

ORDINANCE NO. 2025-038

**AN ORDINANCE VACATING CERTAIN RIGHT-OF-WAY LOCATED
WITHIN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 8
SOUTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF CASTLE
ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO**

WHEREAS, on October 3, 2025, the Town of Castle Rock (the “Town”) received a request from the developer of the Brickyard project (the “Project”), CD-Acme, LLC (the “Developer”), to vacate a portion of Prairie Hawk Drive, as more particularly described in the legal description and depicted on the map attached as *Exhibit 1* (the “Vacation Parcel”); and

WHEREAS, as a result of the road and infrastructure improvements that will be made by the Developer as part of the Project, the Vacation Parcel is no longer useful or necessary to the Town as right-of-way; and

WHEREAS, no adjacent property will be deprived of legal or physical access by the vacation of the Vacation Parcel; and

WHEREAS, the Town will reserve a temporary access and utility easement in the Vacation Parcel to ensure continued access to and the right to maintain any other existing utilities until such time as a plat is completed and permanent easements are defined and conveyed; and

WHEREAS, accordingly, the Town Council finds that it is necessary and appropriate to vacate the Vacation Parcel as requested by the Developer.

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

Section 1. Vacation. The Vacation Parcel is hereby vacated pursuant to the authority granted by Section 43-2-303(1)(a), C.R.S., subject to all matters of record. The vacation shall take effect upon the recordation of this Ordinance in the Douglas County public records.

Section 2. Reservation of Easement. Pursuant to Section 43-2-303(3), C.R.S., the Town, for itself and the providers of any existing utilities in the Vacation Parcel, reserves a temporary access and utility easement over, across, and under the entirety of the Vacation Parcel for access, maintenance, repair, and replacement of the existing utilities until such time that a plat is completed and permanent easements are defined and conveyed. The temporary access and utility easement over, across, and under the Vacation Parcel will expire upon the recordation in the Douglas County public records of: (i) a plat for the Project including the Vacation Parcel and (ii) any other documents evidencing the conveyance of permanent easements over, across, and under the Vacation Parcel.

Section 3. Vesting of Ownership. Ownership of the Vacation Parcel shall vest solely in the Developer in accordance with the provisions of Section 43-2-302, C.R.S.

Section 4. Zoning. The Vacation Parcel shall be subject to the Brickyard Planned

Development Plan and Zoning Regulations and the Town’s Zoning District Map pertaining to the Vacation Parcel shall be amended accordingly.

Section 5. 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 6. 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 21st day of October, 2025, by the Town Council of the Town of Castle Rock, Colorado, 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 4th day of November, 2025, 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

Tara Vargish, Director of Development Services