

RESOLUTION NO. 2025-139

A RESOLUTION AUTHORIZING THE CONVEYANCE OF LOT 1, BLOCK 2, CRYSTAL VALLEY RANCH FILING 14, FROM THE TOWN OF CASTLE ROCK TO CVR PA3A LLC AND THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING CONCERNING THE DEVELOPMENT OF SUCH PROPERTY BETWEEN THE TOWN AND CVR PA3A LLC

WHEREAS, on February 27, 2007, the Town Council (the “Town Council”) of the Town of Castle Rock (the “Town”) adopted Ordinance No. 2006-59 approving Major Amendment No. 3 to the Crystal Valley Ranch Preliminary Planned Development Site Plan (the “2007 Site Plan”) and the Amended and Restated Development Agreement (the “2007 Agreement”) with Maple Grove Land LP, Richard A. Putnam, Wayne E. Brown Family LLC, Crystal Valley Ranch Development Co, LLC, Crystal Valley Ranch Master Association, Inc., and Crystal Valley Metropolitan District No. 1 (collectively, the “Original Developers”); and

WHEREAS, among other things, Section 7.01 of the 2007 Agreement provided for the dedication of a 20.171-acre site (the “Property”) to the Town for use as a middle school by the Douglas County School District RE-1 (the “District”), which Property is described in the legal description attached hereto as *Exhibit A*; and

WHEREAS, the 2007 Agreement further provided that such dedication was to be triggered by the first to occur of: (i) the recordation of the first plat in Planning Area 3; (ii) within 30 days’ notice that District funding is in place for the school, or (iii) December 31, 2009; and

WHEREAS, on February 14, 2012, the Town Council adopted Ordinance No. 2011-35 approving Major Amendment No. 4 to the Crystal Valley Ranch Preliminary Planned Development Site Plan and the Second Amended and Restated Development Agreement (the “2011 Agreement”) the Owners; and

WHEREAS, among other things, the 2011 Agreement changed the timing of such dedication by providing that it would be triggered by the first to occur of: (i) the recordation of the first plat in Planning Area 3; or (ii) within 30 days’ notice that District funding is in place for the school; and

WHEREAS, on February 3, 2015, following the recordation of the first plat in Planning Area 3, the Property was conveyed by the Original Developers to the Town by means of a special warranty deed, which deed is filed in the Douglas County property records at Reception No. 2015007386; and

WHEREAS, Section 7.01 further provides that, irrespective of such dedication, in the event that the District gives written notice to the Town that it will never utilize the Property for a school, then the site may be developed in accordance with the zoning regulations, preliminary site plan, and zoning ordinance for the Crystal Valley Ranch Planned Development (collectively, the “Development Plan”); and

WHEREAS, on February 3, 2025, the Town received written notice from the District Superintendent that, due to changing enrollment patterns, the District has determined that it will not use the Property for a school; and

WHEREAS, CVR PA3A LLC, as successor in interest to the Original Developer (the “Current Developer”), has informed the Town that it will be exercising its rights under the 2007 Agreement to have the Property re-conveyed to it for residential development in accordance with the Development Plan; and

WHEREAS, pursuant to Section 14.02.040.A of the Town Municipal Code (the “Code”), Town Council may approve the disposition of real property so long as such disposition is in compliance with Section 31-15-713, C.R.S; and

WHEREAS, Section 31-15-713(1)(b), C.R.S., expressly allows the Town to dispose of property not used or held for any governmental purpose by means of an ordinance; and

WHEREAS, given that: (i) the Town Council expressly approved residential zoning for the Property in the 2007 Site Plan and (ii) no rights in and to the Property were ever conveyed to the District, the Town Council hereby finds and determines that the Town neither used nor held the Property for a governmental purpose within the meaning of Section 31-15-713, C.R.S.; and

WHEREAS, accordingly, the Town Council further finds and determines that Ordinance No. 2006-59 provides the requisite authority for the Town to dispose of the Property by reconveying it to the Current Developer as contemplated in Section 7.01 the 2007 Agreement; and

WHEREAS, Town Staff and the Current Developer have reached an agreement in principle on the terms and conditions of a Memorandum of Understanding (the “MOU”) whereby the Town will work with the Current Developer to bring into effect a site development plan for the Property that will be consistent with the configuration described in the map attached hereto as *Exhibit B*; and

WHEREAS, the Town and the Current Developer have acknowledged in the MOU that this plan will require:

- i. The subdivision of the Property to identify an approximately 0.9-acre parcel located on the eastern boundary of such Property described in *Exhibit B* as the “the “Land Swap Area;”
- ii. The subdivision of Rhyolite Park to identify an approximately 0.9-acre parcel located immediately to the west of the Property described in *Exhibit B* as “Open Space to CVR” Area;
- iii. The exchange of the “Land Swap Area” and the “Open Space to CVR” Area between the Town and the Current Developer; and
- iv. The rezoning of the “Open Space to CVR” Area in accordance with its future use and the granting of any related encumbrances to further such use (*e.g.*, to provide

emergency vehicle access or temporary construction easements necessitated by the swap); and

WHEREAS, the exchange of these parcels will allow for development of the Property to proceed with: (i) the replacement of a proposed roadway with a landscaped buffer area to be located between the Property and the existing residential neighborhood located directly to the east; (ii) the addition of a road connection on the west side of the Property to Rhyolite Regional Park; and (iii) the replacement of the northernmost road connection to the existing residential neighborhood with a cul de sac and any necessary emergency vehicle access; and

WHEREAS, in addition, the Current Developer has consented in the MOU to the use by the Town of approximately \$754,000 in previously deposited funds for the purpose of constructing a roundabout at the intersection of Crystal Valley Parkway and West Loop Road at the entrance to Rhyolite Regional Park; and

WHEREAS, the Town Council finds that it is in the best interests of the Town and its residents to authorize the execution of the MOU.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. Reconveyance of the Property. In accordance with Section 14.02.060 of the Castle Rock Municipal Code, the Town Manager and Town Attorney are hereby directed to reconvey the Property described in *Exhibit A* to this Resolution to the Current Developer by special warranty deed.

Section 2. Memorandum of Understanding. The MOU between the Town and the Current Developer is hereby approved in substantially the same form as presented at tonight's meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Town Manager and other proper Town officials are hereby authorized to execute the MOU and any technical amendments thereto by and on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2025, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager

Exhibit A
Legal Description

Lot 1, Block 2, Crystal Valley Ranch Filing No. 14, Douglas County, Colorado

**Exhibit B
Property Swap Map**

