AN ORDINANCE APPROVING THE EXCLUSION OF PROPERTY FROM THE BLACK HAWK BUSINESS IMPROVEMENT DISTRICT AND CHANGING THE BOUNDARIES OF THE DISTRICT CONSISTENT THEREWITH

WHEREAS, the City of Black Hawk received a petition from the City of Black Hawk (the "Petition") for the exclusion of property more particularly described as follows:

Any and all land that is now part of Lot 6A of CITY OF BLACK HAWK, BLOCK 28 AMENDMENT NO. 1 that was previously part of the eastern portion (historically referenced as 9 feet) of Lot 5, All of Lots 6, 7, and 8 of Block 28,

all in the City of Black Hawk, County of Gilpin, State of Colorado (the "Property");

WHEREAS, the City has given notice as required by C.R.S. § 31-25-1220(2) that any interested person shall appear on August 12, 2020 to show cause, if any they have, why such petition should not be granted; and

WHEREAS, the City Council determines to exclude the Property from the boundaries of the Black Hawk Business Improvement District (the "District") based on the finding that the change in the boundaries of the District does not adversely affect the District.

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

Section 1. Findings. The City Council hereby finds as follows:

A. Following a finding of the sufficiency of the Petition as required by law, notice was given pursuant to C.R.S. § 31-25-1220(2) of the proceedings regarding the exclusion of the Property from the boundaries of the District; and

B. Following a properly noticed hearing on the Petition conducted by the City Council of the City of Black Hawk on August 12, 2020, at which time all interested persons having an objection could show cause why such Petition should not be granted, and after hearing all of the evidence presented, the City Council finds and determines that the exclusion of the Property within the District does not adversely affect the District.
Section 2. The Council therefore determines to grant the Petition and change the boundaries of the Black Hawk Business Improvement District to exclude the Property more particularly described as follows:

Any and all land that is now part of Lot 6A of CITY OF BLACK HAWK, BLOCK 28 AMENDMENT NO. 1 that was previously part of the eastern portion (historically referenced as 9 feet) of Lot 5, All of Lots 6, 7, and 8 of Block 28,

all in the City of Black Hawk, County of Gilpin, State of Colorado.

Section 3. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Gilpin County Clerk and Recorder's Office.

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 12th day of August, 2020.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk