

**RESOLUTION NO. 2023 – 129**

**A RESOLUTION FINDING THAT CERTAIN PROPERTY, WHICH IS THE SUBJECT OF A PETITION FOR ANNEXATION SUBMITTED BY THE TOWN OF CASTLE ROCK, 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. (Crowfoot Valley Road Annexation)**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) has filed a petition (the “Petition”) to annex four Town-owned parcels that comprise a portion of the Crowfoot Valley Road right-of-way located east of the Crowfoot Valley Road and Tower Road intersection and west of the Crowfoot Valley Road and Macanta Boulevard intersection as more particularly described on the attached Exhibit A (the “Property”); and

**WHEREAS**, the proposed annexation is part of a larger effort to incorporate eligible Town-owned property into the Town boundaries; and

**WHEREAS**, the Petition formally requests that the Property be annexed to the Town; and

**WHEREAS**, on September 5, 2023, the Town Council adopted Resolution No. 2023-108, 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.

**Section 4. Effective Date.** This Resolution shall become effective on the date and at the time of its adoption.

**PASSED, APPROVED AND ADOPTED** this 17th day of October, 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