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**ORDINANCE NO. 2024-003**

**AN ORDINANCE APPROVING THE INITIAL ZONING FOR 3.76  
ACRES OF LAND OWNED BY THE TOWN AND LOCATED IN  
SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH  
PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO  
(Tower Open Space Initial Zoning)**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) is the sole owner of 3.76 acres of land in unincorporated Douglas County that is located between the existing Metzler Ranch development and the future Canyons Far South development, all as more particularly described on the map attached as *Exhibit A* and legal description attached as *Exhibit B* (the “Property”); and

**WHEREAS**, pursuant to the Town’s request, the annexation of the Property was approved by the Town Council at tonight’s meeting; and

**WHEREAS**, Town staff has recommended that the Property be zoned as Public Land-2 pursuant to Section 17.30.020 of the Castle Rock Municipal Code (the “Code”), which zone district allows passive open space as a permitted use by right; and

**WHEREAS**, according to Section 20.02.030 of the Code, the Town Council may evaluate the Town’s zoning application for the Property concurrently with the annexation request; and

**WHEREAS**, at its January 25, 2024 meeting, the Planning Commission reviewed the Town’s zoning application in a public hearing and voted unanimously to recommend its approval; and

**WHEREAS**, the Town Council has conducted the required public hearing on the initial zoning of the Property in accordance with the applicable provisions of the Code.

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

**Section 1. Findings.** Based upon the testimony and evidence presented at tonight’s hearing, pursuant to the requirements of Section 17.02.060.C. of the Code, the Town Council makes the following findings:

- A. The zoning of the Property is not subject to any existing land use intergovernmental agreements;
- B. The proposed zoning conforms to the most recently adopted versions of the Town's Vision and Comprehensive Master Plan. The Property is not located within the boundaries of any sub-area or corridor plan;
- C. The proposed zoning and use of the Property are compatible with existing and planned development on adjacent properties and in the surrounding area;

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- D. The proposed use of the Property as passive open space will have minimal impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
- E. Because the proposed use of the Property will be passive open space, the criteria set forth in Subsections 17.02.060.C.5 and 6 of the Code regarding the orderly development and positive economic impact of the Property are not applicable.

**Section 2. Zoning Approval.** The Property is hereby zoned to Public Land-2 zoning. The Town’s Zoning District Map will be amended to reflect the zoning classification of Public Land-2 for the Property.

**Section 3. 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 4. 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 6<sup>th</sup> day of February, 2024, 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 20th day of February, 2024, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against.

**ATTEST:**

DocuSigned by:

*Lisa Anderson*

298A8A4E0E834F

Lisa Anderson, Town Clerk



**TOWN OF CASTLE ROCK**

DocuSigned by:

*Jason Gray*

A7938A02F3A848A

Jason Gray, Mayor

**Approved as to form:**

DocuSigned by:

*Michael J. Hyman*

F7347F32A6784D1

Michael J. Hyman, Town Attorney

**Approved as to content:**

DocuSigned by:

*Tara Vargish*

CP58ED07CCC5488

Tara Vargish, Development Services Director



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**EXHIBIT B - LEGAL DESCRIPTION**

THE PARCEL OF LAND DESCRIBED IN THE QUITCLAIM DEED, RECORDED AT RECEPTION NO. 2008079259, SAID PARCEL BEING LOCATED IN SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 25 PER THE ALTA/ACSM LAND TITLE SURVEY, DEPOSITED IN THE COUNTY SURVEYOR'S LAND SURVEY PLAT/RIGHT-OF-WAY SURVEYS AT LSP 3569 WITH THE SOUTH QUARTER CORNER OF SAID SECTION 25, MONUMENTED BY A 3-1/4 INCH ALUMINUM CAP STAMPED PLS 6935 FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 25, MONUMENTED WITH A 2-1/2 INCH ALUMINUM CAP STAMPED PLS 23515 IS ASSUMED TO BEAR SOUTH 89°37'46" EAST A DISTANCE OF 2612.86 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

**COMMENCING** AT THE SOUTH QUARTER CORNER OF SAID SECTION 25:

THENCE NORTH 71°33'07" EAST A DISTANCE OF 686.89 FEET TO THE NORTHERLY RIGHT-OF-WAY OF FOUNDERS PARK WAY, RECORDED AT RECEPTION NO. 8603133, THE SOUTHEAST CORNER OF METZLER RANCH FILING NO. 6, RECORDED AT RECEPTION NO. 2001056044, THE EAST LINE OF METZLER RANCH ANNEXATION, RECORDED AT RECEPTION NO. 343755 AND THE **POINT OF BEGINNING**;

THENCE ON THE EAST LINE OF SAID METZLER RANCH FILING NO. 6 THE FOLLOWING THREE (3) COURSES:

1. NORTH 06°15'48" EAST A DISTANCE OF 748.62 FEET;
2. NORTH 08°45'48" EAST A DISTANCE OF 720.00 FEET;
3. NORTH 29°14'12" WEST A DISTANCE OF 1150.00 FEET TO THE NORTHERLY LINE OF SAID METZLER RANCH FILING NO. 6;

THENCE NORTH 89°36'34" WEST ON THE NORTHERLY LINE OF SAID METZLER RANCH FILING NO. 6 A DISTANCE OF 26.47 FEET TO THE EASTERLY LINE OF THE TRACTS OF LAND DESCRIBED IN DEED RECORDED AT RECEPTION NO. 2007028679 AND SHOWN ON THE LAND SURVEY PLAT DEPOSITED AT SURVEY NO. 3715 IN THE COUNTY SURVEYOR'S LAND SURVEY PLAT/RIGHT-OF-WAY SURVEYS;

THENCE ON THE EAST LINE OF SAID SURVEY NO. 3715 THE FOLLOWING TWO (2) COURSES:

1. NORTH 24°02'27" WEST A DISTANCE OF 547.52 FEET;
2. NORTH 32°48'26" WEST A DISTANCE OF 472.20 FEET MORE OR LESS TO THE SOUTHERLY RIGHT-OF-WAY OF CROWFOOT VALLEY ROAD;

THENCE NORTH 24°23'14" EAST ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD A DISTANCE OF 59.07 FEET TO THE WEST LINE OF CANYONS SOUTH FILING NO. 1A, RECORDED AT RECEPTION NO. 2008047805, THE WESTERLY LINE OF THE PARCEL DESCRIBED IN QUITCLAIM DEED, RECORDED AT RECEPTION NO. 2011082277 AND THE WESTERLY LINE OF THE ALTA/ACSM LAND TITLE SURVEY, DEPOSITED IN THE COUNTY SURVEYOR'S LAND SURVEY PLAT/RIGHT-OF-WAY SURVEYS AT LSP 3569;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 32°05'40" EAST A DISTANCE OF 560.34 FEET;

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2. SOUTH 24°10'42" EAST A DISTANCE OF 757.47 FEET;
3. SOUTH 32°10'12" EAST A DISTANCE OF 949.84 FEET;
4. SOUTH 11°53'16" WEST A DISTANCE OF 138.76 FEET TO THE NORTHERLY LINE OF CANYONS SOUTH ANNEXATION, RECORDED AT RECEPTION NO. 2023029144;

THENCE CONTINUING SOUTH 11°53'16" WEST ON THE WEST LINE OF SAID CANYONS SOUTH ANNEXATION A DISTANCE OF 499.36 FEET TO THE NORTH CORNER OF THE PARCEL DESCRIBED AT RECEPTION NO. 2006097242;

THENCE ON THE WEST LINE OF SAID PARCEL RECORDED AT RECEPTION NO. 2006097242 THE FOLLOWING THREE (3) COURSES:

1. CONTINUING SOUTH 11°53'16" WEST A DISTANCE OF 115.49 FEET;
2. SOUTH 05°35'33" WEST A DISTANCE OF 424.46 FEET;
3. SOUTH 11°41'01" EAST A DISTANCE OF 373.43 FEET TO A POINT OF CURVATURE ON THE NORTH RIGHT-OF-WAY LINE OF FOUNDERS PARKWAY;

THENCE ON THE NORTH RIGHT-OF-WAY LINE OF SAID FOUNDERS PARKWAY ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 165.32 FEET, SAID CURVE HAVING A RADIUS OF 895.00 FEET, A DELTA OF 10°35'01" AND BEING SUBTENDED BY A CHORD BEARING NORTH 58°56'20" WEST A DISTANCE OF 165.09 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS A CALCULATED AREA OF 163,672 SQUARE FEET OR 3.76 ACRES MORE OR LESS.

### **SURVEYOR'S STATEMENT**

I, AARON ALVIN DEMO, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY STATE THAT THIS LEGAL DESCRIPTION WAS PREPARED UNDER MY PERSONAL SUPERVISION AND CHECKING, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF, AND IN MY PROFESSIONAL OPINION, AND THAT IT IS NOT A MONUMENTED LAND SURVEY.

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AARON ALVIN DEMO, PROFESSIONAL LAND SURVEYOR  
COLORADO PLS NO. 38285  
FOR AND ON BEHALF OF BASELINE ENGINEERING CORP.

BASELINE ENGINEERING CORP.  
4862 INNOVATION DRIVE, SUITE 100  
FORT COLLINS, COLORADO 80525  
(970) 353-7600