

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.


David D. Spellman, Mayor

ATTEST:


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.