

PETITION FOR ANNEXATION

ALEXANDER WAY

TO THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO

The undersigned (collectively, “**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 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 13th day of August, 2021

Signature of Landowner/Petitioner

455 ALEXANDER LLC

By: 

Name: Jacques Machoc

Its: Co-Manager

Date of Signature: August 13, 2021

Mailing Address: 700 17th Street, Ste 200
Denver, CO 80202

Signature of Landowner/Petitioner

TIERRA INVESTORS, LLC

By: 

Name: LYNN D'HATEMAN

Its: MEMBER

Date of Signature: August 13, 2021

Mailing Address: 851 S. High St.,
Denver, CO 80209

**EXHIBIT A
TO PETITION FOR ANNEXATION**

Legal Description of Annexation Property

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, AS MONUMENTED BY A 3 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 13485", AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR SOUTH 89°23'27"EAST TO THE NORTH QUARTER CORNER OF SAID SECTION 26, AS REFERENCED BY A WITNESS CORNER, LOCATED 25.0 FEET SOUTH OF SAID NORTH QUARTER CORNER, AND MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "25' WC LS 13155"; THENCE ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 1292.65 FEET TO THE INTERSECTION WITH THE EAST LINE OF BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 103535 AND THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 913.25 FEET TO THE NORTHWEST CORNER OF TRACT A OF DIAMOND RIDGE ESTATES FILING TWO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG THE WESTERLY LIMITS OF SAID TRACT A THE FOLLOWING TWO COURSES; 1) SOUTH 00°31'06"WEST, 475.23 FEET; 2) SOUTH 53°29'05"EAST, 1424.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT A, AND THE INTERSECTION WITH A LINE THAT RUNS BETWEEN THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AS MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 6935" AND THE SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, AS MONUMENTED BY A 2 INCH DIAMETER ALUMINUM CAP MARKED: "LS 27011"; THENCE ALONG SAID INTERSECTED LINE, SOUTH 89°11'37"EAST, 359.30 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 2020114077; THENCE ALONG THE EASTERLY LIMITS OF SAID PARCEL THE FOLLOWING TWO COURSES; 1) SOUTH 39°44'05"EAST, 253.32 FEET; 2) SOUTH 25°03'40"EAST, 528.12 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 89°41'25"WEST, 2392.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00°04'19"EAST, 714.39 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE INTERSECTION OF SAID LINE THAT RUNS BETWEEN SAID NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AND SAID SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION; THENCE ALONG SAID INTERSECTED LINE, NORTH 89°11'37"WEST, 418.14 FEET TO SAID SOUTHEAST CORNER OF BLOCK 5; THENCE ALONG THE WEST LINE OF SAID BLOCK 5, NORTH 00°31'36"EAST, 1303.54 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION, CONTAINING 73.76 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY, OR UNDER THE DIRECT SUPERVISION OF, MICHAEL C. CREGGER, PROFESSIONAL LAND SURVEYOR, COLORADO REGISTRATION NO. 22564 FOR AND ON BEHALF OF IMEG CORP ON JULY 12, 2021.

**EXHIBIT B
TO PETITION FOR ANNEXATION**

LEGAL DESCRIPTION OF LAND OWNED BY 455 ALEXANDER LLC

Name of Owner: 455 Alexander LLC

Address of Owner: 700 17th Street, Ste 200
Denver, CO 80202

Legal description and address of land owned by 455 Alexander LLC in area proposed for annexation:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, AS MONUMENTED BY A 3 INCH DIAMETER ALUMINUM CAP, MARKED "1993 LS 13485", AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR SOUTH 89°23'27" EAST TO THE NORTH QUARTER CORNER OF SAID SECTION 26, AS REFERENCED BY A WITNESS CORNER, LOCATED 25.0 FEET SOUTH OF SAID NORTH QUARTER CORNER, AND MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "25' WC LS 13155"; THENCE ALONG SAID NORTH LINE, SOUTH 89°23'27" EAST, 1292.65 FEET TO THE INTERSECTION WITH THE EAST LINE OF BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 103535 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°23'27" EAST, 913.25 FEET TO THE NORTHWEST CORNER OF TRACT A OF DIAMOND RIDGE ESTATES FILING TWO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG THE WESTERLY LIMITS OF SAID TRACT A THE FOLLOWING TWO COURSES; 1) SOUTH 00°31'06" WEST, 475.23 FEET; 2) SOUTH 53°29'05" EAST, 1424.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT A, AND THE INTERSECTION WITH A LINE THAT RUNS BETWEEN THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AS MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 6935" AND THE SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, AS MONUMENTED BY A 2 INCH DIAMETER ALUMINUM CAP MARKED: "LS 27011"; THENCE ALONG SAID INTERSECTED LINE, SOUTH 89°11'37" EAST, 359.30 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 2020114077; THENCE ALONG THE EASTERLY LIMITS OF SAID PARCEL THE FOLLOWING TWO COURSES; 1) SOUTH 39°44'05" EAST, 253.32 FEET; 2) SOUTH 25°03'40" EAST, 528.12 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 89°41'25" WEST, 2392.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00°04'19" EAST, 714.39 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE INTERSECTION OF SAID LINE THAT RUNS BETWEEN SAID NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AND SAID SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION; THENCE ALONG SAID INTERSECTED LINE, NORTH 89°11'37" WEST, 418.14 FEET TO SAID SOUTHEAST CORNER OF BLOCK 5; THENCE ALONG THE WEST LINE OF SAID BLOCK 5, NORTH 00°31'36" EAST, 1303.54 FEET TO THE POINT OF BEGINNING.

Percentage owned by 455 Alexander LLC: 48%

**EXHIBIT B
TO PETITION FOR ANNEXATION**

LEGAL DESCRIPTION OF LAND OWNED BY TIERRA INVESTORS, LLC

Name of Owner: Tierra Investors, LLC

Address of Owner: 851 S. High St.,
 Denver, CO 80209

Legal description and address of land owned by Tierra Investors, LLC in area proposed for annexation:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTH HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, AS MONUMENTED BY A 3 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 13485", AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR SOUTH 89°23'27"EAST TO THE NORTH QUARTER CORNER OF SAID SECTION 26, AS REFERENCED BY A WITNESS CORNER, LOCATED 25.0 FEET SOUTH OF SAID NORTH QUARTER CORNER, AND MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "25' WC LS 13155"; THENCE ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 1292.65 FEET TO THE INTERSECTION WITH THE EAST LINE OF BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 103535 AND THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 913.25 FEET TO THE NORTHWEST CORNER OF TRACT A OF DIAMOND RIDGE ESTATES FILING TWO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG THE WESTERLY LIMITS OF SAID TRACT A THE FOLLOWING TWO COURSES; 1) SOUTH 00°31'06"WEST, 475.23 FEET; 2) SOUTH 53°29'05"EAST, 1424.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT A, AND THE INTERSECTION WITH A LINE THAT RUNS BETWEEN THE NORTHEAST 1/16TH CORNER OF SAID SECTION 26, AS MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 6935" AND THE SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, AS MONUMENTED BY A 2 INCH DIAMETER ALUMINUM CAP MARKED: "LS 27011"; THENCE ALONG SAID INTERSECTED LINE, NORTH 89°11'37"WEST, 2065.95 FEET TO SAID SOUTHEAST CORNER OF BLOCK 5; THENCE ALONG THE WEST LINE OF SAID BLOCK 5, NORTH 00°31'06"EAST, 1303.54 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION, CONTAINING 38.364 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY, OR UNDER THE DIRECT SUPERVISION OF, MICHAEL C. CREGGER, PROFESSIONAL LAND SURVEYOR, COLORADO REGISTRATION NO. 22564 FOR AND ON BEHALF OF IMEG CORP ON SEPTEMBER 1, 2020.

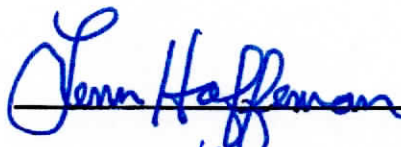
Percentage owned by Tierra Investors, LLC: 52%

**EXHIBIT C
TO PETITION FOR ANNEXATION
AFFIDAVIT OF CIRCULATOR**

STATE OF COLORADO)
) SS.
COUNTY OF Denver)

The undersigned, Lenn Haffeman, being duly sworn upon his oath, deposes and states:

1. That the affiant circulated the Petition for Annexation of lands known as Alexander Way to the Town of Castel Rock, Colorado, for the purpose of obtaining the signature of the petitioners.
2. That the signatures thereon are the signatures of the persons or parties whose names they purport to be.


Date: August 30, 2021

Subscribed and sworn to before me this 31st day of August, 2021.

My commission expires Sept. 20, 2021


Notary Public

WITNESS my hand and official seal.

