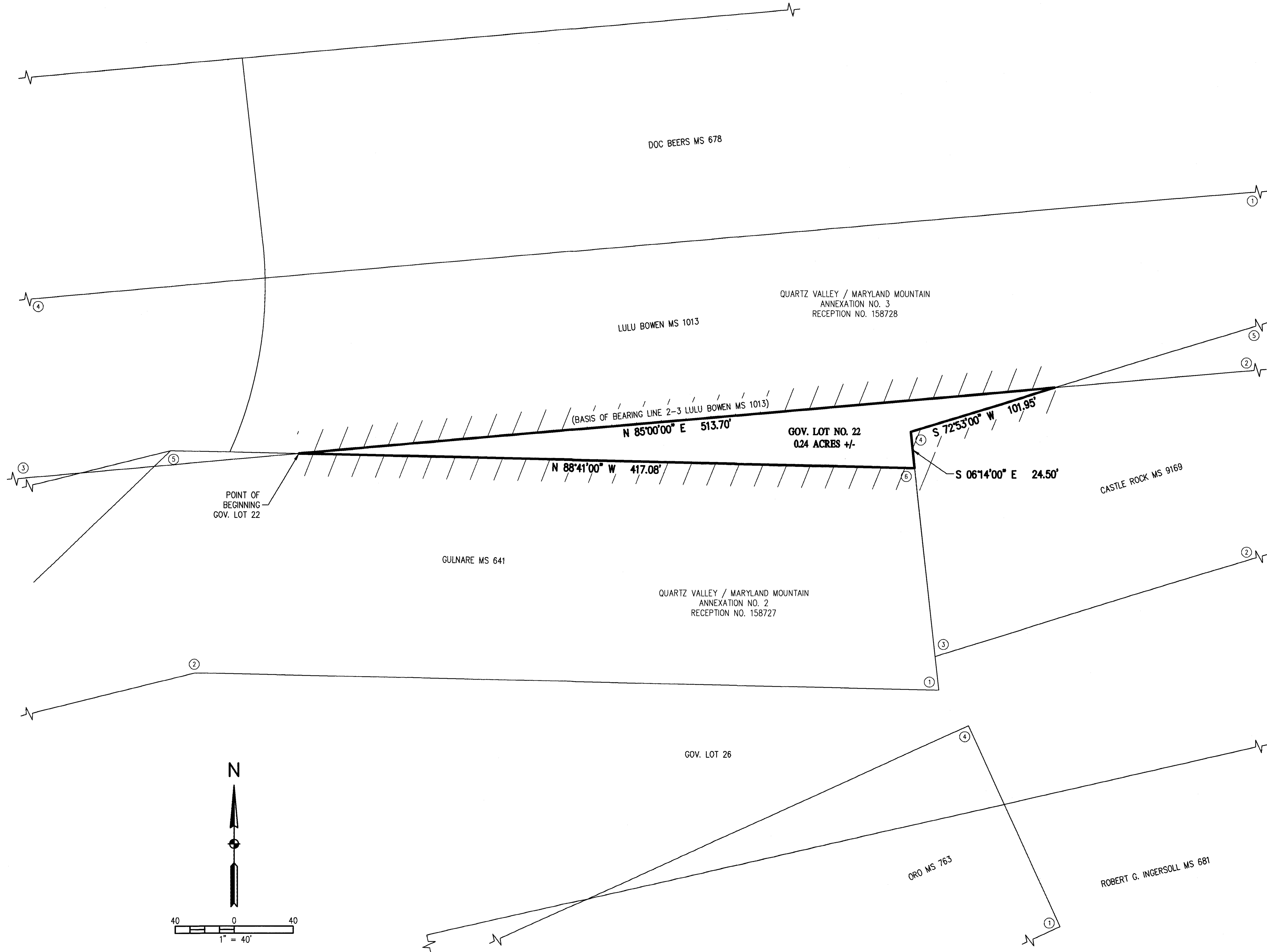
I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK, COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, BY ORDINANCE NO. \_\_\_\_\_ A CERTIFIED COPY OF WHICH IS HEREBY FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

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AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION



GOVERNMENT LOT NO. 22  
TOTAL PERIMETER OF ANNEXED PARCEL 1,057.23'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 176.21'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 1,057.23'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

CLERK AND RECORDER:

**BASELINE**  
Engineering · Planning · Surveying

4007 S. LINCOLN AVENUE SUITE 405 • LOVELAND, COLORADO 80537  
P. 970.333.7600 • F. 970.333.7601 • WWW.BASELINECORP.COM

DESIGNED BY

DRAWN BY

CHECKED BY

DATE

REVISION DESCRIPTION

CITY OF BLACK HAWK

COUNTY OF GILPIN  
QUARTZ VALLEY/MARYLAND MOUNTAIN  
2023 ANNEXATION NO. 3

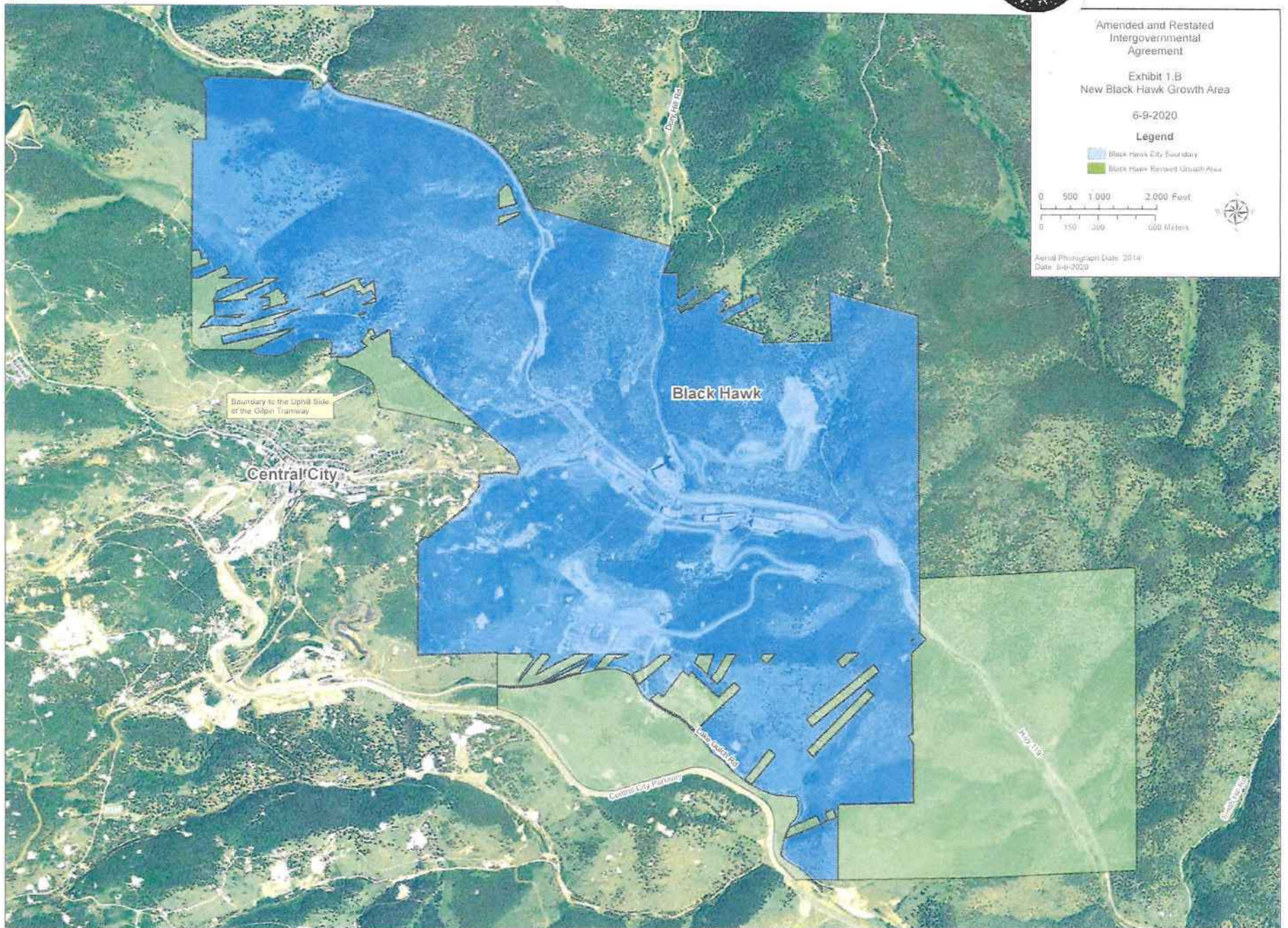
BLACK HAWK

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF BASELINE CORPORATION

INITIAL SUBMITTAL  
DRAWING SIZE 24" x 36"  
SURVEY FIRM SURVEY DATE  
JOB NO. COS-21-06  
DRAWING NAME  
ANNEX-2023-4  
SHEET 1 OF 1







**City of Black Hawk**

**Quartz Valley / Maryland Mountain  
Annexations 1-5  
Annexation Impact Report**

**May 20, 2023**

Report Prepared by:





## Introduction

The Quartz Valley / Maryland Mountain -2023 Annexations consist of five separate annexation maps. All properties are either owned by the City of Black Hawk, or are completely surrounded by property within the jurisdiction of Black Hawk, also known as enclaves. The enclaves are owned by the Bureau of Land Management, Colorado Revised Statutes § 31-12-106 allows the City to annex these types of area by ordinance and without hearing. The subject areas contain approximately 12.15 acres (more or less) and are vacant properties adjacent to City park and open space land. Refer to Exhibits A and B for maps of the area. The annexations are known as Quartz Valley / Maryland Mountain - 2023 Annexations 1 through 5.

The proposed annexation is located in Section 12, Township 3 South, Range 73 West of the 6<sup>th</sup> Principal Meridian and Section 6, Township 3 South, Range 72 West of the 6<sup>th</sup> Principal Meridian. The property proposed to be annexed is generally along Chase Gulch Road near and adjacent to Maryland Mountain Quartz Valley Park.

A map showing the present streets, parks area, and trails in the vicinity of the proposed annexation is included in Exhibit D.

## Gas

The property proposed to be annexed lies within the service area of Public Service Company of Colorado dba Xcel Energy. This area is part of parks and open space and is not intended or expected to be developed.

## Electricity

The property proposed to be annexed lies within the service area of Public Service Company of Colorado dba Xcel Energy. This area is part of parks and open space and is not intended or expected to be developed.

## Water

The City of Black Hawk has a water distribution system to serve its community. This area is part of parks and open space and is not intended or expected to be developed.

## **Fire Protection and Public Safety**

The properties proposed to be annexed are currently within the Timberline Fire Protection District and Gilpin County Sheriff jurisdiction. The existing boundaries of Timberline are shown in Exhibit C. Once annexed to the City of Black Hawk, the City's Fire and Police Departments will assume all properties into their own service area for fire and emergency response services. The City of Black Hawk will work with Timberline Fire Protection District to have the lands withdrawn from the Timberline district.

## **Sewer**

The property proposed to be annexed is not within the boundaries of a sanitation district. This area is part of parks and open space and is not intended or expected to be developed.

## **Streets**

The property proposed to be annexed are along Chase Gulch Road and Clear Creek Street. Any roads annexed into the City of Black Hawk will be maintained by the City of Black Hawk. See Exhibit D.

## **School District**

This area is not intended for development, and will not likely generate any school fees or impacts due to this annexation. The property is within the Gilpin County RE-1 School District

## **Districts**

Taxing districts that currently cover the Lake Gulch Whiskey Resort Annexation properties include the following:

- Timberline Fire Protection District
- Gilpin County RE-1 School District
- General Fund for Gilpin County

## **Requirements**

This annexation impact report for the proposed Quartz Valley / Maryland Mountain – 2023 Annexations 1-5 to the City of Black Hawk, Colorado has been prepared as required by the Colorado Municipal Annexation Act of 1965, as amended, and the City of Black Hawk Municipal Code.

## Appendix

- Exhibit A – Existing City Boundary Map
- Exhibit B – Proposed City Boundary Map
- Exhibit C – Timberline Fire Protection District Boundary Map
- Exhibit D – Existing Street, Trail, and Park Map

Exhibit A  
Existing City Boundary

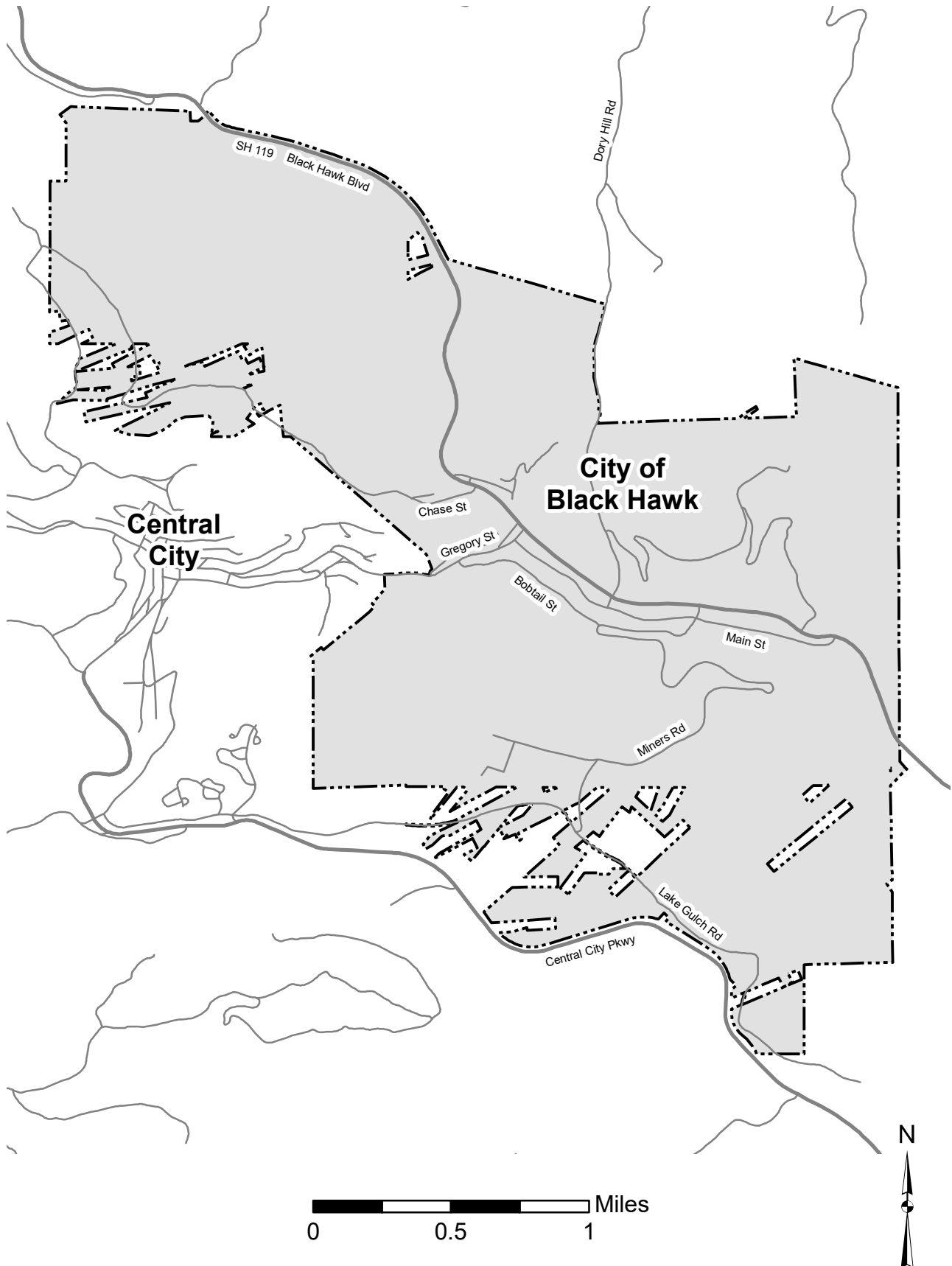
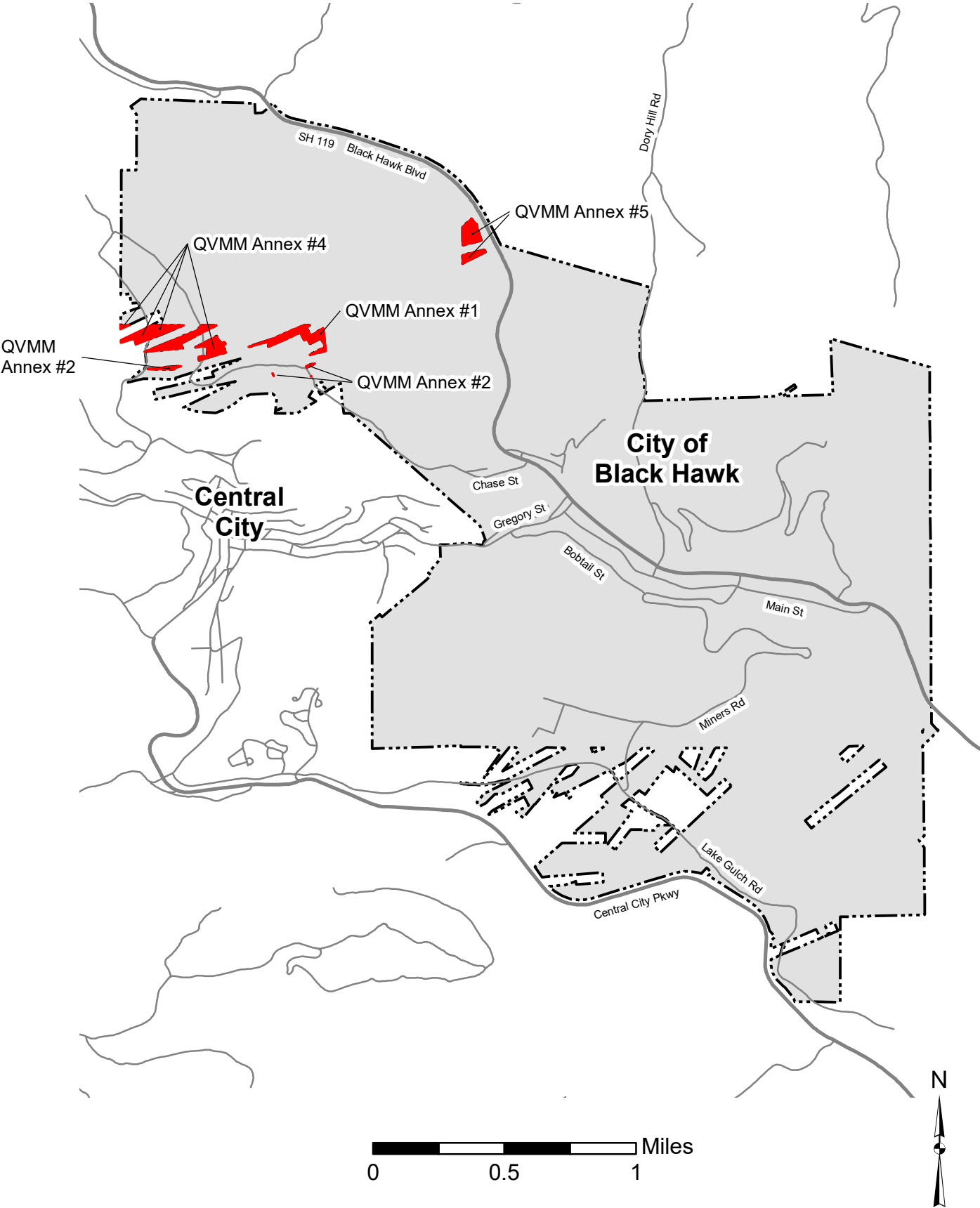
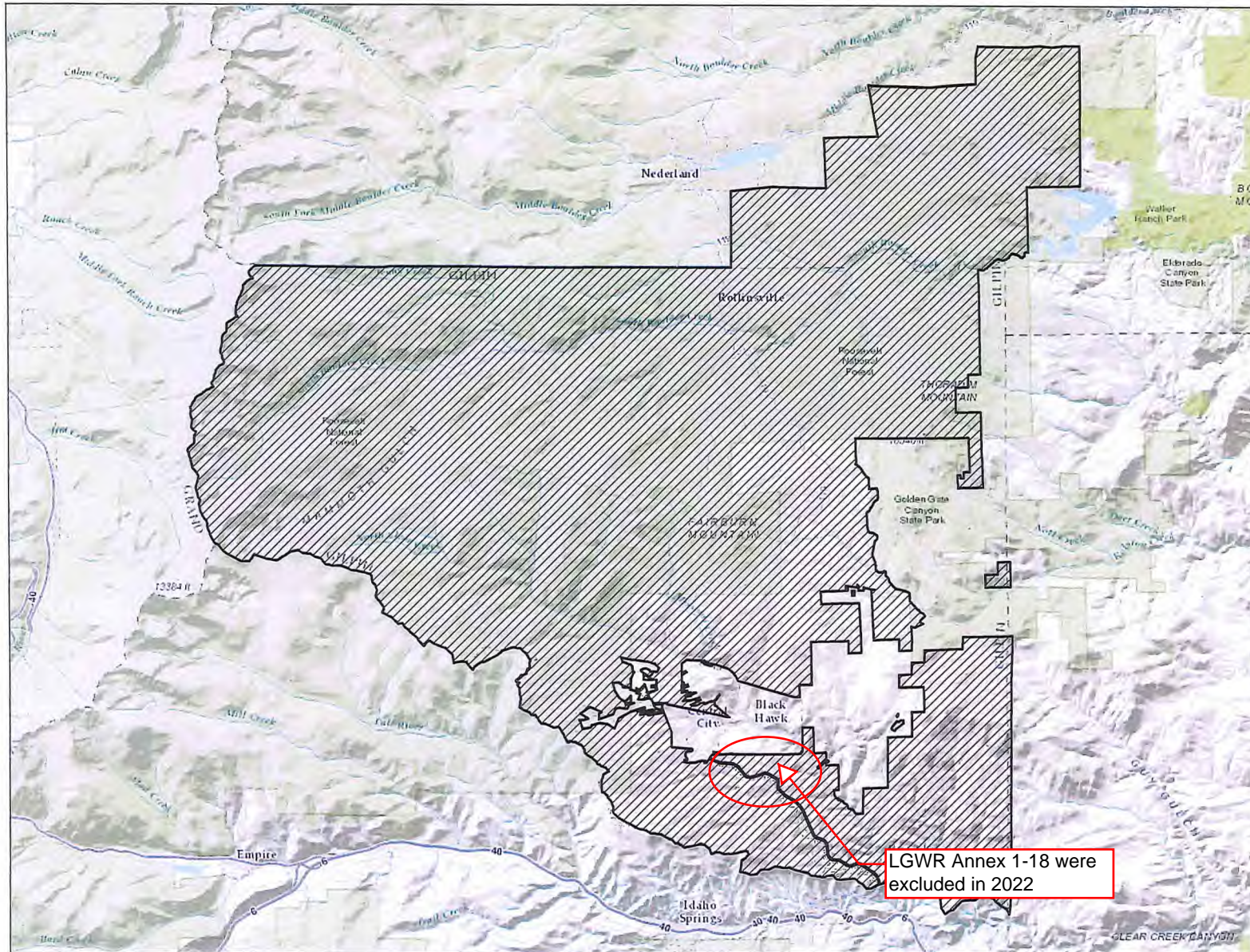


Exhibit A  
Proposed City Boundaries  
Quartz Valley/Maryland Mountain - 2023 Annexations 1-5





# Exhibit C



## Timberline Fire Protection District

### Legend



District Boundary

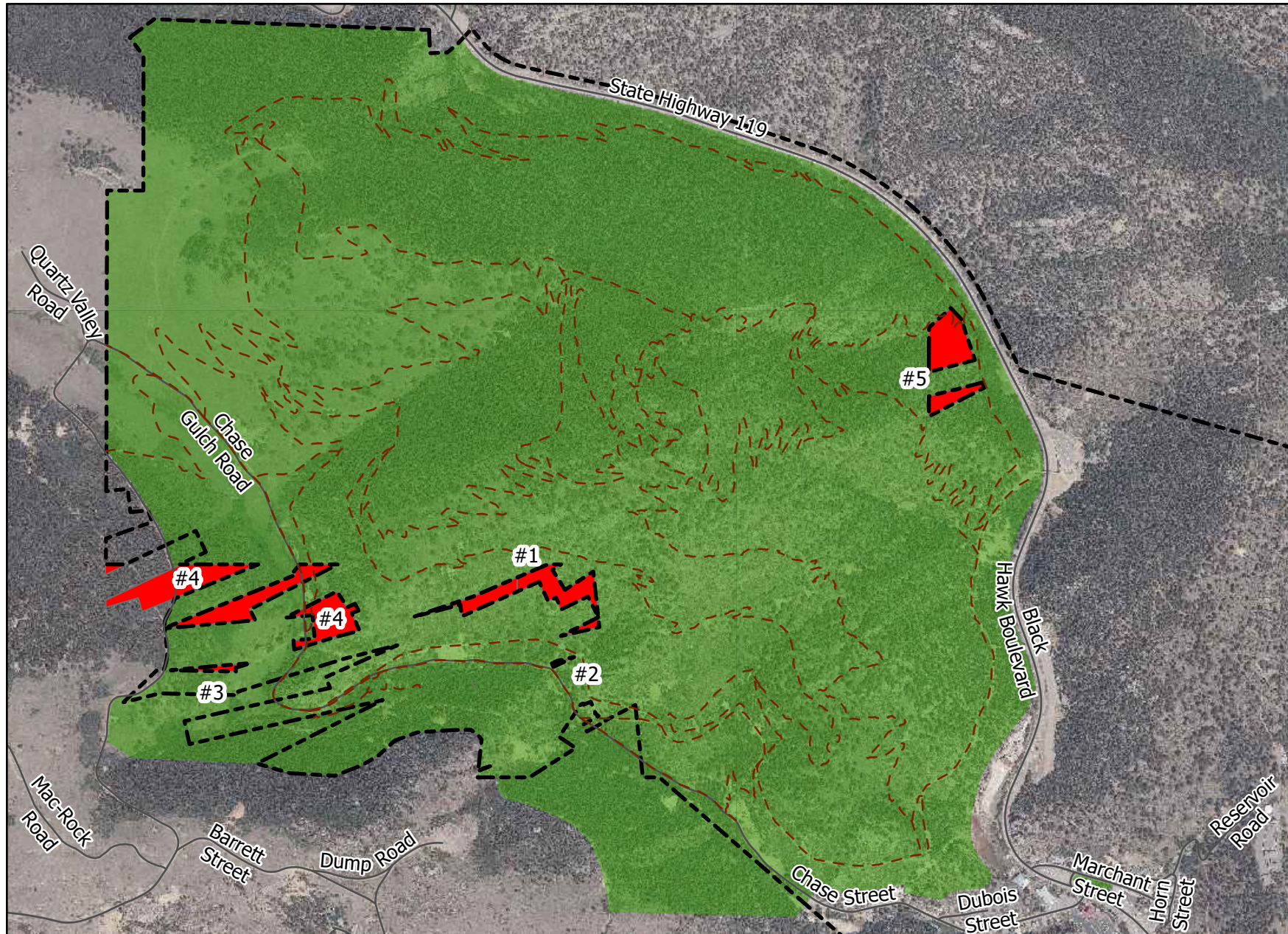
*This district boundary includes  
US Forest Service lands which  
are excluded.*

0 1 2 4 Miles  
0 1.25 2.5 5 Kilometers  
NAD 1983 StatePlane Colorado North FIPS 0501 Feet  
Prepared by: Digital Data Services, Inc. (DDS)  
Date: 10/26/2017

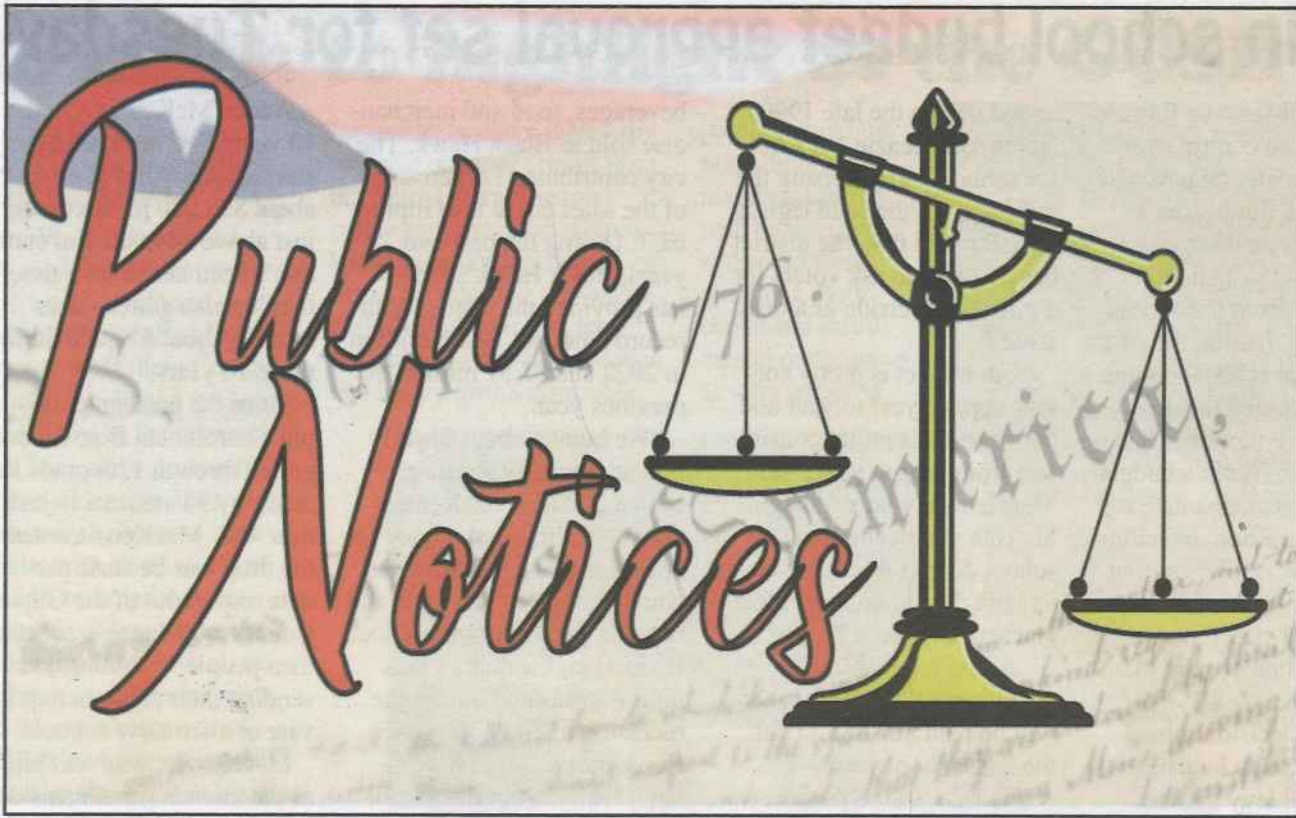
DDS makes every effort to ensure this map is free of errors but does not warrant the map or its features are either spatially nor temporally accurate or fit for a particular use. The depiction of features is representative not authoritative. Notification of any errors will be appreciated.



Exhibit D  
Existing Streets, Trails, and Parks







BLACK HAWK

Notice of  
PROPOSED ANNEXATION  
ORDINANCE

Notice is hereby given that the City of Black Hawk Board of Aldermen will consider a proposed annexation by ordinance of the enclaves described in Resolution No. 29-2023, pursuant to Colorado Constitution, Article II, Sec. 30(1)(c) at a meeting to be held on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The meeting shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES MAY ATTEND  
A complete copy of Resolution No. 29-2023, including a legal description of the proposed property to be annexed is set forth in full below:

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 29-2023

**TITLE: A RESOLUTION PROVIDING NOTICE OF THE CITY'S INTENT TO ANNEX CERTAIN PROPERTY AS ENCLAVE ANNEXATIONS PURSUANT TO C.R.S. § 31-12-106(1), WITH SUCH ENCLAVE ANNEXATIONS TO BE CONSIDERED AT THE JUNE 14, 2023 CITY COUNCIL MEETING FOR UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN IDENTIFIED AS THE QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATIONS NUMBERS 1, 2 AND 3**

**WHEREAS**, the City has identified certain parcels of property that qualify pursuant to C.R.S. § 31-12-106 as enclaves because such parcels of property have been completely surrounded by property incorporated within the municipal boundaries of the City of Black Hawk for more than three years, as more particularly described in **Exhibit A** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 1], **Exhibit B** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 2], and **Exhibit C** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 3] (collectively, the "Enclave Annexations"), attached hereto and incorporated herein by this reference;

**WHEREAS**, C.R.S. § 31-12-106(1) requires that the City provide notice of such proposed enclave annexations as provided by C.R.S. § 31-12-108(2), but such notice shall only be provided of the consideration of an ordinance(s) annexing such properties, with the first publication of notice provided no less than thirty (30) days prior to consideration of such enclave annexation ordinance(s); and

**WHEREAS** the City Council, at its regular meeting on April 26, 2023, directed that such notice be provided of the City's consideration of the Enclave Annexations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

Section 1. The City Council hereby directs the City Clerk to publish notice in accordance with C.R.S. § 31-12-106(1) and C.R.S. § 31-12-108(2) that the City will consider ordinances to annex the Enclave Annexations as more particularly described in **Exhibit A** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 1], **Exhibit B** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 2], and **Exhibit C** [Quartz Valley / Maryland Mountain - 2023 Annexation Number 3]. The City's consideration of such ordinances shall occur on June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. § 31-12-106, and under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**RESOLVED AND PASSED** this 26th day of April, 2023.  
/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. Greiner, CMC, City Clerk

EXHIBIT A

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 1, LOCATED WITHIN THE NORTH 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:

BASIS OF BEARING: ASSUMING LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 TO BEAR NORTH 66°50'45" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOTS NO. 14 AND NO. 15 - PARCEL 1

BEGINNING AT A POINT ON LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 AND THE NORTH LINE OF SAID SECTION 12; THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 86.90 FEET TO A POINT ON LINE 3-4 OF THE SANS SOUCI MS 793; THENCE SOUTH 57°24'25" WEST ON LINE 3-4 OF SAID SANS SOUCI MS 793, A DISTANCE OF 85.88 FEET TO CORNER 3 OF SAID SANS SOUCI MS 793; THENCE SOUTH 32°35'35" EAST ON LINE 2-3 OF SAID SANS SOUCI MS 793, A DISTANCE OF 150.00 FEET TO CORNER 2 OF SAID SANS SOUCI MS 793; THENCE NORTH 57°24'25" EAST ON LINE 1-2 OF SAID SANS SOUCI MS 793, A DISTANCE OF 215.65 FEET TO A POINT ON LINE 36-37 OF THE BONANZA TUNNEL NO. 9 MS 7417; THENCE SOUTH 06°06'35" EAST ON LINE 36-37 OF SAID BONANZA TUNNEL NO. 9 MS 7417, LINE 32-33 OF BONANZA TUNNEL NO. 8 MS 7417 AND LINE 28-29 OF BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 289.74 FEET TO A POINT ON LINE 3-4 OF THE ALONZO FURNALD MS 440A AND TO POINT "A"; THENCE NORTH 26°44'32" WEST ON LINE 3-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 147.70 FEET TO CORNER 3 OF SAID ALONZO FURNALD MS 440A; THENCE SOUTH 63°15'28" WEST ON LINE 2-3 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 187.68 FEET TO THE EXTENDED LINE 1-6 OF THE SECURITY MS 5863; THENCE NORTH 26°35'00" WEST ON THE EXTENDED LINE AND ON LINE 1-6 OF SAID SECURITY MS 5863, A DISTANCE OF 82.56 FEET; THENCE SOUTH 66°05'18" WEST A DISTANCE OF 55.37 FEET TO A POINT ON LINE 3-4 OF THE ALLIE MS 795; THENCE NORTH 24°35'16" WEST ON LINE 3-4 OF SAID ALLIE MS 795, A DISTANCE OF 136.36 FEET TO CORNER 3 OF SAID ALLIE MS 795; THENCE SOUTH 66°03'52" WEST ON LINE 2-3 OF SAID ALLIE MS 795, A DISTANCE OF 543.28 FEET TO A POINT ON LINE 1-6 OF THE CASTLE ROCK MS 9169; THENCE NORTH 06°14'00" WEST ON LINE 1-6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 74.74 FEET TO CORNER 6 OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 75°43'00" WEST ON LINE 5-6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 308.75 FEET TO A POINT ON LINE 2-3 OF THE MOUNTAIN CLUB MS 14918; THENCE NORTH 71°21'00" EAST ON LINE 2-3 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 391.83 FEET TO CORNER 2 OF SAID MOUNTAIN CLUB MS 14918; THENCE NORTH 66°50'45" EAST ON LINE 1-2 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 528.88 FEET TO THE POINT OF BEGINNING, CONTAINING 106,881 SQUARE FEET OR 2.45 ACRES MORE OR LESS. TOGETHER WITH, PARCEL 2 COMMENCING AT SAID POINT "A", THENCE SOUTH 06°06'35" EAST ON LINE 28-29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 2.45 FEET TO LINE 1-4 OF THE ALONZO FURNALD MS 440A AND THE POINT OF BEGINNING; THENCE SOUTH 06°06'35" EAST ON LINE 28-29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 64.28 FEET TO LINE 5-6 OF THE GREENSIDE MS 6313; THENCE SOUTH 77°00'00" WEST ON LINE 5-6 OF SAID GREENSIDE MS 6313, A DISTANCE OF 253.24 FEET TO A POINT ON LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 268.64 FEET TO THE POINT OF BEGINNING, CONTAINING 8,081 SQUARE FEET OR 0.19 ACRES MORE OR LESS.

EXHIBIT B

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 2, LOCATED WITHIN THE NORTH HALF QUARTER 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:

BASIS OF BEARING: ASSUMING LINE 2-3 OF THE GREENSIDE MS 6313 TO BEAR SOUTH 67°00'00" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 12  
BEGINNING AT A POINT ON LINE 1-2 OF THE DEWEY MS 12581 AND ON LINE 1-4 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 69°01'21" WEST ON LINE 1-2 OF SAID DEWEY MS 12581, A DISTANCE OF 1.58 FEET TO A POINT OF INTERSECTION WITH THE FIRST CENTENNIAL MS 476; THENCE NORTH 63°08'54"

EAST ON LINE 1-2 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 1.03 FEET TO CORNER 1 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 35.74 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 25°24'51" EAST ON LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 35.88 FEET TO THE POINT OF BEGINNING, CONTAINING 10 SQUARE FEET MORE OR LESS.

TOGETHER WITH GOVERNMENT LOT NO. 13  
BEGINNING AT A POINT ON LINE 2-3 OF SAID GREENSIDE MS 6313 AND LINE 1-6 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 67°00'00" EAST ON LINE 2-3 OF SAID GREENSIDE MS 6313, A DISTANCE OF 36.27 FEET TO CORNER 2 OF SAID GREENSIDE MS 6313; THENCE NORTH 77°00'00" EAST ON LINE 1-2 OF SAID GREENSIDE MS 6313, A DISTANCE OF 112.41 FEET TO A POINT OF INTERSECTION WITH LINE 1-2 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 64°35'09" WEST ON LINE 1-2 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 146.42 FEET TO A POINT ON LINE 1-6 OF THE FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 25.70 FEET TO THE POINT OF BEGINNING, CONTAINING 2,235 SQUARE FEET OR 0.051 ACRES MORE OR LESS.

TOGETHER WITH GOVERNMENT LOT NO. 16  
BEGINNING AT THE INTERSECTION OF LINE 1-6 OF THE BLACK QUARTZ MS 438 AND LINE 3-4 OF THE GREENSIDE MS 6313; THENCE NORTH 29°52'25" WEST ON LINE 1-6 OF SAID BLACK QUARTZ MS 438, A DISTANCE OF 42.47 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 5.09 FEET TO A POINT OF INTERSECTION WITH LINE 3-4 OF SAID GREENSIDE MS 6313; THENCE SOUTH 23°00'00" EAST ON LINE 3-4 OF SAID GREENSIDE MS 6313, A DISTANCE OF 42.50 FEET TO THE POINT OF BEGINNING, CONTAINING 108 SQUARE FEET MORE OR LESS.

EXHIBIT C

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 3, LOCATED WITHIN THE NORTHWEST QUARTER 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:

BASIS OF BEARING: ASSUMING LINE 2-3 OF THE LULU BOWEN MS 1013 TO BEAR NORTH 85°00'00" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 22  
BEGINNING AT THE INTERSECTION OF LINE 2-3 OF SAID LULU BOWEN MS 1013 AND LINE 5-6 OF THE GULNARE MS 641; THENCE NORTH 85°00'00" EAST ON LINE 2-3 OF SAID LULU BOWEN MS 1013, A DISTANCE OF 513.70 FEET TO THE INTERSECTION OF LINE 4-5 OF THE CASTLE ROCK MS 9169; THENCE SOUTH 72°53'00" WEST ON LINE 4-5 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 101.95 FEET TO CORNER 4 OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 06°14'00" EAST ON LINE 3-4 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 24.50 FEET TO CORNER 6 OF SAID GULNARE MS 641; THENCE NORTH 88°41'00" WEST ON LINE 5-6 OF SAID GULNARE MS 641, A DISTANCE OF 417.08 FEET TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES MORE OR LESS.

Name of Publication: Weekly Register-Call  
First Publication: 5/11/2023  
Second Publication: 5/18/2023  
Third Publication: 5/25/2023  
Fourth Publication: 6/1/2023  
Last Publication: 6/8/2023  
Melissa A. Greiner, CMC, City Clerk

Published in The Weekly Register-Call  
First Publication: May 11, 2023  
Last Publication: June 8, 2023  
Legal # 11210

Notice of Public Hearing  
ON PROPOSED ANNEXATION

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing upon Resolution No. 26-2023, for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Ar-

ticle II of the State Constitution and Colorado Revised Statutes Sections 31-12-104 and 31-12-105, and is considered eligible for annexation.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES  
MAY ATTEND

A complete copy of Resolution No. 26-2023 including a legal description of the proposed property to be annexed is set forth in full below:

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 26-2023

**TITLE: A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING JUNE 14 2023, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF PARCELS OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN (LAKE GULCH WHISKEY RESORT ANNEXATION NO. 19)**

**WHEREAS**, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, has filed a petition for annexation of a certain unincorporated property to the City (the "Petition"), which territory is more particularly described in Exhibit A, attached to the Petition;

**WHEREAS**, C.R.S. § 31-12-108 requires that the City accept the Petition and establish a date, time, and place that the City Council will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

**WHEREAS** the City Council, at its regular meeting on April 26, 2023, reviewed the Petition and various documents submitted in support of the Petition;

**WHEREAS**, the City Council has examined the record in this case and the various exhibits; has considered the request, the Comprehensive Plan, and the recommendations of the staff; and based upon the record which has been made concerning the request, has arrived at its decision; and

**WHEREAS**, it has been found and determined that the applicant has substantially complied with all the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

**Section 1.** The Petition is hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

**Section 2.** That a public hearing to consider the Petition is scheduled for June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**Section 3.** Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Gilpin County, may appear at such hearing and present evidence upon any matter to be determined by the City Council.

**RESOLVED AND PASSED** this 26th day of April, 2023.

/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. 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

Continued on next page



**BLACK HAWK**

Continued from previous page

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 9772 A 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.  
Name of Publication: Weekly Register-Call  
First Publication: 5/11/2023  
Second Publication: 5/18/2023  
Third Publication: 5/25/2023  
Fourth Publication: 6/1/2023  
Last Publication: 6/8/2023  
Melissa A. Greiner, CMC, City Clerk

Published in The Weekly Register-Call  
First Publication: May 11, 2023  
Last Publication: June 8, 2023  
Legal # 11211

**Notice of Public Hearing  
ON PROPOSED ANNEXATION**

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing upon Resolution No. 27-2023, for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and Colorado Revised Statutes Sections 31-12-104 and 31-12-105, and is considered eligible for annexation.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

**ALL INTERESTED PARTIES  
MAY ATTEND**

A complete copy of Resolution No. 27-2023 including a legal description of the proposed property to be annexed is set forth in full below:

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

**Resolution No. 27-2023**  
**TITLE: A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING JUNE 14 2023, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF PARCELS OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN (LAKE GULCH WHISKEY RESORT ANNEXATION NO. 20)**

WHEREAS, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, has filed a petition for annexation of a certain unincorporated property to the City (the "Petition"), which territory is more particularly described in Exhibit A, attached to the Petition;

WHEREAS, C.R.S. § 31-12-108 requires that the City accept the Petition and establish a date, time, and place that the City Council will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

WHEREAS, the City Council, at its regular meeting on April 26, 2023, reviewed the Petition and various documents submitted in support of the Petition;

WHEREAS, the City Council has examined the record in this case and the various exhibits; has considered the request, the Comprehensive Plan, and the recommendations of the staff; and based upon the record which has been made concerning the request, has arrived at its decision; and

WHEREAS, it has been found and determined that the applicant has substantially complied with all the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

**Section 1.** The Petition is hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

**Section 2.** That a public hearing to consider the Petition is scheduled for June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**Section 3.** Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Gilpin County, may appear at such hearing and present evidence upon any matter to be determined by the City Council.

RESOLVED AND PASSED this 26<sup>th</sup> day of April, 2023.

/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. Greiner, CMC, City Clerk

**EXHIBIT A**

**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.

Name of Publication: Weekly Register-Call  
First Publication: 5/11/2023  
Second Publication: 5/18/2023  
Third Publication: 5/25/2023  
Fourth Publication: 6/1/2023  
Last Publication: 6/8/2023  
Melissa A. Greiner, CMC, City Clerk

Published in The Weekly Register-Call  
First Publication: May 11, 2023  
Last Publication: June 8, 2023  
Legal # 11212

**Notice of Public Hearing  
ON PROPOSED ANNEXATION**

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing upon Resolution No. 28-2023, for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and Colorado Revised Statutes Sections 31-12-104 and 31-12-105, and is considered eligible for annexation.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

**ALL INTERESTED PARTIES  
MAY ATTEND**

A complete copy of Resolution No. 28-2023 including a legal description of the proposed property to be annexed is set forth in full below:

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK  
Resolution No. 28-2023**

**TITLE: A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING JUNE 14 2023, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF PARCELS OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF GILPIN (LAKE GULCH WHISKEY RESORT ANNEXATION NOS. 21 AND 22)**

WHEREAS, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, have filed petitions for annexation of a certain unincorporated property to the City (the "Petitions"), which territory is more particularly described in Exhibit A, attached to each Petition;

WHEREAS, C.R.S. § 31-12-108 requires that the City accept the Petitions and establish a date, time, and place that the City Council will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

WHEREAS, the City Council, at its regular meeting on April 26, 2023, reviewed the Petitions and various documents submitted in support of the Petition;

WHEREAS, the City Council has examined the record in this case and the various exhibits; has considered the request, the Comprehensive Plan, and the recommendations of the staff; and based upon the record which has been made concerning the request, has arrived at its decision; and

WHEREAS, it has been found and determined that

the applicant has substantially complied with all the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petitions.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:**

**Section 1.** The Petitions are hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

**Section 2.** That a public hearing to consider the Petitions is scheduled for June 14, 2023, at 3:00 p.m., at the Council Chambers of the City of Black Hawk, which is located at 211 Church Street, Black Hawk, Colorado, 80422, to determine if the proposed annexations comply with C.R.S. §§ 31-12-104 and 31-12-105 or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

**Section 3.** Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Gilpin County, may appear at such hearing and present evidence upon any matter to be determined by the City Council.

RESOLVED AND PASSED this 26<sup>th</sup> day of April, 2023.

/s/ David D. Spellman, Mayor  
ATTEST:  
/s/ Melissa A. Greiner, CMC, City Clerk

**EXHIBIT A**

**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 Lode, 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 Lode; Thence S 39° 31' 27" W along said line 2-3 of said St. Anthony Lode a distance of 210.07 feet to the point of intersection with line 4-3 of the Alice Lode, US Mineral Survey No. 18785; thence S 63° 23' 00" W along said line 4-3 of said Alice Lode a distance of 371.35 feet to the point of intersection with said line 4-1 of said St. Anthony Lode; 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 Lode, US Mineral Survey No. 19174, being the Point of Beginning. Thence N 39° 30' 42" E along line 4-1 of said St. Anthony Lode 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.

Name of Publication: Weekly Register-Call  
First Publication: 5/11/2023  
Second Publication: 5/18/2023  
Third Publication: 5/25/2023  
Fourth Publication: 6/1/2023  
Last Publication: 6/8/2023  
Melissa A. Greiner, CMC, City Clerk

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Last Publication: June 8, 2023  
Legal # 40005



**COUNCIL BILL 17  
ORDINANCE 2023-17  
A BILL FOR AN  
ORDINANCE APPROVING  
AND ACCOMPLISHING  
THE ANNEXATION OF  
CERTAIN CONTIGUOUS  
UNINCORPORATED  
MUNICIPALLY-OWNED  
PROPERTIES IDENTIFIED  
AS QUARTZ  
VALLEY/MARYLAND  
MOUNTAIN – 2023  
ANNEXATION NUMBERS 4  
AND 5**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: 17

ORDINANCE NUMBER: 2023-17

**TITLE:        A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING  
THE ANNEXATION OF CERTAIN CONTIGUOUS UNINCORPORATED  
MUNICIPALLY-OWNED PROPERTIES IDENTIFIED AS QUARTZ  
VALLEY/MARYLAND MOUNTAIN – 2023 ANNEXATION NUMBERS 4  
AND 5**

WHEREAS, the City of Black Hawk owns the real properties described in attached **Exhibit A** which are contiguous unincorporated territories situated, lying and being in the County of Gilpin, State of Colorado;

WHEREAS, the City Council of the City of Black Hawk, Colorado, has satisfied itself concerning the eligibility for annexation of that property described on attached **Exhibit A**, and concerning the conformance of the proposed annexation to the applicable law and the annexation policy of the City of Black Hawk, Colorado.

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, 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, the said annexation is hereby approved and made effective.

Section 1.        The City of Black Hawk owns one hundred percent (100%) of the property described on attached **Exhibit A**, and said properties are not solely a public street or right-of-way pursuant to. C.R.S. § 31-12-106(3).

Section 3.        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 cities and to all ordinances, resolutions, rules and regulations of the City of Black Hawk.

Section 4.        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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 14th day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

EXHIBIT A

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 4,**  
LOCATED WITHIN THE NORTHWEST QUARTER 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:  
BASIS OF BEARING: ASSUMING LINE 1-2 OF THE CLIFF EXTENSION MS 9816 TO  
BEAR NORTH 67°55'41" EAST, WITH ALL BEARINGS CONTAINED HEREIN  
RELATIVE THERETO.

GOVERNMENT LOT NO. 20

BEGINNING AT THE INTERSECTION WITH LINE 3-4 OF THE DOC BEERS MS 678  
AND LINE 1-2 OF THE ADVANCE MS 19052;

THENCE NORTH 63°00'10" EAST ON LINE 1-2 OF SAID ADVANCE MS 19052, A  
DISTANCE OF 370.47 FEET TO A POINT ON LINE 3-4 OF THE SARAH E MS 19075;

THENCE SOUTH 33°14'16" EAST ON LINE 3-4 OF SAID SARAH E MS 19075, A  
DISTANCE OF 122.27 FEET TO CORNER 3 OF SAID SARAH E MS 19075;

THENCE NORTH 65°20'04" EAST ON LINE 2-3 OF SAID SARAH E MS 19075, A  
DISTANCE OF 53.29 FEET TO A POINT ON LINE 3-4 OF THE MOUNTAIN AND PLAIN  
MS 14918;

THENCE SOUTH 29°02'00" EAST ON LINE 3-4 OF SAID MOUNTAIN AND PLAIN MS  
14918, A DISTANCE OF 49.63 FEET TO A POINT ON LINE 3-4 OF THE MOUNTAIN  
CLUB MS 14918;

THENCE SOUTH 71°21'00" WEST ON LINE 3-4 OF SAID MOUNTAIN CLUB MS 14918, A  
DISTANCE OF 45.80 FEET TO CORNER 4 OF SAID MOUNTAIN CLUB MS 14918;

THENCE SOUTH 23°09'00" EAST ON LINE 3-4 OF SAID MOUNTAIN CLUB MS 14918, A  
DISTANCE OF 122.90 FEET TO A POINT ON LINE 5-6 OF THE CASTLE ROCK MS 9169;

THENCE SOUTH 75°43'00" WEST ON LINE 5-6 OF SAID CASTLE ROCK MS 9169, A  
DISTANCE OF 145.17 FEET TO CORNER 5 OF SAID CASTLE ROCK MS 9169;

THENCE SOUTH 72°53'00" WEST ON LINE 4-5 OF SAID CASTLE ROCK MS 9169, A  
DISTANCE OF 290.17 FEET TO A POINT ON LINE 1-2 OF THE LULU BOWEN MS 1013;

THENCE NORTH 05°00'00" WEST ON LINE 1-2 OF SAID LULU BOWEN MS 1013, A  
DISTANCE OF 58.49 FEET TO CORNER 1 OF SAID LULU BOWEN MS 1013 AND LINE  
1-2 OF THE DOC BEERS MS 678;

THENCE NORTH 85°00'00" EAST ON LINE 1-2 OF SAID DOC BEERS MS 678, A  
DISTANCE OF 136.20 FEET TO CORNER 2 OF SAID DOC BEERS MS 678;

THENCE NORTH 05°00'00" WEST ON LINE 2-3 OF SAID DOC BEERS MS 678, A  
DISTANCE OF 150.00 FEET TO CORNER 3 OF SAID DOC BEERS MS 678;

THENCE SOUTH 84°55'34" WEST ON LINE 3-4 OF SAID DOC BEERS MS 678, A  
DISTANCE OF 174.76 FEET TO THE POINT OF BEGINNING, CONTAINING 1.80 ACRES  
MORE OR LESS.

GOVERNMENT LOT NO. 21

BEGINNING AT LINE 1-4 OF THE CLIFF MS 9611 AND THE NORTH LINE OF THE  
NORTHWEST QUARTER OF SECTION 12;

THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST  
QUARTER OF SAID SECTION 12, A DISTANCE OF 242.96 FEET TO A POINT ON LINE  
3-4 OF THE ADVANCE MS 19052;



THENCE SOUTH 63°00'57" WEST ON LINE 3-4 OF SAID ADVANCE MS 19052, A DISTANCE OF 632.68 FEET TO CORNER 3 OF SAID ADVANCE MS 19052;  
THENCE SOUTH 27°00'51" EAST ON LINE 2-3 OF SAID ADVANCE MS 19052, A DISTANCE OF 78.01 FEET TO A POINT ON LINE 3-4 OF THE DOC BEERS MS 678;  
THENCE SOUTH 84°55'34" WEST ON LINE 3-4 OF SAID DOC BEERS MS 678, A DISTANCE OF 590.81 FEET TO A POINT ON LINE 1-2 OF THE CLIFF EXTENSION MS 9816;

THENCE NORTH 67°55'41" EAST ON LINE 1-2 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 912.13 FEET TO CORNER 1 OF SAID CLIFF EXTENSION MS 9816;  
THENCE NORTH 49°59'12" WEST ON LINE 1-4 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 20.55 FEET TO CORNER 1 OF THE CLIFF MS 9611;  
THENCE NORTH 39°59'54" EAST ON LINE 1-4 OF SAID CLIFF MS 9611, A DISTANCE OF 69.02 FEET TO THE POINT OF BEGINNING, CONTAINING 2.15 ACRES MORE OR LESS.

GOVERNMENT LOT NO. 23

BEGINNING AT LINE 1-2 OF THE POLAR STAR MS 6144 AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 12,

THENCE NORTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 504.64 FEET TO A POINT ON LINE 3-4 OF THE CLIFF EXTENSION MS 9816;

THENCE SOUTH 67°55'41" WEST ON LINE 3-4 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 803.42 FEET TO A POINT ON LINE 2-3 OF THE IRENE MS 679;

THENCE NORTH 16°15'00" WEST ON LINE 2-3 OF SAID IRENE MS 679, A DISTANCE OF 91.90 FEET TO CORNER 3 OF SAID IRENE MS 679;

THENCE SOUTH 73°45'00" WEST ON LINE 3-4 OF SAID IRENE MS 679, A DISTANCE OF 216.11 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 12;

THENCE NORTH 00°16'23" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 50.29 FEET TO LINE 1-2 OF SAID POLAR STAR MS 6144;

THENCE NORTH 64°39'53" EAST ON LINE 1-2 OF SAID POLAR STAR MS 6144, A DISTANCE OF 523.17 FEET TO THE POINT OF BEGINNING, CONTAINING 2.68 ACRES MORE OR LESS.

GOVERNMENT LOT NO. 24

BEGINNING AT THE NORTHWEST CORNER OF SECTION 12,

THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 121.27 FEET TO A POINT ON LINE 3-4 OF THE POLAR STAR MS 6144;

THENCE SOUTH 64°39'53" WEST ON LINE 3-4 OF SAID POLAR STAR MS 6144, A DISTANCE OF 134.48 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12;

THENCE NORTH 00°16'23" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 57.55 FEET TO THE POINT OF BEGINNING, CONTAINING 0.08 ACRES MORE OR LESS.

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 5,**  
LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3  
SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF  
GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BASIS OF BEARING: ASSUMING THE WEST LINE OF THE SOUTHWEST QUARTER  
OF SAID SECTION 6 TO BEAR NORTH 00°09'04" EAST, WITH ALL BEARINGS  
CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 65

BEGINNING AT LINE 5-6 OF THE HOWARD LODGE MS 667 AND THE WEST LINE OF  
THE SOUTHWEST QUARTER OF SAID SECTION 6,  
THENCE NORTH 00°09'04" EAST ON THE WEST LINE OF SAID SECTION 6, A  
DISTANCE OF 284.35 FEET TO A POINT ON LINE 2-3 OF THE DUMAS LODGE MS 719;  
THENCE NORTH 48°24'54" EAST ON LINE 2-3 OF SAID DUMAS LODGE MS 719, A  
DISTANCE OF 185.50 FEET TO A POINT ON LINE 1-2 OF THE FISK LODGE MS 185B;  
THENCE SOUTH 43°52'58" EAST ON LINE 1-2 OF SAID FISK LODGE MS 185B, A  
DISTANCE OF 120.43 FEET TO A POINT ON LINE 2-3, OF MILL SITE 221B;  
THENCE SOUTH 47°28'38" WEST ON LINE 2-3 OF SAID MILL SITE 221B, A DISTANCE  
OF 11.22 FEET TO CORNER 2 OF SAID MILL SITE 221B;  
THENCE SOUTH 18°44'22" EAST ON LINE 1-2 OF SAID MILL SITE 221B, A DISTANCE  
OF 250.10 FEET TO A POINT ON LINE 5-6 OF SAID HOWARD LODGE MS 667;  
THENCE SOUTH 75°30'44" WEST ON LINE 5-6 OF SAID HOWARD LODGE MS 667, A  
DISTANCE OF 304.75 FEET TO THE POINT OF BEGINNING, CONTAINING 1.84 ACRES  
MORE OR LESS.

TOGETHER WITH,

GOVERNMENT LOT NO. 66

BEGINNING AT LINE 3-4 OF THE DENANGO COUNTY LODGE MS 20056A AND THE  
WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,  
THENCE NORTH 00°09'04" EAST ON THE WEST LINE OF SAID SECTION 6, A  
DISTANCE OF 128.76 FEET TO A POINT ON LINE 1-2 OF SAID HOWARD LODGE MS  
667;  
THENCE NORTH 75°30'44" EAST ON LINE 1-2 OF SAID HOWARD LODGE MS 667, A  
DISTANCE OF 355.08 FEET TO A POINT ON LINE 1-2 OF SAID MILL SITE 221B;  
THENCE SOUTH 18°44'22" EAST ON LINE 1-2 OF SAID MILL SITE 221B, A DISTANCE  
OF 36.74 FEET TO A POINT ON LINE 3-4 OF SAID DENANGO COUNTY LODGE MS  
20056A;  
THENCE SOUTH 62°49'00" WEST ON LINE 3-4 OF SAID DENANGO COUNTY LODGE MS  
20056A, A DISTANCE OF 400.13 FEET TO THE POINT OF BEGINNING, CONTAINING  
0.67 ACRES MORE OR LESS.

## **CITY OF BLACK HAWK**

### **REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** A Bill for an Ordinance Approving and Accomplishing the Annexation of Certain Property as Annexations for City-Owned Property known as Quartz Valley / Maryland Mountain – 2023 Annexations Numbers 4 and 5

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CERTAIN CONTIGUOUS UNINCORPORATED MUNICIPALLY-OWNED PROPERTIES IDENTIFIED AS QUARTZ VALLEY/MARYLAND MOUNTAIN – 2023 ANNEXATION NUMBERS 4 AND 5

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** The City is initiating annexation proceedings on the additional parcels in unincorporated Gilpin County to “fill in the gaps.” The proposed annexation includes Government Lot 20, Government Lot 21, Government Lot 23, Government Lot 24, all in Section 12, Township 3 South, Range 73 West, 6th P.M. (**collectively Annexation No. 4**); and Government Lot 65 and Government Lot 66, all in Section 6, Township Range 72 West, 6th P.M. (**collectively Annexation No. 5**). Government Lot 20-21 and Government Lot 65-66 are wholly surrounded by City of Black Hawk, thus making them what is considered under State law – an “Enclave”. Government Lot 23 and Government Lot 24 are partially surrounded by the City of Black Hawk and partially surrounded by areas of unincorporated Gilpin County. All areas considered to be annexed are owned by City of Black Hawk and cover approximately 9.22 acres (total) of land on Maryland Mountain.

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

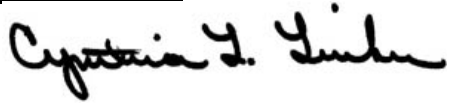
**DOCUMENTS ATTACHED:** Ordinance 17-2023  
Staff Report

**RECORD:** [X ]Yes [ ]No

**CoBH CERTIFICATE OF INSURANCE REQUIRED** [ ]Yes [ X ]No

**CITY ATTORNEY REVIEW:** [ X ]Yes [ ]N/A

**SUBMITTED BY:**



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Cynthia L. Linker, CP&D Director



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Vincent Harris, AICP, Baseline Corporation

**REVIEWED BY:**



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Stephen N. Cole, City Manager

# **Staff Report**

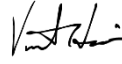


**CITY OF BLACK HAWK  
PLANNING / LAND USE**

Date prepared: May 21, 2023  
Meeting Date: June 14, 2023

**STAFF REPORT: Quartz Valley/Maryland Mountain - 2023 Annexations 4 and 5**

**For:** City Council  
**Project Number:** P-19-17  
**Property Address:** Various/No address  
**Applicants:** City of Black Hawk  
**Zoning:** Gilpin County  
**Prepared by:** Alyssa Rivas, Baseline Corporation  
**Approved by:** Vincent Harris, AICP - Baseline Corporation  
**Reviewed by:** Cynthia Linker, CP&D Director



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**BACKGROUND:**

In 2013 and 2015, the City of Black Hawk increased its territory by approving the Quartz Valley/Maryland Mountain annexations and Quartz Valley/Maryland Mountain - 2015. Since the 2015 annexations were approved, the City has acquired additional parcels in the Quartz Valley/Maryland Mountain area.

The City is initiating annexation proceedings on the additional parcels in unincorporated Gilpin County to “fill in the gaps.” The proposed annexation includes Government Lot 20, Government Lot 21, Government Lot 23, Government Lot 24, all in Section 12, Township 3 South, Range 73 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 4**); and Government Lot 65 and Government Lot 66, all in Section 6, Township Range 72 West, 6<sup>th</sup> P.M. (collectively **Annexation No. 5**). Government Lot 20-21 and Government Lot 65-66 are wholly surrounded by City of Black Hawk, thus making them what is considered under State law – an “Enclave”. Government Lot 23 and Government Lot 24 are partially surrounded by the City of Black Hawk and partially surrounded by areas of unincorporated Gilpin County.

All areas considered to be annexed are owned by City of Black Hawk and cover approximately 9.22 acres (total) of land on Maryland Mountain. In addition to filling in the gaps on municipally owned land, Government Lots 23-24 will extend the City’s boundaries while remaining within the agreed upon Growth Area Boundary per the 2020 Amended and Restated Intergovernmental Agreement (IGA) with Central City.

The areas of annexation appear to be in compliance with the requirements of state statutes and applicable intergovernmental agreements. There are no petitions associated with these proposed annexations, as none are required by state statutes for annexations of “municipally owned land”.

The City of Black Hawk is the sole owner of these parcels intended to be annexed. The parcels are located in unincorporated Gilpin County. Colorado State Statutes and the City of Black Hawk Municipal Code outline a specific process for annexation of land owned by the municipality. The City Council may annex municipally owned property by ordinance and without hearing.

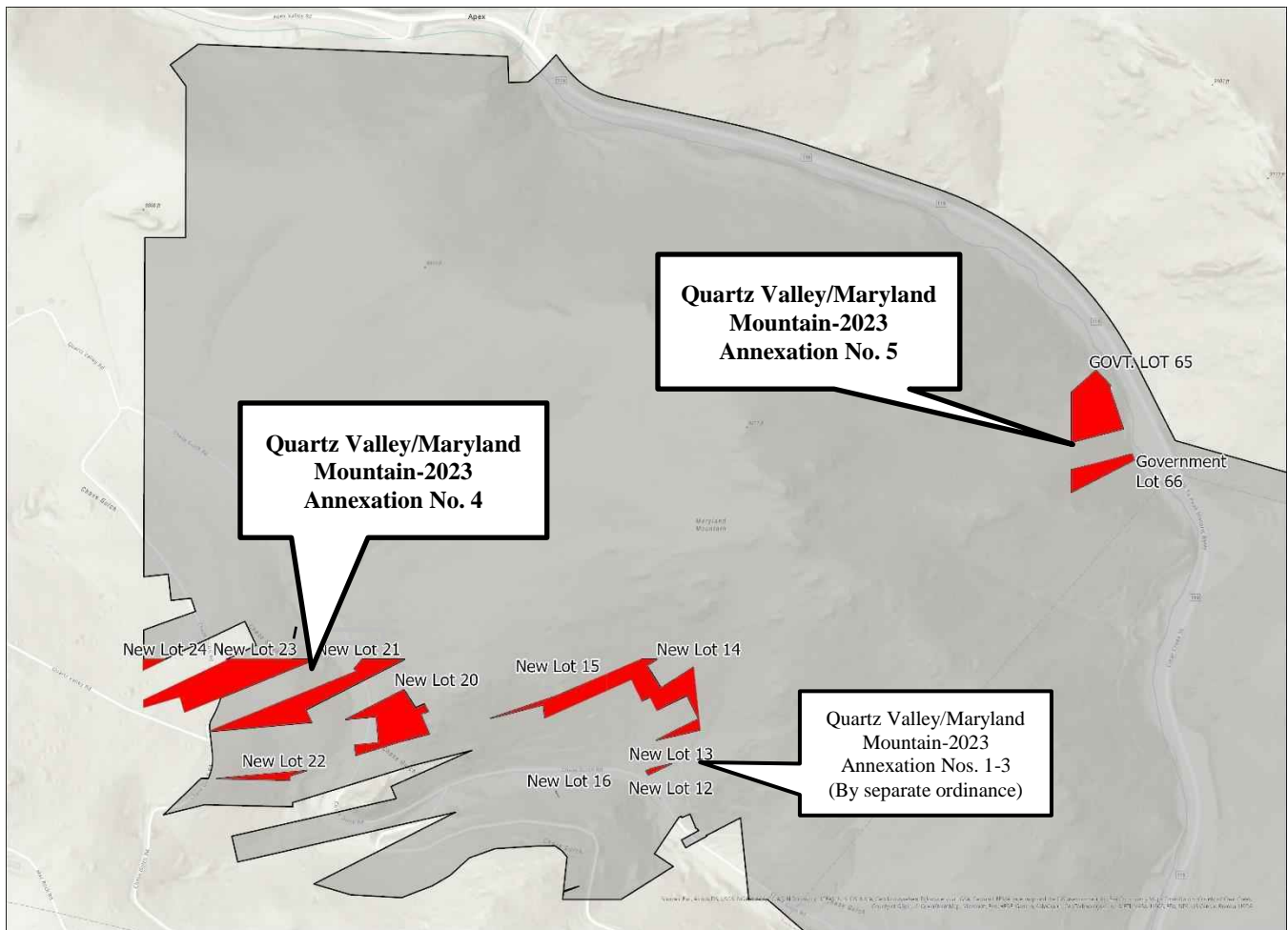
In this case, there are two (2) proposed annexations containing six (6) parcels of land total. Quartz Valley/Maryland Mountain - 2023 Annexation No. 4 contains Government Lot 20, Government Lot 21,

Government Lot 23, and Government Lot 24. Quartz Valley/Maryland Mountain - 2023 Annexation No. 5 contains Government Lot 65 and Government Lot 66. Each annexation must still individually meet state standards for contiguity to the current City boundary. The perimeter of each annexation must border the City limits by a ratio of at least 1/6<sup>th</sup> of the boundary of the proposed annexation. Each parcel meets the contiguity requirements.

The Quartz Valley/Maryland Mountain 2023 Annexations consist of two (2) proposed annexation ordinances, containing six (6) parcels of land:

<i><b>Property Name</b></i>	<i><b>Annexation Name</b></i>	<i><b>Area (acres)</b></i>
Government Lot No. 20	QV/MM 2023 Annex. No. 4	1.80
Government Lot No. 21	QV/MM 2023 Annex. No. 4	2.15
Government Lot No. 23	QV/MM 2023 Annex. No. 4	2.68
Government Lot No. 24	QV/MM 2023 Annex. No. 4	0.08
Government Lot No. 65	QV/MM 2023 Annex. No. 5	1.84
Government Lot No. 66	QV/MM 2023 Annex. No. 5	0.67

Total area annexed = 9.22 acres (more or less)



*Proposed Quartz Valley/Maryland Mountain 2023 Annexations are shown in red.*

*This image is for illustrative purposes only – please refer to the official annexation maps after this staff report.*

## **ZONING:**

The parcels to be annexed currently lie outside of city limits in Gilpin County. Concurrent with the annexation, the applicant is requesting approval of an initial zoning to the History Appreciation Recreation Destination (HARD) Zoning District. All annexed land shall be zoned at the time of annexation. A separate staff report for the initial zoning of Quartz Valley Maryland Mountain - 2023 Annexations 1-5 has been prepared.

## **APPLICABLE STATE STATUTES:**

### **Excerpts from:**

***Title 31. Government – Municipal  
Article 12. Annexation – Consolidation – Disconnection  
Part 1. Municipal Annexation Act of 1965***

### ***31-12-106. Annexations of enclaves, partly surrounded land, and municipally owned land***

***31-12-106(3) Annexation of unincorporated municipally owned land.*** *When the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109. The annexing ordinance shall state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way.*

### ***31-12-104. Eligibility for annexation***

*(1) No unincorporated area may be annexed to a municipality unless one of the conditions set forth in section 30 (1) of article II of the state constitution first has been met. An area is eligible for annexation if the provisions of section 30 of article II of the state constitution have been complied with and the governing body, at a hearing as provided in section 31-12-109, finds and determines:*

*(a) That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality. ... Subject to the requirements imposed by section 31-12-105(1)(e), contiguity may be established by the annexation of one or more parcels in a series, which annexations may be completed simultaneously and considered together for the purposes of the public hearing required by sections 31-12-108 and 31-12-109...*

*(b) That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the contiguity with the annexing municipality required by paragraph (a) of this subsection (1) shall be a basis for a finding of compliance with these requirements...*

### ***§ 31-12-108.5. Annexation impact report – requirements***

*(1) The municipality shall prepare an impact report concerning the proposed annexation at least twenty-five days before the date of the hearing established pursuant to section 31-12-108 and shall file*

*one copy with the board of county commissioners governing the area proposed to be annexed within five days thereafter. Such report shall not be required for annexations of ten acres or less in total area or when the municipality and the board of county commissioners governing the area proposed to be annexed agree that the report may be waived. ...*

**Staff comment:** An annexation impact report was prepared by the City of Black Hawk in accordance with state statutes and filed with the Gilpin County Board of County Commissioners on May 25, 2023. A copy is attached.

***Colorado Constitution  
Article II***

**Section 30. Right to vote or petition on annexation – enclaves**

*(1) No unincorporated area may be annexed to a municipality unless one of the following conditions first has been met:*

- (a) The question of annexation has been submitted to the vote of the landowners and the registered electors in the area proposed to be annexed, and the majority of such persons voting on the question have voted for the annexation; or*
- (b) The annexing municipality has received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality; or*
- (c) The area is entirely surrounded by or is solely owned by the annexing municipality.*

**Staff Comment:** The properties proposed to be annexed are solely owned by the City of Black Hawk.

**APPLICABLE CITY OF BLACK HAWK REGULATIONS:**

**Excerpts from:**

***City of Black Hawk  
Municipal Code  
Chapter 16 - Zoning***

***Sec. 16-365. Rezoning procedures, amendments to zoning ordinance and special review use permits.***

*Sec. 16-365 (b) All territory annexed to the City shall be zoned in accordance with the zoning classifications established by this Chapter and in accordance with the procedures in this Section for rezoning. All annexed land shall be zoned at the time of annexation as required by this Chapter.*

***City of Black Hawk  
Home Rule Charter  
Article VIII: Miscellaneous***

***Section 8. Annexation and Zoning.***

*In all proceedings for the annexation of territory to the City, the City Council shall require concurrent zoning of the same.*

**STAFF COMMENTS:**

The City Surveyor prepared two annexation maps for the Quartz Valley/Maryland Mountain - 2023 Annexations 4 and 5. Staff then reviewed the maps against State and City standards. State standards of contiguity have been met.

Annexing the land into Black Hawk will extend the applicable city services to these properties, including police and fire protection.

All annexed land shall be zoned at the time of annexation. A separate staff report for the initial zoning of Quartz Valley/Maryland Mountain - 2023 Annexation No. 4 and Annexation No. 5 has been prepared.

In accordance with state standards and Black Hawk regulations, staff recommends that City Council pass ordinances approving the Quartz Valley/Maryland Mountain - 2023 Annexation No. 4 and the Quartz Valley/Maryland Mountain - 2023 Annexation No. 5, and annexing said territory shown on the maps thereof into the City of Black Hawk.

**FINDINGS:**

City Council may *approve, conditionally approve, or deny* a request to annex territory into the City of Black Hawk. To support this proposal, the following findings can be used:

1. The annexation by and to the City of Black Hawk, State of Colorado, of the subject property, 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.
2. The City of Black Hawk owns one hundred percent (100%) of the subject property and said property is not solely a public street or right-of-way.
3. Pursuant to the Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, the City of Black Hawk possesses the authority to annex real property to its territory.
4. C.R.S. § 31-12 authorizes the City of Black Hawk to annex municipally owned property by ordinance, without notice and hearing.

**RECOMMENDATION:**

Staff recommends that City Council consider a **MOTION TO APPROVE** an ordinance approving the Quartz Valley/Maryland Mountain - 2023 Annexation No. 4 and annexing said territory shown on the map thereof into the City of Black Hawk; AND

That City Council consider a **MOTION TO APPROVE** an ordinance approving the Quartz Valley/Maryland Mountain - 2023 Annexation No. 5 and annexing said territory shown on the map thereof into the City of Black Hawk.

**Attachments:**

- Quartz Valley/Maryland Mountain - 2023 Annexation No. 4 Map
- Quartz Valley/Maryland Mountain - 2023 Annexation No. 5 Map
- Exhibit 1.B Black Hawk Growth Area from Amended and Restated IGA



# **Applicant's Submittal**



## Black Hawk

PO Box 68, Black Hawk, CO 80422

## Annexation

23BH-PL00015

### Application Details

<b>Application Date:</b> 04/13/2023 <b>Acceptance Date:</b> 04/13/2023 <b>Job Site Address:</b> Maryland Mountain Quartz Valley, Black Hawk, CO 80422 <b>Category:</b> Planning <b>Permit Type:</b> Annexation	<b>Property Owner:</b> BLM <b>Mailing Address:</b>  <b>Phone:</b> <b>Email:</b>
<b>Description of Work:</b> P-19-17 Quartz Valley / Maryland Mountain -2023 Annexations 1, 2 & 3 Annexation and zoning of 2.93 acres of enclaves	
<b>Contractors:</b>	<b>Applicant:</b> <b>Name:</b> Cynthia Linker <b>Phone:</b> (303) 582-0615 <b>Email:</b> CLinker@cityofblackhawk.org  <b>Occupant:</b> <b>Name:</b> <b>Phone:</b> <b>Email:</b>
<b>Permit Fields</b>	
<b># Parking Spaces:</b> <b>Lot Size:</b> <b>Required Setback East:</b> <b>Required Setback North:</b> <b>Required Setback South:</b> <b>Total Square Footage:</b>	<b>Estimated Valuation:</b> \$0.00 <b>Required Setback Back:</b> <b>Required Setback Left:</b> <b>Required Setback Right:</b> <b>Required Setback West:</b>
<b>Application Terms</b>	
I, as the applicant, hereby certify that I believe to the best of my knowledge that all information supplied with this application is true and accurate and that consent of the property owner has been obtained. I also commit to pay all fees based on the City of Black Hawk's adopted fee schedule.	
Submitted by: Julie.esterl@baselinecorp.com	

**This document is NOT a permit and does not constitute approval or authorize any construction or changes to the above location.**

M:\co-BLACK HAWK ON CALL PROJECTS\co-S-21-06 Maryland Mountain Annexation\Drawings\QUARTZ VALLEY-MARYLAND MOUNTAIN 2023 ANNEXATION NO. 4.dwg, 4/7/2023 12:22:23 PM, Doug Lancaster

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 4  
GOVERNMENT LOTS 20, 21, 23 AND 24 LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73  
WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO

DESCRIPTION:

QUARTZ VALLEY / MARYLAND MOUNTAIN – 2023 ANNEXATION NO. 4, LOCATED WITHIN THE NORTHWEST QUARTER 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:

BASIS OF BEARING: ASSUMING LINE 1–2 OF THE CLIFF EXTENSION MS 9816 TO BEAR NORTH 67°55'41" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 20

BEGINNING AT THE INTERSECTION WITH LINE 3–4 OF THE DOC BEERS MS 678 AND LINE 1–2 OF THE ADVANCE MS 19052;

THENCE NORTH 63°00'10" EAST ON LINE 1–2 OF SAID ADVANCE MS 19052, A DISTANCE OF 370.47 FEET TO A POINT ON LINE 3–4 OF THE SARAH E MS 19075;

THENCE SOUTH 33°14'16" EAST ON LINE 3–4 OF SAID SARAH E MS 19075, A DISTANCE OF 122.27 FEET TO CORNER 3 OF SAID SARAH E MS 19075;

THENCE NORTH 65°20'04" EAST ON LINE 2–3 OF SAID SARAH E MS 19075, A DISTANCE OF 53.29 FEET TO A POINT ON LINE 3–4 OF THE MOUNTAIN AND PLAIN MS 14918;

THENCE SOUTH 29°02'00" EAST ON LINE 3–4 OF SAID MOUNTAIN AND PLAIN MS 14918, A DISTANCE OF 49.63 FEET TO A POINT ON LINE 3–4 OF THE MOUNTAIN CLUB MS 14918;

THENCE SOUTH 71°21'00" WEST ON LINE 3–4 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 45.80 FEET TO CORNER 4 OF SAID MOUNTAIN CLUB MS 14918;

THENCE SOUTH 23°09'00" EAST ON LINE 3–4 OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 122.90 FEET TO A POINT ON LINE 5–6 OF THE CASTLE ROCK MS 9169;

THENCE SOUTH 75°43'00" WEST ON LINE 5–6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 145.17 FEET TO CORNER 5 OF SAID CASTLE ROCK MS 9169;

THENCE SOUTH 72°53'00" WEST ON LINE 4–5 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 290.17 FEET TO A POINT ON LINE 1–2 OF THE LULU BOWEN MS 1013;

THENCE NORTH 05°00'00" WEST ON LINE 1–2 OF SAID LULU BOWEN MS 1013, A DISTANCE OF 58.49 FEET TO CORNER 1 OF SAID LULU BOWEN MS 1013 AND LINE 1–2 OF THE DOC BEERS MS 678;

THENCE NORTH 85°00'00" EAST ON LINE 1–2 OF SAID DOC BEERS MS 678, A DISTANCE OF 136.20 FEET TO CORNER 2 OF SAID DOC BEERS MS 678;

THENCE NORTH 05°00'00" WEST ON LINE 2–3 OF SAID DOC BEERS MS 678, A DISTANCE OF 150.00 FEET TO CORNER 3 OF SAID DOC BEERS MS 678;

THENCE SOUTH 84°55'34" WEST ON LINE 3–4 OF SAID DOC BEERS MS 678, A DISTANCE OF 174.76 FEET TO THE POINT OF BEGINNING, CONTAINING 1.80 ACRES MORE OR LESS.

GOVERNMENT LOT NO. 21

BEGINNING AT LINE 1–4 OF THE CLIFF MS 9611 AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 12;

THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 242.96 FEET TO A POINT ON LINE 3–4 OF THE ADVANCE MS 19052;

THENCE SOUTH 63°00'57" WEST ON LINE 3–4 OF SAID ADVANCE MS 19052, A DISTANCE OF 632.68 FEET TO CORNER 3 OF SAID ADVANCE MS 19052;

THENCE SOUTH 27°00'51" EAST ON LINE 2–3 OF SAID ADVANCE MS 19052, A DISTANCE OF 78.01 FEET TO A POINT ON LINE 3–4 OF THE DOC BEERS MS 678;

THENCE SOUTH 84°55'34" WEST ON LINE 3–4 OF SAID DOC BEERS MS 678, A DISTANCE OF 590.81 FEET TO A POINT ON LINE 1–2 OF THE CLIFF EXTENSION MS 9816;

THENCE NORTH 67°55'41" EAST ON LINE 1–2 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 912.13 FEET TO CORNER 1 OF SAID CLIFF EXTENSION MS 9816;

THENCE NORTH 49°59'12" WEST ON LINE 1–4 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 20.55 FEET TO CORNER 1 OF THE CLIFF MS 9611;

THENCE NORTH 39°59'54" EAST ON LINE 1–4 OF SAID CLIFF MS 9611, A DISTANCE OF 69.02 FEET TO THE POINT OF BEGINNING, CONTAINING 2.15 ACRES MORE OR LESS.

GOVERNMENT LOT NO. 23

BEGINNING AT LINE 1–2 OF THE POLAR STAR MS 6144 AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 12,

THENCE NORTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 504.64 FEET TO A POINT ON LINE 3–4 OF THE CLIFF EXTENSION MS 9816;

THENCE SOUTH 67°55'41" WEST ON LINE 3–4 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 803.42 FEET TO A POINT ON LINE 2–3 OF THE IRENE MS 679;

THENCE NORTH 16°15'00" WEST ON LINE 2–3 OF SAID IRENE MS 679, A DISTANCE OF 91.90 FEET TO CORNER 3 OF SAID IRENE MS 679;

THENCE SOUTH 73°45'00" WEST ON LINE 3–4 OF SAID IRENE MS 679, A DISTANCE OF 216.11 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 12;

THENCE NORTH 00°16'23" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 50.29 FEET TO LINE 1–2 OF SAID POLAR STAR MS 6144;

THENCE NORTH 64°39'53" EAST ON LINE 1–2 OF SAID POLAR STAR MS 6144, A DISTANCE OF 523.17 FEET TO THE POINT OF BEGINNING, CONTAINING 2.68 ACRES MORE OR LESS.

GOVERNMENT LOT NO. 24

BEGINNING AT THE NORTHWEST CORNER OF SECTION 12,

THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 121.27 FEET TO A POINT ON LINE 3–4 OF THE POLAR STAR MS 6144;

THENCE SOUTH 64°39'53" WEST ON LINE 3–4 OF SAID POLAR STAR MS 6144, A DISTANCE OF 134.48 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12;

THENCE NORTH 00°16'23" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 57.55 FEET TO THE POINT OF BEGINNING, CONTAINING 0.08 ACRES MORE OR LESS.

GENERAL NOTES:

- DEFINITION: CERTIFY, CERTIFICATION – A PROFESSIONAL’S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL’S CERTIFICATION OF A CONDITION’S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
- THIS MAP DOES NOT REPRESENT A MONUMENTED LAND SURVEY, IT IS INTENDED ONLY TO DEPICT THE ATTACHED ANNEXATION DESCRIPTION.
- THIS ANNEXATION MAP WAS PREPARED BY AARON ALVIN DEMO, PLS 38285, FOR AND ON BEHALF OF BASELINE CORPORATION, 4007 S. LINCOLN AVE. SUITE# 405, LOVELAND, CO. 80537.
- DISTANCES ON THIS MAP ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- THIS ANNEXATION DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THESE LOTS, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

GOVERNMENT LOT NO. 20

TOTAL PERIMETER OF ANNEXED PARCEL 1,719.15'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 286.53'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 1,719.15'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

GOVERNMENT LOT NO. 21

TOTAL PERIMETER OF ANNEXED PARCEL 2,546.17'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 424.36'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 2,529.13'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

GOVERNMENT LOT NO. 23

TOTAL PERIMETER OF ANNEXED PARCEL 2,189.51'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 364.92'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 1,084.07'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

GOVERNMENT LOT NO. 24

TOTAL PERIMETER OF ANNEXED PARCEL 313.30'  
TOTAL CONTIGUOUS BOUNDARY REQUIRED (1/6) 52.22'  
CONTIGUOUS TO PRESENT CITY BOUNDARY 121.27'  
DENOTES BOUNDARY OF LAND ANNEXED  
DENOTES PRESENT CITY BOUNDARY

MAYOR'S CERTIFICATE:

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY, COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

CITY CLERK'S CERTIFICATE:

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK, COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, BY ORDINANCE NO. \_\_\_\_\_ A CERTIFIED COPY OF WHICH IS HEREBY FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

SURVEYOR'S STATEMENT:

I, AARON ALVIN DEMO, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ANNEXATION MAP IS AN ACCURATE REPRESENTATION OF THE LANDS AS SHOWN AND THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCELS ARE CONTIGUOUS TO THE PRESENT CITY OF BLACK HAWK BOUNDARY, ALL THIS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION



CLERK AND RECORDER:

BASELINE

Engineering • Planning • Surveying

4007 S. LINCOLN AVENUE SUITE 405 • LOVELAND, COLORADO 80537  
P. 970.533.7800 • F. 966.679.6864 • www.baselinecorp.com

DESIGNED BY

DATE

PREPARED BY

REVISION DESCRIPTION

CITY OF BLACK HAWK

COUNTY OF GILPIN

QUARTZ VALLEY/MARYLAND MOUNTAIN

2023 ANNEXATION NO. 4

FOR AND ON BEHALF OF  
BASELINE CORPORATION

INITIAL SUBMITTAL

DRAWING SIZE 24" X 36"

SURVEY FIRM SURVEY DATE

JOB NO. COS-21-06

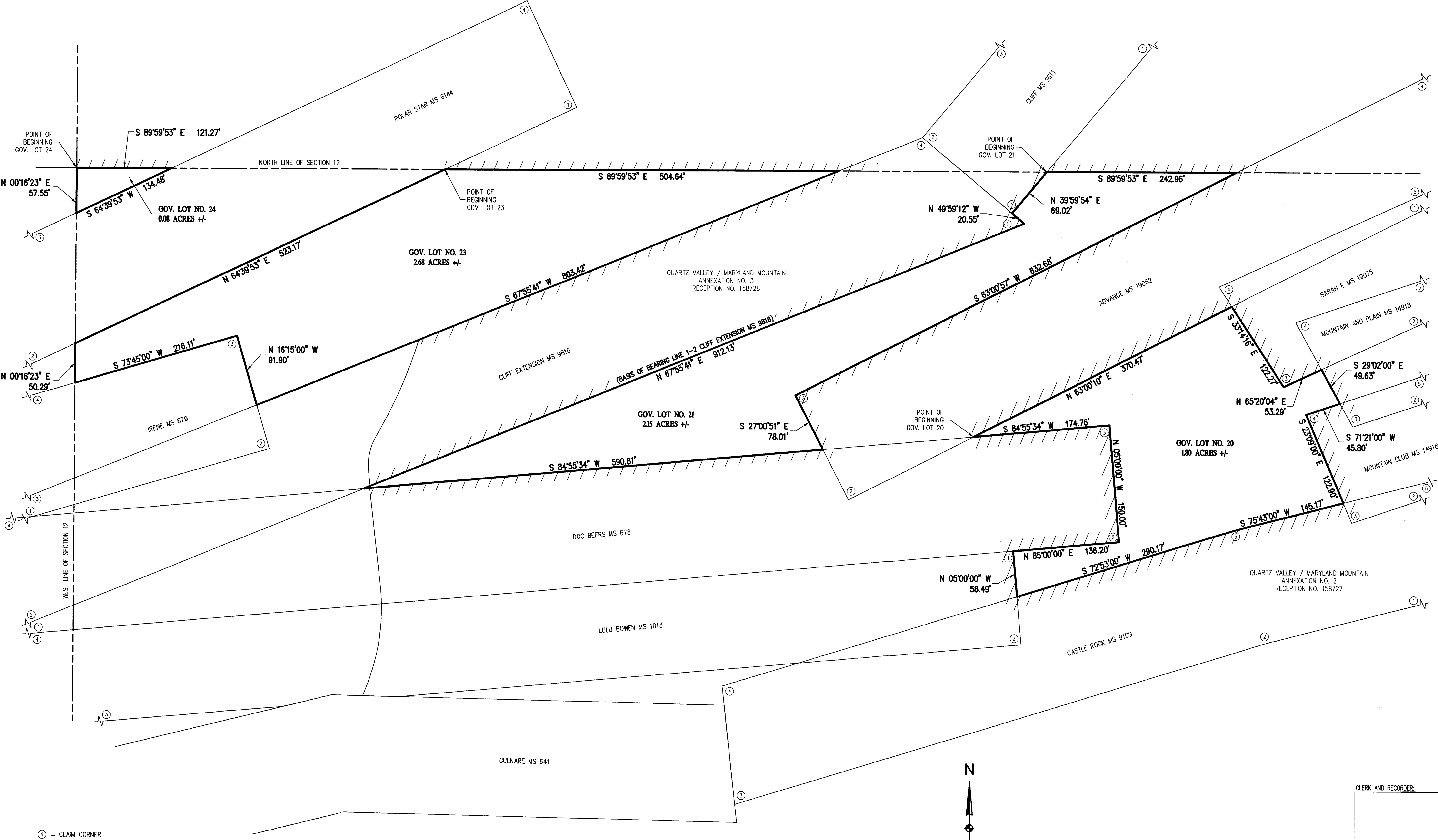
DRAWING NAME

ANNEX-2023-5

SHEET 1 OF 2

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QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 4  
GOVERNMENT LOTS 20, 21, 23 AND 24 LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73  
WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO



AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION

**BASELINE**  
Engineering • Planning • Surveying  
407 S LINCOLN AVENUE, SUITE 405 • LOVELAND, COLORADO 80537  
P. 970.353.7800 • F. 986.679.4864 • www.baselinecorp.com

DESIGNED BY	DATE
DRAWN BY	
DAM	
CHECKED BY	
AAD	

CITY OF BLACK HAWK  
COUNTY OF GILPIN  
QUARTZ VALLEY/MARYLAND MOUNTAIN  
2023 ANNEXATION NO. 4

FOR AND ON BEHALF OF BASELINE CORPORATION
INITIALS
DRAWING SIZE 24" x 36"
SURVEY FIRM SURVEY DATE 02/21/2023
JOB NO. COS-21-06
DRAWING NAME ANNEX-2023-5
SHEET 2 OF 2



M:\co-BLACK HAWK ON CALL PROJECTS\co-S-21-06 Maryland Mountain Annexation\Drawings\QUARTZ VALLEY-MARYLAND MOUNTAIN 2023 ANNEXATION NO. 5.dwg, 4/7/2023 12:45:03 PM, Doug Lancaster

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 5  
GOVERNMENT LOTS 65 AND 66, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 72 WEST  
OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO

DESCRIPTION:

QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 5, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 TO BEAR NORTH 00°09'04" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

**GOVERNMENT LOT NO. 65**

BEGINNING AT LINE 5-6 OF THE HOWARD LODE MS 667 AND THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,

THENCE NORTH 00°09'04" EAST ON THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 284.35 FEET TO A POINT ON LINE 2-3 OF THE DUMAS LODE MS 719;

THENCE NORTH 48°24'54" EAST ON LINE 2-3 OF SAID DUMAS LODE MS 719, A DISTANCE OF 185.50 FEET TO A POINT ON LINE 1-2 OF THE FISK LODE MS 185B;

THENCE SOUTH 43°52'58" EAST ON LINE 1-2 OF SAID FISK LODE MS 185B, A DISTANCE OF 120.43 FEET TO A POINT ON LINE 2-3, OF MILL SITE 221B;

THENCE SOUTH 47°28'38" WEST ON LINE 2-3 OF SAID MILL SITE 221B, A DISTANCE OF 11.22 FEET TO CORNER 2 OF SAID MILL SITE 221B;

THENCE SOUTH 18°44'22" EAST ON LINE 1-2 OF SAID MILL SITE 221B, A DISTANCE OF 250.10 FEET TO A POINT ON LINE 5-6 OF SAID HOWARD LODE MS 667;

THENCE SOUTH 75°30'44" WEST ON LINE 5-6 OF SAID HOWARD LODE MS 667, A DISTANCE OF 304.75 FEET TO THE POINT OF BEGINNING, CONTAINING 1.84 ACRES MORE OR LESS.

TOGETHER WITH,

**GOVERNMENT LOT NO. 66**

BEGINNING AT LINE 3-4 OF THE DENANGO COUNTY LODE MS 20056A AND THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,

THENCE NORTH 00°09'04" EAST ON THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 128.76 FEET TO A POINT ON LINE 1-2 OF SAID HOWARD LODE MS 667;

THENCE NORTH 75°30'44" EAST ON LINE 1-2 OF SAID HOWARD LODE MS 667, A DISTANCE OF 355.08 FEET TO A POINT ON LINE 1-2 OF SAID MILL SITE 221B;

THENCE SOUTH 18°44'22" EAST ON LINE 1-2 OF SAID MILL SITE 221B, A DISTANCE OF 36.74 FEET TO A POINT ON LINE 3-4 OF SAID DENANGO COUNTY LODE MS 20056A;

THENCE SOUTH 62°49'00" WEST ON LINE 3-4 OF SAID DENANGO COUNTY LODE MS 20056A, A DISTANCE OF 400.13 FEET TO THE POINT OF BEGINNING, CONTAINING 0.67 ACRES MORE OR LESS.

**GENERAL NOTES:**

- DEFINITION: CERTIFY, CERTIFICATION - A PROFESSIONAL'S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL'S CERTIFICATION OF A CONDITION'S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
- THIS MAP DOES NOT REPRESENT A MONUMENTED LAND SURVEY, IT IS INTENDED ONLY TO DEPICT THE ATTACHED ANNEXATION DESCRIPTION.
- THIS ANNEXATION MAP WAS PREPARED BY AARON ALVIN DEMO, PLS 38285, FOR AND ON BEHALF OF BASELINE CORPORATION, 4007 S. LINCOLN AVE. SUITE# 405, LOVELAND, CO. 80537.
- DISTANCES ON THIS MAP ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- THIS ANNEXATION DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THESE LOTS, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

④ = CLAIM CORNER

**MAYOR'S CERTIFICATE:**

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, SITUATED IN GILPIN COUNTY, COLORADO.

CITY OF BLACK HAWK:

ATTEST:

DAVID D. SPELLMAN, MAYOR

MELISSA A. GREINER, CMC, CITY CLERK

**CITY CLERK'S CERTIFICATE:**

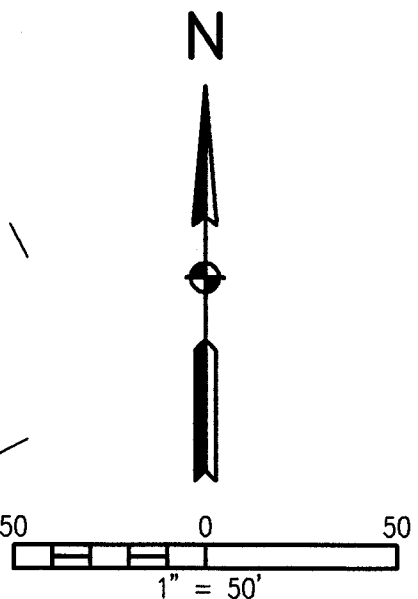
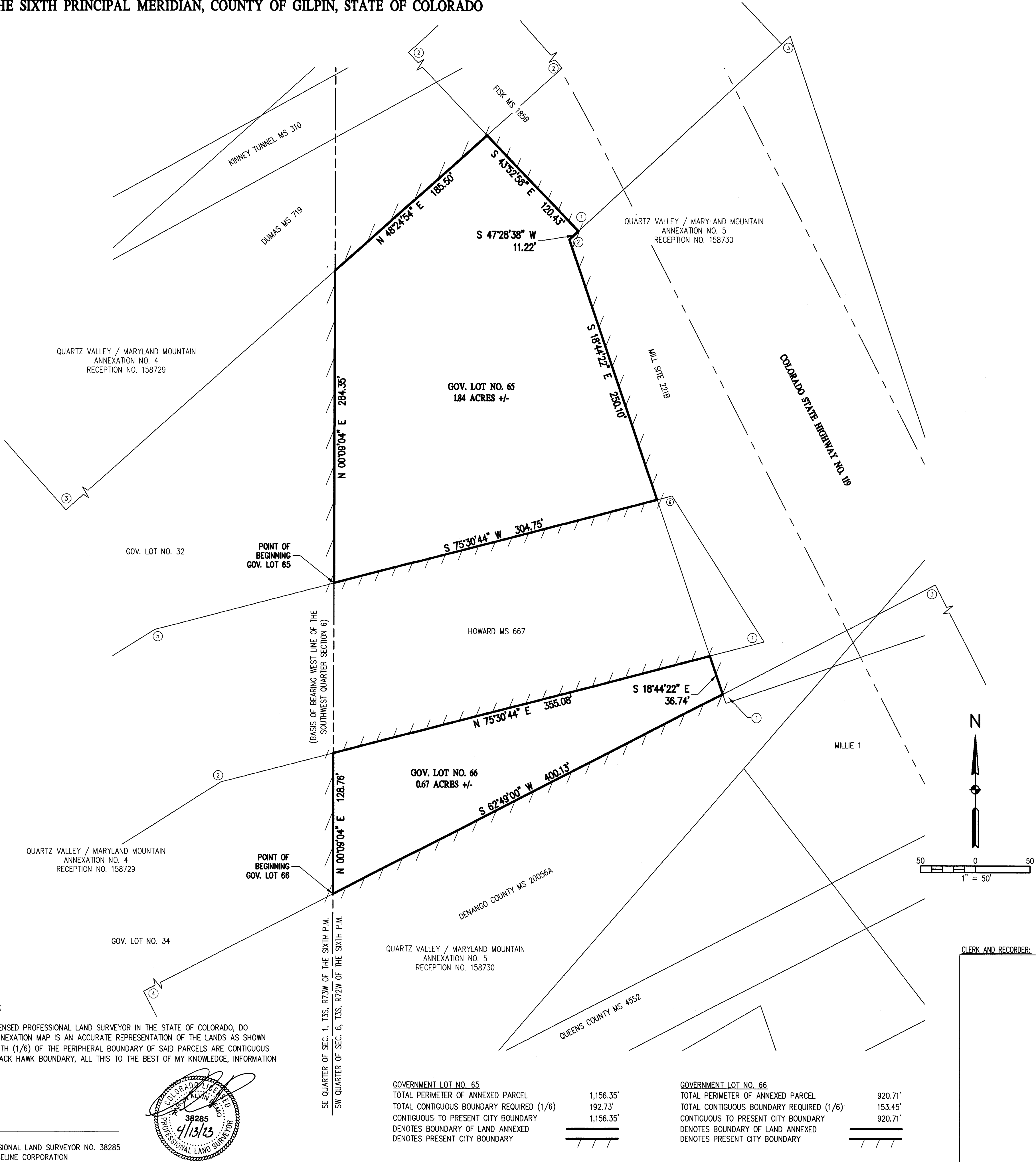
I, \_\_\_\_\_ CITY CLERK OF THE CITY OF BLACK HAWK, COLORADO, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ANNEXATION MAP APPROVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, BY ORDINANCE NO. \_\_\_\_\_, A CERTIFIED COPY OF WHICH IS HEREBY FILED, WHICH ORDINANCE BECAME EFFECTIVE ON \_\_\_\_\_, 2023 A.D.

MELISSA A. GREINER, CMC, CITY CLERK

**SURVEYOR'S STATEMENT:**

I, AARON ALVIN DEMO, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ANNEXATION MAP IS AN ACCURATE REPRESENTATION OF THE LANDS AS SHOWN AND THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCELS ARE CONTIGUOUS TO THE PRESENT CITY OF BLACK HAWK BOUNDARY, ALL THIS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

AARON ALVIN DEMO, PLS  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285  
FOR AND ON BEHALF OF BASELINE CORPORATION

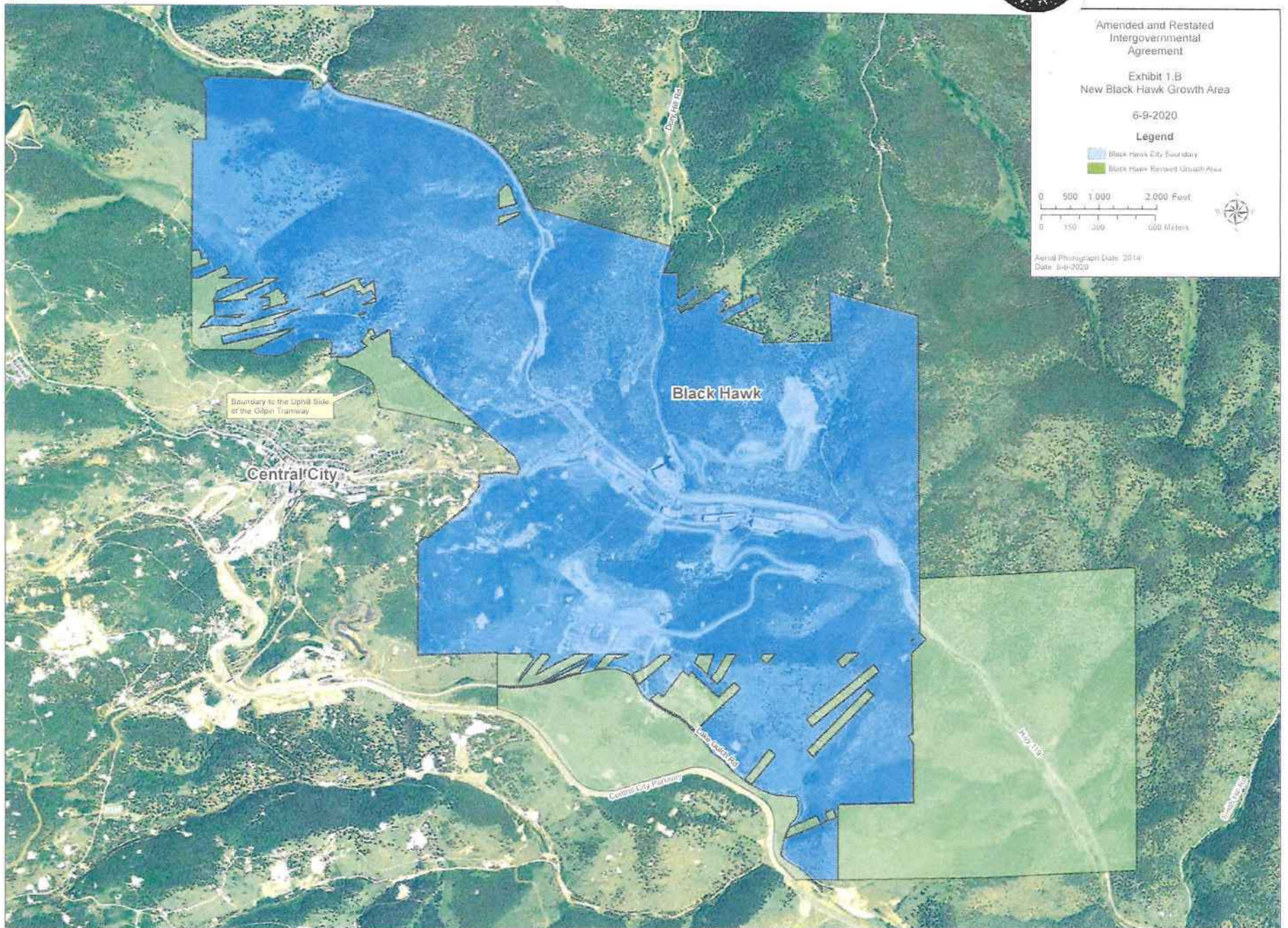


CLERK AND RECORDER:

CITY OF BLACK HAWK		COUNTY OF GILPIN	DESIGNED BY	DATE
QUARTZ VALLEY/MARYLAND MOUNTAIN			DRWN BY	
BLACK HAWK			CHKD BY	
2023 ANNEXATION NO. 5			AAD	
PREPARED UNDER THE DIRECT SUPERVISION OF				
FOR AND ON BEHALF OF BASELINE CORPORATION				
INITIAL SUBMITTAL				
DRAWING SIZE		24" X 36"		
SURVEY FIRM		SURVEY DATE		
02/21/2023				
JOB NO.		COS-21-06		
DRAWING NAME ANNEX-2023-1				
SHEET 1		OF 1		

**BASELINE**  
Engineering · Planning · Surveying  
4007 S. LINCOLN AVENUE, SUITE 405 · LOVELAND, COLORADO 80537  
P. 303.537.800 · F. 303.657.688 · WWW.BASELINECORP.COM





**COUNCIL BILL 18  
ORDINANCE 2023-18  
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**



**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.

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David D. Spellman, Mayor

ATTEST:

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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.



# **CITY OF BLACK HAWK**

## **REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** A Bill for an Ordinance Zoning Certain Newly Annexed Property Within the City of Black Hawk to Commercial/Business Services (C/BS) Located North of Central City Parkway and Intersecting Lake Gulch Road

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** 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

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** The City of Black Hawk and Proximo Distillers, LLC, are the sole owners of parcels located near and throughout the Lake Gulch Whiskey Resort Annexation area which was annexed to the City in 2020 and 2021. Lake Gulch Whiskey Resort Annexations 19-22 are proposed to be annexed into the City of Black Hawk by ordinance at the June 14, 2023 City Council meeting and subsequently zoned Commercial/Business Services (C/BS) as required by Section 16-365.

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** ☒ Yes ☐ No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

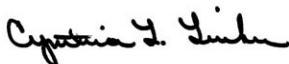
**DOCUMENTS ATTACHED:** Ordinance 2023-18  
Staff Report

**RECORD:** ☒ Yes ☐ No

**CoBH CERTIFICATE OF INSURANCE REQUIRED** ☐ Yes ☒ No

**CITY ATTORNEY REVIEW:** ☒ Yes ☐ N/A

**SUBMITTED BY:**



Cynthia L. Linker, CP&D Director

**REVIEWED BY:**



Stephen N. Cole, City Manager

A handwritten signature in black ink, appearing to read 'Vincent Harris', positioned above a horizontal line.

Vincent Harris, AICP, Baseline Corporation

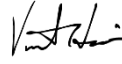
# **Staff Report**

**CITY OF BLACK HAWK  
PLANNING / LAND USE**

Date prepared: May 23, 2023  
Meeting Date: June 14, 2023

**STAFF REPORT: Lake Gulch Whiskey Resort Annexations 19 through 22 Initial Zoning**

**For:** City Council  
**Project Number:** P-23-04  
**Property Address:** Lake Gulch Road, Black Hawk, CO 80422  
**Applicants:** City of Black Hawk  
**Zoning:** Gilpin County  
**Prepared by:** Alyssa Rivas - Baseline Corporation  
**Approved by:** Vincent Harris, AICP - Baseline Corporation  
**Reviewed by:** Cynthia Linker, CP&D Director



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**BACKGROUND:**

The City of Black Hawk and Proximo Distillers, LLC, are the sole owners of parcels located near and throughout the Lake Gulch Whiskey Resort Annexation area which was annexed to the City in 2020 and 2021. This new set of properties is proposed to be annexed into the City of Black Hawk by ordinance at the June 14, 2023 City Council meeting.

Per the City of Black Hawk City Charter and Municipal Code, when land is annexed into the City, it must be subsequently zoned as well. Approximately 11.19 acres are planned to be annexed through the Lake Gulch Whiskey Resort Annexations 19-22 (see separate staff report).

Per the recommendation of the City Attorney and discussion with other City Staff, it is recommended that the property be zoned into the Commercial/Business Services (C/BS) zoning district. All of the property being annexed is adjacent to other property zoned /CBS.

The purposed of the C/BS zoning district is to encourage a broad range of commercial services for visitors and residents, which are conveniently accessible by automobile, and which are designed to complement each other in character, scale and proximity. The permitted uses in the district include retail and services, automobile service stations, lodging accommodations, restaurants, indoor recreation and amusement, bars and lounges, offices, parks and common areas, area-wide transportation facilities, parking, public facilities, indoor and outdoor event centers, mini-warehouses and storage facilities, and distilleries.

The C/BS zoning district is the underlying zone district at the other Lake Gulch Whiskey Resort properties.

**APPLICABLE CITY OF BLACK HAWK REGULATIONS:**

Excerpts from:

*City of Black Hawk  
Municipal Code  
Chapter 16 -- Zoning  
Article XVII - Application Procedures and Submittal Requirements*

***Sec. 16-365. Rezoning procedures, amendments to zoning ordinance and special review use permits.***

*Sec. 16-365 (b) All territory annexed to the City shall be zoned in accordance with the zoning classifications established by this Chapter and in accordance with the procedures in this Section for rezoning. All annexed land shall be zoned at the time of annexation as required by this Chapter.*

***Article V – Nonresidential Districts  
Division 1  
Commercial/Business Services (C/BS)***

***Sec. 16-92. Purpose and objectives.***

*(a) Purpose. The purpose of the C/BS zoning district is to encourage a broad range of commercial services for visitors and residents, which are conveniently accessible by automobile, and which are designed to complement each other in character, scale and proximity.*

***Sec. 16-93. Objectives***

*The objectives of the CBS zoning district are to:*

- (1) Accommodate retail sales, services and entertainment facilities which are oriented to serving a majority of the needs of residents and visitors and which generate substantial volumes of traffic.*
- (2) Encourage well planned, attractive clusters or groupings of development that complement existing historic features.*
- (3) Encourage a mix of complementary commercial uses that share ingress and egress and clustered on-site parking, and that are linked by attractive pedestrian corridors and plazas.*
- (4) Support existing commercial uses in the City.*

***Sec. 16-94. Use regulations.***

*a) Permitted principal uses. Any of the following uses, provided that the gross floor area of a single building or structure containing the use does not exceed twenty-five thousand (25,000) square feet.*

- (1) Retail and services*
- (2) Automobile service stations*
- (3) Lodging accommodations*
- (4) Restaurants*
- (5) Indoor recreation and amusement*
- (6) Bars and lounges*
- (7) Offices*
- (8) Parks and common areas*
- (9) Area-wide transportation facilities*
- (10) Parking*
- (11) Public facilities*
- (12) Event Center (indoor and outdoor)*
- (13) Mini-Warehousing/Storage (indoor only)*
- (14) Distilleries*



*City of Black Hawk  
Home Rule Charter  
Article VIII: Miscellaneous*

**Section 8. Annexation and Zoning.**

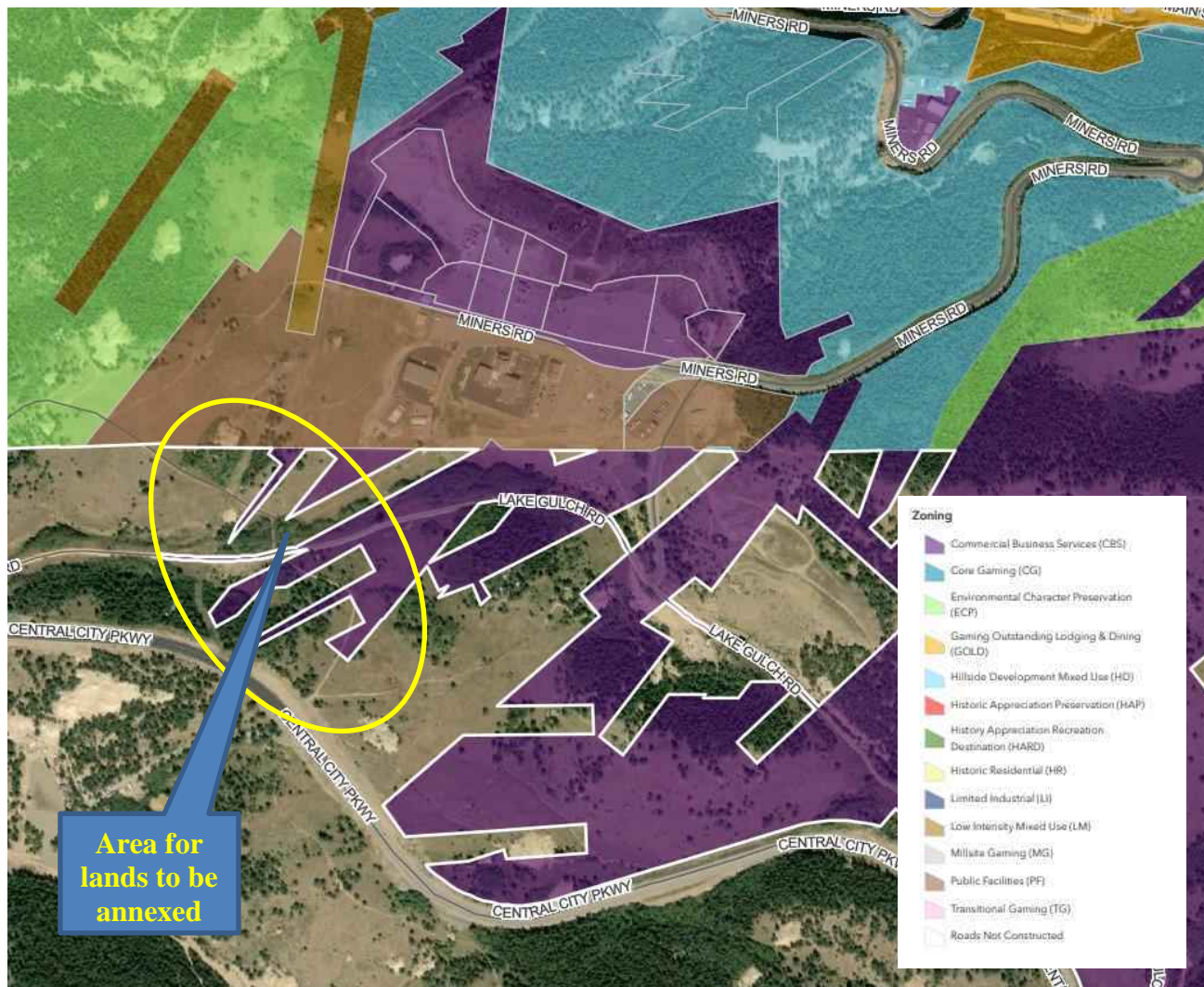
*In all proceedings for the annexation of territory to the City, the City Council shall require concurrent zoning of the same.*

**STAFF COMMENTS:**

Staff believes that the appropriate zoning district for the newly annexed land is the C/BS district. All adjacent property that is already annexed to the City of Black Hawk is zoned C/BS.

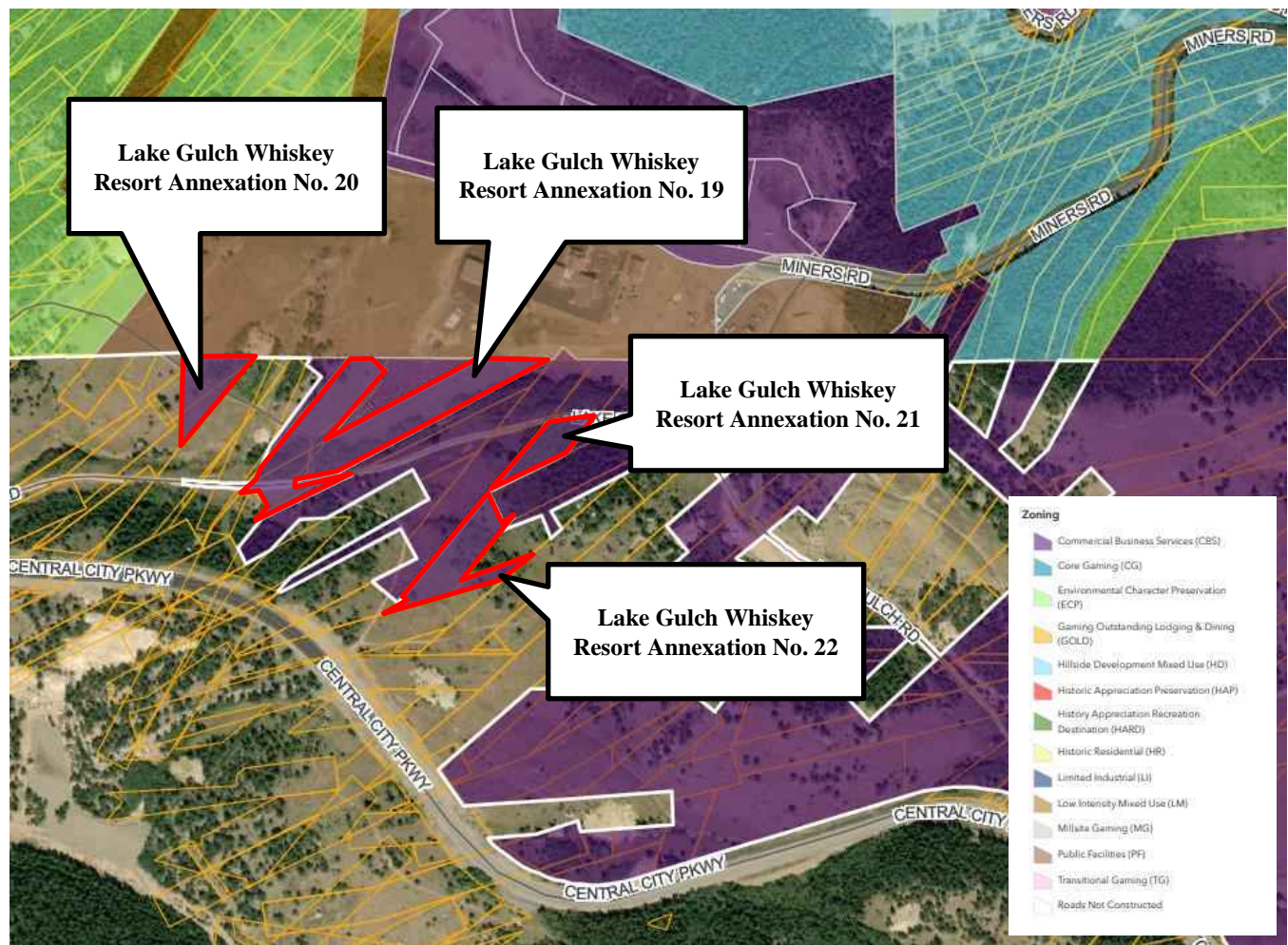
The maps below illustrate the existing and proposed zoning districts in the area. Currently, all of the land annexed in 2020 and 2021 is zoned C/BS (with a PUD overlay for the Proximo lands). Other nearby zone districts include Public Facilities (PF) to the northwest, and Hillside Development Mixed Use (HD) to the northeast.

*Existing Zoning Map:*



### *Proposed Zoning Map:*

All proposed newly annexed areas are highlighted with a red boundary and shown zoned C/BS (dark purple).



Staff recommends that City Council pass an ordinance zoning all the territory in the Lake Gulch Whiskey Resort Annexations 19 through 22 inclusive, into the Commercial/Business Services (C/BS) Zoning District.

### **FINDINGS:**

City Council may *approve, conditionally approve, or deny* a request to zone land in the City of Black Hawk. To support this proposal, the following findings can be used:

1. Application has been made by the City to zone the City-owned property known as the Lake Gulch Whiskey Resort Annexations 19-22 Properties (the "Property") within the City of Black Hawk, Colorado, which is more particularly described in the ordinance to be within the Commercial/Business Services (C/BS) Zone District.
2. Public notice has been given of such rezoning 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.

3. Notice of such proposed hearing was posted on the property for fifteen (15) consecutive days prior to said hearing.
4. A need exists for rezoning the Property pursuant to Sections 16-92 and 16-94 of the City of Black Hawk Zoning Ordinance to the extent provided herein.

**RECOMMENDATION:**

Staff recommends City Council consider a **MOTION TO APPROVE** an ordinance zoning all the territory in the Lake Gulch Whiskey Resort Annexations 19-22 inclusive, as more fully described in the ordinance, into the Commercial/Business Services (C/BS) Zone District.

Attachments:

- Proposed Ordinance
- Notice Provided to Weekly Register-Call

# **Applicant's Submittal**





## Black Hawk

PO Box 68, Black Hawk, CO 80422

## Annexation

23BH-PL00016

### Application Details

<b>Application Date:</b> 04/13/2023 <b>Acceptance Date:</b> 04/13/2023 <b>Job Site Address:</b> Lake Gulch Rd, Black Hawk, CO 80422 <b>Category:</b> Planning <b>Permit Type:</b> Annexation	<b>Property Owner:</b> City of Black Hawk & Proximo Distillers LLC <b>Mailing Address:</b>  <b>Phone:</b> <b>Email:</b>
<b>Description of Work:</b> P-23-04 Lake Gulch Whiskey Resort Annexations 19, 20, 21 & 22 Annexation and zoning of 3.31 acres	
<b>Contractors:</b>	<b>Applicant:</b> <b>Name:</b> Cynthia Linker <b>Phone:</b> (303) 582-0615 <b>Email:</b> CLinker@cityofblackhawk.org  <b>Occupant:</b> <b>Name:</b> <b>Phone:</b> <b>Email:</b>
<b>Permit Fields</b>	
<b># Parking Spaces:</b> <b>Lot Size:</b> <b>Required Setback East:</b> <b>Required Setback North:</b> <b>Required Setback South:</b> <b>Total Square Footage:</b>	<b>Estimated Valuation:</b> \$0.00 <b>Required Setback Back:</b> <b>Required Setback Left:</b> <b>Required Setback Right:</b> <b>Required Setback West:</b>
<b>Application Terms</b>	
I, as the applicant, hereby certify that I believe to the best of my knowledge that all information supplied with this application is true and accurate and that consent of the property owner has been obtained. I also commit to pay all fees based on the City of Black Hawk's adopted fee schedule.	
Submitted by: Julie.esterl@baselinecorp.com	

**This document is NOT a permit and does not constitute approval or authorize any construction or changes to the above location.**



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning the initial zoning of newly annexed land to the Commercial/Business Services (C/BS) zoning district, located on properties described in Exhibit A and generally located north of Central City Parkway and intersecting Lake Gulch Road, pursuant to the City of Black Hawk zoning ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

### ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC  
City Clerk

### EXHIBIT A

PARCELS OF LAND IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO, AS DESCRIBED IN LAKE GULCH WHISKEY RESORT ANNEXATION NOS. 19, 20, 21, AND 22.

**COUNCIL BILL 19  
ORDINANCE 2023-19  
A BILL FOR AN  
ORDINANCE ZONING  
CERTAIN CITY-OWNED  
PROPERTIES KNOWN AS  
THE QUARTZ  
VALLEY/MARYLAND  
MOUNTAIN - 2023  
ANNEXATIONS 1  
THROUGH 5 TO THE  
HISTORY APPRECIATION  
RECREATION  
DESTINATION (HARD)  
ZONE DISTRICT**

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

**COUNCIL BILL NUMBER: CB19**

**ORDINANCE NUMBER: 2023-19**

**TITLE:       A BILL FOR AN ORDINANCE ZONING CERTAIN CITY-OWNED AND  
BUREAU OF LAND MANAGEMENT-OWNED PROPERTIES KNOWN  
AS THE QUARTZ VALLEY/MARYLAND MOUNTAIN - 2023  
ANNEXATIONS 1 THROUGH 5 TO THE HISTORY APPRECIATION  
RECREATION DESTINATION (HARD) ZONE DISTRICT**

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

Section 1.     Findings of Fact.

A.       The City Council previously has considered the annexation of certain City-owned and Bureau of Land Management-owned real property described in attached **Exhibit A** (collectively, the "Property").

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

C.       An application was submitted by the City for initially zoning the Property to the History Appreciation Recreation Destination (HARD) Zone District 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 History Appreciation Recreation Destination (HARD) 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.

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David D. Spellman, Mayor

ATTEST:

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Melissa Greiner, CMC, City Clerk

EXHIBIT A

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 1,**  
LOCATED WITHIN THE NORTH 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:

BASIS OF BEARING: ASSUMING LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 TO  
BEAR NORTH 66°50'45" EAST, WITH ALL BEARINGS CONTAINED HEREIN  
RELATIVE THERETO.

GOVERNMENT LOTS NO. 14 AND NO. 15 - PARCEL 1

BEGINNING AT A POINT ON LINE 1-2 OF THE MOUNTAIN CLUB MS 14918 AND THE  
NORTH LINE OF SAID SECTION 12; THENCE SOUTH 89°59'53" EAST ON THE NORTH  
LINE OF SAID SECTION 12, A DISTANCE OF 86.90 FEET TO A POINT ON LINE 3-4 OF  
THE SANS SOUCI MS 793; THENCE SOUTH 57°24'25" WEST ON LINE 3-4 OF SAID  
SANS SOUCI MS 793, A DISTANCE OF 65.88 FEET TO CORNER 3 OF SAID SANS  
SOUCI MS 793; THENCE SOUTH 32°35'35" EAST ON LINE 2-3 OF SAID SANS SOUCI  
MS 793, A DISTANCE OF 150.00 FEET TO CORNER 2 OF SAID SANS SOUCI MS 793;  
THENCE NORTH 57°24'25" EAST ON LINE 1-2 OF SAID SANS SOUCI MS 793, A  
DISTANCE OF 215.65 FEET TO A POINT ON LINE 36-37 OF THE BONANZA TUNNEL  
NO. 9 MS 7417; THENCE SOUTH 06°06'35" EAST ON LINE 36-37 OF SAID BONANZA  
TUNNEL NO. 9 MS 7417, LINE 32-33 OF BONANZA TUNNEL NO. 8 MS 7417 AND LINE  
28-29 OF BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 289.74 FEET TO A  
POINT ON LINE 3-4 OF THE ALONZO FURNALD MS 440A AND TO POINT "A";  
THENCE NORTH 26°44'32" WEST ON LINE 3-4 OF SAID ALONZO FURNALD MS 440A,  
A DISTANCE OF 147.70 FEET TO CORNER 3 OF SAID ALONZO FURNALD MS 440A;  
THENCE SOUTH 63°15'28" WEST ON LINE 2-3 OF SAID ALONZO FURNALD MS 440A,  
A DISTANCE OF 187.68 FEET TO THE EXTENDED LINE 1-6 OF THE SECURITY MS  
5863; THENCE NORTH 26°35'00" WEST ON THE EXTENDED LINE AND ON LINE 1-6  
OF SAID SECURITY MS 5863, A DISTANCE OF 82.56 FEET; THENCE SOUTH 66°05'18"  
WEST A DISTANCE OF 55.37 FEET TO A POINT ON LINE 3-4 OF THE ALLIE MS 795;  
THENCE NORTH 24°35'16" WEST ON LINE 3-4 OF SAID ALLIE MS 795, A DISTANCE  
OF 136.36 FEET TO CORNER 3 OF SAID ALLIE MS 795; THENCE SOUTH 66°03'52"  
WEST ON LINE 2-3 OF SAID ALLIE MS 795, A DISTANCE OF 543.28 FEET TO A POINT  
ON LINE 1-6 OF THE CASTLE ROCK MS 9169; THENCE NORTH 06°14'00" WEST ON  
LINE 1-6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 74.74 FEET TO CORNER 6  
OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 75°43'00" WEST ON LINE 5-6 OF  
SAID CASTLE ROCK MS 9169, A DISTANCE OF 308.75 FEET TO A POINT ON LINE 2-3  
OF THE MOUNTAIN CLUB MS 14918; THENCE NORTH 71°21'00" EAST ON LINE 2-3  
OF SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 391.83 FEET TO CORNER 2 OF  
SAID MOUNTAIN CLUB MS 14918; THENCE NORTH 66°50'45" EAST ON LINE 1-2 OF  
SAID MOUNTAIN CLUB MS 14918, A DISTANCE OF 528.88 FEET TO THE POINT OF  
BEGINNING, CONTAINING 106,881 SQUARE FEET OR 2.45 ACRES MORE OR LESS.  
TOGETHER WITH, PARCEL 2 COMMENCING AT SAID POINT "A", THENCE SOUTH  
06°06'35" EAST ON LINE 28-29 OF SAID BONANZA TUNNEL NO. 7 MS 7417, A  
DISTANCE OF 2.45 FEET TO LINE 1-4 OF THE ALONZO FURNALD MS 440A AND THE  
POINT OF BEGINNING; THENCE SOUTH 06°06'35" EAST ON LINE 28-29 OF SAID



BONANZA TUNNEL NO. 7 MS 7417, A DISTANCE OF 64.28 FEET TO LINE 5-6 OF THE GREENSIDE MS 6313; THENCE SOUTH 77°00'00" WEST ON LINE 5-6 OF SAID GREENSIDE MS 6313, A DISTANCE OF 253.24 FEET TO A POINT ON LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 268.64 FEET TO THE POINT OF BEGINNING, CONTAINING 8,081 SQUARE FEET OR 0.19 ACRES MORE OR LESS.

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 2,**  
LOCATED WITHIN THE NORTH HALF QUARTER 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:  
BASIS OF BEARING: ASSUMING LINE 2-3 OF THE GREENSIDE MS 6313 TO BEAR SOUTH 67°00'00" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GOVERNMENT LOT NO. 12

BEGINNING AT A POINT ON LINE 1-2 OF THE DEWEY MS 12581 AND ON LINE 1-4 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 69°01'21" WEST ON LINE 1-2 OF SAID DEWEY MS 12581, A DISTANCE OF 1.58 FEET TO A POINT OF INTERSECTION WITH THE FIRST CENTENNIAL MS 476; THENCE NORTH 63°08'54" EAST ON LINE 1-2 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 1.03 FEET TO CORNER 1 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 35.74 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 25°24'51" EAST ON LINE 1-4 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 35.88 FEET TO THE POINT OF BEGINNING, CONTAINING 10 SQUARE FEET MORE OR LESS.

TOGETHER WITH GOVERNMENT LOT NO. 13

BEGINNING AT A POINT ON LINE 2-3 OF SAID GREENSIDE MS 6313 AND LINE 1-6 OF SAID FIRST CENTENNIAL MS 476; THENCE NORTH 67°00'00" EAST ON LINE 2-3 OF SAID GREENSIDE MS 6313, A DISTANCE OF 36.27 FEET TO CORNER 2 OF SAID GREENSIDE MS 6313; THENCE NORTH 77°00'00" EAST ON LINE 1-2 OF SAID GREENSIDE MS 6313, A DISTANCE OF 112.41 FEET TO A POINT OF INTERSECTION WITH LINE 1-2 OF THE EAST CENTENNIAL AMENDED MS 11919; THENCE SOUTH 64°35'09" WEST ON LINE 1-2 OF SAID EAST CENTENNIAL AMENDED MS 11919, A DISTANCE OF 146.42 FEET TO A POINT ON LINE 1-6 OF THE FIRST CENTENNIAL MS 476; THENCE NORTH 24°32'06" WEST ON LINE 1-6 OF SAID FIRST CENTENNIAL MS 476, A DISTANCE OF 25.70 FEET TO THE POINT OF BEGINNING, CONTAINING 2,235 SQUARE FEET OR 0.051 ACRES MORE OR LESS.

TOGETHER WITH GOVERNMENT LOT NO. 16

BEGINNING AT THE INTERSECTION OF LINE 1-6 OF THE BLACK QUARTZ MS 438 AND LINE 3-4 OF THE GREENSIDE MS 6313; THENCE NORTH 29°52'25" WEST ON LINE 1-6 OF SAID BLACK QUARTZ MS 438, A DISTANCE OF 42.47 FEET TO A POINT OF INTERSECTION WITH LINE 1-4 OF THE ALONZO FURNALD MS 440A; THENCE NORTH 63°15'28" EAST ON LINE 1-4 OF SAID ALONZO FURNALD MS 440A, A DISTANCE OF 5.09 FEET TO A POINT OF INTERSECTION WITH LINE 3-4 OF SAID GREENSIDE MS 6313; THENCE SOUTH 23°00'00" EAST ON LINE 3-4 OF SAID

GREENSIDE MS 6313, A DISTANCE OF 42.50 FEET TO THE POINT OF BEGINNING, CONTAINING 108 SQUARE FEET MORE OR LESS.

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 3,**  
LOCATED WITHIN THE NORTHWEST QUARTER 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:  
BASIS OF BEARING: ASSUMING LINE 2-3 OF THE LULU BOWEN MS 1013 TO BEAR  
NORTH 85°00'00" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE  
THERETO.

GOVERNMENT LOT NO. 22

BEGINNING AT THE INTERSECTION OF LINE 2-3 OF SAID LULU BOWEN MS 1013  
AND LINE 5-6 OF THE GULNARE MS 641; THENCE NORTH 85°00'00" EAST ON LINE 2-  
3 OF SAID LULU BOWEN MS 1013, A DISTANCE OF 513.70 FEET TO THE  
INTERSECTION OF LINE 4-5 OF THE CASTLE ROCK MS 9169; THENCE SOUTH  
72°53'00" WEST ON LINE 4-5 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 101.95  
FEET TO CORNER 4 OF SAID CASTLE ROCK MS 9169; THENCE SOUTH 06°14'00"  
EAST ON LINE 3-4 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 24.50 FEET TO  
CORNER 6 OF SAID GULNARE MS 641; THENCE NORTH 88°41'00" WEST ON LINE 5-6  
OF SAID GULNARE MS 641, A DISTANCE OF 417.08 FEET TO THE POINT OF  
BEGINNING, CONTAINING 0.24 ACRES MORE OR LESS.

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 4,**  
LOCATED WITHIN THE NORTHWEST QUARTER 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:  
BASIS OF BEARING: ASSUMING LINE 1-2 OF THE CLIFF EXTENSION MS 9816 TO  
BEAR NORTH 67°55'41" EAST, WITH ALL BEARINGS CONTAINED HEREIN  
RELATIVE THERETO.

GOVERNMENT LOT NO. 20

BEGINNING AT THE INTERSECTION WITH LINE 3-4 OF THE DOC BEERS MS 678  
AND LINE 1-2 OF THE ADVANCE MS 19052;  
THENCE NORTH 63°00'10" EAST ON LINE 1-2 OF SAID ADVANCE MS 19052, A  
DISTANCE OF 370.47 FEET TO A POINT ON LINE 3-4 OF THE SARAH E MS 19075;  
THENCE SOUTH 33°14'16" EAST ON LINE 3-4 OF SAID SARAH E MS 19075, A  
DISTANCE OF 122.27 FEET TO CORNER 3 OF SAID SARAH E MS 19075;  
THENCE NORTH 65°20'04" EAST ON LINE 2-3 OF SAID SARAH E MS 19075, A  
DISTANCE OF 53.29 FEET TO A POINT ON LINE 3-4 OF THE MOUNTAIN AND PLAIN  
MS 14918;  
THENCE SOUTH 29°02'00" EAST ON LINE 3-4 OF SAID MOUNTAIN AND PLAIN MS  
14918, A DISTANCE OF 49.63 FEET TO A POINT ON LINE 3-4 OF THE MOUNTAIN  
CLUB MS 14918;  
THENCE SOUTH 71°21'00" WEST ON LINE 3-4 OF SAID MOUNTAIN CLUB MS 14918, A  
DISTANCE OF 45.80 FEET TO CORNER 4 OF SAID MOUNTAIN CLUB MS 14918;  
THENCE SOUTH 23°09'00" EAST ON LINE 3-4 OF SAID MOUNTAIN CLUB MS 14918, A  
DISTANCE OF 122.90 FEET TO A POINT ON LINE 5-6 OF THE CASTLE ROCK MS 9169;

THENCE SOUTH 75°43'00" WEST ON LINE 5-6 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 145.17 FEET TO CORNER 5 OF SAID CASTLE ROCK MS 9169;  
THENCE SOUTH 72°53'00" WEST ON LINE 4-5 OF SAID CASTLE ROCK MS 9169, A DISTANCE OF 290.17 FEET TO A POINT ON LINE 1-2 OF THE LULU BOWEN MS 1013;  
THENCE NORTH 05°00'00" WEST ON LINE 1-2 OF SAID LULU BOWEN MS 1013, A DISTANCE OF 58.49 FEET TO CORNER 1 OF SAID LULU BOWEN MS 1013 AND LINE 1-2 OF THE DOC BEERS MS 678;  
THENCE NORTH 85°00'00" EAST ON LINE 1-2 OF SAID DOC BEERS MS 678, A DISTANCE OF 136.20 FEET TO CORNER 2 OF SAID DOC BEERS MS 678;  
THENCE NORTH 05°00'00" WEST ON LINE 2-3 OF SAID DOC BEERS MS 678, A DISTANCE OF 150.00 FEET TO CORNER 3 OF SAID DOC BEERS MS 678;  
THENCE SOUTH 84°55'34" WEST ON LINE 3-4 OF SAID DOC BEERS MS 678, A DISTANCE OF 174.76 FEET TO THE POINT OF BEGINNING, CONTAINING 1.80 ACRES MORE OR LESS.

GOVERNMENT LOT NO. 21

BEGINNING AT LINE 1-4 OF THE CLIFF MS 9611 AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 12;  
THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 242.96 FEET TO A POINT ON LINE 3-4 OF THE ADVANCE MS 19052;  
THENCE SOUTH 63°00'57" WEST ON LINE 3-4 OF SAID ADVANCE MS 19052, A DISTANCE OF 632.68 FEET TO CORNER 3 OF SAID ADVANCE MS 19052;  
THENCE SOUTH 27°00'51" EAST ON LINE 2-3 OF SAID ADVANCE MS 19052, A DISTANCE OF 78.01 FEET TO A POINT ON LINE 3-4 OF THE DOC BEERS MS 678;  
THENCE SOUTH 84°55'34" WEST ON LINE 3-4 OF SAID DOC BEERS MS 678, A DISTANCE OF 590.81 FEET TO A POINT ON LINE 1-2 OF THE CLIFF EXTENSION MS 9816;  
THENCE NORTH 67°55'41" EAST ON LINE 1-2 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 912.13 FEET TO CORNER 1 OF SAID CLIFF EXTENSION MS 9816;  
THENCE NORTH 49°59'12" WEST ON LINE 1-4 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 20.55 FEET TO CORNER 1 OF THE CLIFF MS 9611;  
THENCE NORTH 39°59'54" EAST ON LINE 1-4 OF SAID CLIFF MS 9611, A DISTANCE OF 69.02 FEET TO THE POINT OF BEGINNING, CONTAINING 2.15 ACRES MORE OR LESS.

GOVERNMENT LOT NO. 23

BEGINNING AT LINE 1-2 OF THE POLAR STAR MS 6144 AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 12,  
THENCE NORTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 504.64 FEET TO A POINT ON LINE 3-4 OF THE CLIFF EXTENSION MS 9816;  
THENCE SOUTH 67°55'41" WEST ON LINE 3-4 OF SAID CLIFF EXTENSION MS 9816, A DISTANCE OF 803.42 FEET TO A POINT ON LINE 2-3 OF THE IRENE MS 679;  
THENCE NORTH 16°15'00" WEST ON LINE 2-3 OF SAID IRENE MS 679, A DISTANCE OF 91.90 FEET TO CORNER 3 OF SAID IRENE MS 679;  
THENCE SOUTH 73°45'00" WEST ON LINE 3-4 OF SAID IRENE MS 679, A DISTANCE OF 216.11 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 12;

THENCE NORTH 00°16'23" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 50.29 FEET TO LINE 1-2 OF SAID POLAR STAR MS 6144;  
THENCE NORTH 64°39'53" EAST ON LINE 1-2 OF SAID POLAR STAR MS 6144, A DISTANCE OF 523.17 FEET TO THE POINT OF BEGINNING, CONTAINING 2.68 ACRES MORE OR LESS.  
GOVERNMENT LOT NO. 24  
BEGINNING AT THE NORTHWEST CORNER OF SECTION 12,  
THENCE SOUTH 89°59'53" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 121.27 FEET TO A POINT ON LINE 3-4 OF THE POLAR STAR MS 6144;  
THENCE SOUTH 64°39'53" WEST ON LINE 3-4 OF SAID POLAR STAR MS 6144, A DISTANCE OF 134.48 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12;  
THENCE NORTH 00°16'23" EAST ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 57.55 FEET TO THE POINT OF BEGINNING, CONTAINING 0.08 ACRES MORE OR LESS.

**QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATION NO. 5,**  
LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BASIS OF BEARING: ASSUMING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 TO BEAR NORTH 00°09'04" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.  
GOVERNMENT LOT NO. 65  
BEGINNING AT LINE 5-6 OF THE HOWARD LODGE MS 667 AND THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,  
THENCE NORTH 00°09'04" EAST ON THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 284.35 FEET TO A POINT ON LINE 2-3 OF THE DUMAS LODGE MS 719;  
THENCE NORTH 48°24'54" EAST ON LINE 2-3 OF SAID DUMAS LODGE MS 719, A DISTANCE OF 185.50 FEET TO A POINT ON LINE 1-2 OF THE FISK LODGE MS 185B;  
THENCE SOUTH 43°52'58" EAST ON LINE 1-2 OF SAID FISK LODGE MS 185B, A DISTANCE OF 120.43 FEET TO A POINT ON LINE 2-3, OF MILL SITE 221B;  
THENCE SOUTH 47°28'38" WEST ON LINE 2-3 OF SAID MILL SITE 221B, A DISTANCE OF 11.22 FEET TO CORNER 2 OF SAID MILL SITE 221B;  
THENCE SOUTH 18°44'22" EAST ON LINE 1-2 OF SAID MILL SITE 221B, A DISTANCE OF 250.10 FEET TO A POINT ON LINE 5-6 OF SAID HOWARD LODGE MS 667;  
THENCE SOUTH 75°30'44" WEST ON LINE 5-6 OF SAID HOWARD LODGE MS 667, A DISTANCE OF 304.75 FEET TO THE POINT OF BEGINNING, CONTAINING 1.84 ACRES MORE OR LESS.  
TOGETHER WITH,  
GOVERNMENT LOT NO. 66  
BEGINNING AT LINE 3-4 OF THE DENANGO COUNTY LODGE MS 20056A AND THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6,

THENCE NORTH  $00^{\circ}09'04''$  EAST ON THE WEST LINE OF SAID SECTION 6, A  
DISTANCE OF 128.76 FEET TO A POINT ON LINE 1-2 OF SAID HOWARD LODE MS  
667;

THENCE NORTH  $75^{\circ}30'44''$  EAST ON LINE 1-2 OF SAID HOWARD LODE MS 667, A  
DISTANCE OF 355.08 FEET TO A POINT ON LINE 1-2 OF SAID MILL SITE 221B;

THENCE SOUTH  $18^{\circ}44'22''$  EAST ON LINE 1-2 OF SAID MILL SITE 221B, A DISTANCE  
OF 36.74 FEET TO A POINT ON LINE 3-4 OF SAID DENANGO COUNTY LODE MS  
20056A;

THENCE SOUTH  $62^{\circ}49'00''$  WEST ON LINE 3-4 OF SAID DENANGO COUNTY LODE MS  
20056A, A DISTANCE OF 400.13 FEET TO THE POINT OF BEGINNING, CONTAINING  
0.67 ACRES MORE OR LESS.



# **CITY OF BLACK HAWK**

## **REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** A Bill for an Ordinance Zoning Certain Newly Annexed Property Within the City of Black Hawk to History Appreciation Recreation Destination (HARD). Located on Maryland Mountain and known as Quartz Valley / Maryland Mountain – 2023 Annexations Numbers 1 through 5.

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** A BILL FOR AN ORDINANCE ZONING CERTAIN CITY-OWNED AND BUREAU OF LAND MANAGEMENT-OWNED PROPERTIES KNOWN AS THE QUARTZ VALLEY/MARYLAND MOUNTAIN - 2023 ANNEXATIONS 1 THROUGH 5 TO THE HISTORY APPRECIATION RECREATION DESTINATION (HARD) ZONE DISTRICT

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** The City of Black Hawk and the Bureau of Land Management are owners of parcels located near and throughout the Quartz Valley/ Maryland Mountain Annexation area. The current set of properties is proposed to be annexed into the City of Black Hawk by ordinance at the June 14, 2023 City Council meeting. Approximately 12.15 acres are planned to be annexed through the Quartz Valley/Maryland Mountain – 2023 Annexations 1 through 5 and zoned HARD, as required by Section 16-365.

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

**DOCUMENTS ATTACHED:** Ordinance 2023-19  
Staff Report

**RECORD:** [ X ]Yes [ ]No

**CoBH CERTIFICATE OF INSURANCE REQUIRED** [ ]Yes [ X ]No

**CITY ATTORNEY REVIEW:** [ X ]Yes [ ]N/A

**SUBMITTED BY:**

**REVIEWED BY:**

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Cynthia L. Linker, CP&D Director

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Stephen N. Cole, City Manager

A handwritten signature in black ink, appearing to read 'Vincent Harris', with a stylized, cursive script.

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Vincent Harris, AICP, Baseline Corporation

# **Staff Report**

**CITY OF BLACK HAWK  
PLANNING / LAND USE**

Date prepared: May 22, 2023  
Meeting Date: June 14, 2023

**STAFF REPORT: Quartz Valley/Maryland Mountain - 2023 Annexations 1-5 Initial Zoning**

**For:** City Council

**Project Number:** P-19-17

**Property Address:** Various/No Address

**Applicants:** City of Black Hawk

**Zoning:** Gilpin County

**Prepared by:** Alyssa Rivas - Baseline Corporation

**Approved by:** Vincent Harris, AICP - Baseline Corporation

**Reviewed by:** Cynthia Linker, CP&D Director



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**BACKGROUND:**

The City of Black Hawk and the Bureau of Land Management are owners of parcels located near and throughout the Quartz Valley/ Maryland Mountain Annexation area.. This new set of properties is proposed to be annexed into the City of Black Hawk by ordinance at the June 14, 2023 City Council meeting.

Per the City of Black Hawk City Charter and Municipal Code, when land is annexed into the City, it must be subsequently zoned as well. Approximately 12.15 acres are planned to be annexed through the Quartz Valley/Maryland Mountain - 2023 Annexations 1 through 5 (see separate staff reports).

Per the recommendation of the City Attorney and discussion with other City Staff, it is recommended that the property be zoned into the History Appreciation Recreation Destination (HARD) zoning district. All of the property being annexed is adjacent to other city owned property zoned HARD.

The HARD zoning district is for land that is owned by the City for a public use. The permitted uses in the district include public office buildings, public parking lots, nature center/picnic area/trailhead, trails (hard or soft surface), water storage facilities, including reservoirs allowing for passive and active recreation, and public pedestrian malls, including retail facilities on said malls, regardless of whether such facilities are publicly owned so long as they are dedicated to a public use.

**APPLICABLE CITY OF BLACK HAWK REGULATIONS:**

Excerpts from:

*City of Black Hawk  
Municipal Code  
Chapter 16 - Zoning  
Article XVII - Application Procedures and Submittal Requirements*

***Sec. 16-365. Rezoning procedures, amendments to zoning ordinance and special review use permits.***  
*Sec. 16-365 (b) All territory annexed to the City shall be zoned in accordance with the zoning classifications established by this Chapter and in accordance with the procedures in this Section for rezoning. All annexed land shall be zoned at the time of annexation as required by this Chapter.*

**Article V – Nonresidential Districts**  
**Division 6**  
**History Appreciation Recreation Destination District (HARD)**

**Sec. 16-121. Purpose and objectives.**

*(a) Purpose. The purpose of the HARD zoning district is to accommodate and allow for areas owned by, dedicated to, purchased, or acquired by the City, or dedicated to a public use, which allows for the City to provide recreation, both passive and active, and destination activities for the residents and visitors of the City. In addition, the purpose of the HARD zoning district is to accommodate and allow for areas intentionally left free from development, for the preservation of wildlife corridors/habitats, scenic viewsheds, cultural and historical areas, landmarks, and natural resources, including forest lands, range lands, agricultural lands, and lakes, reservoirs, and water storage facilities allowing for passive and active recreation.*

*(b) Objectives. The objectives of the HARD zoning district are to allow for such uses that are dedicated to serving the public, and to minimize the adverse impacts and adjacent uses and the community. In addition, the objectives of the HARD zoning district are to allow for such uses that are dedicated to serving the public and may include passive recreational activities, as well as active recreational activities such as mountain biking, hiking, and water sports associated with lakes, reservoirs, and water storage facilities.*

**Sec. 16-122. Use regulations.**

*(a) Permitted principal uses.*

- (1) Public office buildings;*
- (2) Public parking lots;*
- (3) Nature center/picnic area/trailhead;*
- (4) Trails (hard or soft surface);*
- (5) Water storage facilities, including reservoirs allowing for passive and active recreation;*
- (6) Public pedestrian malls, including retail facilities on said malls, regardless of whether such facilities are publicly owned so long as they are dedicated to a public use.*
- (7) Marijuana establishments, retail, medical or dual*

**City of Black Hawk**  
**Home Rule Charter**  
**Article VIII: Miscellaneous**

**Section 8. Annexation and Zoning.**

*In all proceedings for the annexation of territory to the City, the City Council shall require concurrent zoning of the same.*



**STAFF COMMENTS:**

Staff believes that the appropriate zoning district for the newly annexed lands is the HARD district. All adjacent property (Maryland Mountain Park) that is already annexed to the City of Black Hawk is zoned HARD.

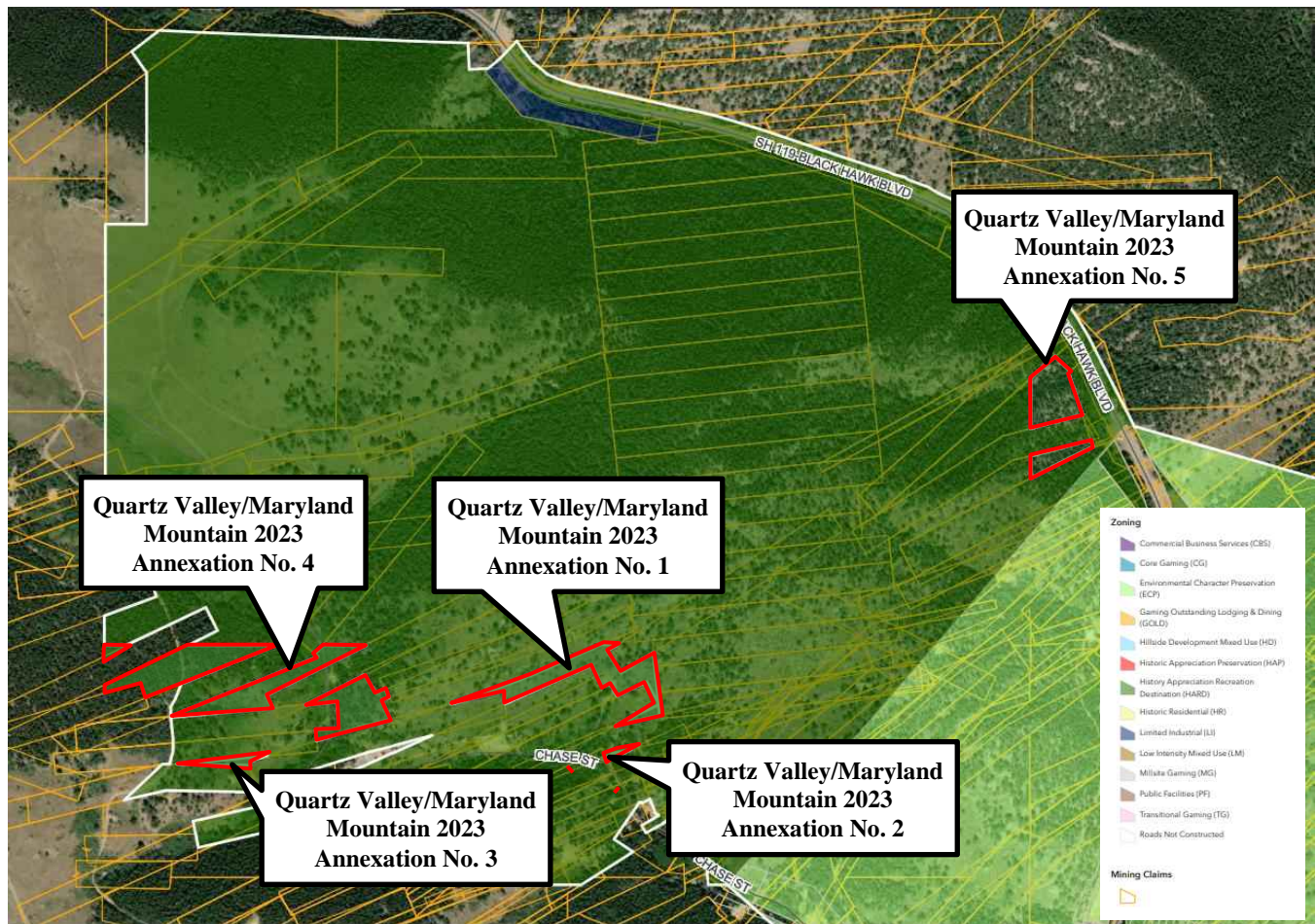
The maps below illustrate the existing and proposed zoning districts in the area. Currently, all of the land annexed in 2013 and 2015 is zoned HARD. Other nearby zone districts include Environmental Character Preservation (ECP) to the south and east of Maryland Mountain, and Limited Industrial (LI) along a portion of Hwy 119 north of Maryland Mountain.

*Existing Zoning Map:*



*Proposed Zoning Map:*

All proposed newly annexed areas are highlighted with a red boundary and shown zoned HARD (dark green).



Staff recommends that City Council pass an ordinance zoning all the territory in the Quartz Valley/Maryland Mountain - 2023 Annexation No. 1, Quartz Valley/Maryland Mountain - 2023 Annexation No. 2, Quartz Valley/Maryland Mountain - 2023 Annexation No. 3, Quartz Valley/Maryland Mountain - 2023 Annexation No. 4, and Quartz Valley/Maryland Mountain - 2023 Annexation No. 5 into the History Appreciation Recreation Destination (HARD) Zoning District.

**FINDINGS:**

City Council may *approve, conditionally approve, or deny* a request to zone land in the City of Black Hawk. To support this proposal, the following findings can be used:

1. Application has been made by the City to zone the properties known as the Quartz Valley/Maryland Mountain - 2023 Properties (the “Property”) within the City of Black Hawk, Colorado, which is more particularly described in the ordinance to be within the History Appreciation Recreation Destination District (HARD).

2. Public notice has been given of such rezoning 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.
3. Notice of such proposed hearing was posted on the property for fifteen (15) consecutive days prior to said hearing.
4. A need exists for rezoning the Property pursuant to Sections 16-121 and 16-122 of the City of Black Hawk Zoning Ordinance to the extent provided herein.

**RECOMMENDATION:**

Staff recommends City Council consider a **MOTION TO APPROVE** an ordinance zoning all the territory in the Quartz Valley/Maryland Mountain - 2023 Annexation No. 1, Quartz Valley/Maryland Mountain - 2023 Annexation No. 2, Quartz Valley/Maryland Mountain - 2023 Annexation No. 3, Quartz Valley/Maryland Mountain - 2023 Annexation No. 4, and Quartz Valley/Maryland Mountain - 2023 Annexation No. 5 inclusive, as more fully described in the ordinance, into the History Appreciation Recreation Destination (HARD) Zoning District.

Attachments:

- Proposed Ordinance
- Notice Provided to Weekly Register-Call

# **Applicant's Submittal**



## Black Hawk

PO Box 68, Black Hawk, CO 80422

## Annexation

23BH-PL00015

### Application Details

<b>Application Date:</b> 04/13/2023 <b>Acceptance Date:</b> 04/13/2023 <b>Job Site Address:</b> Maryland Mountain Quartz Valley, Black Hawk, CO 80422 <b>Category:</b> Planning <b>Permit Type:</b> Annexation	<b>Property Owner:</b> BLM <b>Mailing Address:</b>  <b>Phone:</b> <b>Email:</b>
<b>Description of Work:</b> P-19-17 Quartz Valley / Maryland Mountain -2023 Annexations 1, 2 & 3 Annexation and zoning of 2.93 acres of enclaves	
<b>Contractors:</b>	<b>Applicant:</b> <b>Name:</b> Cynthia Linker <b>Phone:</b> (303) 582-0615 <b>Email:</b> CLinker@cityofblackhawk.org <b>Occupant:</b> <b>Name:</b> <b>Phone:</b> <b>Email:</b>
<b>Permit Fields</b>	
<b># Parking Spaces:</b> <b>Lot Size:</b> <b>Required Setback East:</b> <b>Required Setback North:</b> <b>Required Setback South:</b> <b>Total Square Footage:</b>	<b>Estimated Valuation:</b> \$0.00 <b>Required Setback Back:</b> <b>Required Setback Left:</b> <b>Required Setback Right:</b> <b>Required Setback West:</b>
<b>Application Terms</b>	
I, as the applicant, hereby certify that I believe to the best of my knowledge that all information supplied with this application is true and accurate and that consent of the property owner has been obtained. I also commit to pay all fees based on the City of Black Hawk's adopted fee schedule.	
Submitted by: Julie.esterl@baselinecorp.com	

**This document is NOT a permit and does not constitute approval or authorize any construction or changes to the above location.**



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning the initial zoning of newly annexed land to the History Appreciation Recreation Destination (HARD) zoning district, located on properties described in Exhibit A and generally located on Maryland Mountain, pursuant to the City of Black Hawk zoning ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

### ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC  
City Clerk

### EXHIBIT A

PARCELS OF LAND IN SECTION 12, TOWNSHIP 3 SOUTH, RANGE 73 WEST AND SECTION 6, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GILPIN, STATE OF COLORADO, AS DESCRIBED IN QUARTZ VALLEY / MARYLAND MOUNTAIN - 2023 ANNEXATIONS NOS. 1, 2, 3, 4 AND 5.

**COUNCIL BILL 20  
ORDINANCE 2023-20**

**A BILL FOR AN  
ORDINANCE REZONING  
CERTAIN PROPERTIES  
KNOWN AS LOTS 6-12,  
BLOCK 42 WITHIN THE  
CITY OF BLACK HAWK  
TO THE HISTORY  
APPRECIATION  
RECREATION  
DESTINATION (HARD)  
ZONE DISTRICT**

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

**COUNCIL BILL NUMBER: CB20**

**ORDINANCE NUMBER: 2023-20**

**TITLE: A BILL FOR AN ORDINANCE REZONING CERTAIN PROPERTIES KNOWN AS LOTS 6-12, BLOCK 42 WITHIN THE CITY OF BLACK HAWK TO THE HISTORY APPRECIATION RECREATION DESTINATION (HARD) ZONE DISTRICT**

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

Section 1. Findings of Fact.

- A. Application has been made by the City of Black Hawk as the property owner to rezone certain properties known as Lots 6-12, Block 42 within the City of Black Hawk (the "Property") within the City of Black Hawk, Colorado, to be within the History Appreciation Recreation Destination (HARD) Zone District.
- B. Public notice has been given of such rezoning 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.
- C. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.
- D. A need exists for rezoning the Property pursuant to Section 16-121 of the City of Black Hawk Zoning Ordinance to the extent provided herein.

Section 2. The Property is hereby rezoned to History Appreciation Recreation Destination (HARD) 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 14<sup>th</sup> day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa Greiner, CMC, City Clerk

# CITY OF BLACK HAWK

## REQUEST FOR COUNCIL ACTION

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**SUBJECT:** A Bill for an Ordinance Rezoning Certain Annexed Property within the City of Black Hawk to History Appreciation Recreation Destination (HARD) Located South of Gregory Point.

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** Ordinance 2023-20 - A BILL FOR AN ORDINANCE REZONING CERTAIN PROPERTIES KNOWN AS LOTS 6-12, BLOCK 42 WITHIN THE CITY TO THE HISTORY APPRECIATION RECREATION DESTINATION (HARD) ZONE DISTRICT

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:** The City of Black Hawk submitted an application to rezone multiple lots within the city limits, south of Gregory Point. The lots included in the rezoning request are Lots 6-12, Block 42, in the original City of Black Hawk Subdivision. The purpose of the rezone application is to designate the properties with a zoning district that is more appropriate to each of their intended uses, and for consistency in zoning with adjacent properties. The seven (7) lots included in the rezone application are currently zone Historic Residential (HR), and are proposed to be zoned History Appreciation Recreation Destination (HARD).

**AGENDA DATE:** June 14, 2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** ☒ Yes ☐ No

**STAFF PERSON RESPONSIBLE:** Cynthia L. Linker  
CP&D Director

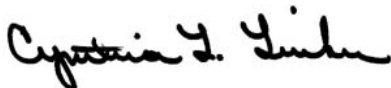
**DOCUMENTS ATTACHED:** Ordinance 2023-20  
Staff Report

**RECORD:** ☒ Yes ☐ No

**CoBH CERTIFICATE OF INSURANCE REQUIRED** ☐ Yes ☒ No

**CITY ATTORNEY REVIEW:** ☒ Yes ☐ N/A

**SUBMITTED BY:**



Cynthia L. Linker, CP&D Director

**REVIEWED BY:**



Stephen N. Cole, City Manager



A handwritten signature in black ink, appearing to read 'Vincent Harris', written in a cursive style.

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Vincent Harris, AICP, Baseline Corporation

# **Staff Report**

**CITY OF BLACK HAWK  
PLANNING / LAND USE**

Date prepared: May 22, 2023  
Meeting Date: June 14, 2023

**STAFF REPORT:** Rezoning of Lots 6-12, Block 42 to HARD  
**For:** City Council  
**Project Number:** P-23-19  
**Property Address:** Block 42, Lots 6-12; South of Gregory Point, Black Hawk, CO  
**Applicants:** City of Black Hawk  
**Zoning:** Historic Residential (HR) - Existing  
**Prepared by:** Alyssa Rivas - Baseline Corporation  
**Approved by:** Vincent Harris, AICP - Baseline Corporation  
**Reviewed by:** Cynthia Linker, CP&D Director



**BACKGROUND:**

The City of Black Hawk submitted an application to rezone multiple lots within the city limits, south of Gregory Point. The lots included in the rezoning request are Lots 6-12, Block 42, in the original City of Black Hawk Subdivision. The purpose of the rezone application is to designate the properties with a zoning district that is more appropriate to each of their intended uses, and for consistency in zoning with adjacent properties. The seven (7) lots included in the rezone application are currently zone Historic Residential (HR), and are proposed to be zoned History Appreciation Recreation Destination (HARD).

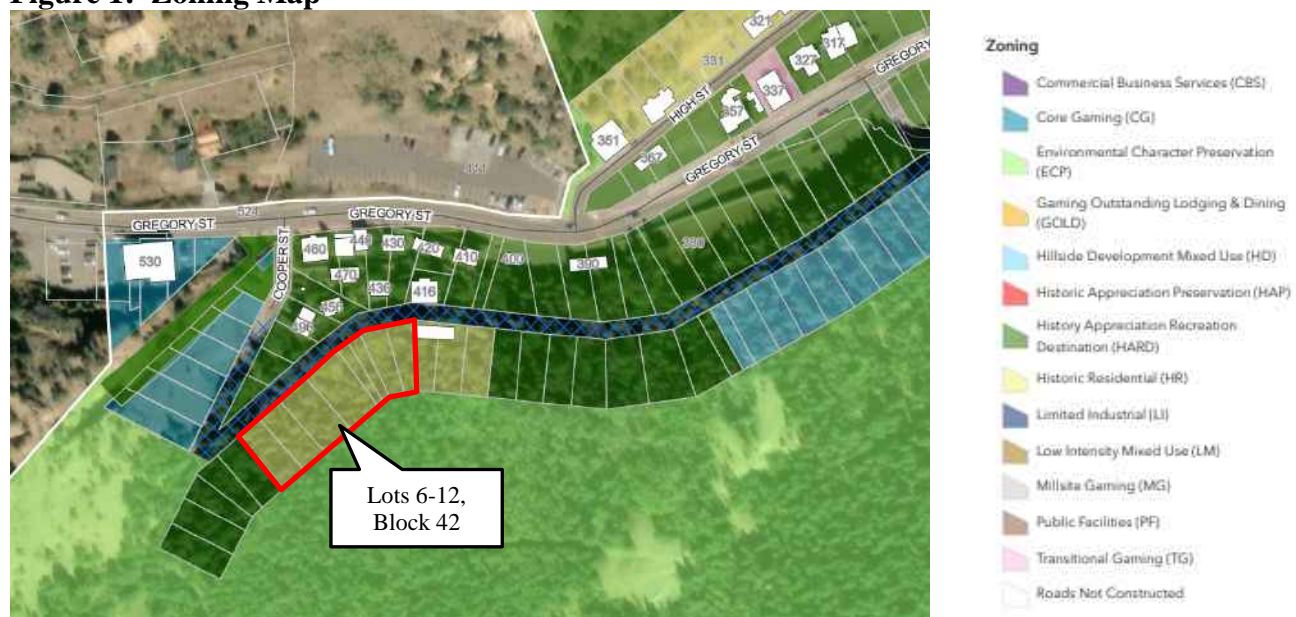
**ZONING:**

Legal: Lots 6 through 12, Block 42, City of Black Hawk Subdivision, County of Gilpin, State of Colorado. The lots are located to the south of and up the hill from Gregory Street and behind Cooper Street (outlined in red below).

Existing zoning: Historic Residential (HR)

Proposed Zoning: History Appreciation Recreation Destination (HARD)

**Figure 1: Zoning Map**



## **APPLICABLE CITY OF BLACK HAWK REGULATIONS:**

Excerpts from:

***City of Black Hawk  
Municipal Code  
Chapter 16 – Zoning  
Article XVII - Application Procedures and Submittal Requirements***

***Sec. 16-365. Rezoning procedures, amendments to zoning ordinance and special review use permits.***

*Sec. 16-365 (d) Who may apply.*

*(1) A request for an amendment to this Chapter, Zoning Map or special review use permit may be presented to the Board of Aldermen by persons owning real property within the City or residents of the City;*

*(2) Owners or residents requesting the addition of a land use into a zoning district in which it is not enumerated in this Chapter or persons appealing a determination of the Planning Director regarding the classification of a use, or pursuing a classification for which the determination of the Planning Director has been appealed, may apply to the Board of Aldermen for consideration of the proposed amendments to the zoning district; or*

*(3) An amendment to this Chapter or a rezoning may be initiated by the Board of Aldermen. Any owner or resident may suggest to the Board of Aldermen that an amendment be given consideration.*

*Sec. 16-365 (e)(5) Basis for approval. The Board of Aldermen shall give consideration to and satisfy themselves of the criteria set forth below on land use applications identified in Section 16-361 except subdivisions:*

- a. That a need exists for the proposal;*
- b. That the proposal is in conformance with the goals and objectives of the Comprehensive Plan;*
- c. That there has been an error in the original zoning; or*
- d. That there have been significant changes in the area to warrant a zone change;*
- e. That adequate circulation exists in the area of the proposal and traffic movement would not be significantly impeded by the development resulting from the proposal; and*
- f. That any additional cost for municipal-related services resulting from the proposal will not be incurred by the City.*

***Article V – Nonresidential Districts  
Division 6  
History Appreciation Recreation Destination District (HARD)***

***Sec. 16-121. Purpose and objectives.***

*(a) Purpose. The purpose of the HARD zoning district is to accommodate and allow for areas owned by, dedicated to, purchased, or acquired by the City, or dedicated to a public use, which allows for the City to provide recreation, both passive and active, and destination activities for the residents and visitors of the City. In addition, the purpose of the HARD zoning district is to accommodate and allow for areas intentionally left free from development, for the preservation of wildlife corridors/habitats, scenic viewsheds, cultural and historical areas, landmarks, and natural resources, including forest lands, range lands, agricultural lands, and lakes, reservoirs, and water storage facilities allowing for passive and active recreation.*

*(b) Objectives. The objectives of the HARD zoning district are to allow for such uses that are dedicated to serving the public, and to minimize the adverse impacts and adjacent uses and the community. In addition, the objectives of the HARD zoning district are to allow for such uses that are dedicated to serving the public and may include passive recreational activities, as well as active recreational activities such as mountain biking, hiking, and water sports associated with lakes, reservoirs, and water storage facilities.*

**Sec. 16-122. Use regulations.**

*(a) Permitted principal uses.*

- (1) Public office buildings;*
- (2) Public parking lots;*
- (3) Nature center/picnic area/trailhead;*
- (4) Trails (hard or soft surface);*
- (5) Water storage facilities, including reservoirs allowing for passive and active recreation;*
- (6) Public pedestrian malls, including retail facilities on said malls, regardless of whether such facilities are publicly owned so long as they are dedicated to a public use.*
- (7) Marijuana establishments, retail, medical or dual*

**Staff Comment:** Staff believes that the appropriate zone district for the lots described above is the HARD zone district. The existing HR zoning for the lots is not compatible with the intended use of each of the designate properties included herein. Additionally, adjacent properties to the south in Gregory Point are zoned HARD. The City may approve a proposal to rezone according to Sec. 16-365(e)(5) of the Municipal Code.

**Sec. 16-365(e)(5) Basis for approval.** *The Board of Aldermen shall give consideration to and satisfy themselves of the criteria set forth below on land use applications identified in Section 1-361 except subdivisions:*

- a. That a need exists for the proposal;*  
***Staff believes a need exists for rezoning in order to follow thru with the Comprehensive Plan and appropriately zone properties within the City of Black Hawk according to their planned uses.***
- b. That the proposal is in conformance with the goals and objectives of the Comprehensive Plan;*  
***The proposal for rezoning conforms with the adopted 2020 Comprehensive Plan.***
- c. That there has been an error in the original zoning; or*  
***Not applicable.***
- d. That there have been significant changes in the area to warrant a zone change;*  
***The character of the subject properties does not warrant the existing zoning district designation of Historical Residential (HR). Change has occurred since these properties were designated years ago with the existing zoning.***
- e. That adequate circulation exists in the area of the proposal and traffic movement would not be significantly impeded by the development resulting from the proposal; and*  
***There exists adequate circulation in the area to support the rezoning.***
- f. That any additional cost for municipal-related services resulting from the proposal will not be incurred by the City.*  
***There will be no change in municipal-related services.***

**STAFF SUMMARY:**

Staff from Baseline Corporation has evaluated the information provided and recommends that City Council pass an ordinance rezoning Lots 6 through 12, Block 42 of the original Black Hawk Subdivision, City of Black Hawk-owned property into the Historic Appreciation Recreation Destination (HARD) zone district.

**FINDINGS:**

City Council may *approve, conditionally approve, or deny* a request to zone property in the City of Black Hawk. To support this proposal, the following findings can be used:

1. The City of Black Hawk is the owner of properties in the City of Black Hawk as described above.
2. A need exists to rezone the City of Black Hawk-owned properties into the Historic Appreciation Recreation Destination (HARD).
3. The proposal to rezone is in conformance with the 2020 Comprehensive Plan.

**RECOMMENDATION:**

Baseline Staff recommends City Council consider a **MOTION TO APPROVE** an ordinance rezoning Lots 6 through 12, Block 42, City of Black Hawk-owned property into the Historic Appreciation Recreation Destination (HARD) zone district zone district, as more fully described in the ordinance, and with no conditions.

**Attachments:**

- Notice sent to Weekly Register-Call



# **Applicant's Submittal**

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a rezoning of city owned land to the History Appreciation Recreation Destination (HARD) zoning district, located on property described in Exhibit A and generally located south of Gregory Point, pursuant to the City of Black Hawk zoning ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, June 14, 2023 at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

### ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC  
City Clerk

### EXHIBIT A

LOTS 6-12, BLOCK 42 WITHIN THE CITY OF BLACK HAWK

**RESOLUTION 52-2023**  
**A RESOLUTION**  
**APPROVING THE**  
**TEMPORARY**  
**CONSTRUCTION**  
**EASEMENT FROM THE**  
**CITY OF BLACK HAWK**  
**TO LARRY LINKER**  
**ASSOCIATED WITH THE**  
**CONSTRUCTION**  
**OCCURRING AT 311**  
**CHASE STREET**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 52-2023

**TITLE: A RESOLUTION APPROVING THE TEMPORARY  
CONSTRUCTION EASEMENT FROM THE CITY OF BLACK  
HAWK TO LARRY LINKER ASSOCIATED WITH THE  
CONSTRUCTION OCCURRING AT 311 CHASE STREET**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
BLACK HAWK, COLORADO, THAT:

Section 1. The Temporary Construction Easement from the City of Black Hawk to  
Larry Linker associated with construction at 311 Chase Street, attached hereto as **Exhibit A**, is  
hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

RESOLVED AND PASSED this 14th day of June, 2023.

\_\_\_\_\_  
David D. Spellman, Mayor

ATTEST:

\_\_\_\_\_  
Melissa A. Greiner, CMC City Clerk

## TEMPORARY CONSTRUCTION EASEMENT

**KNOW ALL MEN BY THESE PRESENTS:** That the **CITY OF BLACK HAWK**, whose address is **P.O. BOX 68, 201 SELAK STREET, BLACK HAWK COLORADO 80422**, ("**GRANTOR**"), in consideration of **TEN DOLLARS (\$10.00)**, receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant, bargain, sell and convey to **LARRY LINKER**, whose address is **311 CHASE STREET, BLACK HAWK, COLORADO 80422**, ("**GRANTEE**"), a Temporary Easement in Block 17, Lot 9 and Block 16, Lots 1 and 2 on Chase Street, Black Hawk, Colorado 80422 for a laydown and storage area during the construction of a new residential garage at 311 Chase Street, Black Hawk, Colorado, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the tract of land described as follows:

See **EXHIBIT A**, attached hereto and incorporated herein by this reference the "Temporary Easement Property."

1. Said Temporary Easement shall be, **EFFECTIVE JUNE 15, 2023**, and terminate and be of no further force or effect one (1) year after the date of notice by the Grantee of the commencement of said temporary construction easement. More specifically, this Temporary Easement shall not commence until the Grantee provides a written notice to Grantor of the commencement of the Temporary Easement, which must be provided within one (1) year of the date of execution of this Agreement. The Grantor also grants to the Grantee the option to extend this Temporary Easement for a period not to exceed six (6) months from the date of expiration hereof.

2. Grantee will use the Temporary Easement Property on Chase Street, Black Hawk, Colorado as a laydown and storage area of materials for the construction of a new residential garage at 311 Chase Street, Black Hawk, Colorado. The Grantee agrees to restore the Temporary Easement Property to its current condition.

### 3. Indemnification and Insurance.

Grantee, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City, its officers, employees, agents and their insurers, from and against all liability, claims and demands on account of injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, which arises out of or is in any manner connected with the use of the Temporary Easement Property. Grantee, to the fullest extent permitted by law, shall defend, investigate, handle, respond and provide defense for and defend against any such liability, claims or demands at the sole expense of the Grantee, or at the option of the City, Grantee agrees to pay the City or reimburse the City for defense costs incurred by the City in connection with any such liability, claims, or demands. Grantee, to the fullest extent permitted by law, shall defend and bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not such liability, claims or demands alleged are groundless, false or fraudulent.

Grantee agrees to obtain and maintain during the life of this Temporary Easement Property, a policy or policies of insurance against all liability, claims, demands and other obligations assumed by the Grantee herein. Grantee shall obtain and maintain during the life of this Temporary Easement, the minimum insurance coverage as follows: General Public Liability Insurance to be written with a limit of liability of not less than One million dollars (\$1,000,000) for all damages arising out of bodily injury, personal injury (including coverage for employee and contractual acts), including death, at any time resulting therefrom, sustained by any one person and not less than two million dollars (\$2,000,000) for all damages arising out of bodily injury, including death, at any time resulting therefrom, sustained by two or more persons in any one accident. This policy shall also include coverage for blanket contractual and independent contractor risks. The limits of General Public Liability Insurance for broad form property damage (including products and completed operations) shall be not less than one million dollars (\$1,000,000) for all damages arising out of injury to or destruction of property in any one (1) accident and not less than two million dollars (\$2,000,000) for all damages arising out of injury to, or destruction of property, including the City's property, during the policy period. The General Public Liability Insurance policy shall include coverage for explosion, collapse and underground hazards. The policy shall contain a severability of interests provision. The parties hereto understand and agree that the City is relying on, and does not waive or intend to waive, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, 24-10-101 et seq. C.R.S., as from time to time amended, or otherwise available to the City, its officers or employees.

4. The parties hereto agree that neither has made nor authorized any agreement with respect to the subject matter of this instrument other than expressly set forth herein, and no oral representation, promise or consideration different from the terms herein contained shall be binding on either party, or its agents or employees hereto.

5. Grantor warrants that he has full and lawful authority to make the grant hereinabove contained, and promises and agrees to defend Grantee in the exercise of its rights hereunder against any defect in Grantor's title to the land involved or Grantor's rights to make the grant hereinabove contained.

6. Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders. All of the covenants herein contained shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns.



**WITNESS** our hand(s) and seal(s) this 14<sup>th</sup> day of June 2023.

**GRANTOR: CITY OF BLACK HAWK**

By: \_\_\_\_\_  
David D. Spellman, Mayor

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Melissa A. Greiner, CMC  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Corey Y. Hoffmann, City Attorney

**GRANTEE: LARRY LINKER**

By: \_\_\_\_\_

Larry Linker, Property Owner  
311 Chase Street, Black Hawk, Colorado

Date: \_\_\_\_\_

**STATE OF COLORADO** )

) ss.

**COUNTY OF GILPIN** )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June 2023 by Larry Linker, as Property Owner of 311 Chase Street, Black Hawk, Colorado, 80422.

**WITNESS** my hand and official seal:

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
Address:

**EXHIBIT A**

City of Black Hawk  
Block 17 Lots 3 - 5 & 9  
Block 16 Lots 1 - 2

0 50  
Feet

1 inch = 50 feet



Aerial Photograph Date: 2014  
Date: 9-12-19



**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

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**SUBJECT:**

To consider a resolution approving a Temporary Construction Easement from the City granting Larry Linker, 311 Chase Street, permission to stockpile dirt and rock on the City lots located on Chase Street, Block 16, Lots 1 and 2, and Block 17, Lot 9, during the construction of a 3-car garage.

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE:** Resolution 52-2023, a Resolution approving a Temporary Construction Easement between the City and Larry Linker granting permission to stockpile dirt and rocks on the City lots located on Chase Street, Block 16, Lots 1 and 2, and Block 17, Lot 9, during the construction of a garage at 311 Chase Street.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The applicant, Larry Linker, requests a Temporary Construction Easement from the City of Black Hawk to stockpile materials while constructing a new 3-car garage at 311 Chase Street. The property owner plans to utilize the dirt and rock material stored on the City lots in the project. Upon project completion, the property owner will remove any remaining material from the City lots.

**AGENDA DATE:** 6/14/2023

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

**STAFF PERSON RESPONSIBLE:** Emily Richards  
Development Services Coordinator

**DOCUMENTS ATTACHED:** Resolution 52-2023

**RECORD:** [ ]Yes [ X ]No

**CoBH CERTIFICATE OF INSURANCE REQUIRED** [ ]Yes [ X ]No

**CITY ATTORNEY REVIEW:** [ ]Yes [ X ]N/A

**SUBMITTED BY:**

  
\_\_\_\_\_  
Emily Richards  
Development Services Coordinator

**REVIEWED BY:**

  
\_\_\_\_\_  
Stephen N. Cole, City Manager



**RESOLUTION 53-2023**  
**A RESOLUTION**  
**CONDITIONALLY**  
**APPROVING A**  
**CERTIFICATE OF**  
**APPROPRIATENESS FOR**  
**THE EXTERIOR**  
**RENOVATIONS TO THE**  
**CITY OF BLACK HAWK**  
**CITY HALL LOCATED AT**  
**201 SELAK STREET**

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

**Resolution No. 53-2023**

**TITLE:       A RESOLUTION CONDITIONALLY APPROVING A CERTIFICATE OF  
APPROPRIATENESS FOR THE EXTERIOR RENOVATIONS TO THE  
CITY OF BLACK HAWK CITY HALL LOCATED AT 201 SELAK  
STREET**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
BLACK HAWK, COLORADO, THAT:

Section 1.     The City Council hereby determines to approve the Certificate of  
Appropriateness for the exterior renovations to the City of Black Hawk City Hall, located at 201  
Selak Street, on the following conditions:

- A.     The work proposed will match the design plans as submitted, dated May 16, 2023;  
and
- B.     The approval of the Certificate of Appropriateness is valid for one hundred eighty  
(180) days, and if construction is not commenced within one hundred eighty (180) days,  
such approval shall expire.

RESOLVED AND PASSED this 14th day of June, 2023.

\_\_\_\_\_  
David D. Spellman, Mayor

ATTEST:

\_\_\_\_\_  
Melissa A. Greiner, CMC, City Clerk

# **CITY OF BLACK HAWK**

## **REQUEST FOR COUNCIL ACTION**

---

### **SUBJECT:**

To consider a resolution approving a Certificate of Appropriateness for exterior renovations to the property at 201 Selak Street, known and utilized as the Black Hawk City Hall.

### **RECOMMENDATION:**

The Historic Preservation Commission recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO CONDITIONALLY APPROVE:** Resolution 53-2023, a Resolution conditionally approving a Certificate of Appropriateness for the exterior renovations to the City of Black Hawk City Hall located at 201 Selak Street:

1. The work proposed will match the design plans as submitted, dated May 16, 2023; and
2. The approval of the Certificate of Appropriateness is valid for one hundred eighty (180) days, and if construction is not commenced within one hundred eighty (180) days such approval shall expire.

### **SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The applicant, City of Black Hawk (City), requests a Certificate of Appropriateness for exterior renovations to the property at 201 Selak Street, known as the Black Hawk City Hall. This property is zoned Historic Appreciation Preservation (HAP). The Black Hawk City Hall was listed as a Black Hawk Local Landmark in 2017.

The City proposes to complete exterior renovations to the City Hall, including installing Copper Gutters and Downspouts to a portion of the building. All submitted work is on the exterior of the building.

The applicant has submitted a proposed design dated May 16, 2023, containing proposed alterations to the building's exterior. Photographs used to establish changes to the building over time and identify historic or non-historic nature of individual features associated with the building were taken from the City record, namely the 1986 and 2010 historic surveys of the property as well as the 2016 Local Historic Landmark Nomination Form. The work proposed does not remove historic materials on the property, and alterations are in accordance with the SOI Standards of Rehabilitation for the protection and maintenance of historic masonry. The work proposed is minimal and external elements of the building will not be negatively affected. The work is reflective of the criteria for issuing a COA contained in the City of Black Hawk municipal code, Chapter 16, Section 16-429.

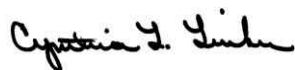
The work proposed does not negatively affect materials associated with the historic portion of the Black Hawk City Hall building and will help to preserve the materials associated with the historic portion of the building. The proposed work will not impact the architectural style, arrangement, texture, or material of the building, nor will it impact its relation and compatibility with other historic landmarks.

The proposed work will slightly alter the exterior features of the building upon which such work is being done. The proposed project includes the installation of a 5” copper, half-round, single-bead gutter along the front of the building just below the intermediate ledge, approximately 1’ below the parapet cap. Additionally, the proposed work will include the addition of a 3” copper, round, corrugated downspout and a concrete splashblock in the landscaping area on the southwest elevation of the building. Although the project will slightly alter the historic façade of the building, installation of water drainage infrastructure will help to preserve the historic masonry on the façade of the building. Furthermore, gutters can be easily added and removed without damaging the façade of the building and are not permanent fixtures.

Because every building permit application for a locally designated historic landmark must first be submitted to the Historic Preservation Commission, the Commission reviewed the application at their June 13, 2023 meeting and found it complied with the criteria for approval in the Black Hawk Municipal Code, Chapter 16, Section 16-429. The Historic Preservation Commission recommends Conditional Approval of the COA with ratification by the City Council at its June 14, 2023 meeting.


Refer to the Staff Report included with this Request for Council Action.

<b><u>AGENDA DATE:</u></b>	6/14/2023
<b><u>WORKSHOP DATE:</u></b>	N/A
<b><u>FUNDING SOURCE:</u></b>	N/A
<b><u>DEPARTMENT DIRECTOR APPROVAL:</u></b>	[ X ]Yes    [ ]No
<b><u>STAFF PERSON RESPONSIBLE:</u></b>	Cynthia Linker Planning Director
<b><u>DOCUMENTS ATTACHED:</u></b>	Resolution 53-2023 Staff Report Attachments A thru E
<b><u>RECORD:</u></b>	[ ]Yes    [ X ]No
<b><u>CoBH CERTIFICATE OF INSURANCE REQUIRED</u></b>	[ ]Yes    [ X ]No
<b><u>CITY ATTORNEY REVIEW:</u></b>	[ ]Yes    [ X ]N/A
<b><u>SUBMITTED BY:</u></b>	<b><u>REVIEWED BY:</u></b>



---

Cynthia L. Linker, CP&D Director



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Stephen N. Cole, City Manager

**CITY OF BLACK HAWK**  
**PLANNING / LAND USE**

Report Date: June 7, 2023  
HPC Meeting Date: June 13, 2023  
Council Meeting Date: June 14, 2023

**STAFF REPORT:**

**For:** Mayor and Board of Aldermen  
**Project:** Certificate of Appropriateness for City Hall  
**Property Address:** 201 Selak Street, Black Hawk, CO 80422  
**Property Owner:** City of Black Hawk  
**Zoning:** Historic Appreciation and Preservation (HAP)  
**Prepared by:** Daniel W. Gilbert, Pinyon Environmental, Historic Preservation Consultant  
**Reviewed by:** Cynthia Linker, City of Black Hawk

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**BACKGROUND:**

The applicant, City of Black Hawk (City), is requesting a Certificate of Appropriateness for the installation of a gutter on the building at 201 Selak Street, known as the Black Hawk City Hall and used as a municipal office building. This property is zoned Historic Appreciation Preservation (HAP).

The Black Hawk City Hall was evaluated in 1986 and 2010, although the 1986 evaluation used the former address of the building, which was 201 Gregory Street. The Black Hawk City Hall was nominated as a Black Hawk Local Landmark in 2016 and was listed as a Black Hawk Local Landmark in 2017. The property is recorded as a contributing resource in the Central City-Black Hawk National Historic Landmark as Black Hawk City Hall (5GL.7.356). The 2010 site survey indicates the building was constructed in 1877 at a cost of between \$2800 and \$5000. The survey further notes that the building housed hand-drawn hose carts for the Black Hawk Fire & Hose Company on the ground floor and city offices upstairs.

The Local Landmark nomination describes the building as follows:

*Black Hawk's City Hall building is a variant of a 19<sup>th</sup> century commercial type building. Like commercial buildings, it is a rectangular building whose footprint fills up the width of the lot – in this case, 25' wide. It is two stories in height, with a flat roof and ornamental detailing on the façade. There is a corbelled brick entablature at the cornice, and decorative recessed brick panels beneath the cornice. Like other historic commercial buildings, the second story windows are smaller than the typical storefront display windows on the ground level. Here, the tall, narrow 6/4 double-hung windows have semi-elliptical arches with keystones. However, the City Hall building differs from historic commercial buildings on the first level. Instead of a storefront with wide display windows, it has two entrances and no windows. This reflects the original use of the structure as a city government building. The upper story contained rooms for the operation of the city government, while the lower level housed the fire department. Both ground level entrances have semi-circular arched openings, with a larger vehicular entry on the west side for the city's fire carts. The other three sides of the building are constructed of stone. There are no windows on the side elevations, but the rear has a door and two windows which are deeply recessed into the second story.*

**Figure 1: Location Map**



**REQUEST:**

The City proposes to complete minor exterior alterations to the Black Hawk City Hall, including installation of a 5" copper, half-round, single-bead gutter along the front of the building just below the intermediate ledge, approximately 1' below the parapet cap. Additionally, the proposed work will include the addition of a 3" copper, round, corrugated downspout and a concrete splashblock in the landscaping area on the southwest elevation of the building.



**Figure 2: Plan Sheets Showing Proposed Alterations**



**REVIEW:**

The City of Black Hawk Zoning Code, Chapter 16 regulates historic preservation within the City. Section 16-429 provides the *Criteria for approval* for issuing a Certificate of Appropriateness (COA) for work proposed on a City of Black Hawk Local Landmark.

**APPLICABLE CITY OF BLACK HAWK REGULATIONS****Excerpt from:*****Chapter 16******Sec. 16-429, Criteria for approval***

- (a) In order for the Commission to grant a COA for ratification by City Council for any application for a COA for a building permit for a locally designated historic landmark or for demolition of a locally designated historic landmark, the Commission shall determine that the application meets the following criteria:
- (1) The proposed work is consistent with and promotes the purposes of this Article;
  - (2) With respect to an existing building, the proposed work will not adversely materially affect the property's historic quality;
  - (3) The proposed work will have no adverse material effect on the historic atmosphere and character of the historic landmark, including state and national designations; and
  - (4) The proposed work is in compliance with all current applicable design guidelines.

**Staff Comment: The work proposed is consistent with the purpose of this Article, which includes protecting the character of each zoned district within the City, conservation of the value of buildings and property, and encouraging appropriate uses of land and buildings within the City.**

- (b) In determining compliance with the criteria of this Section with regard to contributing buildings in a locally designated historic district, the Commission shall consider the following:
- (1) The effect upon the general historic and architectural character of the building;
  - (2) The architectural style, arrangement, texture and material used on the existing and proposed buildings and their relation and compatibility with other historic landmarks, including state and national designations;
  - (3) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the building upon which such work is done;
  - (4) The effects of the proposed work upon the protection, enhancement and perpetuation of the building;
  - (5) The condition of existing improvements and whether they are a hazard to public health and safety;
  - (6) The compatibility of accessory buildings, structures and fences with the main building and with other historic landmarks; and

- (7) Substantial compliance with the Secretary of the Interior Standards as they apply to building exteriors only, except those relating to paint color, which shall not apply.

**Staff Comment:**

**Items (5) and (6) do not apply to the subject review; no known health and safety concerns are connected to the work and the work does not concern accessory buildings.**

**The proposed work aligns with Item (7) in that it adheres to the Secretary of the Interior (SOI) Standards for Rehabilitation. The SOI Standards for Rehabilitation, as they apply to building exteriors and the protection and maintenance of historic brick masonry, recommend the “...protect[ion] and maintain[ance] of masonry by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.”**

- (c) With regard to determining compliance of noncontributing buildings, the Commission shall consider the following:
  - (1) Noncontributing buildings should be compatible with contributing buildings;
  - (2) Noncontributing buildings should not attempt to mimic or duplicate the historic features of contributing buildings; and
  - (3) Contemporary designs that creatively draw upon the important characteristics of a historic district are favored.

**Staff Comment: This section does not apply; the building is a local landmark and considered a contributing building in the National Historic Landmark District.**

**STAFF SUMMARY:**

The applicant has submitted a proposed design dated May 16, 2023, containing proposed alterations to the building’s exterior. Photographs used to establish changes to the building over time and identify historic or non-historic nature of individual features associated with the building were taken from the City record, namely the 1986 and 2010 historic surveys of the property as well as the 2016 Local Historic Landmark Nomination Form. The work proposed does not remove historic materials on the property, and alterations are in accordance with the SOI Standards of Rehabilitation for the protection and maintenance of historic masonry. The work proposed is minimal and external elements of the building will not be negatively affected. The work is reflective of the criteria for issuing a COA contained in the City of Black Hawk municipal code, Chapter 16, Section 16-429.

**FINDINGS:**

The Mayor and Board of Aldermen may approve, conditionally approve, or deny the application for a **Certificate of Appropriateness**. Findings follow that may be referred to in order to relate to the criteria in Section 16-249.

- (1) Implementation of the work proposed will not diminish the features of the building causing it to be listed as a City of Black Hawk Local Landmark.
- (2) Implementation of the work proposed will not alter or remove historic materials associated with the Black Hawk City Hall.

- (3) Implementation of the work proposed may be reversed without damage to historic materials associated with the Black Hawk City Hall.
- (4) Implementation of the work proposed reflects the goals and objectives cited in the purpose of Chapter 16 of the City of Black Hawk Zoning Code.

**RECOMMENDATION:**

The Historic Preservation Commission recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO CONDITIONALLY APPROVE Resolution No. 53-2023, a Resolution conditionally approving a Certificate of Appropriateness for the exterior renovations to the City of Black Hawk City Hall located at 201 Selak Street with the following conditions:**

1. The work proposed will match the design plans as submitted, dated May 16, 2023; and
2. The approval of the Certificate of Appropriateness is valid for one hundred eighty (180) days, and if construction is not commenced within one hundred eighty (180) days such approval shall expire.

**ATTACHMENTS:**

- A. City Hall Gutter Design Plans (May 16, 2023)
- B. 1986 Cultural Resource Form
- C. 2010 Cultural Resource Resurvey Form
- D. 2016 Local Landmark Designation Form
- E. 2017 Recorded Ordinance 2017-1

# **ATTACHMENT A**

## **City Hall Gutter Design Plans (May 16, 2023)**



COPPER END CAP



COPPER  
GUTTER OUTLET

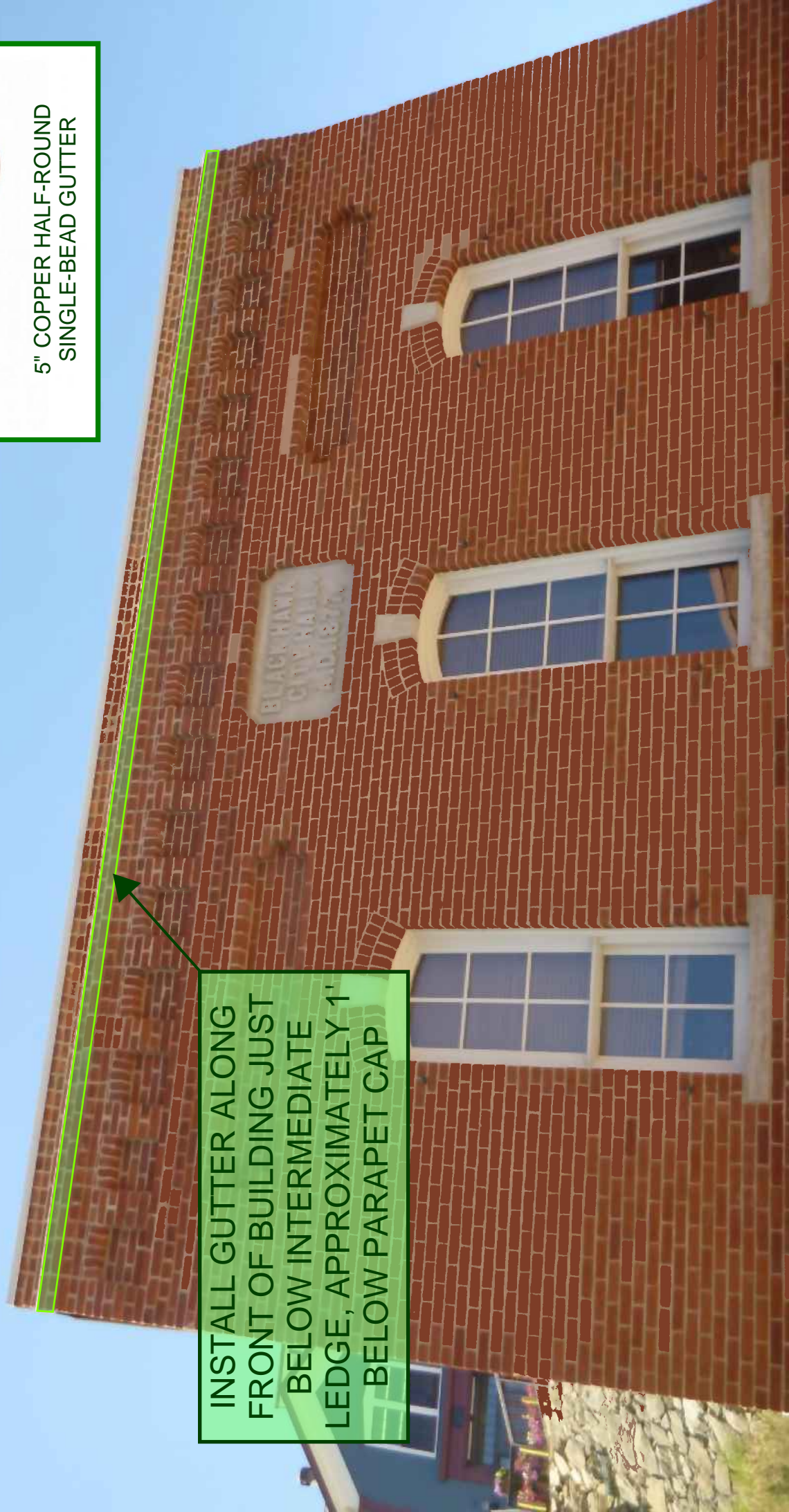


#10 COMBO SHANK AND  
CIRCLE GUTTER HANGER



5" COPPER HALF-ROUND  
SINGLE-BEAD GUTTER

INSTALL GUTTER ALONG  
FRONT OF BUILDING JUST  
BELOW INTERMEDIATE  
LEDGE, APPROXIMATELY 1'  
BELOW PARAPET CAP







METCO PIPE BAND  
FOR 3" DOWNSPOUT

3" COPPER ROUND  
CORRUGATED DOWNSPOUT

INSTALL  
DOWNSPOUT  
AS SHOWN

INSTALL  
CONDUCTOR  
HEAD



STANDARD COPPER CONDUCTOR HEAD

INSTALL  
DOWNSPOUT  
AS SHOWN

INSTALL CONCRETE  
SPLASHBLOCK IN  
LANDSCAPING AREA

# **ATTACHMENT B**

## **1986 Cultural Resource Form**

**CENTRAL CITY - BLACK HAWK HISTORIC DISTRICT  
GILPIN COUNTY, COLORADO**

Page 9

<b>BUILDING NAME</b> Black Hawk City Hall	<b>BLOCK NUMBER</b> 28	<b>LOT NUMBER</b> E 1/3 of lot 5, W1/3 of 6	<b>DATE OF CONSTRUCTION</b> 1877
<b>ADDRESS</b>  201 Gregory Street (old Selak Street) Black Hawk		<b>STYLE</b>	
		<b>PRESENT USE</b> City Hall	
<b>PROPERTY TYPE:</b>		<b>ASSOCIATED BUILDINGS</b>	
<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> ACADEMIC		<b>ADDITIONS AND ALTERATIONS</b>	
<input checked="" type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> OTHER		<b>CONDITION</b>	
<input type="checkbox"/> RELIGIOUS         institutional/ civic		Fair	

No drawing available



**ARCHITECTURAL DESCRIPTION**

The building is a two story structure with brick facade and stone construction on the remaining sides. The brick facade has a corbeled entablature, recessed rectangular panels directly under the cornice. Windows are segmental arched, with keystones and radiating voussoirs. There are decorative iron stars on the facade and arched entrances used at one time for the fire trucks.

**STATEMENT OF SIGNIFICANCE**

The City Hall was completed in December of 1877 at a cost of \$5,000.00. The first floor was at one time used by the Fire Department.

## SITE DESCRIPTION

The building is free standing; the rear elevation is built into the side of a hill. There are narrow steps to the left of the building that lead to the Black Hawk School on Bates Hill. .

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## COMMENTS

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## REFERENCES

Colorado Preservation Office Resource No. 5 GL 245

Hollenback, Frank R. Central City and Black Hawk; Then and Now:  
(Denver, Colorado: Sage Books, 1961) pp. 118-119

---

**PREPARED BY:**  
Mary Boyle, Intern  
Rickey L. Hendricks, Supervisor

**DATE**

8/86

## **ATTACHMENT C**

### **2010 Cultural Resource Resurvey Form**

BLACK HAWK CULTURAL RESOURCE SURVEY  
**Cultural Resource Re-evaluation Form**  
(page 1 of 2)

1. Current Address: **201 Selak**
2. Resource Number: **5GL.7.356**
3. NHL Resource Number: **B28-5**
4. Resource Name: **Black Hawk City Hall**
5. Purpose of this current site visit (check as many as apply)
- ☐ Site is within a current project area
  - ☒ Resurvey
  - ☒ Update of previous site form(s)
  - ☐ Surface collection
  - ☐ Testing to determine eligibility
  - ☐ Excavation
  - ☐ Other
6. Previous Recordings:
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1986 National Park Service Survey          | <input checked="" type="checkbox"/> Photograph |  |
| <input checked="" type="checkbox"/> 1991 National Historic Landmark Nomination | No Photographs                                 | <input checked="" type="checkbox"/> Contributing |
| <input checked="" type="checkbox"/> 1998 Re-survey                             | <input checked="" type="checkbox"/> Photograph |  |
| <input checked="" type="checkbox"/> 2004 Photo survey                          | <input checked="" type="checkbox"/> Photograph |  |
| <input type="checkbox"/> Other:  | <input type="checkbox"/> Photograph            |  |
7. Exterior alterations since 1986: **1997: demolish old and construct new stairs.**
8. Additional historical background: **One of the oldest operating municipal halls in continuous use in Colorado. Sources vary as to the cost of its original construction in 1877 – from than \$2800 to \$5000. The building housed the hand-drawn hose carts for the Black Hawk Fire & Hose Company on the ground floor and city offices upstairs.**

1877 Construction date ☒ Estimate from 1986 NPS Survey ☐ New estimate

Sources of information: *Guide to Central City & Black Hawk (Pearce & Pfaff); Central City and Black Hawk, Colorado: Then and Now (Hollenback)*

Sanborn Maps

- ☒ 1886
- ☒ 1890
- ☒ 1895
- ☒ 1900



Current Address: **201 Selak**

(page 2 of 2)

Resource Number: **5GL.7.356**

NHL Resource Number: **B28-5**

9. Changes to Location or Size Information: **n/a**

10. Revised National Historic Landmark District- Contributing Building Eligibility Assessment:

Contributing **X** Non contributing        Need data       

11. National Register - Individual Eligibility Assessment:

Eligible **X** Not eligible        Need data       

12. Is there National Register district potential? Yes        No **X**

Discuss: **Extensive alterations in the commercial district affect potential district eligibility**

13. Local Designation - Individual Eligibility Assessment:

Eligible **X** Not eligible        Need data       

14. Is there Local district potential? Yes **X** No       

Discuss: **This would be a contributing building to a potential local district**

15. Photograph Types and Numbers: **Digital, <.jpg> format. 201 Selak-1.JPG, 201 Selak-2.JPG**

16. Report Title: **Black Hawk Historic Resource Resurvey: 2009-2010**

17. Recorder(s): **Deon Wolfenbarger**

18. Date(s): **July 20, 2010**

19. Recorder Affiliation: **Three Gables Preservation**

20. Attachments

(check as many as apply)

**X** Photographs

       Site sketch map

       U.S.G.S. map photocopy

**X** Other                     

       Other                     

21. Official determination

(OAHF USE ONLY)

       Determined Eligible

       Determined Not Eligible

       Need Data

       Nominated

       Listed

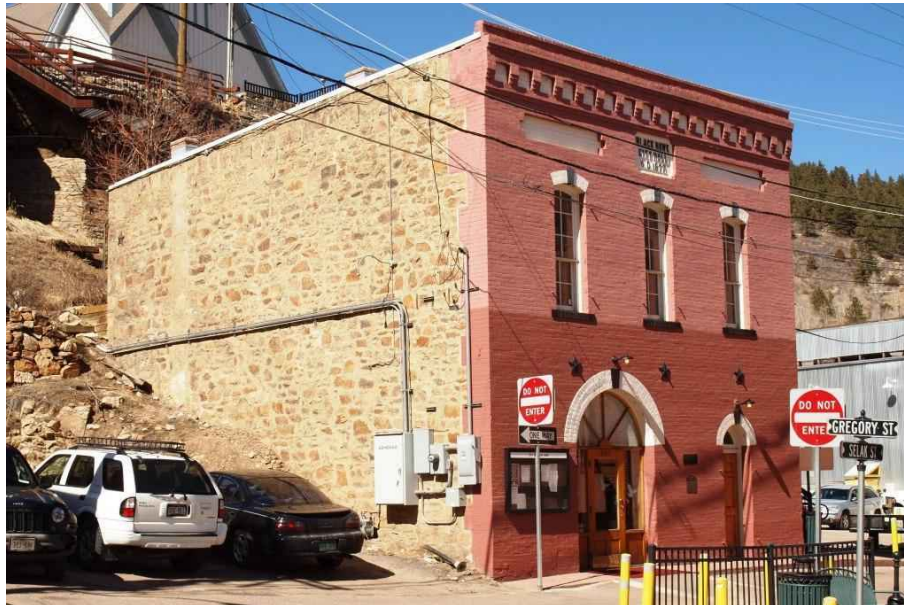
       Contributing to N.R. District

       Not Contributing to N.R. Dist

Current Address: **201 Selak**  
Resource Number: **5GL.7.356**  
NHL Resource Number: **B28-5**

Continuation Sheets

Current Photographs  
Date: **03/16/2010**



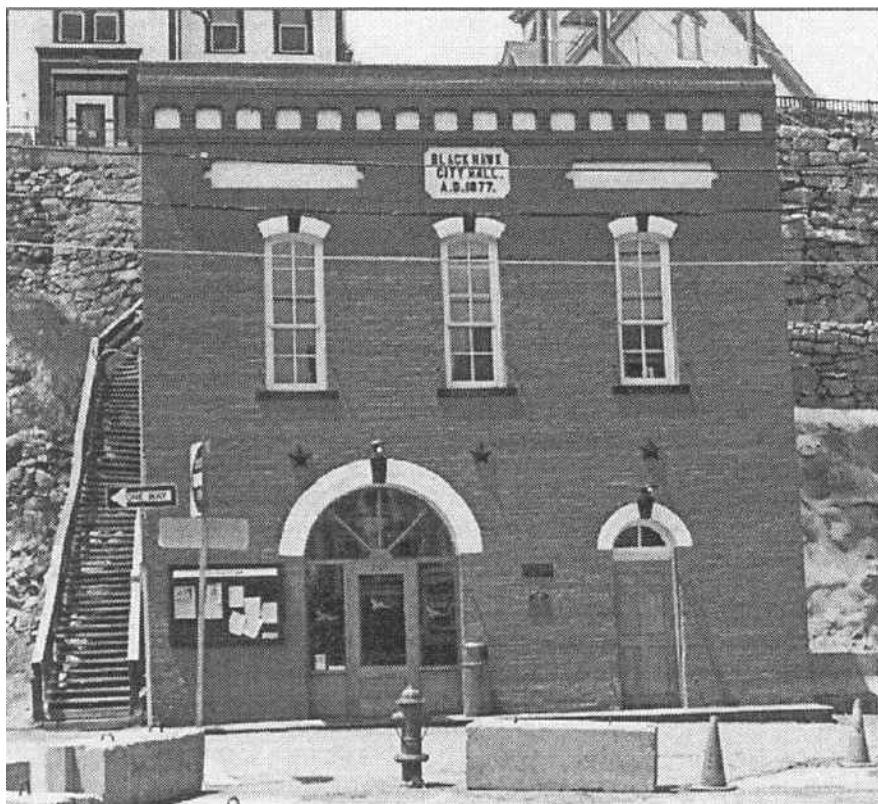
Current Address: **201 Selak**  
Resource Number: **5GL.7.356**  
NHL Resource Number: **B28-5**

Continuation Sheets

2004 Photograph



1998 Resurvey Photograph





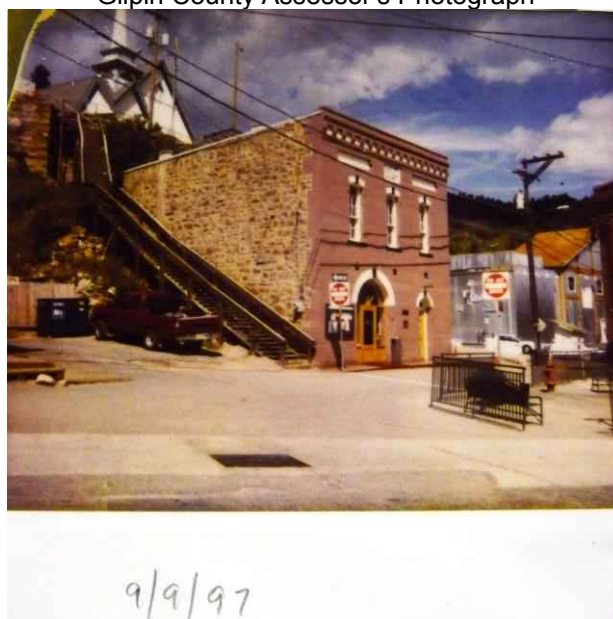
Current Address: **201 Selak**  
Resource Number: **5GL.7.356**  
NHL Resource Number: **B28-5**

Continuation Sheets

1986 Survey Photograph



Gilpin County Assessor's Photograph



Current Address: **201 Selak**  
Resource Number: **5GL.7.356**  
NHL Resource Number: **B28-5**

Continuation Sheets

Historic photographs



Current Address: **201 Selak**  
Resource Number: **5GL.7.356**  
NHL Resource Number: **B28-5**

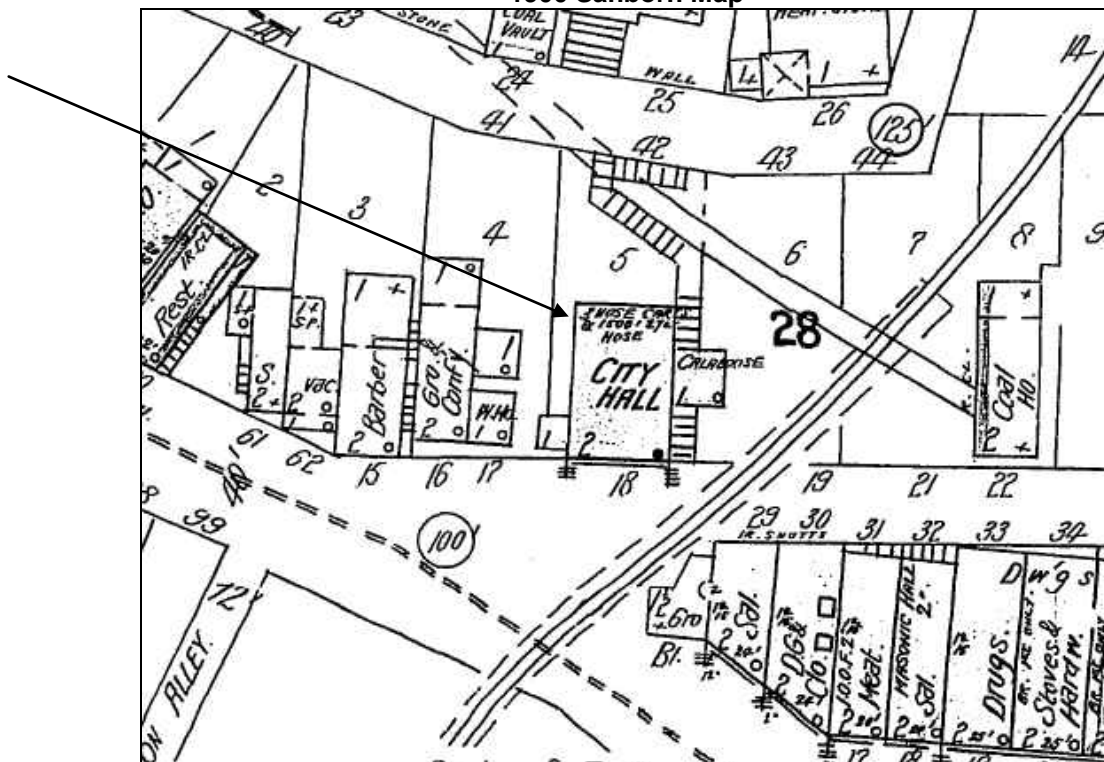
Continuation Sheets

Historic photographs (cont.)



Ca. 1910

1900 Sanborn Map





## **ATTACHMENT D**

### **2016 Local Landmark Designation Form**

## **CITY OF BLACK HAWK**

### **REQUEST FOR COUNCIL ACTION**

**SUBJECT:** The City of Black Hawk applied for a Local Historic Landmark Designation pursuant to Section 16-425(1) for the City-owned property located at 201 Selak Street, historically known as Black Hawk's City Hall.

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO CONDITIONALLY APPROVE:** *Resolution No. 91-2016 - a resolution approving a Local Historic Landmark Designation for the property at 201 Selak Street, historically known as City Hall. The property meets the Criterion A, J, L, M and N as outlined in Section 16-425 of the Black Hawk Municipal Code and presenting in the staff report dated December 5, 2016.*

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

On September 6, 2016 and again on November 15, 2016, the Historic Preservation Commission evaluated and discussed the local landmark designation application, applicable criteria, and testimony by City staff and the historic preservation consultant. At the conclusion of the discussion, the Commission provided the following comments:

1. Chairman Hailey commended Historic Preservation Consultant Wolfenbarger on the work she did complying the application for the local landmark designation of City Hall.
2. Consultant Wolfenbarger thanked Chairman Hailey for the outside research she and Mayor Spellman did on the topic.
3. Chairman Hailey noted that there is one outstanding question on a reference with the document that Administrator Linker and the Mayor will discuss.

Chairman Hailey moved to recommend to the Board of Aldermen **APPROVAL** of the Local Historic Landmark Designation for the property at 201 Selak Street, historically known as City Hall. The property meets the Criterion A, J, L, M and N as outlined in Section 16-425 of the Black Hawk Municipal Code and presented in the staff report dated September 6, 2016.

Staff revised the September 6, 2016 report and incorporated all recommended changes into the report now dated December 5, 2016.

As recommended by the Historic Preservation Commission, staff recommends City Council approve the revised report dated December 5, 2016.

**AGENDA DATE:** December 14, 2016

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**DEPARTMENT DIRECTOR APPROVAL:** [ X ]Yes [ ]No

**STAFF PERSON RESPONSIBLE:**

Cynthia Linker, CP&D

**DOCUMENTS ATTACHED:**

Resolution 91-2016, Staff Report, and  
Attachments A thru D

**RECORD:**

☒ Yes ☐ No

**CITY ATTORNEY REVIEW:**

☒ Yes ☐ N/A

**SUBMITTED BY:**

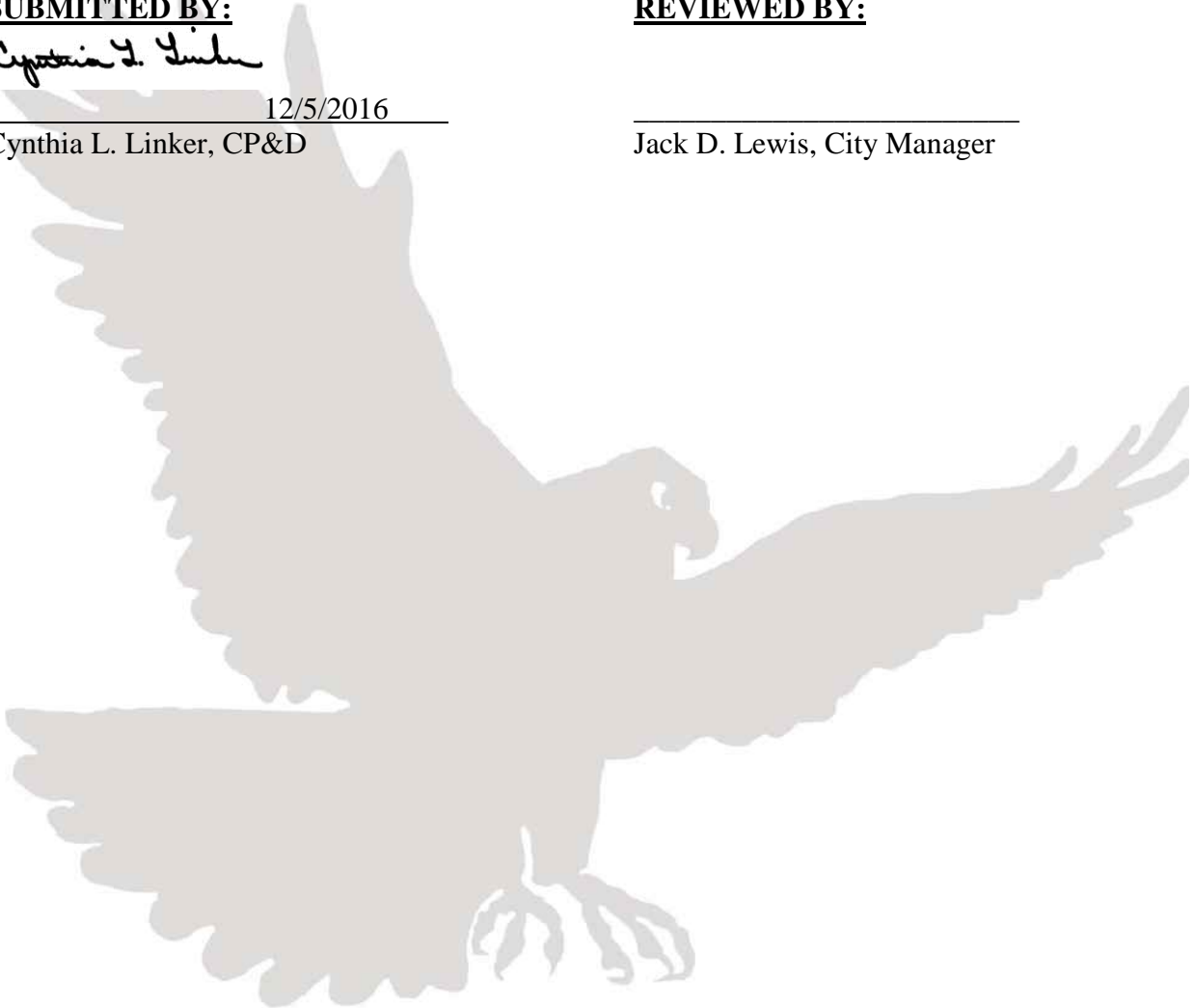
*Cynthia L. Linker*

12/5/2016

Cynthia L. Linker, CP&D

**REVIEWED BY:**

\_\_\_\_\_  
Jack D. Lewis, City Manager



**CITY OF BLACK HAWK  
PLANNING / LAND USE**

Date prepared: December 5, 2016  
HPC Meeting Date: September 6, 2016  
November 15, 2016  
City Council Meeting Date: December 14, 2016

**STAFF REPORT:**

**For:** Black Hawk City Council  
**Project:** Local Landmark Designation – City Hall  
**Property Address:** 201 Selak Street  
**Property Owner:** City of Black Hawk  
**Zoning:** HAP, Historic Appreciation and Preservation District  
**Prepared by:** Deon Wolfenbarger, Historic Preservation Consultant  
**Approved by:** Cynthia Linker, City of Black Hawk

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**BACKGROUND**

In 2015, City Council approved Resolution No. 16-2015 (Attachment A). This resolution directed the City Manager to take all necessary steps for the City to apply for a local historic landmark designation pursuant to Section 16-425(1) for the City-owned property located at 201 Selak Street, historically known as Black Hawk's City Hall. As the building was constructed in 1877, it is eligible for consideration for landmark designation based on its age. Historic Preservation Commissioner Lynnette Hailey and Mayor David Spellman completed research on the building's construction in November 2015, and the city submitted the landmark application in 2016 (Attachment B). From its construction in 1877 through the present, the building has housed offices for the City of Black Hawk. Originally, the fire department was located on the first floor and the city offices on the second floor. Except for a period when the building was being rehabilitated in the 1990s, the City Clerk's office has remained in the building since 1877. It is one of the oldest continuously used municipal government buildings in Colorado, and meets several of Black Hawk's criteria for local designation.

**APPLICABLE CITY OF BLACK HAWK REGULATIONS**

Excerpts from:

*City of Black Hawk  
Zoning Code – Chapter 16  
Section 16-425, Criteria for designation*

**Sec. 16-425. Criteria for designation.**

The Commission shall consider the following criteria when reviewing nominations for designation:

(1) Designated historic resources. Resources proposed for historic resource designation shall be at least fifty (50) years old and shall possess architectural, social or geographic/environmental importance by meeting one (1) or more of the following criteria:

[selected applicable criteria are listed below]

- a. Exemplifies specific elements of an architectural style or period.**
- j. Exemplifies cultural, political, economic or social heritage in the community.**

- l. Is identified with historical personages or groups or which represents important events in national, state or local history.**
- m. Enhances a sense of identity with the community.**
- n. Is an established and familiar natural setting or visual feature in the community.**

**Sec. 16-426. Designation procedures.**

(a) Application for designation. Landowners of any landmark proposed for designation may submit an application requesting designation to the City Manager or the City Manager's designee. Such application shall be made in writing and set forth why the applicant believes the proposed historic landmark is qualified for designation pursuant to Section 16-425 above.

(b) Commission review. If, in the opinion of the City Manager or the City Manager's designee, the application requirements have been met and the proposed historic landmark meets the criteria for designation, the application shall be referred to the Commission. The Commission shall consider the designation at its next regular meeting and submit its opinion or recommendation to the City Council.

(c) City Council review. Upon receipt of the Commission's recommendation, the City Council shall hold a hearing to consider the application for designation not more than sixty (60) days after the application's filing.

(1) Notice.

a. Written notice of the designation hearing shall be sent to all property owners of record who own or have significant legal or equitable interests in the real property being proposed for designation. Notice shall include the time, date, place and subject matter of the hearing and shall be sent via certified mail not less than seven (7) days prior to the hearing.

b. Signs indicating the proposed action and the time, date and place of the hearing shall be posted by the City for a period of not less than seven (7) days prior to the hearing on all historic landmarks proposed for designation. Such signs will be prominently displayed and easily readable from abutting public ways.

c. A legal notice indicating the nature of the hearing, the property involved and the time, date and place of the scheduled public hearing shall be published once in the official newspaper of the City not less than seven (7) days prior to the hearing.

d. Written notice of the proposed designation, including the identification of the historic landmark, the basis for the designation, procedure and the time, date and place of the hearing, shall be given to the Building Official not less than seven (7) days prior to the public hearing.

(2) Hearing process.

a. A quorum of the City Council shall conduct the hearing. If a quorum is not present, the hearing shall be rescheduled for the next scheduled City Council meeting.

b. A reasonable opportunity shall be provided to all interested parties to express their opinions regarding the proposed designation.

c. Hearings shall include records of the name and address of each speaker and the organization or person he or she represents, if any. A summary of the relevant portions of each statement and all written presentations shall be incorporated into the record of the hearing.

d. The City Council shall review the proposed designation with respect to:

- 1. Its relationship to the City's zoning regulations and other adopted planning documents;
- 2. The effect of the designation upon the surrounding neighborhood; and
- 3. Such other planning considerations as may be relevant to the proposed designation.

(3) Findings of fact and actions of City Council.

a. The City Council shall act officially on each proposed designation within thirty (30) days of the hearing thereon. The City Council may approve, reject or modify any proposal, but no proposal may be extended beyond the boundaries of the land described in the original designation application unless the initiation and hearing procedure are repeated for the enlarged boundaries. The City Council shall set forth in its records the findings of fact which constitute the basis for its decisions, and due consideration shall be given to the written or oral views of owners of affected property. If the City Council fails to act within the thirty-day period, the designation shall be deemed to have been denied.

b. If more than one (1) property is involved in the designation procedure, the City Council may approve the application in part. In no event may any property be added to the area described in the application without instituting a new designation procedure.

c. Any approved designation of a historic landmark shall be made by ordinance of the City Council.

d. No historic landmark shall be designated without the express written consent of the proposed historic landmark's landowners.

(d) Recording of designation. Within fifteen (15) days of the effective date of an ordinance designating a historic landmark, a copy of the ordinance shall be recorded in the real estate records of the County Clerk and Recorder.

(e) Notification. Within ten (10) days after the recording of the ordinance designating a historic landmark, the City Clerk shall send a letter, via certified mail, to all property owners whose property is subjected to the designation. (Ord. 2009-13 §3)

## **EVALUATION**

The City Hall building at 201 Selak Street is significant under the following selected "Criteria for Designation" for the City of Black Hawk:

***A: Exemplifies specific elements of an architectural style or period;***

***J: Exemplifies cultural, political, economic or social heritage in the community;***

***L: Is identified with historical personages or groups or which represents important events in national, state or local history.***

***M: Enhances a sense of identity with the community;***

***N: Is an established and familiar natural setting or visual feature in the community.***

### **Criterion A**

The City Hall building is one of the earliest examples in Colorado of a masonry building constructed for municipal use. Built to fit in with the surrounding commercial buildings in downtown Black Hawk, it is a variant of a 19th century commercial type building. Like commercial buildings, it is a rectangular building whose footprint fills up the width of the lot. It is two stories in height, with a flat roof and ornamental detailing on the façade. There is a corbelled brick entablature at the cornice, and decorative recessed brick panels beneath the cornice. Also like other historic commercial buildings, the second story windows are smaller than the typical storefront display windows on the ground level. The tall, narrow 6/4 double-hung windows on the second story have semi-elliptical arches with keystones. However, the City Hall building differs from historic commercial buildings on the first level. Instead of a storefront with wide display windows, it has two entrances and no windows. This reflects the original use of the structure as a city government building. The upper story contained rooms for the operation of the city government, while the lower level housed the fire department. Both



ground level entrances have semi-circular arched openings featuring keystones, with a larger vehicular entry on the west that allowed for entry by the city's fire carts. The façade has iron star anchor plates, attached to tie rods that structurally reinforce the building. The other three sides of the building are constructed of stone. There are no windows on the side elevations, but the rear has a door and two windows which are deeply recessed into the second story. While the interior has been remodeled to reflect modern office usage, there are a few historic features remaining, including the original city safe purchased from Mosler Bahmann & Co. in 1879. It is one of the oldest extant municipal government buildings in Colorado, and believed to be the oldest in continual use for its original purpose since its construction.

### **Criterion J**

The City Hall building reflects the political heritage of Black Hawk. Black Hawk is one of the many gold mining boom towns located through Gilpin County after the discovery of gold by prospector John H. Gregory in 1859. Most of these mining camps were short-lived, but a few principal communities not only survived, but thrived; Black Hawk was one of those camps that grew and prospered in the late nineteenth century. The construction of Black Hawk's first building for use by the city's government illustrates its evolution from a mining camp to a mature industrial milling town.

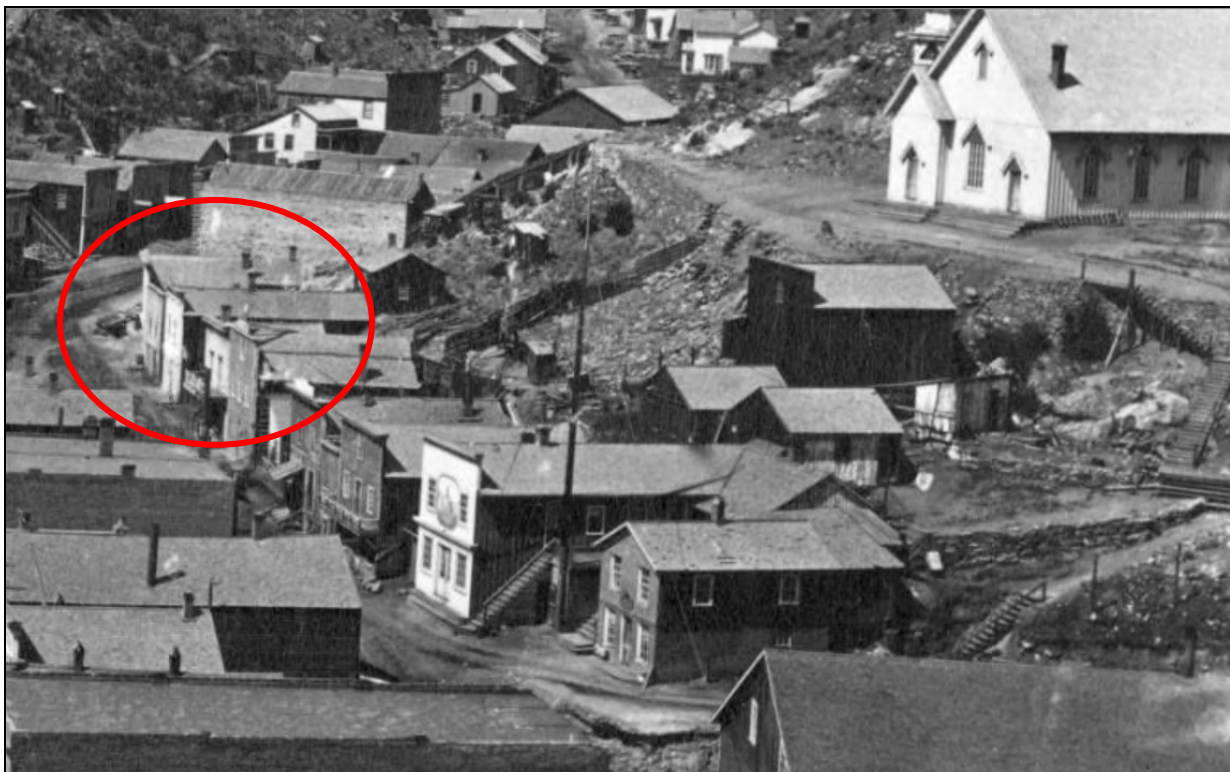
Black Hawk's location at the junction of Gregory Gulch and Clear Creek proved to be critical for its future. The earliest prospectors extracted gold through simple placer methods. Once these surface deposits were gone, subterranean mining in hard-rock was necessary. At first, primitive crushers were used to extract the gold, which crushed the rock by pulling heavy stones over it with draft animals. This was quickly replaced by stamp milling – process that required abundant water, which was in short supply around the Mountain City and Central City camps. However, just east of these two camps was the “point” where water from Gregory's Gulch flowed into the north branch of Clear Creek, which was a perfect location for stamp mills. Not only was there an abundant water supply on Clear Creek, but it was also the site of first arrival when heading up the canyon to the diggings. Thus in the spring of 1860, the “Black Hawk Point” community sprang up around one of the earliest stamp mills. Soon numerous other stamp mills were constructed along the length of Clear Creek. Black Hawk became the milling center for the gold ore mined throughout all of Gilpin County, earning its moniker as the “City of Mills.”

The city of Black Hawk was incorporated on March 11, 1864. In 1867, former Brown University chemistry professor Nathaniel P. Hill brought a Welsh smelting technique to the area and formed the Boston and Colorado Smelting Company, revitalizing both the milling industry itself and Black Hawk as well. Further aiding Black Hawk's development was a dramatic improvement in transportation in 1872, when the Colorado Central Railroad line reached Black Hawk. Local traffic to Black Hawk and Central City was also improved that same year with the organization of the Gilpin County Tramway. By 1877, Black Hawk was the center of the milling operations as well as the transportation hub for the mining districts in Gilpin County. The city boasted of daily mail delivery, telegraph service, a new school and church, and brick business blocks spread along the gulch.

Since the incorporation of the city in 1864, however, the City Council had met in rented quarters, often in the Knights of Pythias building on Black Hawk Street. Other rooms also had to be

rented for the City Clerk and other officials. (Roger Baker, *Black Hawk: The Rise and Fall of a Colorado Mill Town*). The local newspaper referred these rooms as “the little rookeries which so long have been used for city purposes.” (*Central City Weekly Register*, 4 August 1877). A few months later, the newspaper’s comments about the old city officers were even more insulting. “The city building or council room and office have heretofore consisted of a small, dirty structure which a passer-by might easily have mistaken for a poorly ventilated chicken coop.” (*Central City Weekly Register*, 8 December 1877).

By 1877, the city fathers believed their community deserved a more permanent and worthy edifice for city business. Taking a lesson from the devastating fire of 1874 in adjacent Central City, Black Hawk constructed its new municipal building with permanence in mind. The new building would have masonry construction, and the façade used “Hooper” brick, which was widely used in Central City after the fire and was manufactured by Thomas Hooper. After the vote of the Alderman on August 7, 1877 to make specifications for a two-story brick city building and to take bids for its construction, the City moved with great speed to complete its new headquarters (see Attachment C, chronology by Spellman and Hailey for complete construction history).



The location of the future City Hall is shown in red. Photo X-2027, taken between 1863 to 1869, Denver Public Library Western History/Genealogy Digital Collection.

Within a week, bids were received for the masonry work and the remainder of the building. Daniel W. Butt was awarded the contract for the general construction on August 17, 1877, for a total sum of \$2,249.00. The selection of Daniel Butt was premature, however, as the City did not yet have a lot upon which to build; neither had plans and specifications been completed. The City shortly acquired the land for the new city building through the donation of three parcels on

Selak Street. The donated parcels were from Zephaniah Myer (20' x 100'), Thomas J. Oyler (12' x 100'), and the Consolidated Bobtail Gold Mining Company (30' x 60').

On August 20, 1877, the building committee was then instructed by the city council to draw up plans for the building. The bids for construction, after apparently being re-opened, were again reviewed on August 24<sup>th</sup>. The bid from Daniel W. Butt was the lowest, and was (again) accepted, this time for \$2,145.00. The contract for site grading for the foundation was awarded to Meysrs Twick & Co., although later grading invoices were submitted by T. L. Roberts and John Quick & Co. (Attachment C). The "old log buildings with which [the lots] have been covered since the early days" were cleared. The city council room and "lock-up" (jail), located opposite the new lot, were also torn down to provide more space for building material during construction. On Tuesday, December 4, 1877, just a few months after starting construction, the new City Hall was celebrated by a grand banquet. This initial celebration was given by the Mayor and Aldermen for the prominent citizens of Black Hawk. "Toasts were given, speeches made and many a *bon mot* was offered at this pleasant social gathering. Good feeling reigned supreme until the gathering finally dropped out one by one or adjourned in groups to home and slumber." (Attachment C). The formal grand opening of City Hall to the public was given on February 5, 1879, and included "twenty or twenty-five couples of the most prominent citizens of that city. The exercises consisted of toasts, dancing, and a general good time. The music was furnished by the Central quadrille string band, with Albert Lintz, George Stroehle and Alex. Newton furnishing the music, while Jo. Ernst did the prompting." (*Central City Register*, 6 February 1878).

The city was quick to move into their new headquarters. On December 8, 1877, the *Central City Weekly Register* reported that:

The City Hall of Black Hawk is completed, and Judge Haight has domiciled himself therein. He looks as cozy as a kitten, and puts on numerous airs heated by a thirty dollar stove and several joints of Russia pipe. . . .

This city hall is a very neat and substantial structure, with ample room for the accommodation of the city government, clerk, police judge, a fire engine, when one is obtained, and safe and comfortable jail quarters.

The eventual cost of the building was reported in that same issue as about \$5,000.00. The Mayor and Aldermen at the time of construction were: Mayor Lewis C. Snyder; Aldermen J. F. McNair – 1st Ward; Mathew Moyle – 1st Ward; Edward O'Neill – 2nd Ward; G. O. Scott – 2nd Ward; Henry Hartman – 3rd Ward; J. A. Hilliard – 3rd Ward. The second story of the new building housed the offices of city officials and the council room, while the first floor had a large room for the fire department, and a small jail room. Equipment for the fire department was likely not obtained until 1879. (X-2023, Denver Public Library Western History/Genealogy Digital Collection).

That same year, the city realized they needed a way to permanently protect the city's records. On August 4, 1879, the Council voted to purchase a fire proof safe from Mosler Bahmann & Co. in Cincinnati, Ohio for \$450.00. The safe would be 48 inches high, 26 inches wide, and 16 inches deep, with the words "'City of Black Hawk' over door in fine heavy block letters shaded

with red ornament . . . in good style throughout. . .” In addition to the purchase cost, shipping was an additional \$83.73. The safe was installed on the second floor, where the offices for City Hall were located, and remained there for over a century.



**Black Hawk Fire Department, 1881. Photographer Charles Weiffle. Photo Z-3601, Denver Public Library Western History/Genealogy Digital Collection.**

By 1886, a small brick addition had been added to the side of the building for use as a “calaboose” (jail), while the two-story building contained the city hall and fire department. Due to the ever present threat of fire in mountain mining communities, the use of the building by the fire department may have figured in the minds of citizens more prominently than the city offices in the first decades after construction. The Sanborn maps show that the city continued to increase water hydrants and its reservoir capacity over the years. The 1890 Sanborn noted that the city’s fire department consisted of one volunteer company of thirty men. There were three hose carts, and 1500’ of first class hose. The city had ten hydrants in 1890, with pressure of 120 lbs. By 1895, the number of hydrants had increased to fifteen, and by 1900 to twenty-three. The City’s reservoir capacity had increased over the years as well. In 1886, the city’s reservoir, fed by springs, was 600 barrels and was located on the hill above the corner of Main and Gregory Streets. In 1890, the reservoir capacity had increased to 2,500 barrels. In 1900, there were two



S:\700 LU\2009\H P C\Landmark Designation\City Hall\Staff Reprot\_City Hall\_11-18-2016.doc





Ca. 1880s. Photo X-2008, Denver Public Library Western History/Genealogy Digital Collection.

Although the fire department eventually moved out of the building, the City Clerk's office remained in the building throughout its entire history. After the advent of gaming in 1990, the building was renovated and the City Clerk's office was moved to the first floor. The vault was also painstakingly restored by Rocky Mountain Conservation for almost \$10,000. In order to move the vault, a hole was cut in the second story floor and the safe lowered to the ground level by a forklift. Renovations for the newly restored City Hall were held in the spring of 1996.

### **Criterion L**

The City Hall building is identified with historical personages or groups or which represent important events in local history. The City Council from 1877 through the early 1990s met in this building, and through the City Clerk's office, all city government policies and business were conducted from here.

### **Criteria M and N**

It is among the most well-known and recognized local landmarks in Black Hawk, located just beneath the other key landmarks of Black Hawk -- the Black Hawk School and Presbyterian Church. It has continuously housed city offices for 139 years, and will continue to serve as a gathering site for Black Hawk's citizens for the future.



## **SUMMARY**

At a September 6, 2016 meeting, the Historic Preservation Commission evaluated and discussed the local landmark designation application, applicable criteria, and testimony by City staff and the historic preservation consultant. At the conclusion of the discussion, the Commission provided the following comments:

1. Chairman Hailey commended Historic Preservation Consultant Wolfenbarger on the work she did complying the application for the local landmark designation of City Hall.
2. Consultant Wolfenbarger thanked Chairman Hailey for the outside research she and Mayor Spellman did on the topic.
3. Chairman Hailey noted that there is one outstanding question on a reference with the document that Administrator Linker and the Mayor will discuss.

Chairman Hailey moved to recommend to the Board of Aldermen APPROVAL of the Local Historic Landmark Designation for the property at 201 Selak Street, historically known as City Hall. The property meets the Criterion A, J, L, M and N as outlined in Section s 16-425 of the Black Hawk Municipal Code and presented in the staff report dated September 6, 2016.

Revisions were made to the September 6, 2016 report and incorporated into the report dated December 5, 2016.

The City Council should review the application, the comments in the report, and testimony by staff. Next, Council should discuss if there is sufficient information and evidence that the property meets Criterion A, J, L, M and N as outlined in Section 16-425 of the Black Hawk Municipal Code and presented in this report dated December 5, 2016

At the conclusion of their discussion, City Council may make a motion to *approve, conditionally approve, or deny* this Historic Landmark Designation for 201 Selak Street, historically known as City Hall.

As recommended by the Historic Preservation Commission, staff recommends City Council consider the following motion:

*I move to **APPROVE** the Local Historic Landmark Designation for the property at 201 Selak Street, historically known as City Hall. The property meets the Criterion A, J, L, M and N as outlined in Section 16-425 of the Black Hawk Municipal Code and presenting in the staff report dated December 5, 2016.*

## **ATTACHMENTS**

- A. Resolution No. 16-2015
- B. Local Landmark Designation Form
- C. "City Hall Chronology," Lynnette Hailey & David Spellman
- D. City Hall Photographs

**ATTACHMENT A**

**RESOLUTION NO. 16-2015**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 16-2015

**TITLE: A RESOLUTION DIRECTING THE CITY MANAGER TO APPLY FOR LOCAL LANDMARK DESIGNATION FOR THE PROPERTY LOCATED AT 201 SELAK STREET AND GENERALLY KNOWN AS BLACK HAWK CITY HALL**

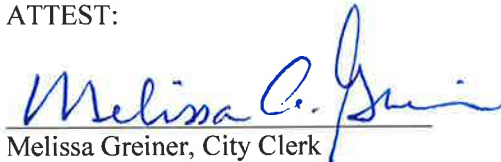
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The City Manager is directed to take all necessary steps to cause the City to apply for a local historic landmark designation pursuant to Section 16-425(1) for the City-owned property located at 201 Selak Street, and generally known as Black Hawk City Hall.

RESOLVED AND PASSED this 11th day of February, 2015.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa Greiner, City Clerk



**ATTACHMENT B**

**LOCAL LANDMARK DESIGNATION FORM**



## City of Black Hawk

Community Planning and Development  
211 Church Street  
P.O. Box 68  
Black Hawk, CO 80422  
Ph: 303-582-0615 Fax: 303-582-2239

## LOCAL LANDMARK DESIGNATION FORM

Date: May 1, 2016

### APPLICANT:

Name (Please Print): City of Black Hawk

Physical Address: 201 Selak Street, Black Hawk, CO 80422

Mailing Address: PO Box 68, Black Hawk, CO 80422

Phone Number: 303-582-0200 Cell Number: N/A

Email Address: [choffmann@cityofblackhawk.org](mailto:choffmann@cityofblackhawk.org)

### OWNER OF SITE IF DIFFERENT FROM APPLICANT:

Name (Please Print): *(same as applicant)*

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**NAME OF SITE:** Include a map on an 8.5" x 11" page that shows location of site and site plan. Please type if possible.

Black Hawk City Hall; 201 Selak Street; Black Hawk, CO 80422

**DESCRIPTION:** Current and original physical appearance, include photos documentary evidence of the qualifying age of the year structure was built (at least 50 years old) – photos should be from all directions of the site if possible.

Black Hawk's City Hall building is a variant of a 19<sup>th</sup> century commercial type building. Like commercial buildings, it is a rectangular building whose footprint fills up the width of the lot – in this case, 25' wide. It is two stories in height, with a flat roof and ornamental detailing on the façade. There is a corbelled brick entablature at the cornice, and decorative recessed brick panels beneath the cornice. Like other historic commercial buildings, the second story windows are smaller than the typical storefront display windows on the ground level. Here, the tall, narrow 6/4 double-hung windows have semi-elliptical arches with keystones. However, the City Hall building differs from historic commercial buildings on the first level. Instead of a storefront with wide display windows, it has two entrances and no windows. This reflects the original use of the structure as a city government building. The upper story contained rooms for the operation of the city government, while the lower level housed the fire department. Both ground level entrances have semi-circular arched openings, with a larger vehicular entry on the west for the city's fire carts. The other three sides of the building are constructed of stone. There are no windows on the side elevations, but the rear has a door and two windows which are deeply recessed into the second story.

### CATEGORY OF LANDMARK:

☐ Structure ☐ Site ☐ Home ☐ Object ☐ Property ☐ Park ☒ Building

**CRITERIA FOR DESIGNATION:** On a separate sheet of paper, please provide a detailed explanation on how the property meets the criteria for designation of one or more of the following [please check] below. *[see staff report]*

- ☒ Exemplifies specific elements of an architectural style or period.
- ☐ Is an example of the work of an architect or builder who is recognized for his or her national, statewide, regional or local expertise.
- ☐ Demonstrates superior craftsmanship or high artistic value.
- ☐ Represents an innovation in construction, materials or design.
- ☐ Represents a style particularly associated with the Black Hawk area.
- ☐ Represents a built environment of a group of people in an era of history.
- ☐ Represents a pattern or grouping of elements representing at least one (1) of the above-mentioned criteria;
- ☐ Has undergone a significant historic remodel.
- ☐ Is the site of a historic event that had an effect upon society.
- ☒ Exemplifies cultural, political, economic or social heritage in the community.
- ☐ Represents an association with a notable person.
- ☒ Is identified with historical personages or groups or which represents important events in national, state, or local history.
- ☒ Enhances a sense of identity with the community.
- ☒ Is an established and familiar natural setting or visual feature in the community.

**HISTORIC DISTRICTS:**

Districts proposed for local landmark designation shall contain properties that comply with the previous section (Criteria for Designation) hereof that are related by a pattern of physical elements or social activities. Significance is determined by applying the criteria of this Article to patterns and unifying elements.

1. Historic district designation will not be considered unless the application contains written approval of all property owners within the proposed historic district boundaries.
2. Properties that do not contribute to the significance of the proposed historic district may be included within the boundaries if the noncontributing buildings do not noticeably detract from the proposed historic district's sense of time, place and historic development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location or information potential.

**MAJOR BIBLIOGRAPHICAL REFERENCES OR DOCUMENTATION OF HISTORIC SIGNIFICANCE:** (Please use separate paper if necessary.)

Abbott, Dan and Dell A. McCoy. The Gilpin Railroad Era: Black Hawk, Central City, Nevadaville, Russell Gulch. Denver: Sundance Publications, 2009.

Baker, Roger. Black Hawk: The Rise and Fall of a Colorado Mill Town. Central City, CO: Black Hawk Publishing, 2004.

*Black Hawk Map.* Black Hawk Merchants Committee of the Gilpin County Chamber of Commerce, 1983.

Brown, Robert L. *Central City and Gilpin County: Then and Now.* Caldwell, ID: Caxton Printers, Ltd., 1994.



Colorado Information and Advertising Bureau. *Central City Black Hawk Nevadaville Colorado: A Concise Social and Business Review of the Three Principal Towns of Gilpin County.* Denver: Western Newspaper Union, 1900.

Hailey, Lynnette & David Spellman. "City Hall Chronology." November 2015.

Norman, Cathleen & Linda Jones. *Up the Gulch: a Walking Tour Guide of Black Hawk, Central City and Nevadaville.* 2005.

Office of Archaeology and Historic Preservation. *A Field Guide to Colorado's Historic Architecture and Engineering.* Denver, CO: Colorado Historical Society, June 2008.

Pearce, Sarah J. and Christine Pfaff. *Guide to Historic Central City & Black Hawk.* Evergreen, CO: Cordillera Press, Inc., 1987.

Sanborn Maps, 1886-1900.

Western History/Genealogy Department Photography Collection, Denver Public Library.

**USE:** Provide a narrative and architectural plans as appropriate describing the current and intended future use of the site/structure(s), as well as detailed restoration plans. Plans should discuss needed building renovations and restoration, if applicable, as well as defined maintenance and upkeep intentions.

Throughout its history, Black Hawk's City Hall building has been used to house offices for various city departments. Currently, the city clerk's and city manager's offices are located here.

**Attach additional information as needed to comply with the application**

**OWNER CERTIFICATION:** I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate and that consent of those persons, without whose consent the requested action cannot lawfully be accomplished, has been granted. In addition, permission is hereby granted to the City of Black Hawk staff to physically inspect the subject property and take photographs as necessary for preparation of the case.

In making this application, I further certify that I have read and understand the requirements of Sections 16-425 of the Black Hawk Municipal Code pertaining to the criteria for designation.

I acknowledge that the benefits of local historic designation primarily include the recognition by the community and individual owners of our historic heritage, the informational and educational resources of the Historic Preservation Commission, and participation in the preservation of Black Hawk's rich past.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Do not write below this line.**

Planning Approval: \_\_\_\_\_ Date: \_\_\_\_\_

HPC Approval: \_\_\_\_\_ Date: \_\_\_\_\_

City Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_

City Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**ATTACHMENT C**

**“CITY HALL CHRONOLOGY,”  
LYNNETTE HAILEY & DAVID SPELLMAN**

**City Hall Chronology**  
**Research Compiled**  
**by**  
**David D. Spellman & Lynnette Hailey**  
**November 30, 2015**

July 12, 1877      *Black Hawk City Council Minutes*

The Mayor appointed Alderman Hilliard and the Clerk to make specifications and get estimates of the cost erecting a council room on the side of the present one.

August 4, 1877      *Central City Weekly Register*

The plans for the new city buildings at Black Hawk, are being made and we expect to soon see an ornamental structure in place of the little rookeries which so long been used for city purposes.

August 7, 1877      *Black Hawk City Council Meeting Minutes*

On motion of Alderman O'Neill, the Mayor appointed a building committee of three, consisting of O'Neill, McNair, and Hilliard to make specifications and receive bids for the erection of a two story brick building on the site of the present Council room with full power to act.

August 17, 1877      *Black Hawk City Council Meeting Minutes*

Bids for the city building were filed by the following persons: for the mason work J. Atkinson & Son, N. A. Sears, Thomas Mullen & Company, and John G. Hendrickson. For the building complete by M.S. Burhans, J. O. Wheeler, Mosley & Ballard and Daniel W. Butt. On motion of Alderman McNair, Daniel W. Butt was awarded the contract to put up the city building complete for the sum of \$2,249.00. On motion of Alderman Moyle, the Mayor was added to the building committee.

August 20, 1877      *Black Hawk City Council Meeting Minutes – Special Meeting*

On motion of Alderman O'Neil, the building committee was instructed to confer with A. N. Rogers and what amount of ground he would donate to the City. On motion of Alderman O'Neil, the council adjourned to Tuesday evening, August 21<sup>st</sup> at 7 p.m.

August 21, 1877      *Black Hawk City Council Meeting Minutes*

On motion of Alderman Hilliard, the council accepted propositions of Mr. A. N. Rogers as agent of the Consolidated Gold Mine Company. Mr. T. J. Oyler and Mr. Myers to donate ground for the erection of the City building on the condition specified by them. On motion of Alderman Scott, the building committee were instructed to draw up plans and specifications and receive bids for the erection of the proposed building to be erected on the ground donated for that purpose.

August 24, 1877      *Black Hawk City Council Meeting Minutes*

The building committee reported that they had opened the bids for building the council building and would recommend that the contract be awarded to Daniel W. Butt, his bid being the lowest received. On motion of Alderman McNair, the contract was awarded to Daniel W. Butt at Twenty one hundred and forty five dollars. On motion of Alderman O'Neil, the contract for grading the foundation for the council building was awarded to Meysrs Quick & Co.

August 25, 1877      *Central City Weekly Register*

Black Hawk will put up a building for city uses on Selak Street, opposite the corner frame now occupied for the same business and which will be removed. The new structure will be of stone except in front where brick will be used. It will be thirty by forty feet. It will stand on the lots of Thomas Oyler and the Bobtail Company, deeded to the city for that purpose, and now being cleared of the old log buildings with which they have covered since the early days. The lot of the former has a twelve foot front and that of the latter thirty feet. D. W. Butt has the contract for \$2,249.

September 4, 1877      *Black Hawk City Council Meeting Minutes*

The City Attorney presented the contract of Daniel W. Butt for the erection of the City Building which was approved by the Council and signed by Daniel W. Butt and by the Mayor on part of the City.

September 16, 1877      *Central City Weekly Register*

The city council room and lock-up are being torn down and removed in order to give more space for building material for the new building. One by one the old landmarks pass away.

October 3, 1877      *Black Hawk City Council Meeting Minutes*

The following bills were read and referred to the Finance Committee.

City Fund		
Daniel W. Butt, a City Building		400.00
John Quick	grading city lot	87.00
Daniel W. Butt	Foundation city lot	54.34
T. L. Roberts	grading city lot	6.40
T. L. Roberts	grading city lot	27.35

The Finance Committee reported said bills as correct and on motion of Alderman Hilliard, the Clerk was instructed to draw warrants on the treasurer for the several amounts.

The Building Committee reported that they had drawn on the Treasurer for D. W. Butt on the contract for the city building, \$120 and for John Zuick & Company apply on contract for grading the city lot - \$100.

November 6, 1877     *Black Hawk City Council Meeting Minutes*

The Building Committee reported that they had instructed the Clerk to draw warrants on the Treasurer for the following amounts.

October 24<sup>th</sup> To D. W. Butt, on contract for city building four hundred and forty dollars (\$440.00)

October 25<sup>th</sup> To Thomas Hooper on D. W. Butt's order for brick two hundred and sixty six dollars and eighty cents (\$266.80)

October 27<sup>th</sup> To D. R. Miller on D. W. Butt's order for roofing city building ninety dollars (\$90.00)

On motion of Alderman O'Neill the report was received and the action of the Committee approved by the Council.

December 4, 1877     *Black Hawk City Council Meeting Minutes*

The Building Committee made report that they had accepted the city building; and, had paid D. W. Butt for the same except \$25 which amount was retained to cover the expense "Tucking the front".

That they had instructed the clerk to draw warrants on the Treasurer for said amount to wit: Warrant No. 154 in favor of D. W. Butt, for \$850.70, and warrant No. 155 in favor of Thomas Hooper, at Butt's request for \$17.

On motion of Alderman Hartman the action of the Building Committee was approved and their report accepted and the Committee discharged.

December 8, 1877     *Weekly Register*

Black Hawk Improvements.

The City Hall of Black Hawk is completed, and Judge Haight has domiciled himself therein. He looks as cozy as a kitten, and puts on numerous airs heated by a thirty dollar stove and several joints of Russia pipe. We missed Uncle Jimmie Chaplaine from his post, but we will call another day and hope to find him in.

The Black Hawk City Hall.

The completion of the new Black Hawk city hall was appropriately celebrated on Tuesday evening by a grand banquet at which the Mayor, Aldermen and most other leading citizens were present. Toasts were given, speeches made and many a *bon mot* was offered at this pleasant social gathering. Good feeling reigned supreme until the gathering finally dropped out one by one or adjourned in groups to home and slumber.

This city hall is very neat and substantial structure, with ample room for the accommodation of the city government, clerk, police judge, a fire engine, when one is obtained, and safe and comfortable jail quarters. The banquet took place in the large room provided for the deliberations of the city fathers.

December 8, 1877      *Central City Weekly Register*

Dedication of the New City Hall in Black Hawk.

On Tuesday night the prominent citizens of Black Hawk on invitation of the Mayor and City Council assembled in the new City Hall.

The city building or council room and office have heretofore consisted of a small, dirty structure which a passer-by might easily have mistaken for an illy ventilated chicken coop.

The present building is situated on the north side of Selak street. It will be sufficient for many years to come for the purposes for which it has been erected. It is two stories in height and cost about \$5,000. In the upper story the offices of the city officials are located and the council room of the city fathers. The lower story consists of a large room which will be used by the fire department, and a small room in which the unfortunate occupier will be unable to obey the divine instruction "take up they bed and walk," at least to walk very far without permission.

The meeting of the leading citizens of our sister city, on Tuesday evening, was an appropriate occasion for expressions of approbation of the work of the present City Council in erecting a building long needed for public purposes.

Some considerate persons had not forgotten to provide for the wants of the "inner man." At 10 o'clock the feast began, and after the guests had partaken of a rich entertainment, eloquent speeches were delivered by Mayor Snyder, Alderman Hartman, City Attorney Marsh, Messrs. Livesay, Messinger, Seiwel, Oyler, Leitzman, Chaplaine, Scobey, Haight and others.

After three cheers for the Mayor and City Council, the participants wended their way homeward.

The credit for the enjoyment on this occasion – one that will not soon be forgotten – is due Mayor Snyder and the City Council and City Police Judge Haight.

February 6, 1878      *Central City Daily Register*

A very enjoyable affair took place at the City Hall in Black Hawk last evening; being the formal grand opening of that hall to the public by the City Council and some twenty or twenty-five couples of the most prominent citizens of that city. The exercises consisted of toasts, dancing, and a general good time. The music was furnished by the Central quadrille string band, with Albert Lintz, George Stroehle and Alex. Newton furnishing the music, while Jo. Ernst did the prompting. The festivities were under the immediate charge of Mayor Snyder and the Council, and were kept up until long after midnight.



Deeds Conveying the Property to the City of Black Hawk for City Hall

Book 63      Page 171      Dated: 8/27/1877      Recorded: 8/30/1877

Grantor: Zephaniah Myer      A parcel of ground 20' wide x 100'

Consideration \$5

Book 60      Page 314      Dated: 9/13/1877      Recorded: 11/2/1877

Grantor: Thomas J. Oyler      A parcel of ground 12' wide x 100'

The consideration and conditions upon which this deed is executed by the party of the first part (Oyler) and accepted by the party of the second part (City of Black Hawk) are first: that the party of the second part remove the structure called the city council room and calaboose and shall hereinafter never permit any building of any character to be placed on the strip of land lying and being between the southwesterly line of Zephaniah Myer's lot and the junction of Selak and Gregory Street, but the same shall be dedicated to public use form a part of public street and made subject to all ordinances regulating streets and alleys. Second: that the party of the first part shall have the right to use the southwesterly wall of building now being erected by party of the second part if desired by himself, heirs or grantees for building adjoining thereto.

Book 65      Page 531      Dated: 5/7/1878      Recorded: 11/8/1878

Grantor: The Consolidated Bobtail Gold Mining Company  
Albert N. Rodgers, agent

A parcel of ground 30' x 60'

Consideration: \$1 lawful money of the United States of America. This conveyance is made subject to the following provisions and stipulations. First that the ground situated in front of said city hall between Gregory and Selak Streets and which is now owned by the City shall be thrown open to the public and shall be kept from any buildings whatsoever in the future. Second that the ground hereby conveyed shall only be used for a city hall building whenever the above provision is not complied with, it is hereby expressly understood and agreed that the property hereby conveyed shall revert to the party of the first part hereto together with all and singular tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversions, remainders, rents issues and profits thereof and also all the estate, right, title interest property, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of in or to the above described premises and every part and parcel thereof with the appurtenances. To have and to hold all and singular the above mentioned and described premises, together with all the appurtenances unto the said party of the second part and assigns forever.

Mayor and Aldermen at the time City Hall was constructed:

Mayor:

Lewis C. Synder

Aldermen:

J. F. McNair – 1st Ward

Mathew Moyle – 1st Ward

Edward O'Neill – 2nd Ward

G. O. Scott – 2nd Ward

Henry Hartman – 3rd Ward

J. A. Hilliard – 3rd Ward

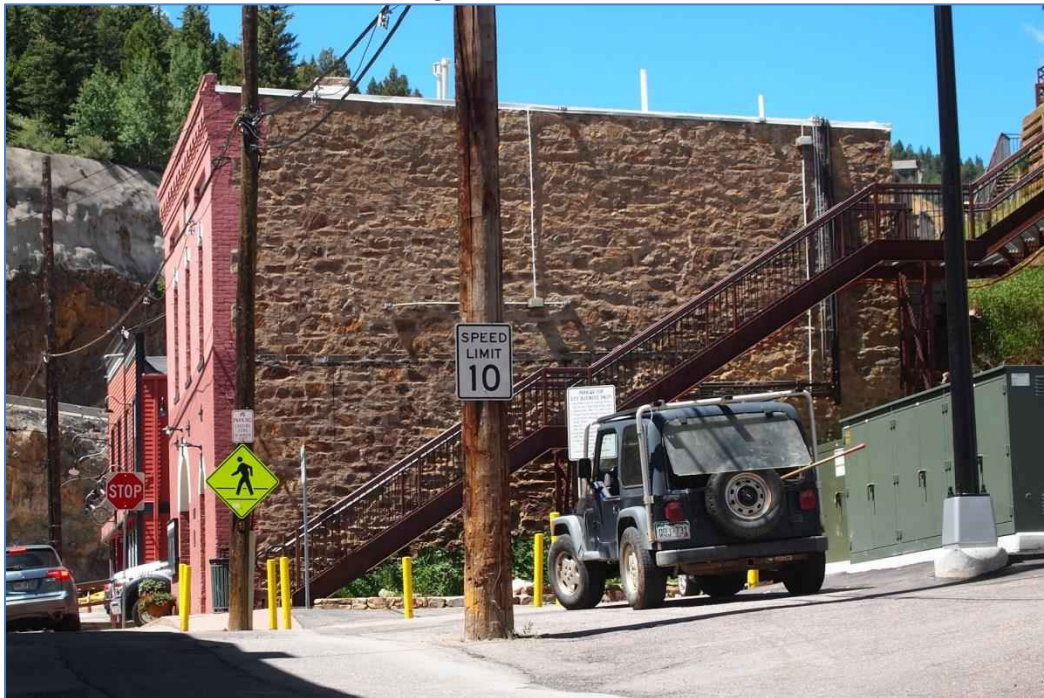
**ATTACHMENT D**  
**CITY HALL PHOTOGRAPHS**

**Attachment D:  
City Hall photographs  
201 Selak Street**

*Existing Front (southeast) Elevation*



*Existing Northeast Elevation*

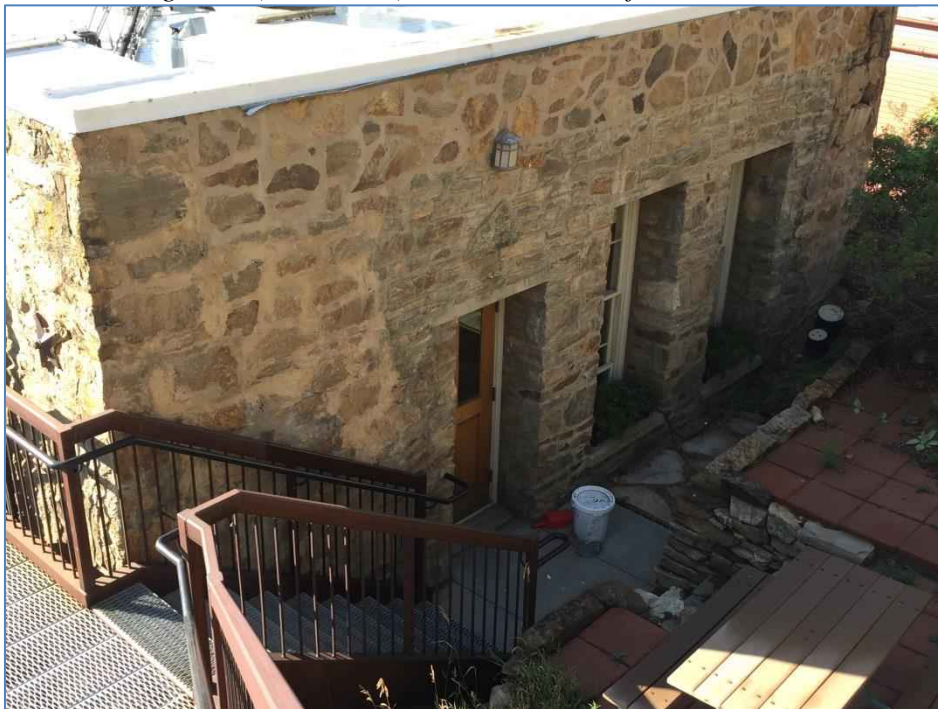




*Existing Southwest Elevation*



*Existing Rear (Southwest) Elevation: seen from Church Street*



*No. 35 safe, Mosler Bahmann & Co.*



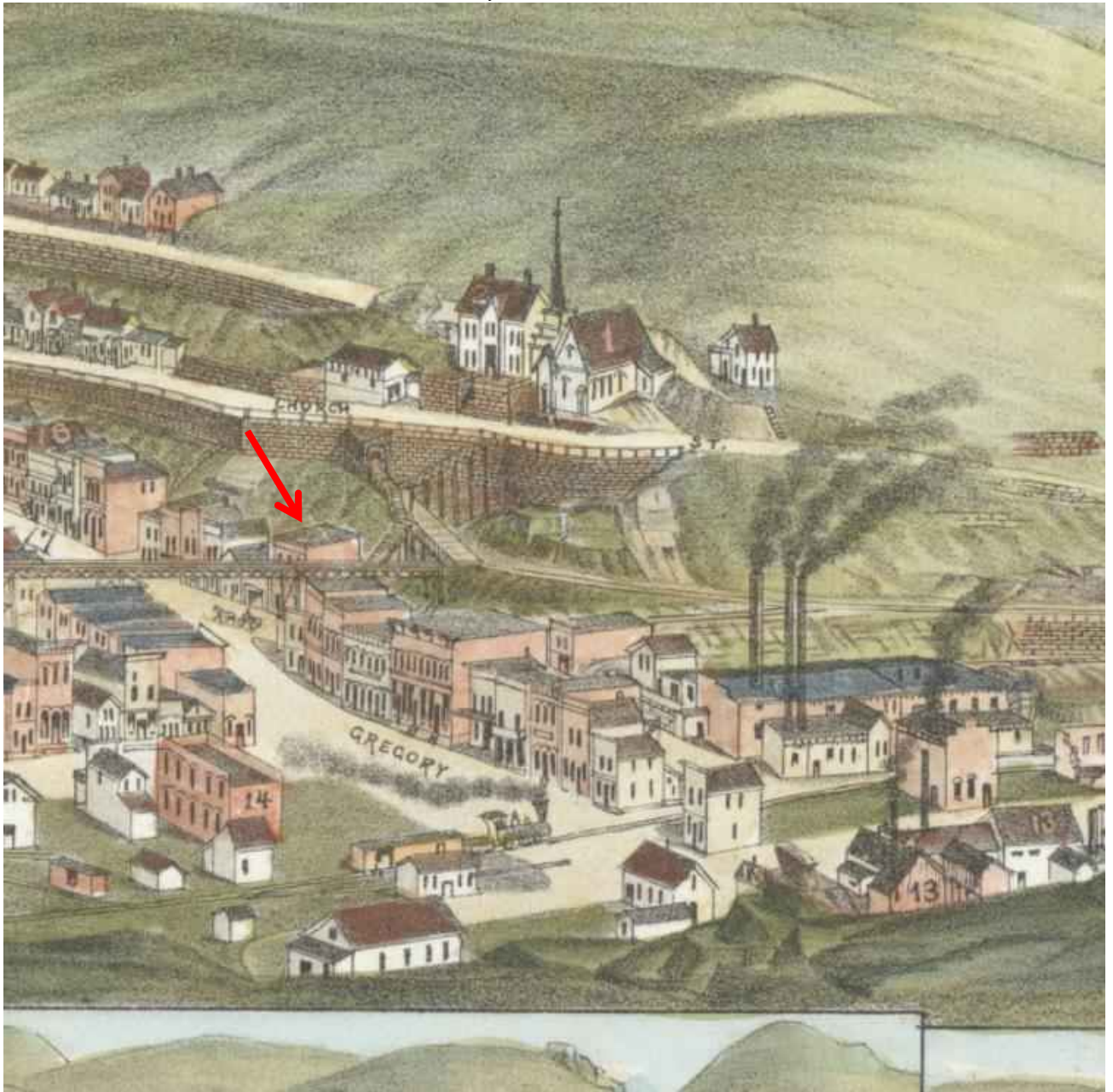


1881. Z-3601. *Black Hawk Fire Department, 1881. Weitfle, Charles. Denver Public Library Western History/Genealogy Digital Collection*



BLACK HAWK FIRE DEPARTMENT, 1881.

*1882, bird's eye illustration.*



*Between 1877 & 1925. X-2023. Denver Public Library Western History/Genealogy Digital Collection*

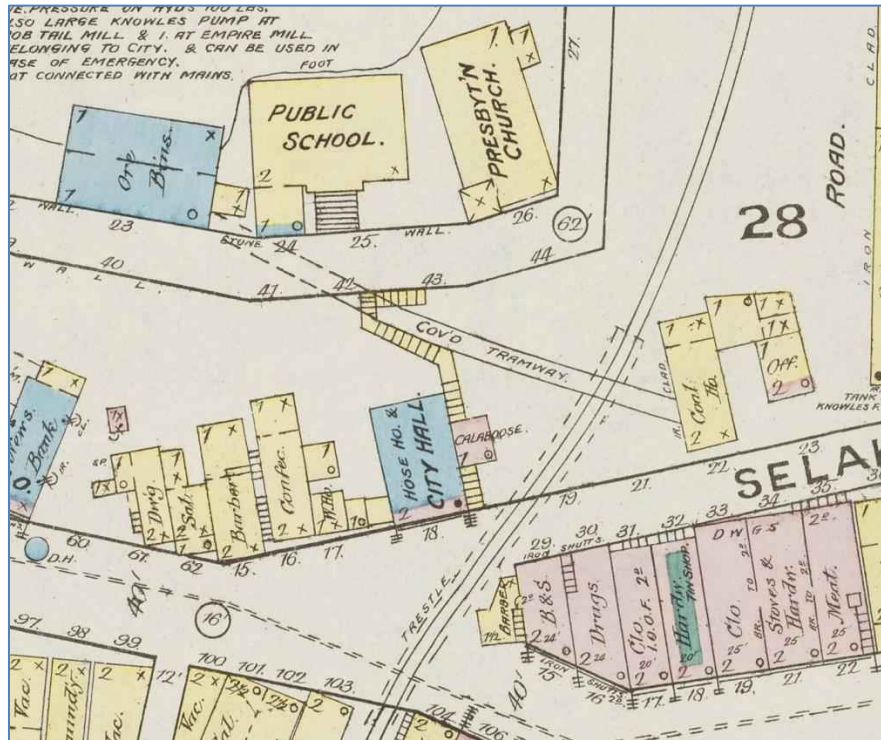


*Ca. 1880s. X-2008. Denver Public Library Western History/Genealogy Digital Collection*

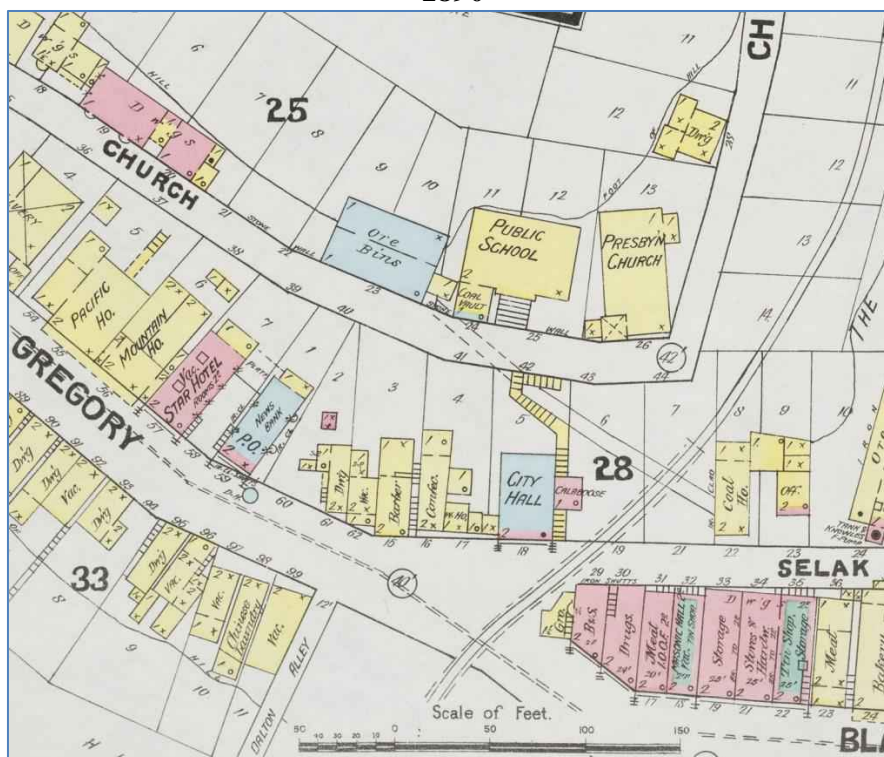




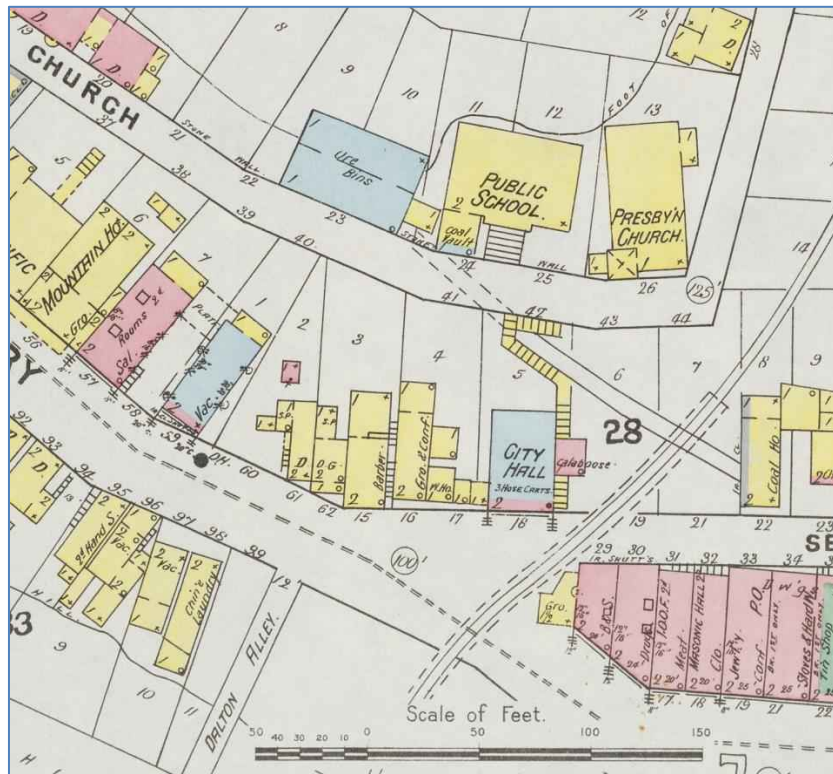
# Sanborn Maps 1886



1890



1895



1900



# **ATTACHMENT E**

**2017 Recorded Ordinance 2017-1**





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

**COUNCIL BILL NUMBER: CB1**

**ORDINANCE NUMBER: 2017-1**

**TITLE: AN ORDINANCE APPROVING THE APPLICATION FOR LOCAL  
LANDMARK DESIGNATION OF THE CITY HALL PROPERTY  
LOCATED AT 201 SELAK STREET**

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

Section 1. Findings of Fact.

- A. Application has been made by the City of Black Hawk for local historic landmark designation for the City-owned property known as the Black Hawk City Hall Property, located at 201 Selak Street within the City of Black Hawk, Colorado.
- B. Public notice has been given of such application pursuant to Section 16-426(c)(1) of the City of Black Hawk Municipal Code.
- C. The City Council has reviewed the application, the recommendation of the City's Historic Preservation Commission, and the criteria for designation contained in Section 16-425 of the City of Black Hawk Municipal Code.
- D. After consideration of the factors set forth in 16-426(c)(2)d. of the City of Black Hawk Municipal Code, the City hereby approves the local historic landmark designation for the Black Hawk City Hall Property, located at 201 Selak Street.

Section 2. The City Clerk is directed to record a copy of this Ordinance in the records of the Gilpin County Clerk and Recorder's Office within fifteen (15) days of the effective date of this Ordinance.

Section 3. Safety Clause. The Board of Aldermen 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 Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.




Section 4.     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 5.     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 11<sup>th</sup> day of January, 2017

  
\_\_\_\_\_  
David D. Spellman, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa A. Greiner, City Clerk



**RESOLUTION 54-2023**  
**A RESOLUTION**  
**APPROVING THE**  
**CONTRACT BETWEEN**  
**THE CITY OF BLACK**  
**HAWK AND LRE WATER**  
**IN THE AMOUNT NOT TO**  
**EXCEED \$67,250 FOR**  
**ENGINEERING SERVICES**  
**PERTAINING TO THE**  
**DRILLING OF A WATER**  
**WELL IN OR AROUND 4-**  
**MILE GULCH**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 23-54

**TITLE            A RESOLUTION APPROVING THE CONTRACT BETWEEN THE  
CITY OF BLACK HAWK AND LRE WATER IN THE AMOUNT  
NOT TO EXCEED \$67,250 FOR ENGINEERING SERVICES  
PERTAINING TO THE DRILLING OF A WATER WELL IN OR  
AROUND 4-MILE GULCH**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
BLACK HAWK, COLOARDO, THAT:

Section 1. The City Council hereby approves the contract between the City of Black Hawk  
and LRE Water in the amount not to exceed \$67,250 for professional services associated with  
drilling wells in or around 4-Mile Gulch, attached hereto as **Exhibit A**, and the Mayor is hereby  
authorized to execute the same on behalf of the City.

RESOLVED AND PASSED this 14<sup>th</sup> day of June, 2023

\_\_\_\_\_  
David D. Spellman, Mayor

ATTEST:

\_\_\_\_\_  
Melissa A Greiner, CMC, City Clerk

## **AGREEMENT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is made and entered into this 7<sup>th</sup> day of June, 2023, by and between the **CITY OF BLACK HAWK**, State of Colorado, a Colorado municipal corporation (hereinafter referred to as the "City") and LRE Water hereinafter referred to as "Contractor").

### **RECITALS:**

A. The City requires Project Management and Drilling Support services for the Fourmile Gulch Well Drilling and Installation (the Project").

B. Contractor has held itself out to the City as having the requisite expertise and experience to perform the required work for the Project.

NOW, THEREFORE, it is hereby agreed for the consideration hereinafter set forth, that Contractor shall provide to the City, engineering and project management services associated with the drilling of a well or wells in the 4 mile Gulch region of Black Hawk, Gilpen County, for the Project.

### **I. SCOPE OF SERVICES**

Contractor shall complete the scope of services as described in **Exhibit A** attached hereto and incorporated herein by this reference. Contractor shall furnish all labor and materials to perform the work and services required for the complete and prompt execution and performance of all duties, obligations, and responsibilities for the Project.

### **II. THE CITY'S OBLIGATIONS/CONFIDENTIALITY**

The City shall provide Contractor with reports and such other data as may be available to the City and reasonably required by Contractor to perform hereunder. No project information shall be disclosed by Contractor to third parties without the prior written consent of the City or pursuant to a lawful court order directing such disclosure. All documents provided by the City to Contractor shall be returned to the City. Contractor is authorized by the City to retain copies of such data and materials at Contractor's expense.

### **III. OWNERSHIP OF WORK PRODUCT**

The City acknowledges that Contractor's documents produced under this Agreement are instruments of professional services. Nevertheless, upon payment to Contractor pursuant to this Agreement, all work, data, drawings, designs, plans, reports, computer programs (non-proprietary), computer input and output, analyses, tests, maps, surveys, or any other materials developed for this Project are, and shall be, the sole and exclusive property of the City. However, any reuse of the documents by the City without prior written authorization by Contractor other than for the specific intended purpose of this Agreement will be at the City's sole risk. Contractor will provide the City with a ten (10) day written notice prior to disposal of Project documents it has retained, during which time the City may take physical possession of same at the storage site.

#### **IV. COMPENSATION**

A. Compensation shall not exceed **Sixty Seven thousand two hundred and fifty (\$67,250.00)** for the work described in **Exhibit A**. Payment shall be made in accordance with the schedule of charges in **Exhibit A-1**. Invoices will be itemized and include hourly breakdown for all personnel and other charges.

B. Contractor may submit monthly or periodic statements requesting payment. Such request shall be based upon the amount and value of the work and services performed by Contractor under this Agreement except as otherwise supplemented or accompanied by such supporting data as may be required by the City.

1. All invoices, including Contractor's verified payment request, shall be submitted by Contractor to the City no later than the twenty-fourth (24th) day of each month for payment pursuant to the terms of this Agreement. In the event Contractor fails to submit any invoice on or before the twenty-fourth (24th) day of any given month, Contractor defers its right to payment pursuant to said late invoice until the twenty-fourth (24th) day of the following month.
2. Progress payments may be claimed on a monthly basis for reimbursable costs actually incurred to date as supported by detailed statements, including hourly breakdowns for all personnel and other charges. The amounts of all such monthly payments shall be paid within thirty (30) days after the timely receipt of invoice as provided by this Agreement.

C. The City has the right to ask for clarification on any Contractor invoice after receipt of the invoice by the City.

D. In the event payment for services rendered has not been made within forty-five (45) days from the receipt of the invoice for any uncontested billing, interest will accrue at the legal rate of interest. In the event payment has not been made within ninety (90) days from the receipt of the invoice for any uncontested billing, Contractor may, after giving seven (7) days written notice and without penalty or liability of any nature, suspend all work on all authorized services specified herein. In the event payment in full is not received within thirty (30) days of giving the seven (7) days written notice, Contractor may terminate this Agreement. Upon receipt of payment in full for services rendered, Contractor will continue with all authorized services.

E. Final payment shall be made within sixty (60) calendar days after all data and reports (which are suitable for reproduction and distribution by the City) required by this Agreement have been turned over to and approved by the City and upon receipt by the City of Contractor's certification that services required herein by Contractor have been fully completed in accordance with this Agreement and all data and reports for the Project.



## **V. COMMENCEMENT AND COMPLETION OF WORK**

Contractor shall commence work upon the execution of this Agreement. This Agreement shall be completed by September 31, 2023.

## **VI. PROFESSIONAL RESPONSIBILITY**

A. Contractor hereby represents that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law.

B. The work performed by Contractor shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community.

C. Contractor shall be responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services furnished by Contractor under this Agreement. Contractor shall, without additional compensation, correct or resolve any errors or deficiencies in its designs, drawings, specifications, reports, and other services which fall below the standard of professional practice.

D. Approval by the City of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve Contractor of responsibility for technical adequacy of the work. Neither the City's review, approval, or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under this Agreement, and Contractor shall be and remain liable in accordance with applicable performance of any of the services furnished under this Agreement.

E. The rights and remedies of the City provided for under this Agreement are in addition to any other rights and remedies provided by law.

## **VII. COMPLIANCE WITH LAW**

The work and services to be performed by Contractor hereunder shall be done in compliance with applicable laws, ordinances, rules, and regulations.

## **VIII. INDEMNIFICATION**

A. INDEMNIFICATION – GENERAL: The City cannot and by this Agreement does not agree to indemnify, hold harmless, exonerate or assume the defense of the Contractor or any other person or entity whatsoever, for any purpose whatsoever. Provided that the claims, demands, suits, actions or proceedings of any kind are not the result of professional negligence, the Contractor, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City, its Council members, officials, officers, directors, agents and employees from any and all claims, demands, suits, actions or proceedings of any kind or nature whatsoever, including worker's compensation claims, in any way resulting from or arising from the services rendered by Contractor, its employees, agents or sub-contractors, or others for whom the Contractor is legally liable, under this Agreement; provided, however, that the Contractor need not indemnify or save harmless the City, its Council members, its officers, agents and employees from damages resulting

from the negligence of the Council members, officials, officers, directors, agents and employees.

B. **INDEMNIFICATION FOR PROFESSIONAL NEGLIGENCE:** The Contractor shall, to the fullest extent permitted by law, indemnify and hold harmless the City, its Council members, and any of its officials, officers, directors, and employees from and against damages, liability, losses, costs and expenses, including reasonable attorney's fees, but only to the extent caused by or arising out of the negligent acts, errors or omissions of the Contractor, its employees, agents or subcontractors, or others for whom the Contractor is legally liable, in the performance of professional services under this Agreement. The Contractor is not obligated under this subparagraph VIII.B. to indemnify the City for the negligent acts of the City, its Council members, or any of its officials, officers, directors, agents and employees.

C. **INDEMNIFICATION – COSTS:** Contractor shall, to the fullest extent permitted by law, defend, investigate, handle, respond to, and provide defense for and defend against, any such liability, claims or demands at the sole expense of Contractor or, at the option of the City, agrees to pay the City or reimburse the City for the defense costs incurred by the City in connection with any such liability, claims or demands. Contractor shall, to the fullest extent permitted by law, defend and bear all other costs and expenses related thereto, including court costs and reasonably attorney fees, whether or not any such liability, claims or demands alleged are groundless, false or fraudulent. If it is determined by the final judgment of a court of any competent jurisdiction that such injury, loss or damage was caused in whole or in part by the act, omission or other fault of the City, its Council members, officials, officers, directors, agents and employees, the City shall reimburse Contractor for the portion of the judgment attributable to such act, omission or other fault of the City, its Council members, officials, officers, directors, agents and employees.

## **IX. INSURANCE**

A. The Contractor agrees to obtain and maintain during the life of the Agreement, a policy or policies of insurance against all liability, claims, demands and other obligations assumed by the Contractor pursuant to Section VIII above. Such insurance shall be in addition to any other insurance requirements imposed by the Agreement or by law. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to Section VIII above, by reason of its failure to obtain and maintain during the life of the Agreement insurance in sufficient amounts, durations, or types.

B. Contractor shall obtain and maintain during the life of the Agreement, and shall cause any subcontractor to obtain and maintain during the life of the Agreement, the minimum insurance coverages listed below. Such coverages shall be obtained and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained to cover all liability, claims, demands and other obligations assumed by the Contractor pursuant to Section VIII above. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

1. **Worker's Compensation Insurance** to cover obligations imposed by applicable law for any employee engaged in the performance of the work under the Agreement, and Employers Liability Insurance with minimum limits of six hundred thousand (\$600,000) each incident, one million dollars (\$1,000,000) disease—policy limit, and one million dollars (\$1,000,000) disease—each employee. Evidence of qualified self-

insured status may be substituted for the worker's compensation requirements under this paragraph.

2. **Commercial general liability insurance** with minimum combined single limits of six hundred thousand dollars (\$600,000) each occurrence and one million five hundred thousand dollars (\$1,500,000) general aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual products, and completed operations. This policy shall contain a severability of interests provision.

3. **Professional liability insurance** with minimum limits of six hundred, thousand dollars (\$600,000) each claim and one million five hundred thousand dollars (\$1,500,000) general aggregate.

4. **The policy required by paragraph 2., above, shall be endorsed to include the City and the City's officers, employees, and Contractors as additional insureds.** The policy required in Paragraphs 1 and 2 above shall be primary insurance, and any insurance carried by the City, its officers, its employees, or its Contractors shall be excess and not contributory insurance to that provided by Contractor. No additional insured endorsement to the policy required by paragraph 1., above, shall contain any exclusion for bodily injury or property damage arising from completed operations. Contractor shall be solely responsible for any deductible losses under any policy required above.

5. The certificate of insurance provided for the City shall be completed by Contractor's insurance agent as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be reviewed and approved by the City prior to commencement of the Agreement. No other form of certificate shall be used. The certificate shall identify this Agreement and shall provide that the coverages afforded under the policies shall not be cancelled, terminated, or materially changed until at least thirty (30) days prior written notice has been given to the City. The completed certificate of insurance shall be sent to:

City of Black Hawk  
P.O. Box 68  
Black Hawk, Colorado 80422-0068  
**Attn: City Clerk**

6. Failure on the part of Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of agreement upon which the City may immediately terminate this Agreement, or at its discretion, the City may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Contractor to the City upon demand, or the City may offset the cost of the premiums against any monies due to Contractor from the City.

7. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

8. The parties hereto understand and agree that the City, its officers, and its employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, Colo. Rev. Stat. §24-10-114 et seq., 13 Colo. Rev. Stat., as from time to time amended, or otherwise available to the City, its officers, its employees, or agents.

#### **X. NON-ASSIGNABILITY**

Neither this Agreement, nor any of the rights or obligations of the parties hereto, shall be assigned by either party without the written consent of the other.

#### **XI. TERMINATION**

This Agreement shall terminate upon the City's providing Contractor with thirty (30) days advance written notice. In the event the Agreement is terminated by the City's issuance of said written notice of intent to terminate, the City shall pay Contractor for all work previously authorized and completed prior to the date of termination. If, however, Contractor has substantially or materially breached the standards and terms of this Agreement, the City shall have any remedy or right of set-off available at law and equity. If the Agreement is terminated for any reason other than cause prior to completion of the Project, any use of documents by the City thereafter shall be at the City's sole risk, unless otherwise consented to by Contractor.

#### **XII. VENUE**

This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Gilpin, State of Colorado.

#### **XIII. INDEPENDENT CONTRACTOR**

Contractor is an independent contractor. Notwithstanding any provision appearing in this Agreement, all personnel assigned by Contractor to perform work under the terms of this Agreement shall be, and remain at all times, employees or agents of Contractor for all purposes. Contractor shall make no representation that it is the employee of the City for any purpose.

#### **XIV. NO WAIVER**

Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the City shall not constitute a waiver of any of the other terms or obligations of this Agreement.

#### **XV. NOTICE**

Any notice or communication between Contractor and the City which may be required, or which may be given, under the terms of this Agreement, shall be in writing and shall be deemed

to have been sufficiently given when directly presented or sent pre-paid, first class United States Mail, addressed as follows:

The City:

City of Black Hawk  
P.O. Box 68  
Black Hawk, Colorado 80422-0068  
Attn: Melissa A. Greiner  
City Clerk/Administrative Services Director

The Contractor:

LRE Water  
1221 Auraria Parkway  
Denver CO 80204

#### **XVI. ENTIRE AGREEMENT**

This Agreement and the attached exhibits constitute the entire Agreement between Contractor and the City, superseding all prior oral or written communications. None of the provisions of this Agreement may be amended, modified, or changed, except as specified herein.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same in duplicate.

CITY OF BLACK HAWK, COLORADO

By: \_\_\_\_\_  
David Spellman, Mayor

ATTEST:

\_\_\_\_\_  
Melissa A. Greiner, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Corey Y. Hoffmann, City Attorney

By: LRE Water \_\_\_\_\_  
Its: Vice President –Risk Management

STATE OF COLORADO )  
COUNTY OF Denver ) ss.  
)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 12<sup>th</sup>  
day of June, 2023, by  
William Franczak as the VP Risk Management  
LRE Water

My commission expires: 11/16/2026

(S E A L)



\_\_\_\_\_  
Notary Public





## CITY OF BLACK HAWK

### REQUEST FOR COUNCIL ACTION

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**SUBJECT:** Request for approval of the contract with LRE for engineering services associated with developing one or two wells for additional water.

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Alderman:

***MOTION TO APPROVE*** Resolution 23-54, A Resolution Approving the Contract Between the City of Black Hawk and LRE Water in the Amount Not to Exceed \$67,250.00 for Engineering Services Pertaining to the Drilling of a Water Well in or Around 4-Mile Gulch

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Four Mile Gulch is a significant source of water for the City of Black Hawk. LRE have reviewed options for opportunity to expand the City raw water supply, and have found a couple of locations that are legally and hydrologically potentially viable. The 4-Mile basin is close to being fully developed, and opportunities may be lost with future residential development. To that end, LRE has provided a proposal for engineering services associated with developing one (if successful) or two (if needed) wells for additional water. The work is not budgeted for this fiscal year, but it is believed that time is of the essence with the ongoing development.

**AGENDA DATE:** June 14, 2023

**FUNDING SOURCE:** 501-3151-460-74-22  
Water Fund; System Improvements/Projects

**STAFF PERSON RESPONSIBLE:** Tom Isbester/Brad Dallam

**DOCUMENTS ATTACHED:** agreement

**RECORD** [ ] Yes [ ] No

**CoBH Certificate of Insurance Required** [ ] Yes [ ] No

**CITY ATTORNEY REVIEW:** [X]Yes [ ]No [ ]N/A

**SUBMITTED BY:**

Thomas Isbester, Public Works Director

**REVIEWED BY:**

Stephen N. Cole, City Manager

**RESOLUTION 55-2023**  
**A RESOLUTION**  
**APPROVING AMENDMENT**  
**NO. 1 TO THE GENERAL**  
**CONTRACTOR**  
**AGREEMENT EXECUTED**  
**ON APRIL 12, 2023**  
**BETWEEN THE CITY OF**  
**BLACK HAWK AND MW**  
**GOLDEN CONSTRUCTORS,**  
**ESTABLISHING THE**  
**GUARANTEED MAXIMUM**  
**PRICE (GMP) OF \$9XX,XXX**  
**FOR CONSTRUCTION OF**  
**THE POLICE STATION**  
**RENOVATION PROJECT**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 55-2023

**TITLE: A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE GENERAL CONTRACTOR AGREEMENT EXECUTED ON APRIL 12, 2023 BETWEEN THE CITY OF BLACK HAWK AND MW GOLDEN CONSTRUCTORS, ESTABLISHING THE GUARANTEED MAXIMUM PRICE (GMP) OF \$1,057,561 FOR CONSTRUCTION OF THE POLICE STATION RENOVATION PROJECT**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

**Section 1.** The City Council hereby approves Amendment No. 1 to the General Contractor Agreement executed on April 12, 2023 between the City of Black Hawk and MW Golden Constructors, establishing the Guaranteed Maximum Price (GMP) of \$1,057,561 for construction of the Police Station Renovation project.

RESOLVED AND PASSED this 14<sup>th</sup> day of June, 2023.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

## **AMENDMENT NO. 1**

### **ACCEPTANCE OF THE GUARANTEED MAXIMUM PRICE**

#### **Police Station Renovation**

June 14, 2023

This Amendment to the Agreement between the parties signing below shall establish the Scope of Work, Schedule, and Guaranteed Maximum Price, in accordance with the terms of the *General Contractor Agreement* for the Police Station Renovation project, dated April 12, 2023. Terms capitalized in this document are specifically defined in the Agreement and in the Contract Documents incorporated therein.

#### **A.1. SCOPE OF WORK**

The Scope of Work includes construction of the Gregory Point Site Improvements, as described in the construction plans dated May 3, 2023, the *Project Manual* dated May 3, 2023, and other supporting documents provided to the Contractor during the selection process.

#### **A.2. GUARANTEED MAXIMUM PRICE**

The Guaranteed Maximum Price for the Scope of Work, including the previously-approved preconstruction fee of \$5,000, is **One Million Fifty-Seven Thousand Five Hundred Sixty-One Dollars (\$1,057,561)**, which is the maximum amount payable for performance of the Scope of Work in accordance with the Contract Documents, including this Amendment and its incorporated Exhibit B.

#### **A.3. CONTRACT TIME**

The date of Substantial Completion for the Scope of Work is hereby established as **October 3, 2023**.

Notary Public



# EXHIBIT B

June 8, 2023

Black Hawk Police Station Renovation  
221 Church St  
Black Hawk, CO 80422

Attention: Matt Reed  
Reference: Black Hawk Police Station Renovation  
Subject: Proposal Letter R1 – City Comments

Dear Matt Reed:

MW GOLDEN CONSTRUCTORS (MWGC) is pleased to provide you with a proposal for the Black Hawk Police Station Renovation project located in Black Hawk, CO. This price is based off the Permit Set drawings: Architectural Drawings Dated 5/3/23, Electrical Drawings Dated 5/4/23, Mechanical Drawings Dated 5/4/23, and Plumbing Drawings Dated 5/4/23. Below is a divisional cost breakdown along with inclusions and exclusions for the project:

## DIVISIONAL COST BREAKDOWN

Division	Description	Total	Cost Per SF	% of Total
010000	General Conditions	\$68,827	\$41.29	6.54%
010001	Additional Overhead due to Schedule	\$32,331	\$19.39	3.07%
024000	Demolition	\$29,947	\$17.96	2.85%
055000	Metal Fabrication	\$3,850	\$2.31	0.37%
061000	Rough Carpentry	\$6,440	\$3.86	0.61%
062000	Finish Carpentry	Inc in 064000	\$0.00	0.00%
064000	Architectural Woodwork	\$38,870	\$23.32	3.69%
079000	Joint Sealants	\$5,000	\$3.00	0.48%
081100	Doors, Frames, Hardware	\$16,786	\$10.07	1.59%
081101	D/H Install	\$7,500	\$4.50	0.71%
083100	Access Doors	\$1,750	\$1.05	0.17%
084000	Windows	\$28,550	\$17.13	2.71%
092000	Framing, Gyp, Insulation	\$48,920	\$29.35	4.65%
095100	ACT (Rockfon Tropic #1060)	\$2,350	\$1.41	0.22%
096800	Flooring	\$25,102	\$15.06	2.38%
096900	Access Flooring	\$11,400	\$6.84	1.08%
099000	Painting	\$19,500	\$11.70	1.85%
101400	Signage	\$1,190	\$0.71	0.11%
102200	Toilet Partition	Inc in 102800	\$0.00	0.00%
102600	FRP	Inc in 102800	\$0.00	0.00%



Division	Description	Total	Cost Per SF	% of Total
102800	T&B Accessories	\$29,414	\$17.64	2.79%
105000	Detention Furniture	Inc in 102800	\$0.00	0.00%
110000	Equipment (OFCI)	\$4,600	\$2.76	0.44%
123100	Manufactured Casework	Inc in 064000	\$0.00	0.00%
124813	Removable Walk-Off Mat (Thresholds Only)	\$1,500	\$0.90	0.14%
220000	Plumbing	Inc in 230000	\$0.00	0.00%
230000	Mechanical	\$163,492	\$98.08	15.53%
260000	Electrical	\$204,890	\$122.91	19.47%
270001	Communications	\$10,284	\$6.17	0.98%
280000	Security System (Cameras, Card Readers)	\$77,661	\$46.59	7.38%
600400	Contingency	\$105,271	\$63.15	10.00%
600100	Builders Risk	\$4,240	\$2.54	0.40%
600200	Insurance	\$21,000	\$12.60	2.00%
600300	Bond	\$8,189	\$4.91	0.78%
600500	Margin	\$73,708	\$44.22	7.00%
000000	<b>Total</b>	<b>\$1,052,561</b>	<b>\$631.41</b>	<b>100.00%</b>

**(Declined) Alternate 2 (New Return Air Duct):** \$7,296

**PLUS \$5,000 PREVIOUSLY-APPROVED  
PRE-CONSTRUCTION FEE = \$1,057,561**

#### **SCOPE INCLUSIONS**

##### 024000 – Demolition

- a. Demo and removal of existing walls per drawings.
- b. Demo and removal of existing flooring including epoxy floors per drawings.
- c. Demo and removal of existing doors and windows per drawings.
- d. Demo existing plumbing fixtures per drawings.
- e. Demo existing desks and shelves per drawings.
- f. Demo existing lights and fans per drawings.
- g. Demo existing furnace and ductwork per drawings.
- h. Remove existing chalkboard and return to owner.

##### 055000 – Metal Fabrications

- a. Material and labor to provide and install the steel supports for the Booking Counter per details on A700.

##### 061000 – Rough Carpentry

- a. Material and labor to install all in-wall backing, temporary partitions, and wood flooring repair from underground plumbing rough in.

##### 064000 – Architectural Woodwork

- a. Provide and install all PLAM cabinets, built-ins, countertops, accessories, and hardware per the drawings and specs.
- b. Includes PLAM cabinet with Corian countertop in Lobby 100.
- c. Includes PLAM cabinets and pantry with Corian countertops in Snack 104.
- d. Includes PLAM ADA sink skirt and apron with Corian countertop in Employee Toilet 105.
- e. Includes countertop supports and 2-level Corian top with drop transition in Booking 109.
- f. Includes PLAM cabinet with Corian countertop and supports in Officers 111.

**079000 – Joint Sealants**

- a. Allowance for any caulking/sealants necessary on the project.

**081100 – Doors/Frames/Hardware**

- a. Material only for all hollow metal frames, wood doors, and hardware per drawings and specs.
- b. Includes solid core white birch wood doors (or equal) by Marshfield.
- c. Includes stain pre-finishing.
- d. Includes hollow metal frames by Curries.
- e. Includes door hardware per plans.

**081101 – Door/Hardware Install**

- a. All material and labor to install the wood doors and hardware per drawings and specs.

**083100 – Access Doors**

- a. All material and labor to provide and install the access doors per drawings and specs.

**084000 – Aluminum Windows**

- a. All material and labor to provide and install the aluminum windows and glazing per drawings and specs.
- b. Includes ¼" clear tempered in clear anodized u-channel on top/bottom for elevation 1.
- c. Includes TSS Grade 3 polycarbonate glass in TSS clear anodized u-channel for elevations 2, 3, and 4. Window type 2 and 3 to have ballistic speak-thru. Includes non-ballistic deal trays 12" x 10".
- d. Includes ¼" clear tempered glazing in doors.
- e. Includes clear silicone sealant.
- f. Includes shop drawings.

**092000 – Gypsum Board Assemblies**

- a. All material and labor to provide and install metal framing, insulation, and gypsum board.
- b. Includes layout for new walls, ceilings, soffits.
- c. Includes 3-5/8" 20ga metal studs at 16" o/c for interior walls and 6" 20ga metal studs at 16" o/c at interior walls.
- d. Includes 3" mineral wool insulation at noted wall locations.
- e. Includes 5/8" type-X gypsum board with mold/moisture resistant board figured at wet areas.
- f. Includes level 4 finish at painted gypsum board (unless otherwise noted).
- g. Includes tape-on corner bead at corners.
- h. Includes patching of existing gypsum board for MEP rough-in.
- i. Includes installation of all hollow metal door frames.

**095123 – Acoustical Ceilings**

- a. All material and labor to provide and install new ceiling grid and tile per the drawings and specs.
- b. Includes Rockfon Tropic #1060 tile and Chicago White grid.

**096000 – Flooring**

- a. All material and labor to provide and install the carpeting, LVT, stair treads/risers, and base per drawings and specs.
- b. Includes material allowance for carpet and LVT for owner/architect final selection.
- c. Includes rubber base.
- d. Includes new rubber stair tread and riser coverings.
- e. Includes low-profile thresholds for entrance mat, mat by Owner.

**096900 – Access Flooring**

- a. All material and labor to provide and install the access flooring as an approved alternate to the specified product.
- b. Includes Tate CCN1250 Bare access floor panels with posi-lock understructure at 3" FFH in Dispatch 102.
- c. Includes one ramp with aluminum ramp shoe and threshold up to Dispatch 102.

**099100 – Painting**

- a. All labor and material to provide the interior painting per the drawings and specs.
- b. Includes all noted gypsum board walls/ceilings and hollow metal door frames.

**101400 – Signage**

- a. All material and labor to provide and install the interior panel signage at all room locations due to uncertainty in the extent of the scope in the drawings and specs.
- b. Includes Room ID signage at (16) room locations.
- c. Includes Room ID with Cardstock Insert at Sergeant Office.
- d. Includes (2) restroom signs.
- e. Includes (1) exit sign.

**102800 – Toilet/Bath Accessories**

- a. All material and labor to provide and install the FRP, Toilet/Bath Accessories, Detention Furniture, and Corner Guards per the drawings and specs.

**110000 – Equipment**

- a. All labor only to install owner furnished equipment and furniture per the drawings and specs.

**220000 – Plumbing**

- a. All material and labor to provide and install a complete plumbing system per the drawings and specs.
- b. Includes all piping, fittings, valves, fixtures, tie-ins, and insulation.
- c. Includes demo of existing plumbing system.
- d. Includes gas piping and reconnection to furnace.
- e. Includes fire caulking for plumbing penetrations only.
- f. Includes garbage disposal in Snack 104 sink.

**230000 – HVAC**

- a. All material and labor to provide and install a complete HVAC system per the drawings and specs.
- b. Includes all ductwork, duct liner, insulation, controls, equipment, louvers.
- c. Includes test and balance.
- d. Includes demo of existing mechanical system.
- e. Includes fire caulking for HVAC penetrations only.

**260000 – Electrical**

- a. All material and labor to provide and install a complete electrical system per the drawings and specs.
- b. Includes all new lighting, power distribution, and devices.
- c. Includes power to mechanical units.
- d. Includes new breakers in existing panels.
- e. Includes safe-off only for electrical demo.
- f. Includes rough-in only for phone, data, security.
- g. Includes permit.
- h. Includes added receptacle and switch for garbage disposal in Snack 104.
- i. Includes switches in lieu of occupancy sensors in Records, Dispatch, Booking, the Officers' area, and the Sergeants' Offices.

270000 – Communications

- a. All material and labor to provide and install a complete communications system per the drawings and specs.
- b. Includes CAT6 cabling to all data/voice, phone, and data location.
- c. Includes demo of old cabling from ceiling.
- d. Includes all face plates and jacks.
- e. Includes terminating cables on a new patch panel on a new biscuit/wall plate at the user end.

280000 – Security System

- a. All material and labor to provide and install a complete security system per the drawings and specs.
- b. Includes an Open Options access control system including (14) access-controlled doors with associated control equipment.
- c. Intelligent controller is assumed to be existing and is required for sub-controllers.
- d. Includes smart readers, door contacts, request to exits, and power supplies.
- e. Includes all cabling for a functioning system.
- f. Includes programming and permits.
- g. Includes Open Options DNA additional sub-controller licenses.
- h. Includes 3xLogic video surveillance system including (8) 5mp Megapixel WDR IP dome cameras.
- i. Access to the city network is to be made available in the facility MDF.
- j. Cabling is assumed to be existing and in good working order, testing of functionality is included.
- k. Includes demo of existing cameras.
- l. Includes programming.
- m. Camera licenses are assumed to be existing.

**GENERAL EXCLUSIONS**

- Night or weekend work
- Prevailing wage
- Taxes
- Parking costs
- Any repairs on existing MEP equipment
- Tap/Development Fees
- Utility Company Fees
- Temporary Construction Power/Water/Gas Consumption Fees
- Hazardous Material Testing
- Hazardous Material Abatement
- Materials Testing
- Price inflation due to tariffs or commodity inflation
- Permit fees, plan review fees, use tax
- Fire suppression work
- Fire alarm work
- Rock excavation

Thank you for the opportunity and we look forward to having further discussions on this project.

Sincerely,

MW GOLDEN CONSTRUCTORS



Sean Allen  
Estimator



## CITY OF BLACK HAWK

### REQUEST FOR COUNCIL ACTION

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**SUBJECT:**

Approve Resolution xx-2023, a Resolution approving Amendment No. 1 to the General Contractor Agreement for the Police Station Renovation project. Amendment No. 1 would establish the Guaranteed Maximum Price (GMP) for construction of this project.

**RECOMMENDATION:**

If City Council chooses to approve Resolution xx-2023, a Resolution approving Amendment No. 1 to the General Contractor Agreement between the City of Black Hawk and MW Golden Constructors, the recommended motion is as follows: “Approve Resolution xx-2023, a Resolution approving Amendment No. 1 to the General Contractor Agreement dated April 12, 2023, and therefore accepting the GMP of \$1,057,561 for construction of the Police Station Renovation project.”

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The first level of the Police Station contains several inefficient and wasted spaces. In particular, the Dispatch room is due for an upgrade. The Police Station Renovation project would renovate most of the lower-level of the Police Station, including Dispatch, Records, the restroom, and the prisoner holding cell. It would add a centrally-located kitchenette for Staff convenience. A raised access floor would be added in Dispatch to allow easy access to the multitude of cables necessary for Dispatch equipment. Security measures will be included with this project to enhance Staff safety.

Approval of this Amendment would establish the GMP for construction of the Police Station Renovation project and authorize construction to begin.

The original General Contractor Agreement with MW Golden Constructors was approved by City Council on April 12, 2023.

**FUNDING SOURCE:** Program Expenses / Police Building: 203-0000-502-58-40

**AGENDA DATE:** June 14, 2023

**ORIGINATED BY:** Tom Isbester / Matt Reed

**STAFF PERSON RESPONSIBLE:** Tom Isbester / Matt Reed

**PROJECT COMPLETION DATE:** Late 2023

**DOCUMENTS ATTACHED:** Amendment No. 1

**CITY ATTORNEY REVIEW:** [ ]Yes [ X ]No [ ]N/A INITIALS\_\_\_\_\_



**SUBMITTED BY:**



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**Thomas Isbester, Public Works Director**

**REVIEWED BY:**



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**Stephen N. Cole, City Manager**