

ORDINANCE NO. 2023-031

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN ACM
DAWSON TRAILS VIII JV LLC AND THE TOWN OF CASTLE ROCK
FOR THE EXCHANGE OF PROPERTY BETWEEN THE TWO
ENTITIES, AND THE GRANT OF TEMPORARY EASEMENTS TO THE
TOWN TO FACILITATE THE CONSTRUCTION OF THE CRYSTAL
VALLEY INTERCHANGE PROJECT**

WHEREAS, on September 6, 2022, the Town Council of the Town of Castle Rock (the “Town”) approved the Dawson Trails Planned Development Plan and Zoning Regulations (the “PDP”), which PDP was recorded in the Douglas County, Colorado Clerk and Recorder’s Office (the “Recorder’s Office”) on February 8, 2023 at Reception No. 2023005659; and

WHEREAS, ACM Dawson Trails VIII JV LLC (“ACM”) is the owner of the property located within the boundaries of the PDP and the developer of the Dawson Trails Planned Development (the “Dawson Trails Development”); and

WHEREAS, the Town desires to design and construct a new highway interchange known as the Crystal Valley Interchange (“CVI”), which generally consists of a bridge over Interstate 25, a northbound on-ramp and off-ramp, a southbound on-ramp and off-ramp, a bridge over the BNSF railroad tracks, relocation of West Frontage Road from Tomah Road to the CVI, relocation of a segment of the East Frontage Road and a connection to the relocated West Frontage Road, and the construction of a portion of Dawson Trails Boulevard to the south of the CVI, together with associated grading, draining, utility and other development work related thereto (collectively, the “CVI Project”); and

WHEREAS, construction of the CVI Project will require the completion of roads by the Town that traverse the Dawson Trails Development, the alignment of which require the acquisition of certain property owned by ACM (the “ACM Property”); and

WHEREAS, the Town has previously acquired certain property that, due to changes made to the CVI alignment during the value engineering process, is no longer necessary for construction of the CVI Project (the “Town Property”); and

WHEREAS, the Town further requires temporary easements over, through, and across the Dawson Trails Development to facilitate the construction of the CVI Project; and

WHEREAS, the Town and ACM wish to enter into an agreement authorizing the acquisition of the ACM Property by the Town, the acquisition of the Town Property by ACM, and the conveyance of temporary easements by ACM to the Town.

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

Section 1. Approval. The Agreement between ACM and the Town (the “Agreement”) is hereby approved in substantially the same form as presented at tonight’s meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Agreement and any technical amendments thereto, as well as all deeds, easements, and other such documents as may be required to fully perform the Agreement, by and on behalf of the Town.

Section 2. 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 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 17th day of October, 2023, by a vote of 7 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 7th day of November, 2023, by the Town Council of the Town of Castle Rock 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