

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

**COUNCIL BILL NUMBER: CB2**

**ORDINANCE NUMBER: 2020-2**

**TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF PARCEL NO. 1, 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 March 25, 2020, as required by law to determine the eligibility for annexation of that property described in attached Exhibit A;

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

WHEREAS, the City Council of the City of Black Hawk, Colorado, by resolution determined that the applicable parts of C.R.S. §§ 31-12-104 and 31-12-105 have been met, that an election is not required under C.R.S. § 31-12-107(2), and that no additional terms and conditions are to be imposed;

WHEREAS, it is the opinion of the City Council that it is desirable and necessary that the property described in the attached Exhibit A be annexed to the City; and

WHEREAS, it is in the best interest of the City and its citizens to annex said parcel.

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

Section 1. The City Council finds that the property described in the attached Exhibit A is part of the serial annexation of a larger parcel of land.

Section 2. The annexation by and to the City of Black Hawk, State of Colorado, of that property described in attached **Exhibit A**, situated, lying and being in the County of Gilpin, State of Colorado, meets all requirements of law and the annexation policy of the City of Black Hawk, and therefore, said annexation is hereby approved and made effective.

Section 3. The owner(s) of more than fifty percent (50%) of the area of the property described in attached Exhibit A, exclusive of public streets and alleys, petitioned for annexation with the City by filing a Petition for Annexation, together with four (4) copies of the annexation map, as required by law, on January 3, 2020.

Section 4. The City Council, by resolution at a properly-noticed meeting on February 12, 2020, accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, as amended, have been met and further determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation.

Section 5. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the City of Black Hawk.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of this property to the City of Black Hawk will serve the best interests of the City of Black Hawk and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A, which is attached hereto and made a part hereof, is hereby annexed to the City of Black Hawk, Colorado.

Section 7. The City Clerk shall file for recording one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Clerk and Recorder of the County of Gilpin, State of Colorado.

Section 8. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Gilpin County Clerk and Recorder.

Section 9. The City Clerk shall file two certified copies of the Annexation Ordinance and two certified copies of the Annexation Map for the Real Property with the Clerk and Recorder of the County of Gilpin, State of Colorado, for such Clerk and Recorder's filing with the Division of Local Governments of the Department of Local Affairs and the Department of Revenue.

Section 10. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 11. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 12. Effective Date. By operation of C.R.S. § 31-12-113(2), the annexation and this Ordinance will not become effective until the City Clerk completes the filings required by statute. For the purpose of general taxation, this Ordinance shall become effective on January 1st of the next succeeding year following its passage.

READ, PASSED AND ORDERED POSTED this 25<sup>th</sup> day of March, 2020.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa A. Greiner, CMC, City Clerk



## Exhibit A

### Lake Gulch Whiskey Resort Annexation No. 1

#### Legal Description

A parcel of land located in Sections 17 & 18, Township 3 South, Range 72 West of the 6th Principal Meridian, County of Gilpin, State of Colorado, being more particularly described as follows:

Commencing at the East  $\frac{1}{4}$  corner of Section 13, T3S, R73W, being a US BLM standard brass cap, stamped "T3S R73W R72W  $\frac{1}{4}$  S13 1980" from whence the northeast corner of said Section 13, being a US BLM standard brass cap, stamped "T3S R73W R72W CC S12 S13 1980", bears N  $00^{\circ}14'12''$  E, a distance of 2,639.74 feet, said line forming the Basis of Bearing for this description; thence N  $69^{\circ}30'48''$  E a distance of 3,617.79 feet to the point of intersection of line 3-4 of the Clay County Lode, US Mineral Survey No. 360 with line 4-1 of the Williams Crossing Lode, US Mineral Survey No. 15824 being the Point of Beginning.

Thence S  $47^{\circ}53'33''$  E along said line 4-1 of said Williams Lode a distance of 296.23 feet to the point of intersection with line 3-2 of the Blow Out Lode, US Mineral Survey No. 18776;

thence N  $19^{\circ}46'26''$  E along said line 3-2 of said Blow Out Lode a distance of 361.74 feet to the point of intersection with the east-west centerline of the NE  $\frac{1}{4}$  of said Section 18 and the City of Black Hawk Patented Boundary;

thence N  $89^{\circ}32'31''$  E along said east-west centerline of the NE  $\frac{1}{4}$  and City of Black Hawk Patented Boundary a distance of 208.47 feet to the point of intersection with line 1-2 of the Great Britian Lode, US Mineral Survey No. 18776;

thence S  $29^{\circ}18'00''$  W along said line 1-2 of said Great Britian Lode a distance of 353.67 feet to corner No. 2 of said Great Britian Lode;

thence S  $46^{\circ}17'00''$  W along line 2-3 of said Great Britian Lode a distance of 131.10 feet to the point of intersection with line 4-1 of said Williams Crossing Lode;

thence S  $47^{\circ}53'33''$  E along said line 4-1 of said Williams Crossing Lode a distance of 149.95 feet to the point of intersection with line 6-7 of said Great Britian Lode;

thence N  $46^{\circ}22'45''$  E along said line 6-7 of said Great Britian Lode a distance of 142.56 feet to corner No. 7 of said Great Britian Lode;

thence N  $29^{\circ}19'49''$  E along line 7-8 of said Great Britian Lode a distance of 461.80 feet to the point of intersection with said east-west centerline of the NE  $\frac{1}{4}$  of said Section 18 and the City of Black Hawk Patented Boundary;

thence N  $89^{\circ}32'31''$  E along said east-west centerline of the NE  $\frac{1}{4}$  and City of Black Hawk Patented Boundary a distance of 474.24 feet to the point of intersection with line 16-15 of the Gold Tunnel No. 21 Lode, US Mineral Survey No. 4589;

thence S  $43^{\circ}56'47''$  W along said line 16-15 of the Gold Tunnel No. 21 Lode a distance of 81.81 feet to corner No. 15 of the said Gold Tunnel No. 21 Lode;

thence S  $46^{\circ}21'54''$  E along line 15-14 of the said Gold Tunnel No. 21 Lode, a distance of 150.01 feet to corner no. 14 of the said Gold Tunnel No. 21 Lode;

thence N  $43^{\circ}56'15''$  E along line 14-13 of the said Gold Tunnel No. 21 Lode, a distance of 227.88 feet to the point of intersection with the east-west centerline of the NE  $\frac{1}{4}$  of said Section 18 and the City of Black Hawk Patented Boundary;

thence N  $89^{\circ}32'31''$  E along said east-west centerline of the NE  $\frac{1}{4}$  and City of Black Hawk Patented



Boundary a distance of 1040.34 feet to the N 1/16th corner of Sections 17 and 18;

thence N 87° 26' 32" E along the east-west centerline of the NW ¼ of said Section 17 a distance of 165.11 feet to the point of intersection with line 3-2 of said East Williams Lode, US Mineral Survey No. 588;

thence S 47° 19' 59" W along said line 3-2 of the East Williams Lode a distance of 204.89 feet to corner No. 2 of said East Williams Lode;

thence S 42° 44' 49" E along line 2-1 of said East Williams Lode a distance of 152.37 feet to corner No. 1 of said East Williams Lode;

thence N 47° 20' 23" E along line 1-4 of said East Williams Lode a distance of 385.62 feet to the point of intersection with said east-west centerline of the NW ¼ of said Section 17 and the City of Black Hawk Patented Boundary;

thence N 87° 26' 32" E along said east-west centerline of the NW ¼ of said Section 17 and City of Black Hawk Patented Boundary a distance of 906.14 feet to the NW 1/16th corner of said Section 17;

thence N 01° 02' 29" W along the north-south centerline of said NW ¼ of said Section 17 and along the City of Black Hawk Patented Boundary a distance of 164.47 feet to the point of intersection with line 1-2 of the Mary Miller Lode, US Mineral Survey No. 969;

thence N 44° 28' 35" E along said line 1-2 of said Mary Miller Lode a distance of 60.92 feet to the point of intersection with said City of Black Hawk Patented Boundary;

thence N 88° 00' 45" E along said City of Black Hawk Patented Boundary a distance of 96.85 feet;

thence N 00° 18' 42" W along said City of Black Hawk Patented Boundary a distance of 91.93 feet to the point of intersection with line 6-5 of the Morgan Placer US Mineral Survey No. 226;

thence S 42° 19' 52" E along said line 6-5 of said Morgan Placer a distance of 92.75 feet to corner No. 5 of said Morgan Placer;

thence S 41° 03' 33" E along Colorado Department of Transportation deed recorded at Reception No. 141956 Gilpin County Records a distance of 12.42 feet to a CDOT 3 ¼ " aluminum cap;

thence S 49° 47' 21" E continuing along said Reception No. 141956 a distance of 43.07 feet to the point of intersection with line 3-4 of said Mary Miller Lode;

thence S 44° 27' 10" W along said line 3-4 of said Mary Miller Lode a distance of 340.78 feet to the north-south centerline of said NW ¼ of said Section 17;

thence S 42° 07' 27" W a distance of 980.96 feet to corner No. 3 of the Little Mattie Lode, US Mineral Survey No. 970;

thence N 45° 33' 27" W along line 3-2 of said Little Mattie Lode a distance of 149.96 feet to corner No. 2 of said Little Mattie Lode;

thence S 44° 28' 40" W along line 2-1 of said Little Mattie Lode a distance of 1499.34 feet to corner No. 1 of said Little Mattie Lode;

thence S 45° 17' 32" E along line 1-4 of said Little Mattie Lode a distance of 149.75 feet to corner No. 4 of said Little Mattie Lode;

thence S 27° 33' 11" E a distance of 938.48 feet to the S 1/16th corner of Sections 17 and 18;

thence N 88° 20' 50" W a distance of 663.62 feet to a point on the easterly edge of Lake Gulch Road, County Road 6;

thence along said easterly edge of said Lake Gulch Road the following 32 courses:

1. N 04° 13' 02" W a distance of 31.99 feet;
2. N 07° 44' 55" W a distance of 32.64 feet;
3. N 18° 09' 05" W a distance of 33.14 feet;
4. N 38° 37' 56" W a distance of 34.32 feet;
5. N 53° 47' 50" W a distance of 29.23 feet;
6. N 75° 08' 14" W a distance of 35.56 feet;
7. N 85° 37' 54" W a distance of 30.90 feet;
8. S 89° 52' 43" W a distance of 27.50 feet;
9. N 87° 06' 51" W a distance of 30.91 feet;
10. N 85° 25' 50" W a distance of 33.32 feet;
11. N 83° 57' 02" W a distance of 32.67 feet;
12. N 82° 55' 20" W a distance of 27.68 feet;
13. N 84° 02' 37" W a distance of 25.81 feet;
14. N 85° 10' 50" W a distance of 29.44 feet;
15. N 85° 57' 08" W a distance of 28.99 feet;
16. N 85° 47' 52" W a distance of 28.17 feet;
17. N 81° 25' 50" W a distance of 28.60 feet;
18. N 76° 41' 49" W a distance of 29.15 feet;
19. N 73° 08' 35" W a distance of 28.55 feet;
20. N 70° 53' 21" W a distance of 28.11 feet;
21. N 69° 40' 34" W a distance of 29.60 feet;
22. N 69° 16' 06" W a distance of 30.58 feet;
23. N 69° 23' 51" W a distance of 31.51 feet;
24. N 69° 00' 03" W a distance of 30.04 feet;
25. N 67° 48' 40" W a distance of 31.55 feet;
26. N 68° 24' 20" W a distance of 27.25 feet;
27. N 62° 37' 03" W a distance of 29.46 feet;
28. N 58° 52' 53" W a distance of 25.03 feet;
29. N 54° 58' 57" W a distance of 28.04 feet;
30. N 57° 56' 49" W a distance of 30.20 feet;
31. N 61° 34' 17" W a distance of 32.80 feet;
32. N 66° 40' 06" W a distance of 25.01 feet to a point on line 1-4 of Washingtons Day Lode, US Mineral Survey 11885;  
thence along said line 1-4 N 39° 23' 17" E a distance of 633.47 feet to corner No. 4 of said Washingtons

Day Lode;

thence along line 4-3 of said Washingtons Day Lode N 45° 12' 18" W a distance of 150.58 feet to corner No. 3 of said Washingtons Day Lode;

thence N 40° 53' 21" W a distance of 1,096.94 feet;

thence N 47° 01' 18" E a distance of 320.86 feet;

thence N 42° 58' 23" W a distance of 169.95 feet;

thence S 47° 00' 48" W a distance of 314.68 feet;

thence N 40° 53' 21" W a distance of 710.26 feet to the Point of Beginning,

EXCEPT the Denver Lode, US Mineral Survey 745, total parcel containing 100.5 acres gross, 95.35 acres net more or less.