

RESOLUTION NO. 2023 - 054

**A RESOLUTION FINDING THAT CERTAIN PROPERTY, WHICH IS
THE SUBJECT OF A PETITION FOR ANNEXATION SUBMITTED BY
MATRIX DESIGN GROUP, IS ELIGIBLE FOR ANNEXATION UNDER
ARTICLE II, SECTION 30 OF THE COLORADO CONSTITUTION AND
SECTIONS 31-12-104 AND 31-12-105, C.R.S.
(Wellspring Community Annexation, 498 E. Wolfensberger Road)**

WHEREAS, on February 6, 2023, a petition (the “Petition”) was filed with the Town Clerk of the Town of Castle Rock, Colorado (the “Town”) by Matrix Design Group (the “Petitioner”) for the annexation of a 2.07 acre parcel of land located at 498 E. Wolfensberger Road, as more particularly described in the attached *Exhibit A* (the “Property”); and

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

WHEREAS, on March 7, 2023, the Town Council adopted Resolution No. 2023-025, 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, in addition, the Town Council set a date, time, and place for a hearing to determine whether 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., which hearing has been conducted at tonight’s meeting.

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

Section 1. Findings. The Town Council finds and determines that:

- A. Not less than one sixth (1/6) of the perimeter of the Property is contiguous with the existing boundaries of the Town.
- B. A community of interest exists between the Property and the Town.
- C. The Property is urban or will be urbanized in the near future.
- D. The Property is integrated with or is capable of being integrated with the Town.
- E. In establishing the boundaries of the Property, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way.
- F. In establishing the boundaries of the Property, no land held in identical ownership,

whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with buildings and improvements situated thereon has a value for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation) is included in the Property, without the written consent of the landowners.

- G. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the Property.
- H. The Property, or substantially the same area, has not been the subject of an election for annexation to the Town within the preceding twelve (12) months.
- I. The Property is not presently a part of any incorporated city, city and county, or town.
- J. The annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
- K. The annexation of the Property will not have the effect of extending the municipal boundary of the Town more than three miles in any direction from any point of such municipal boundary within one year.
- L. In establishing the boundaries of the Property, if a portion of a platted street or alley is to be annexed, the entire width of said street or alley has been included within the Property.
- M. The owners of 100% of the Property have signed the Petition; accordingly, no election is required.
- N. No additional terms or conditions will be unilaterally imposed on the Property.

Section 2. Eligibility. The Town Council further finds and determines 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 Sections 31-12-104 and 31-12-105, C.R.S.

Section 3. Annexation to be Determined at a Later Date. The Town Council shall conduct a separate hearing on the annexation ordinance to determine whether such annexation is consistent with the Town Master Plan and is otherwise a desirable addition to the Town no later than one hundred eighty (180) days from the date of this Resolution, unless otherwise deferred with the consent of the Petitioner.

PASSED, APPROVED AND ADOPTED this 18th day of April, 2023, 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

Tara Vargish, Director of Development Services

EXHIBIT A

Legal Description of Property to be Annexed



212 N. Wahsatch Ave, Suite 305
Colorado Springs, CO 80903
(719) 955-5485

Exhibit A
WELLSPRING COMMUNITY

LEGAL DESCRIPTION: (FROM TITLE COMMITMENT)

PARCEL A:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO; THENCE N60°50'W, 976 FEET TO THE POINT OF BEGINNING;

THENCE N36°50'W, 220.00 FEET; THENCE N53°10'E 90.0 FEET; THENCE S36°50'E 340.00; THENCE S53°10'W 90.00; *THENCE N36°50'W* 120.00 FEET TO THE POINT OF BEGINNING.

(PARCEL A LEGAL DESCRIPTION FROM THE TITLE COMMITMENT IS INCOMPLETE, MISSING INFORMATION ADDED IN ITALICS FONT AND UNDERLINED)

PARCEL B:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO; THENCE N60°50'W, A DISTANCE OF 976 FEET TO THE POINT OF BEGINNING; THENCE S53°10'W, A DISTANCE OF 396 FEET; THENCE N36°50'W A DISTANCE OF 220 FEET; (THIS POINT BEING 24 FEET EAST OF THE 1/16TH LINE); THENCE N53°10'E, A DISTANCE OF 396 FEET; THENCE S36°50'E, A DISTANCE OF 220 FEET TO THE POINT OF BEGINNING.

PARCEL C: (OMITTED, ALREADY ANNEXED)

LEGAL DESCRIPTION AS SURVEYED

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4, SW 1/4) SECTION 3, T3S, R67W OF THE 6th P.M., DOUGLAS COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF TRACT B "CASTLE HIGHLANDS FILING NO. 2" AS RECORDED UNDER RECEPTION NO. 2001019899 IN THE DOUGLAS COUNTY RECORDS.

THENCE N36°52'08"W ALONG THE EASTERLY LINE THEREOF 220.00 FEET TO THE
SOUTHEASTERLY RIGHT-OF-WAY LINE OF WOLFENSBERGER ROAD AS ANNEXED UNDER
RECEPTION NO. 199619458;

THENCE N53°09'00"E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE 486.00 FEET TO THE
MOST WESTERLY CORNER OF TRACT G "CASTLE HIGHLANDS FILING NO. 2";

THENCE S36°51'48"E ALONG THE SOUTHWESTERLY LINE THEREOF 340.00 FEET TO THE
NORTHWESTERLY LINE OF TRACT F, "CASTLE HIGHLANDS FILING NO. 2";

THENCE S53°10'46"W ALONG SAID NORTHWESTERLY LINE 90.00 FEET;

THENCE N36°51'12"W ALONG SAID NORTHWESTERLY LINE 120.00 FEET;

THENCE S53°08'36"W ALONG THE NORTHWESTERLY LINES OF TRACT F AND TRACT D
"CASTLE HIGHLANDS FILING NO. 2" A DISTANCE OF 396.00 FEET TO THE POINT OF
BEGINNING.

SAID PARCEL CONTAINS 118,514 S.F. (2.721 ACRES MORE OR LESS)

BASIS OF BEARING:

BEARINGS ARE BASED ON COLORADO STATE PLANE COORDINATES, GPS SURVEY ON APRIL
06, 2022. A LINE BETWEEN THE MOST SOUTHERLY CORNER OF PARCEL B, MONUMENTED
WITH A REBAR AND ILLEGIBLE CAP AND THE MOST SOUTHERLY CORNER OF PARCEL C
MONUMENTED WITH A REBAR AND ORANGE PLASTIC CAP LS 25933 BEARS N71°11'14"E A
DISTANCE OF 416.47 FEET. THE UNITS OF MEASUREMENT IS THE US SURVEY FOOT. BEARINGS
AS SURVEYED ARE ROTATED APPROXIMATELY 0°01' CLOCKWISE FROM THE RECORD
BEARINGS.


Vernon P. Taylor, COLORADO PLS NO. 25966

FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC.

