

**ORDINANCE NO. 2015-38****AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND CASTLE PINES HOMES ASSOCIATION, INC., AND AUTHORIZING THE GRANT OF CERTAIN EASEMENTS**

**WHEREAS**, the Town and Castle Pines Homes Association, Inc. (“CPHA”) entered into an Agreement for Possession and use of Real Property dated August 15, 2015 (“APU”) which provided Town with possession of property necessary for the construction of the North Meadows Extension Project (“Project”), and

**WHEREAS**, the Town owns a 13.5 acre parcel of undeveloped land located in the northeast corner of the Promenade at Castle Rock PD (f/k/a/ the Castle Pines Commercial PD), immediately south of the Castle Pines Village community (“13.5-acre Parcel”), and

**WHEREAS**, CPHA seeks to: (i) limit certain development on the 13.5-acre Parcel by conservation easement, (ii) acquire an emergency access/pedestrian-bike easement for its residents across the 13.5-acre Parcel, (iii) obtain a drainage easement on behalf of the Castle Pines Metropolitan District across the 13.5-acre Parcel; and (iv) have Douglas County commit available funds to create a visual screening to address resident concerns along the perimeter of the 13.5-acre Parcel near the Project, and

**WHEREAS**, in consideration of the grant by Town of such easements over the 13.5-acre Parcel, CPHA will convey to Town its interest in the property necessary for the Project, in accordance with the terms of the APU and the Agreement, and

**WHEREAS**, by separate agreement, Douglas County and CPHA have agreed to the terms by which Douglas County will construct the visual screening.

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

**Section 1. Agreement Approval.** The Agreement between the Town and Castle Pines Homes Association, Inc., in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town of Castle Rock, Colorado.

**Section 2. Grant of Easements.** The Town Council hereby approves and authorizes the grant of the following easements: (i) the Deed of Conservation Easement between the Town of Castle Rock and the Board of County Commissioners of the County of Douglas, State of Colorado, in the form attached as *Exhibit 2*; (ii) the Emergency Egress Access Road and Private Pedestrian/Bicycle Trail Easement Agreement between the Town and Castle Pines Village Homes Association, Inc., in the form attached as *Exhibit 3*; and (iii) the Slope and Drainage Easement

Agreement between the Town and Castle Pines Metropolitan District in the form attached as *Exhibit 4* (collectively, "Easement Agreements"). The Mayor and other proper Town officials are hereby authorized to execute the Easement Agreements by and on behalf of the Town of Castle Rock, Colorado.

**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 relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 18<sup>th</sup> day of August, 2015 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 1<sup>st</sup> day of September, 2015, by the Town Council of the Town of Castle Rock by a vote of\_\_ for and against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally A. Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

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Robert Goebel, Director of Public Works