

**ORDINANCE NO. 2023-033**

**AN ORDINANCE ANNEXING TO THE TOWN OF CASTLE ROCK,  
COLORADO, 73.76 ACRES OF LAND LOCATED IN THE NORTH HALF  
OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH  
PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO,  
PURSUANT TO AN ANNEXATION PETITION SUBMITTED BY 455  
ALEXANDER, LLC, AND TIERRA INVESTORS, LLC  
(Alexander Way Annexation)**

**WHEREAS**, Alexander Investors, LLC (the “Owner”), as successor in interest to 455 Alexander, LLC, and Tierra Investors, LLC (collectively, the “Petitioners”) is the owner of two parcels totaling 73.76 acres of land located east of the Silver Heights subdivision, north of Alexander Place, and west of the Diamond Ridge Estates subdivision, as more particularly described on the attached *Exhibit A* (the “Property”); and

**WHEREAS**, on September 16, 2021, a petition (the “Petition”) was filed with the Town Clerk of the Town of Castle Rock, Colorado (the “Town”), by the Petitioners, for the annexation of the Property, to which the Owner has consented; and

**WHEREAS**, the Petition requests that the Town annex the Property; and

**WHEREAS**, on October 19, 2021, the Town Council adopted Resolution No. 2021-095, finding that the Petition is in substantial compliance with the requirements set forth in Article II, Section 30(1)(b) of the Colorado Constitution and §31-12-107(1), C.R.S.; and

**WHEREAS**, on December 7, 2021, the Town Council adopted Resolution No. 2021-107 finding that the Property is eligible for annexation to the Town in accordance with the requirements of Article II, Section 30 of the Colorado Constitution and §§31-12-104 and 31-12-105, C.R.S.; and

**WHEREAS**, Section 20.02.020 of the Castle Rock Municipal Code (the “Code”) provides that, within 180 days from the date the Town Council determines the Property is eligible for annexation, the Town Council shall conduct a separate hearing regarding the advisability of annexing of the Property to the Town, unless the hearing is deferred with the consent of the petitioner (the “Annexation Hearing”); and

**WHEREAS**, in addition, at least ten days prior to the date set for the Annexation Hearing, the Petitioners’ request to annex the Property shall be reviewed in a public hearing by the Planning Commission; and

**WHEREAS**, the Petitioners and the Owner have consented to a deferral of the Annexation Hearing by the Town Council until tonight’s meeting; and

**WHEREAS**, the Planning Commission and Town Council have conducted the public hearings required by Section 20.02.020 the Act and Chapter 20.02 of the Code.

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

**Section 1. Notice.** The Town Council takes notice of the following findings regarding the annexation of the Property made in Resolution No. 2021-079:

- A. The applicable provisions of Article II, Section 30 of the Colorado Constitution and §§ 31-12-104 and 31-12-105, C.R.S., have been met;
- B. An election is not required under §31-12-107(2), C.R.S.; and
- C. No additional terms and conditions are to be imposed.

**Section 2. Findings.** Based upon the testimony and evidence presented at the Annexation Hearing, the Town Council makes the following additional findings:

- A. The annexation of the Property is consistent with the Town Master Plan; and
- B. The Property is otherwise a desirable addition to the Town.

**Section 3. Annexation of Property.** 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 4, 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 7<sup>th</sup> day of November, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of \_\_\_ for and \_\_\_ against, after publication; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_ day of \_\_\_\_\_, 2023, 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, Development Services Director