

ORDINANCE NO. 2026-002

AN ORDINANCE AMENDING SECTIONS 14.02.040 AND 14.02.050 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING THE DISPOSITION AND LEASE OF REAL PROPERTY OWNED BY THE TOWN

WHEREAS, pursuant to Section 14.02.040.A of the Castle Rock Municipal Code (the “Code”), the Town Council (the “Town Council”) of the Town of Castle Rock (the “Town”) may approve the disposition of real property so long as such disposition is in compliance with Section 31-15-713, C.R.S. (the “Real Property Statute”); and

WHEREAS, as a home rule municipality, the Town is not bound by the provisions of the Real Property Statute where such statute is superseded by charter or ordinance passed pursuant to such charter; and

WHEREAS, the Town Council finds and determines that the exercise of its home rule powers to provide limited exceptions to the general rules set forth in the Real Property Statute is in the best interests of the Town and its citizens.

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

Section 1. Amendment. Section 14.02.040 of the Castle Rock Municipal Code is amended to read as follows:

14.02.040 - Property disposition.

- A. The Town may dispose of a fee interest in real property upon such terms and conditions as the Town Council may determine, in compliance with the provisions of Section 31-15-713, C.R.S. provided that the disposition of real property qualifying under the following subsections B, **and C, D, AND E** may be approved by Town Council without voter approval.
- B. Any real property which is not (i) within Town limits, (ii) contiguous with the Town boundary, and (iii) currently utilized or planned for use in providing municipal services may be disposed of by ordinance.
- C. Any real property utilized for off-street vehicular parking may be disposed of by ordinance provided such off-street parking is determined to be surplus to current or future municipal or public use, or the disposition will result in the development of alternate parking facilities.
- D. ANY AGREEMENT TO CONVEY REAL PROPERTY TO AN IDENTIFIED PARTY IN EXCHANGE FOR ACQUIRING OTHER REAL PROPERTY MAY BE APPROVED BY RESOLUTION.

E. ANY AGREEMENT TO CONVEY REAL PROPERTY TO A NONPROFIT CORPORATION, ORGANIZATION, OR FOUNDATION MAY BE APPROVED BY RESOLUTION; PROVIDED THAT:

1. THE TOWN COUNCIL FINDS AND DETERMINES THAT SUCH SALE, EXCHANGE, OR DISPOSITION SERVES A PUBLIC PURPOSE AND IS IN THE BEST INTERESTS OF THE TOWN AND ITS RESIDENTS; AND
2. THE CONVEYANCE DOCUMENT INCLUDES A RIGHT OF REVERSION TO THE TOWN IN THE EVENT THAT THE REAL PROPERTY IS CONVEYED TO A FOR PROFIT ENTITY OR IS NO LONGER USED FOR THE PUBLIC PURPOSE FOR WHICH IT WAS INITIALLY CONVEYED

D-F. The Town may administratively grant an easement or license to real property, provided that the Town receives only nominal consideration for such grant. Such easement or license shall be approved by resolution of the Town Council if the Town is to receive compensation or other material consideration for the grant of the easement or license. The administrative grant of an easement or license shall be by an instrument approved and executed by the Town Manager or designee and the Town Attorney or designee.

E-G. AN ACCESS EASEMENT DEDICATED OR CONVEYED TO THE TOWN OR AN UNIMPROVED TOWN RIGHT-OF-WAY THAT HAS NEVER BEEN OPENED FOR PUBLIC USE MAY BE VACATED: (I) ~~in conjunction with a subdivision approval under Title 16 of this Code, OR (II) BY ADMINISTRATIVE APPROVAL OF THE TOWN MANAGER UPON A DETERMINATION THAT NO PUBLIC NEED EXISTS FOR SUCH EASEMENT OR RIGHT-OF-WAY an unimproved street right of way which has never been opened for public use, or access or utility tracts or easements previously dedicated or conveyed to the Town, may be abandoned in whole or in part, provided that adequate public access and municipal services within such platted area are preserved or relocated.~~ ANY Town ~~ownership of~~ ACCESS EASEMENT OR right-of-way which has been improved or opened for public use may not be ~~relinquished~~ VACATED under this Subsection.

F-H. Except ~~for abandonment~~ as authorized in Subsection E, F above, ANY Town ACCESS EASEMENT OR right-of-way WHICH HAS BEEN IMPROVED OR OPENED FOR PUBLIC USE shall be vacated in accordance with the ~~applicable statutory~~ process SET FORTH IN SECTION 43-2-301, ET SEQ., C.R.S.

I. ALL RIGHT-OF-WAY THAT HAS BEEN VACATED PURSUANT TO THIS SECTION SHALL BE DEEMED TO HAVE THE SAME ZONING AS THE ABUTTING LAND TO WHICH SUCH VACATED RIGHT-OF -WAY ACCRUES.

J. ANY UTILITY TRACT OR EASEMENT PREVIOUSLY DEDICATED OR CONVEYED TO THE TOWN MAY BE VACATED OR RELOCATED, IN WHOLE OR IN PART, BY ADMINISTRATIVE APPROVAL OF THE TOWN MANAGER , UPON A FINDING THAT THE EASEMENT IS NO LONGER NECESSARY FOR PRESENT

OR REASONABLY FORESEEABLE MUNICIPAL OR PUBLIC UTILITY PURPOSES; PROVIDED THAT NO SUCH VACATION OR RELOCATION SHALL OCCUR UNLESS ANY MUNICIPAL OR PUBLIC UTILITY FACILITIES ARE PRESERVED, PROTECTED, OR RELOCATED IN A MANNER ACCEPTABLE TO THE TOWN.

Section 2. Amendment. Section 14.02.050 of the Castle Rock Municipal Code is amended to read as follows:

14.02.050 - Lease of real property.

- A. Except as provided in Subsection B, C, and D, below, the TERMS AND CONDITIONS OF ANY lease of any real property OWNED BY THE TOWN ~~for a term of less than one (1) year shall be authorized by Town Council resolution or at the option of the Town Council by ordinance. Any lease of real property interests for a term of greater than one (1) year shall be authorized and approved only by ordinance.~~
- B. The lease of any real property owned by the Town for the placement of (i) micro facilities, or (ii) small cell facilities, all as defined in Chapter 17.60 of ~~the Castle Rock Municipal Code ("CRMC")~~ THIS CODE, may be authorized administratively by the Town Manager or his/her designee.
- C. The lease of any real property owned by the Town for the placement of macro cell wireless communication facilities, as defined in Chapter 17.60 of ~~the CRMC~~ THIS CODE, ~~may be authorized by Town Council resolution. Provided, however, a macro facility located on an existing structure, other than A T-towers, as defined in Chapter 17.60 of the CRMC~~, may be authorized administratively by the Town Manager of his/her designee, pursuant to 17.60.060.B.1.c of ~~the CRMC~~ THIS CODE.
- D. The lease of water rights ~~may be authorized by the Director of Castle Rock Water or his/her designee~~ in the amount of less than or equal to ten (10) acre feet and for a term not to exceed one (1) year MAY BE AUTHORIZED BY THE DIRECTOR OF CASTLE ROCK WATER OR HIS/HER DESIGNEE. At a minimum, the price for water leases shall be set at market value, but in no event less than three hundred dollars (\$300.00) per acre foot. The cumulative amount of leases authorized pursuant to this subsection D. shall not exceed fifty (50) acre feet in any calendar year.

Section 3. 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 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 6th day of January, 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:

Lisa Anderson, Town Clerk

Approved as to form:

Michael J. Hyman, Town Attorney

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to content:

David L. Corliss, Town Manager