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ORDINANCE NO. 2023-001

AN ORDINANCE ANNEXING TO THE TOWN OF CASTLE ROCK, COLORADO, 409.008 ACRES OF LAND LOCATED IN THE SOUTH HALF OF SECTION 30 AND THE NORTH HALF OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 66 WEST, AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, PURSUANT TO AN ANNEXATION PETITION SUBMITTED BY CANYONS SOUTH, LLC (Canyons Far South Annexation)

WHEREAS, on April 15, 2021, a petition (the “Petition”) was filed with the Town Clerk by Canyons South, LLC (the “Petitioner”) for the annexation of 409.008 acres of land located south of Crowfoot Road, east of Founders Parkway, north of Crimson Sky Drive and west of Castle Oaks Drive, as more particularly described on the attached *Exhibit 1* (the “Property”); and

WHEREAS, the Petition requests that the Town of Castle Rock (the “Town”) annex the Property; and

WHEREAS, on June 15, 2021, the Town Council adopted Resolution No. 2021-059, finding that the Petition is in substantial compliance with the requirements set forth in Article II, Section 30(1)(b) of the Colorado Constitution and §31-12-107(1), C.R.S.; and

WHEREAS, on August 17, 2021, the Town Council adopted Resolution No. 2021-079 finding that the Property is eligible for annexation to the Town in accordance with the requirements of Article II, Section 30 of the Colorado Constitution and §§31-12-104 and 31-12-105, C.R.S.; and

WHEREAS, Section 20.02.020 of the Castle Rock Municipal Code provides that, within 180 days from the date the Town Council determines the Property is eligible for annexation, the Town Council shall conduct a separate hearing regarding the advisability of annexing of the Property to the Town, unless the hearing is deferred with the consent of the petitioner (the “Annexation Hearing”); and

WHEREAS, in addition, at least ten days prior to the date set for the Annexation Hearing, the Petitioner’s request to annex the Property shall be reviewed in a public hearing by the Planning Commission; and

WHEREAS, the Petitioner has consented to a deferral of the Annexation Hearing by the Town Council until tonight’s meeting; and

WHEREAS, the Planning Commission and Town Council have conducted the public hearings required by Section 20.02.020 the Act and Chapter 20.02 of the Castle Rock Municipal Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

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Section 1. Notice. The Town Council takes notice of the following findings regarding the annexation of the Property made in Resolution No. 2021-079:

- A. The applicable provisions of Article II, Section 30 of the Colorado Constitution and §§ 31-12-104 and 31-12-105, C.R.S., have been met;
- B. An election is not required under §31-12-107(2), C.R.S.; and
- C. No additional terms and conditions are to be imposed.

Section 2. Findings. Based upon the testimony and evidence presented at the Annexation Hearing, the Town Council makes the following additional findings:

- A. The annexation of the Property is consistent with the Town Master Plan; and
- B. The Property is otherwise a desirable addition to the Town.

Section 3. Annexation of Property. Annexation of the Property to the Town is hereby approved.

Section 4. Required Filings. The Town Clerk is hereby directed to file with the Douglas County Clerk and Recorder those documents required by § 31-12-113, C.R.S.

Section 5. Effective Date. Subject to the filings required to be made pursuant to Section 4, above, the Property shall be subject to the Town Charter and all ordinances, resolutions, rules and regulations of the Town upon the effective date of this Ordinance.

Section 6. 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 the remaining provisions of this ordinance.

Section 7. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relationship to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 21st day of February, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, after publication; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 7th day of March, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against.

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ATTEST:

DocuSigned by:



Lisa Anderson, Town Clerk

DocuSigned by:



TOWN OF CASTLE ROCK


DocuSigned by:



Jason Gray, Mayor

Approved as to form:

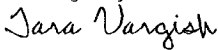
DocuSigned by:



Michael J. Hyman, Town Attorney

Approved as to content:

DocuSigned by:



Tara Vargish, Development Services Director

CANYONS SOUTH ANNEXATION BOUNDARY

A PARCEL OF LAND BEING TRACTS V & X, CANYONS SOUTH FILING NO. 1A, 3RD AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2021023312, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AND PORTIONS OF THE SOUTH HALF OF SECTION 30 AND THE NORTH HALF OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 66 WEST & THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., AS SHOWN ON SAID PLAT OF CANYONS SOUTH FILING NO.1A, 3RD AMENDMENT TO BEAR S 00°03'56" E, FROM THE EAST QUARTER CORNER OF SAID SECTION 30, BEING MONUMENTED BY A REBAR WITH A 2 INCH ALUMINUM CAP STAMPED "PLS 23515" TO THE SOUTH SIXTEENTH CORNER OF SECTIONS 29/30, BEING MONUMENTED BY A REBAR WITH A 1-1/2 INCH ALUMINUM CAP, STAMPED "PLS 23515", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 30, THENCE S 00°03'56" E, ALONG THE EAST LINE OF SAID CANYONS SOUTH FILING NO, 1A, 3RD AMENDMENT AND ALONG THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 798.31 FEET TO THE NORTHEAST CORNER OF SAID TRACT X AND THE POINT OF BEGINNING;

THENCE S 00°03'56" E, CONTINUING ALONG SAID EAST LINES, A DISTANCE OF 525.32 FEET TO THE SOUTH SIXTEENTH CORNER OF SECTIONS 29/30, ALSO BEING A POINT ON THE NORTH LINE OF CASTLE OAKS, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 150556, SAID DOUGLAS COUNTY RECORDS; THENCE ALONG THE NORTH AND EAST LINES OF SAID CASTLE OAKS PLAT, THE FOLLOWING THREE (3) COURSES:

1. S 89°49'31" W, A DISTANCE OF 1319.43 FEET TO THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 30;
2. S 00°04'19" E, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1331.29 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTIONS 30/31;
3. S 00°07'26" E, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 2643.38 FEET TO A POINT ON THE NORTH LINE OF CASTLE OAKS ESTATES FILING NO. 1, 9TH AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2013082860 AND A POINT ON THE NORTH LINE OF THAT BOUNDARY LINE AGREEMENT RECORDED AT RECEPTION NO. 2007016736, BOTH OF SAID DOUGLAS COUNTY RECORDS;

THENCE S 89°18'28" W, ALONG THE NORTH LINE OF SAID BOUNDARY LINE AGREEMENT AND ALONG THE NORTH LINES OF SAID CASTLE OAKS ESTATES FILING NO. 1, 9TH AMENDMENT, CASTLE OAKS ESTATES FILING NO. 1, AMENDMENT NO. 2, RECORDED AT RECEPTION NO. 2006078876 AND CASTLE OAKS ESTATES FILING NO. 1, RECORDED AT RECEPTION NO. 2003181990, A DISTANCE OF 3675.98 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2009029995, SAID DOUGLAS COUNTY RECORDS; THENCE ALONG THE EAST AND NORTH LINES OF SAID PARCEL OF LAND THE FOLLOWING TWO (2) COURSES:

1. N 00°13'51" W, A DISTANCE OF 245.55 FEET;

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2. N 47°08'24" W, A DISTANCE OF 34.12 FEET TO A POINT ON THE EAST LINE OF THE FOUNDER'S PARKWAY RIGHT-OF-WAY, ORIGINALLY DEDICATED AS MILLER BOULEVARD, BY THE MILLER BOULEVARD FILING NO. 2 FINAL PLAT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 8603133, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG SAID EAST LINE, THE FOLLOWING TWO COURSES:

1. N 00°12'47" W, A DISTANCE OF 1420.37 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 10°42'21" AND AN ARC LENGTH OF 187.79 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2009099312;

THENCE ALONG THE SOUTH AND EAST LINES OF SAID PARCEL OF LAND THE FOLLOWING FIVE (5) COURSES:

1. N 72°31'31" E, A DISTANCE OF 73.36 FEET;
2. N 00°01'17" E, A DISTANCE OF 200.00 FEET;
3. N 72°31'31" E, A DISTANCE OF 192.84 FEET;
4. N 24°42'07" W, A DISTANCE OF 72.63 FEET;
5. N 33°43'04" W, A DISTANCE OF 424.14 FEET TO A POINT ON THE EAST LINE OF THE RIDGE ROAD RIGHT-OF-WAY;

THENCE N 00°01'17" EAST, A DISTANCE OF 88.15 FEET TO A POINT ON THE NORTH LINE OF SAID RIDGE ROAD RIGHT-OF-WAY;

THENCE S 89°47'43" W, ALONG SAID NORTH LINE, A DISTANCE OF 729.78 FEET TO A POINT ON THE NORTH LINE OF SAID FOUNDER'S PARKWAY RIGHT-OF-WAY AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID NORTH LINE, THE FOLLOWING THREE COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 13°57'59" AND ARC LENGTH OF 244.98 FEET, THE CHORD OF WHICH BEARS N 82°51'30" W, A DISTANCE OF 244.37 FEET;
2. N 89°50'29" W, A DISTANCE OF 488.91 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 895.00 FEET, A CENTRAL ANGLE OF 25°36'15" AND AN ARC LENGTH OF 399.95 FEET TO A POINT ON THE EAST LINE OF THE RIDGE ROAD RIGHT-OF-WAY, AS DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2008079259, SAID DOUGLAS COUNTY RECORDS;

THENCE N 11°41'01" W, ALONG THE EAST LINE OF SAID RIDGE ROAD RIGHT-OF-WAY, A DISTANCE OF 29.20 FEET TO A POINT BEING 23.00 FEET NORTH OF THE NORTH LINE OF SAID FOUNDER' PARKWAY RIGHT-OF-WAY AND A POINT OF NON-TANGENT CURVATURE, AND BEING THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2006097242, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG THE SOUTH AND EAST LINES OF SAID PARCEL OF LAND, THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 872.00 FEET, A CENTRAL ANGLE OF 22°57'23" AND AN ARC LENGTH OF 349.38 FEET, THE CHORD OF WHICH BEARS S 74°32'56" E, A DISTANCE OF 347.05 FEET;

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2. N 19°21'06" W, A DISTANCE OF 1023.82 FEET TO A POINT ON THE EAST LINE OF THE RIDGE ROAD RIGHT-OF-WAY AS DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2008079259, SAID DOUGLAS COUNTY RECORDS;

THENCE N 11°52'30" E, ALONG SAID EAST LINE, A DISTANCE OF 499.36 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2018029164, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL OF LAND THE FOLLOWING FOUR (4) COURSES:

1. N 90°00'00" E, A DISTANCE OF 653.69 FEET;
2. S 33°43'04" E, A DISTANCE OF 792.75 FEET;
3. N 59°57'41" E, A DISTANCE OF 749.00 FEET;
4. N 76°24'57" E, A DISTANCE OF 927.15 FEET TO A POINT ON THE SOUTH LINE OF SAID CANYONS SOUTH FILING NO. 1A, 3RD FILING, ALSO BEING THE WEST CORNER OF SAID TRACT V;

THENCE ALONG THE NORTH LINE OF SAID TRACT V, THE FOLLOWING FOUR (4) COURSES:

1. N 76°24'57" E, A DISTANCE OF 14.66 FEET;
2. S 89°06'00" E, A DISTANCE OF 1845.91 FEET;
3. N 74°02'37" E, A DISTANCE OF 891.67 FEET;
4. N 81°10'33" E, A DISTANCE OF 389.25 FEET TO A POINT ON THE SOUTH LINE OF SAID CANYONS SOUTH FILING NO. 1A, 3RD FILING;

THENCE ALONG SAID SOUTH LINE, THE FOLLOWING THREE COURSES:

1. N 63°07'04" E, A DISTANCE OF 395.46 FEET;
2. S 73°17'30" E, A DISTANCE OF 198.44 FEET;
3. S 85°55'00" E, A DISTANCE OF 165.88 FEET TO THE WEST CORNER OF SAID TRACT X;

THENCE N 81°10'33" E, ALONG THE NORTH LINE OF SAID TRACT X, A DISTANCE OF 354.66 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 17,816,380 SQUARE FEET OR 409.008 ACRES, MORE OR LESS.