

ORDINANCE NO. 2026-027

**AN ORDINANCE AMENDING SECTION 16.08.120 OF THE CASTLE
ROCK MUNICIPAL CODE REGARDING THE USE OF LAND AND
CASH FEES DEDICATED FOR SCHOOL PURPOSES**

WHEREAS, the Town Council finds that land and cash dedicated through the subdivision process are intended to serve long-term public purposes; and

WHEREAS, the Town has historically accepted land designated for future public facilities, including school sites, as part of the development approval process; and

WHEREAS, changing demographic trends, school enrollment patterns, and long-range capital planning may result in school sites remaining undeveloped for extended periods of time creating uncertainty for nearby property owners, residents, and neighborhoods; and

WHEREAS, the Town Council finds that retaining title to school-designated property until the Douglas County School District demonstrates an intent to construct a school provides greater flexibility in managing public assets; and

WHEREAS, the Town Council further finds that establishing a reasonable period for District action protects the public interest by ensuring that dedicated land may ultimately be utilized for other municipal purposes if no school is constructed.

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

Section 1. Amendment. Section 16.08.120 of the Town Code is hereby amended as follows:

16.08.120 - Use of land and cash fees.

- A. Subject to the limitations set forth in this section, All all land and cash fees dedicated or credited to the Town under the provisions of this Chapter shall be used for its intended a public purpose (land for school, water, fire, police, parks, recreation, open space, or administrative facilities, or other public facilities) to the mutual benefit of the residents of the subdivision, Town and general public in accordance with the Town's adopted plans and policies for public uses and facilities.
- B. The Town shall retain title to all land conveyed for school purposes until such time as the Douglas County School District:
 - 1. Notifies the Town in writing of its intent to construct a school on such land;
 - 2. Applies for and obtains approval from the Town of a site development plan for such school; and

3. Provides proof satisfactory to the Town that the District's Board of Directors has appropriated sufficient funds to undertake and complete the construction of such school.
- C. Cash fees credited for school purposes will not be directly conveyed to the Douglas County School District but rather will may be utilized by the Town to purchase land for conveyance to the School District when if requested to accommodate planned school construction. The Town shall retain such fees until such time as the District:
1. Notifies the Town in writing of its intent to construct a school on land within the boundaries of the Town;
 2. Identifies a parcel of land that is immediately available for purchase for school purposes; and
 3. Provides proof satisfactory to the Town that the District's Board of Directors has appropriated sufficient funds to undertake and complete the construction of such school.
- D. Each deed for land conveyed to the Douglas County School District pursuant to subsections B and C of this section shall include a right of reversion in favor of the Town in the event that the District, for whatever reason, fails to undertake and complete the construction of the school for which such land is conveyed within three (3) years of the date of such conveyance.
- E. If, within a period of ten (10) years following the date upon which any land is conveyed to the Town for school purposes, the Douglas County School District has failed to satisfy the requirements set forth in subsections B or C of this section, as applicable, the Town Council shall conduct a public hearing to determine whether:
1. Any rights that the District may have with respect to such land shall be forever extinguished; and
 2. Title to such land shall be retained by the Town for such park, recreation, and/or open space uses as the Town Council may approve.
- Written notice of the hearing shall be mailed by first class mail at least thirty (30) days before such hearing to the District and posted on the Town's website (www.CRgov.com) fifteen (15) days prior to such hearing. The Town shall also provide written notice of the hearing by first class mail at least fifteen (15) days before such hearing to the owner of each property located within a five hundred (500)-foot radius of such land. In addition, such land shall be posted with a sign giving notice of the hearing to the general public at least fifteen (15) days prior to the date of such hearing.
- F. In making its determination regarding any land conveyed for school purposes, the Town Council may consider all relevant factors including, but not limited to:

1. The length of time that title to such land has remained in the possession of the Town without action by the District;
2. The need for the surrounding neighborhood to have certainty as to the current and future uses of such land;
3. Any representations by the District concerning the District's need for new schools within the Town.

Any action of the Town Council to extinguish rights that the District may have to such land and retain title to the same shall be approved by ordinance. Upon its adoption, the Town shall cause a copy of such ordinance to be recorded with the Douglas County Clerk and Recorder.

~~The Town may exchange land previously acquired under this provision for cash if in the opinion of the Town Council the public need for that specific public use would better be served at a different site. Only as provided in Section 16.08.090 above may land be restricted in use for specific area residents.~~

Section 2. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. 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 18th day of August, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of _ for and _ 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 __ day of ____, 2026, by the Town Council of the Town of Castle Rock, Colorado, 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

David L. Corliss, Town Manager