

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

COUNCIL BILL NUMBER: CB15

ORDINANCE NUMBER: 2020-15

TITLE: AN ORDINANCE STATING THE INTENT OF THE CITY OF BLACK HAWK TO ACQUIRE CERTAIN PROPERTY FOR THE CONSTRUCTION, EXPANSION AND IMPROVEMENT OF CITY STREETS AND ROADWAYS, PURSUANT TO C.R.S. § 38-6-101, C.R.S. § 31-25-201, ARTICLE XX, § 1 OF THE COLORADO CONSTITUTION, AND ARTICLE 8, SECTION 4 OF THE CITY OF BLACK HAWK HOME RULE CHARTER

WHEREAS, the City of Black Hawk, Colorado possesses the power of eminent domain pursuant to the provisions of Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter, as well as C.R.S. § 38-1-101, *et seq.*, C.R.S. § 38-6-101, *et seq.*, and C.R.S. § 31-25-201;

WHEREAS, the City of Black Hawk wishes to acquire the property more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Subject Property"), as part of the construction and improvement of the City's roadway system;

WHEREAS, said Subject Property is to be acquired for the construction, expansion and improvement of the City street and roadway system, as authorized by and within the meaning of Article XX, § 1 of the Colorado Constitution, Article 8, Section 4 of the City of Black Hawk Home Rule Charter, C.R.S. § 38-6-101, and C.R.S. § 31-25-201.

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

Section 1. Notice is hereby given that the City of Black Hawk, Colorado, intends to acquire the Subject Property.

Section 2. The acquisition of the Subject Property serves the public purpose of constructing, expanding and improving the City's street and roadway system, thereby providing City streets that are necessary and essential to the City's ability to provide such public facilities within the meaning of C.R.S. § 38-6-101 and C.R.S. § 31-25-201. Said purposes are specifically authorized as set forth above and pursuant to Article XX, § 1 of the Colorado Constitution, and Article 8, Section 4 of the City of Black Hawk Home Rule Charter.

Section 3. The City further finds and determines as follows:

A. The City of Black Hawk finds that consistent with its home rule eminent domain authority, the purpose of providing City streets, roadways, public areas, and associated facilities for which the Subject Property is sought constitutes a valid public purpose within

the meaning of Article XX, § 1 of the Colorado Constitution, C.R.S. § 38-6-101, and C.R.S. § 31-25-201; and

B. That it is necessary and essential that the City acquire the Subject Property for the public purpose set forth herein.

Section 4. The staff of the City is directed to comply with all requirements of applicable law in the conduct of the within authorized eminent domain action.

Section 5. In the prosecution of the within authorized eminent domain action, the City shall retain all rights and powers lawfully delegated to it by the Colorado Constitution, the City of Black Hawk Home Rule Charter, and C.R.S. § 38-1-101, *et seq.*

Section 6. 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 7. 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 8. 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 10th day of June, 2020.


David D. Spellman, Mayor

ATTEST:

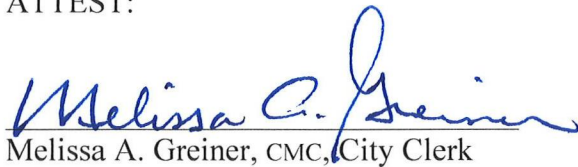

Melissa A. Greiner, CMC, City Clerk



EXHIBIT A

The Dale Lode Mining Claim, U.S. Mineral Survey No. 13338, as described in U.S. Patent recorded October 10, 1931, in Book 103, Page 366,

Excepting therefrom any portion embraced in Survey Nos. 328, 670, 871, 7799, 10737, 11571, 12784, and the Little Raven lode Claim unsurveyed, as excepted in said Patent,

And Excepting therefrom any portion conveyed to City of Central by Deeds recorded: August 24, 1999, in Book 677, Page 284; August 25, 1999, in Book 677, Page 309; September 1, 1999, in Book 678, Page 56; September 2, 1999, in Book 678, Page 79; September 2, 1999, in Book 678, Page 83; September 2, 1999, in Book 678, Page 85; September 2, 1999, in Book 678, Page 88; September 14, 1999, in Book 678, Page 390; September 27, 1999, in Book 679, Page 348; and September 11, 2003, Reception No. 118944,

County of Gilpin, State of Colorado