

ORDINANCE NO. 2023-

**AN ORDINANCE ANNEXING TO THE TOWN OF CASTLE ROCK,
COLORADO, 5.000 ACRES OF LAND LOCATED WEST OF RIDGE
ROAD, SOUTH OF FIFTH STREET, AND NORTH OF PLUM CREEK
PARKWAY, PURSUANT TO AN ANNEXATION PETITION SUBMITTED
BY BARBARA J. LINCOLN (Memmen Parcel Annexation)**

WHEREAS, on July 10, 2020, a petition (the “Petition”) was filed with the Town Clerk by Barbara J. Lincoln (the “Petitioner”) for the annexation of 5.000 acres of land located west of Ridge Road, south of Fifth Street, and north of Plum Creek Parkway, as more particularly described on the attached ***Exhibit 1*** (the “Property”); and

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

WHEREAS, on August 18, 2020, the Town Council adopted Resolution No. 2020-076, 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 October 6, 2020, the Town Council adopted Resolution No. 2020-103 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 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 Petitioner’s request to annex the Property shall be reviewed in a public hearing by the Planning Commission; and

WHEREAS, the Petitioner has 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 Castle Rock Municipal 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. 2020-103:

- 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 6th day of June, 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:

Michael J. Hyman, Town Attorney

Approved as to content:

Tara Vargish, Development Services Director