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**ORDINANCE NO. 2023-033**

**AN ORDINANCE ANNEXING TO THE TOWN OF CASTLE ROCK,  
COLORADO, 73.76 ACRES OF LAND LOCATED IN THE NORTH HALF  
OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH  
PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO,  
PURSUANT TO AN ANNEXATION PETITION SUBMITTED BY 455  
ALEXANDER, LLC, AND TIERRA INVESTORS, LLC  
(Alexander Way Annexation)**

**WHEREAS**, Alexander Investors, LLC (the “Owner”), as successor in interest to 455 Alexander, LLC, and Tierra Investors, LLC (collectively, the “Petitioners”) is the owner of two parcels totaling 73.76 acres of land located east of the Silver Heights subdivision, north of Alexander Place, and west of the Diamond Ridge Estates subdivision, as more particularly described on the attached *Exhibit A* (the “Property”); and

**WHEREAS**, on September 16, 2021, a petition (the “Petition”) was filed with the Town Clerk of the Town of Castle Rock, Colorado (the “Town”), by the Petitioners, for the annexation of the Property, to which the Owner has consented; and

**WHEREAS**, the Petition requests that the Town annex the Property; and

**WHEREAS**, on October 19, 2021, the Town Council adopted Resolution No. 2021-095, 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 December 7, 2021, the Town Council adopted Resolution No. 2021-107 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 (the “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 Petitioners’ request to annex the Property shall be reviewed in a public hearing by the Planning Commission; and

**WHEREAS**, the Petitioners and the Owner have 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 Code.

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

**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.

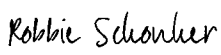
**Section 7. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relationship to the legislative object sought to be obtained.


**APPROVED ON FIRST READING** this 7<sup>th</sup> day of November, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, after publication; and

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**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 21st day of November, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against.

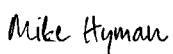
**ATTEST:**

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Lisa Anderson, Town Clerk

DocuSigned by: **TOWN OF CASTLE ROCK**  


DocuSigned by:  
  
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Jason Gray, Mayor

**Approved as to form:**

DocuSigned by:  
  
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Michael J. Hyman, Town Attorney

**Approved as to content:**

DocuSigned by:  
  
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Tara Vargish, Development Services Director

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## EXHIBIT A

### Legal Description of Property to be Annexed

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, AS MONUMENTED BY A 3 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 13485", AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR SOUTH 89°23'27"EAST TO THE NORTH QUARTER CORNER OF SAID SECTION 26, AS REFERENCED BY A WITNESS CORNER, LOCATED 25.0 FEET SOUTH OF SAID NORTH QUARTER CORNER, AND MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "25' WC LS 13155", THENCE ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 1292.65 FEET TO THE INTERSECTION WITH THE EAST LINE OF BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 103535 AND THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 913.25 FEET TO THE NORTHWEST CORNER OF TRACT A OF DIAMOND RIDGE ESTATES FILING TWO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG THE WESTERLY LIMITS OF SAID TRACT A THE FOLLOWING TWO COURSES: 1) SOUTH 00°31'06"WEST, 475.23 FEET; 2) SOUTH 53°29'05"EAST, 1424.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT A, AND THE INTERSECTION WITH A LINE THAT RUNS BETWEEN THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AS MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 6935", AND THE SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, AS MONUMENTED BY A 2 INCH DIAMETER ALUMINUM CAP, MARKED: "LS 27011"; THENCE ALONG SAID INTERSECTED LINE, SOUTH 89°11'37"EAST, 359.30 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 2020114077; THENCE ALONG THE EASTERLY LIMITS OF SAID PARCEL THE FOLLOWING TWO COURSES: 1) SOUTH 39°44'05"EAST, 253.32 FEET; 2) SOUTH 25°03'40"EAST, 528.12 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 89°41'25"WEST, 2392.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00°04'19"EAST, 714.39 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE INTERSECTION OF SAID LINE THAT RUNS BETWEEN SAID NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AND SAID SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION THENCE ALONG SAID INTERSECTED LINE, NORTH 89°11'37"WEST, 418.14 FEET TO SAID SOUTHEAST CORNER OF BLOCK 5; THENCE ALONG THE WEST LINE OF SAID BLOCK 5, NORTH 00°31'36"EAST, 1303.54 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION, CONTAINING 73.76 ACRES, MORE OR LESS.