

PETITION FOR ANNEXATION**CANYONS SOUTH****TO THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO**

The undersigned (“**Petitioner**”), in accordance with Section 30(1)(b) of Article II of the Constitution of the State of Colorado (the “**State Constitution**”) and the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes, as amended and as in effect on the submission date set forth below (the “**Annexation Act**”), hereby petitions the Town Council (the “**Council**”) of the Town of Castle Rock, Colorado (the “**Town**”) to annex to the Town the unincorporated territory located in the County of Douglas, State of Colorado, which property is more particularly described in Exhibit A attached hereto and incorporated herein by reference (the “**Annexation Property**”). In support of this petition (“**Petition**”), Petitioner alleges that:

1. It is desirable and necessary that the Annexation Property be annexed to the Town.
2. The requirements of Section 30(1)(b) of Article II of the State Constitution and Sections 31-12-104 and 31-12-105 of the Annexation Act exist or have been met.
3. The Petitioner comprises more than fifty percent (50%) of the landowners in the area of the Annexation Property and owns more than fifty percent (50%) of the Annexation Property, excluding public streets and alleys and any land owned by the Town.
4. The signer of this Petition is the owner of one hundred percent (100%) of the area of the Annexation Property exclusive of public streets and alleys and any land owned by the Town.
5. Not less than one-sixth (1/6) of the perimeter of the Annexation Property is contiguous with the Town’s current municipal boundaries.
6. A community of interest exists between the Annexation Property and the Town.
7. The Annexation Property is urban or will be urbanized in the near future.
8. The Annexation Property is integrated with or is capable of being integrated with the Town.
9. The Annexation Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for annexation of part or all of the Annexation Property to any other municipality; nor has any election for annexation of the Annexation Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.

10. The proposed annexation will not result in the detachment of area from any school district and attachment of the same to another school district.
11. Except to the extent necessary to avoid dividing parcels within the Annexation Property held in identical ownership, at least fifty percent (50%) of which are within the three (3) mile limit, the proposed annexation will not extend the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary in one (1) year.
12. In establishing the boundaries of the Annexation Property, if a portion of a platted street or alley is annexed, the entire width of said street or alley shall be included within the area annexed; and, reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bounded on both sides by the Town.
13. In establishing the boundaries of the Annexation Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (a) is being divided into separate parts or parcels without the written consent of the landowner thereof unless such tracts or parcels are separated by a dedicated street, road or other public way; or
 - (b) comprising twenty (20) acres or more (which, together with buildings and improvements situate thereon having a valuation for assessment in excess of two hundred thousand dollars (\$200,000) for ad valorem tax purposes for the year next preceding the proposed annexation) is included in the Annexation Property without the written consent of the landowner.
14. The legal description of the lands owned by the signer of this Petition is set forth underneath the name of such Petitioner on Exhibit B, attached hereto and incorporated herein by this reference.
15. The Petitioner signed this Petition no more than one hundred eighty (180) days prior to the date of filing.
16. Attached to this Petition as Exhibit C is the Affidavit of Circulator of this Petition that the signature hereon is the signature of the person whose name it purports to be.
17. This Petition is accompanied by four (4) prints of an annexation map containing, among other things, the following information;
 - (a) a written legal description of the boundaries of the Annexation Property;
 - (b) a map showing the boundaries of the Annexation Property;

- (c) within the annexation map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of the plots or of lots and blocks; and
- (d) next to the boundary of the Annexation Property, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the Annexation Property, if any.

18. In connection with the processing of this Petition, the Petitioner requests that the Town:

- (a) institute the process to establish planned development (“**PD**”) zoning for the Annexation Property in accordance with applicable provisions of the Town’s Municipal Code (the “**Code**”) and in accordance with any applicable provisions of Section 31-12-115 of the Annexation Act; and
- (b) approve and execute a development agreement acceptable to Petitioner and the Town (the “**Development Agreement**”) which establishes vested Annexation Property rights for the Annexation Property for an agreed upon term, pursuant to Chapter 17.08 of the Code and Article 68, Title 24, Colorado Revised Statutes, and which, in conjunction with the PD zoning, will establish the development plan for the Annexation Property.

19. Petitioner has filed this Petition subject to the following conditions:

- (a) Unless otherwise agreed in writing by Petitioner, the annexation of the Annexation Property into the Town shall not be effective unless concurrently with the Council’s final approval of an ordinance annexing the Annexation Property into the Town, the Council gives its final approval to (A) zoning regulations for the Annexation Property in form and substance satisfactory to the Petitioner, and (B) the Development Agreement in form and substance satisfactory to Petitioner which among other things creates vested rights for the Annexation Property pursuant to existing Town ordinances or resolution and Section 24-68-101, C.R.S., et seq.; and
- (b) Petitioner hereby reserves the right to withdraw this Petition, and thereby prevent the Annexation Property from being annexed into the Town, by so notifying the Town Clerk in writing prior to the later to occur of:
 - (i) the occurrence of the conditions to effectiveness of the annexation as set forth in Section 31-12-113(2)(b) of the Annexation Act;
 - (ii) a later date, if any, set forth in the Development Agreement.

20. Upon the annexation of the Annexation Property becoming effective, and subject to the conditions set forth in this Petition, and to be set forth in the Development Agreement and the documents constituting the terms of the PD zoning for the Annexation Property (the “**PD Documents**”), the Annexation Property shall be subject to the regulations of the Town, except as otherwise set forth in the

Development Agreement and the PD Documents, and except for general taxation purposes in which case the annexation shall be deemed effective on January 1 of the next succeeding year following adoption of the annexation ordinance.

21. This Petition is filed on the condition that the zoning requested by Petitioner under paragraph 18 (a), above, is granted by the Town as provided in the Development Agreement, and the Town agrees that no filing of the annexation ordinance and annexation maps as provided under Section 31-12-113, subsection (2)(a)(II)(A) of the Annexation Act shall be made until, and unless the requested zoning is granted and no longer subject to appeal.
22. Except for the terms and conditions of this Petition, the Development Agreement and the PD Documents, which terms and conditions Petitioner has approved or shall expressly approve, and therefore do not constitute an imposition of additional terms and conditions within the meaning of Section 31-12-112(1) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Annexation Property to the Town.

THEREFORE, Petitioner requests that the Town Council of the Town of Castle Rock, Colorado, complete and approve the annexation of the Annexation Property pursuant and subject to the provisions of the Municipal Annexation Act of 1965, as amended, and the terms and conditions of this Petition.

Respectfully submitted this 15 day of APRIL, 2021

Signature of Landowner/Petitioner:



CANYONS SOUTH, LLC

By: Erik Clore Authorized Representative _____
(Name) (Title)

Date of Signature: 4/15/21

Mailing Address: 5299 DTC Boulevard, Suite 1260
Greenwood Village, CO 80111

EXHIBIT A
TO PETITION FOR ANNEXATION
Legal Description of Annexation Property

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;

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;

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.

**EXHIBIT B
TO PETITION FOR ANNEXATION**

LEGAL DESCRIPTION OF LAND OWNED BY THE LAND OWNER

Name of Owner: Canyons South, L.L.C.

Address of Owner: 5299 DTC Boulevard, Suite 1260
 Greenwood Village, CO 80111

Legal description and address of land owned by Owner in area proposed for annexation:

- (See legal descriptions on annexation maps attached as part of Exhibit A.)
- Address of Land:

Percentage owned by Owner: 100%

**EXHIBIT C
TO PETITION FOR ANNEXATION**

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
) SS.
COUNTY OF)

The undersigned, Erik Clore, being duly sworn upon his oath, deposes and states:

1. That the affiant circulated the Petition for Annexation of lands known as Canyons South to the Town of Castle Rock, Colorado, for the purpose of obtaining the signature of the petitioner.

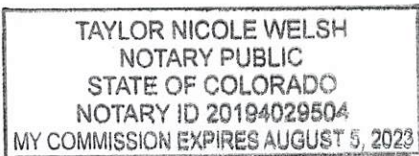
2. That the signature thereon is the signature of the person or party whose name it purports to be.




Date: APRIL 16, 2021

Subscribed and sworn to before me this 16 day of APRIL, 2021.

My commission expires August 5, 2023.





Notary Public

WITNESS my hand and official seal.