

RESOLUTION NO. 2021 -

A RESOLUTION FINDING THAT CERTAIN PROPERTY, WHICH IS THE SUBJECT OF A PETITION FOR ANNEXATION SUBMITTED BY CANYONS SOUTH, LLC, IS ELIGIBLE FOR ANNEXATION UNDER ARTICLE II, SECTION 30 OF THE COLORADO CONSTITUTION AND SECTIONS 31-12-104 AND 31-12-105, C.R.S. (Canyons South Annexation)

WHEREAS, a petition (the “Petition”) was filed with the Town Clerk by Canyons South LLC (the “Petitioner”) for the annexation of a 409-acre parcel of land located south of Crowfoot Valley Road, east of Founders Parkway, north of Crimson Sky Drive and west of Castle Oaks Drive, as more particularly described on the attached *Exhibit A* (the “Property”); and

WHEREAS, the Petition requests that the Town of Castle Rock (the “Town”) annex the Property; and

WHEREAS, on June 15, 2021, the Town Council adopted Resolution No. 2021-059, 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, in addition, the Town Council set a date, time, and place for a hearing to determine whether 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., which hearing has been conducted at tonight’s meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Findings. The Town Council finds and determines that:

- 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 owners of 100% of the Property have signed the Petition; accordingly, no election is required.
- N. No additional terms or conditions will be unilaterally imposed on the Property.

Section 2. Eligibility. The Town Council further finds and determines 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 Sections 31-12-104 and 31-12-105, C.R.S.

Section 3. Annexation to be Determined at a Later Date. The Town Council shall conduct a separate hearing on the annexation ordinance to determine whether such annexation is consistent with the Town Master Plan and is otherwise a desirable addition to the Town no later than one hundred eighty (180) days from the date of this Resolution, unless otherwise deferred with the consent of the Petitioner.

PASSED, APPROVED AND ADOPTED this 17th day of August, 2021, by the Town Council of the Town of Castle Rock, Colorado on first and final reading 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

EXHIBIT A

Legal Description of Property to be Annexed

A PARCEL OF LAND BEING TRACTS V & X, CANYONS SOUTH FILING NO. 1A, 3RD AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2021023312, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AND PORTIONS OF THE SOUTH HALF OF SECTION 30 AND THE NORTH HALF OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 66 WEST & THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., AS SHOWN ON SAID PLAT OF CANYONS SOUTH FILING NO.1A, 3RD AMENDMENT TO BEAR S 00°03'56" E, FROM THE EAST QUARTER CORNER OF SAID SECTION 30, BEING MONUMENTED BY A REBAR WITH A 2 INCH ALUMINUM CAP STAMPED "PLS 23515" TO THE SOUTH SIXTEENTH CORNER OF SECTIONS 29/30, BEING MONUMENTED BY A REBAR WITH A 1-1/2 INCH ALUMINUM CAP, STAMPED "PLS 23515", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 30, THENCE S 00°03'56" E, ALONG THE EAST LINE OF SAID CANYONS SOUTH FILING NO, 1A, 3RD AMENDMENT AND ALONG THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 798.31 FEET TO THE NORTHEAST CORNER OF SAID TRACT X AND THE POINT OF BEGINNING;

THENCE S 00°03'56" E, CONTINUING ALONG SAID EAST LINES, A DISTANCE OF 525.32 FEET TO THE SOUTH SIXTEENTH CORNER OF SECTIONS 29/30, ALSO BEING A POINT ON THE NORTH LINE OF CASTLE OAKS, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 150556, SAID DOUGLAS COUNTY RECORDS; THENCE ALONG THE NORTH AND EAST LINES OF SAID CASTLE OAKS PLAT, THE FOLLOWING THREE (3) COURSES:

1. S 89°49'31" W, A DISTANCE OF 1319.43 FEET TO THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 30;
2. S 00°04'19" E, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1331.29 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTIONS 30/31;
3. S 00°07'26" E, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 2643.38 FEET TO A POINT ON THE NORTH LINE OF CASTLE OAKS ESTATES FILING NO. 1, 9TH AMENDMENT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2013082860 AND A POINT ON THE NORTH LINE OF THAT BOUNDARY LINE AGREEMENT RECORDED AT RECEPTION NO. 2007016736, BOTH OF SAID DOUGLAS COUNTY RECORDS;

THENCE S 89°18'28" W, ALONG THE NORTH LINE OF SAID BOUNDARY LINE AGREEMENT AND ALONG THE NORTH LINES OF SAID CASTLE OAKS ESTATES FILING NO. 1, 9TH AMENDMENT, CASTLE OAKS ESTATES FILING NO. 1, AMENDMENT NO. 2, RECORDED AT RECEPTION NO. 2006078876 AND CASTLE OAKS ESTATES FILING NO. 1, RECORDED AT RECEPTION NO. 2003181990, A DISTANCE OF 3675.98 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2009029995, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG THE EAST AND NORTH LINES OF SAID PARCEL OF LAND THE FOLLOWING TWO (2) COURSES:

1. N 00°13'51" W, A DISTANCE OF 245.55 FEET;
2. N 47°08'24" W, A DISTANCE OF 34.12 FEET TO A POINT ON THE EAST LINE OF THE FOUNDER'S PARKWAY RIGHT-OF-WAY, ORIGINALLY DEDICATED AS MILLER BOULEVARD, BY THE MILLER BOULEVARD FILING NO. 2 FINAL PLAT, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 8603133, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG SAID EAST LINE, THE FOLLOWING TWO COURSES:

1. N 00°12'47" W, A DISTANCE OF 1420.37 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 10°42'21" AND AN ARC LENGTH OF 187.79 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2009099312;

THENCE ALONG THE SOUTH AND EAST LINES OF SAID PARCEL OF LAND THE FOLLOWING FIVE (5) COURSES:

1. N 72°31'31" E, A DISTANCE OF 73.36 FEET;
2. N 00°01'17" E, A DISTANCE OF 200.00 FEET;
3. N 72°31'31" E, A DISTANCE OF 192.84 FEET;
4. N 24°42'07" W, A DISTANCE OF 72.63 FEET;
5. N 33°43'04" W, A DISTANCE OF 424.14 FEET TO A POINT ON THE EAST LINE OF THE RIDGE ROAD RIGHT-OF-WAY;

THENCE N 00°01'17" EAST, A DISTANCE OF 88.15 FEET TO A POINT ON THE NORTH LINE OF SAID RIDGE ROAD RIGHT-OF-WAY;

THENCE S 89°47'43" W, ALONG SAID NORTH LINE, A DISTANCE OF 729.78 FEET TO A POINT ON THE NORTH LINE OF SAID FOUNDER'S PARKWAY RIGHT-OF-WAY AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID NORTH LINE, THE FOLLOWING THREE COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1005.00 FEET, A CENTRAL ANGLE OF 13°57'59" AND ARC LENGTH OF 244.98 FEET, THE CHORD OF WHICH BEARS N 82°51'30" W, A DISTANCE OF 244.37 FEET;
2. N 89°50'29" W, A DISTANCE OF 488.91 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 895.00 FEET, A CENTRAL ANGLE OF 25°36'15" AND AN ARC LENGTH OF 399.95 FEET TO A POINT ON THE EAST LINE OF THE RIDGE ROAD RIGHT-OF-WAY, AS DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2008079259, SAID DOUGLAS COUNTY RECORDS;

THENCE N 11°41'01" W, ALONG THE EAST LINE OF SAID RIDGE ROAD RIGHT-OF-WAY, A DISTANCE OF 29.20 FEET TO A POINT BEING 23.00 FEET NORTH OF THE NORTH LINE OF SAID FOUNDER' PARKWAY RIGHT-OF-WAY AND A POINT OF NON-TANGENT CURVATURE, AND BEING THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2006097242, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG THE SOUTH AND EAST LINES OF SAID PARCEL OF LAND, THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 872.00 FEET, A CENTRAL ANGLE OF 22°57'23" AND AN ARC LENGTH OF 349.38 FEET, THE CHORD OF WHICH BEARS S 74°32'56" E, A DISTANCE OF 347.05 FEET;
2. N 19°21'06" W, A DISTANCE OF 1023.82 FEET TO A POINT ON THE EAST LINE OF THE RIDGE ROAD RIGHT-OF-WAY AS DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2008079259, SAID DOUGLAS COUNTY RECORDS;

THENCE N 11°52'30" E, ALONG SAID EAST LINE, A DISTANCE OF 499.36 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED IN THAT DEED RECORDED AT RECEPTION NO. 2018029164, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL OF LAND THE FOLLOWING FOUR (4) COURSES:

1. N 90°00'00" E, A DISTANCE OF 653.69 FEET;
2. S 33°43'04" E, A DISTANCE OF 792.75 FEET;
3. N 59°57'41" E, A DISTANCE OF 749.00 FEET;
4. N 76°24'57" E, A DISTANCE OF 927.15 FEET TO A POINT ON THE SOUTH LINE OF SAID CANYONS SOUTH FILING NO. 1A, 3RD FILING, ALSO BEING THE WEST CORNER OF SAID TRACT V;

THENCE ALONG THE NORTH LINE OF SAID TRACT V, THE FOLLOWING FOUR (4) COURSES:

1. N 76°24'57" E, A DISTANCE OF 14.66 FEET;
2. S 89°06'00" E, A DISTANCE OF 1845.91 FEET;
3. N 74°02'37" E, A DISTANCE OF 891.67 FEET;
4. N 81°10'33" E, A DISTANCE OF 389.25 FEET TO A POINT ON THE SOUTH LINE OF SAID CANYONS SOUTH FILING NO. 1A, 3RD FILING;

THENCE ALONG SAID SOUTH LINE, THE FOLLOWING THREE COURSES:

1. N 63°07'04" E, A DISTANCE OF 395.46 FEET;
2. S 73°17'30" E, A DISTANCE OF 198.44 FEET;
3. S 85°55'00" E, A DISTANCE OF 165.88 FEET TO THE WEST CORNER OF SAID TRACT X;

THENCE N 81°10'33" E, ALONG THE NORTH LINE OF SAID TRACT X, A DISTANCE OF 354.66 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 17,816,380 SQUARE FEET OR 409.008 ACRES, MORE OR LESS.