

ORDINANCE NO. 2024-002

**AN ORDINANCE ANNEXING TO THE TOWN OF CASTLE ROCK,
COLORADO, 3.76 ACRES OF LAND OWNED BY THE TOWN AND
LOCATED IN SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF
THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO
(Tower Open Space Annexation)**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) is the sole owner of 3.76 acres of land in unincorporated Douglas County that is located between the existing Metzler Ranch development and the future Canyons Far South development, all as more particularly described on the map attached as *Exhibit A* and legal description attached as *Exhibit B* (the “Property”); and

WHEREAS, the Property consists entirely of open space and is not a public street or right-of-way; and

WHEREAS, Town staff has advised the Town Council of its desire to annex the Property; and

WHEREAS, Section 31-12-106(3), C.R.S., provides that when the Town is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with Article II, Section 30(1)(c) of the Colorado Constitution and Sections 31-12-104(1)(a) and 31-12-105, C.R.S., the Town Council may, by ordinance, annex the area to the Town without notice and hearing as provided in Sections 31-12-108 and 31-12-109, C.R.S.; and

WHEREAS, Section 20.02.020.D of the Castle Rock Municipal Code provides that the requirement for a hearing regarding the advisability of annexing of property to the Town does not apply to the annexation of Town-owned property that does not consist solely of public streets and/or right-of-way; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the Town and its residents to annex the Property.

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

Section 1. Findings – Eligibility of the Property for Annexation. The Town Council finds and determines that the following provisions of Article II, Section 30(1)(c) of the Colorado Constitution and Sections 31-12-104(1)(a) and 31-12-105, C.R.S., have been met:

- A. Not less than one sixth (1/6) of the perimeter of the Property is contiguous with the existing boundaries of the Town.
- B. A community of interest exists between the Property and the Town.
- C. The Property is urban or will be urbanized in the near future.

- D. The Property is integrated with or is capable of being integrated with the Town.
- E. In establishing the boundaries of the Property, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way.
- F. In establishing the boundaries of the Property, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with buildings and improvements situated thereon has a value for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation) is included in the Property, without the written consent of the landowners.
- G. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the Property.
- H. The Property, or substantially the same area, has not been the subject of an election for annexation to the Town within the preceding twelve (12) months.
- I. The Property is not presently a part of any incorporated city, city and county, or town.
- J. The annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.
- K. The annexation of the Property will not have the effect of extending the municipal boundary of the Town more than three miles in any direction from any point of such municipal boundary within one year.
- L. In establishing the boundaries of the Property, if a portion of a platted street or alley is to be annexed, the entire width of said street or alley has been included within the Property.
- M. The owner of 100% of the Property have expressed its support for the annexation; accordingly, no election is required.
- N. No additional terms or conditions will be unilaterally imposed on the Property.

Section 2. Findings – Ownership and Type of Property. The Town Council finds and determines that the following provisions of Section 31-12-106(3), C.R.S., have been met:

- A. The Town is the sole owner of the Property.

B. The Property consists entirely of open space and is not a public street or right-of-way

Section 3. Annexation of Property. The annexation of the Property to the Town is hereby approved.

Section 4. Required Filings. The Town Clerk is hereby directed to file with the Douglas County Clerk and Recorder those documents required by § 31-12-113, C.R.S.

Section 5. Effective Date. Subject to the filings required to be made pursuant to Section 3, above, the Property shall be subject to the Town Charter and all ordinances, resolutions, rules and regulations of the Town upon the effective date of this Ordinance.

Section 6. 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 7. 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 relationship to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 6th day of February, 2024, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, after publication; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 20th day of February, 2024, 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