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Annexation Petition

TO: TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO

The undersigned Landowner (Petitioner), in accordance with the provisions of Article 12 of Title 31, C.R.S., as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, hereby petition the Town Council of the Town of Castle Rock, Colorado, for annexation to the Town of Castle Rock, Colorado, of the unincorporated territory situate and described as in the attached Exhibit A (Property).

Petitioner states to the Town Council as follows:

1. It is desirable and necessary that the Property be annexed to the Town of Castle Rock, Colorado.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met, in that:
 - a. Not less than one sixth (1/6) of the perimeter of the area proposed to be annexed 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 and that the Property is integrated with or is capable of being integrated with the Town.
 - d. In establishing the boundaries of the territory to be annexed, 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.
 - e. In establishing the boundaries of the area proposed to be annexed, 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 valuation for assessment in excess of \$200,000.00 for *ad valorem* tax purposes for the year next preceding the annexation) is included in the area proposed to be annexed without the written consent of the landowner or landowners, unless such tract of land is situated entirely within the outer boundaries of the Town, as they exist at the time of annexation.
 - f. That no annexation proceedings have been commenced for the annexation of part or all of the Property proposed to be annexed to another municipality.
 - g. That the property proposed to be annexed by the Town, or substantially this same area has not been the subject of an election for annexation to the Town within the preceding twelve (12) months.
 - h. That the Property is not presently a part of any incorporated city, city and county, or town.
 - i. That 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.
 - j. That the annexation of the Property will not have the effect of extending a municipal boundary of the Town, more than three miles in any direction from any point of such municipal boundary within one year, except such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership and at least fifty percent of that parcel is within the three-mile limit.

k. That in establishing the boundaries of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

l. That the mailing address of the Petitioner, the legal description of the land owned by the Petitioner and the date of signing of each signature are all shown on this Petition for Annexation.

m. That no signature on this Petition for Annexation is dated more than one hundred eighty (180) days prior to the date of filing the Petition for Annexation with the Town Clerk.

3. The Signer of this petition comprise more than fifty percent (50%) of the landowners in the area proposed to be annexed, and own more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town of Castle Rock, Colorado, in accordance with the Constitution of the State of Colorado, Article II, Section 30.

4. Submitted concurrently are four (4) prints of the annexation map containing a written legal description of the Property and showing the boundaries of the area proposed to be annexed; the location of each ownership tract in unplatted land or, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and a drawing of the contiguous boundary of the Town of Castle Rock, Colorado, and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

5. Upon an annexation ordinance becoming effective, the Property shall become subject to the municipal laws of the State of Colorado pertaining to towns and to the Charter of the Town of Castle Rock and all ordinances, resolutions, rules and regulations of the Town, except for general property taxes of the Town, which shall become effective on January 1 of the next succeeding year following passage of the annexation ordinance.

6. In the event that an ordinance approving zoning of the Property acceptable to Petitioner is not adopted, on the date of adoption of the ordinance to effectuate the annexation contemplated in this Petition for Annexation, the Petitioner may withdraw its signatures from this Petition for Annexation, the effect of which shall be as if no Petition had ever been executed and filed with the Town.

Therefore, your Petitioner respectfully request that the Town Council of the Town of Castle Rock, Colorado, approve the annexation of the area proposed to be annexed.

Dated this 9th day of August, 2016.

PETITIONER: Castle Rock Industrial Park, LLC, a Colorado limited liability company

By: Hier & Company, Inc., a Colorado corporation, Manager

By: [Signature]
Nicholas Hier, Vice-President of Manager

823 S. Perry Street, Suite 120
Castle Rock, CO 80104
303. 688. 3105

STATE OF Colorado
COUNTY OF Douglas

)
) ss.
)

The foregoing instrument was acknowledged before me this 9th day of August, 2016 by Nicholas Hier as Vice President for Castle Rock Industrial Park LLC

Witness my official hand and seal.
My commission expires: 4-8-2017

(SEAL)

[Signature]
Notary Public

JENNIFER M SMITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014008724
MY COMMISSION EXPIRES 4/8/2017

Exhibit A – Legal Description of the Annexation

PARCEL DESCRIPTION

A PART OF THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS CONTAINED HEREIN ARE RELATIVE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34 WHICH BEARS SOUTH 89°27'34" EAST A DISTANCE OF 2,670.79 FEET (BEARINGS COLORADO STATE PLANE CENTRAL ZONE). MONUMENTED AT THE NORTH 1/4 CORNER BY A 2.5" ALUMINUM CAP STAMPED LS 6935 AND AT THE NORTHEAST CORNER BY A 3.25" ALUMINUM CAP STAMPED LS 13258.

COMMENCING AT SAID NORTH ONE-QUARTER CORNER; THENCE ON SAID NORTH LINE, SOUTH 89°27'34" EAST A DISTANCE OF 1,386.94 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE FORMER U.S. HIGHWAY 85 AS DESCRIBED IN BOOK 111 AT PAGE 321 OF THE DOUGLAS COUNTY RECORDS; THENCE ON SAID RIGHT-OF-WAY, SOUTH 28°20'34" EAST A DISTANCE OF 1,169.99 FEET TO THE POINT OF BEGINNING;

CONTINUING ON SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES;

1. THENCE SOUTH 28°20'34" EAST A DISTANCE OF 387.00 FEET;
2. THENCE SOUTH 02°09'26" WEST A DISTANCE OF 148.20 FEET;
3. THENCE SOUTH 28°20'34" EAST A DISTANCE OF 76.00 FEET;

THENCE SOUTH 62°19'26" WEST A DISTANCE OF 295.51 FEET, TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD (FORMERLY THE DENVER & RIO GRANDE WESTERN RAILROAD);

THENCE ON SAID RAILROAD RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES;

1. THENCE NORTH 25°38'57" WEST A DISTANCE OF 214.49 FEET TO A POINT OF TANGENCY;
2. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 80.80 FEET, A RADIUS OF 6,300.11 FEET, A DELTA ANGLE OF 0°44'06", WHOSE CHORD BEARS NORTH 25°16'54" WEST A DISTANCE OF 80.79 FEET, TO A POINT OF COMPOUND CURVATURE;
3. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 297.35 FEET, A RADIUS OF 5,321.60 FEET, A DELTA ANGLE OF 3°12'05", WHOSE CHORD BEARS NORTH 23°18'49" WEST A DISTANCE OF 297.31 FEET;

THENCE NORTH 62°19'26" EAST A DISTANCE OF 330.27 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

ALL BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34 WHICH BEARS SOUTH 89°27'34" EAST A DISTANCE OF 2670.79 FEET (BEARINGS COLORADO STATE PLANE CENTRAL ZONE). MONUMENTED AT THE NORTH 1/4 CORNER BY A 2.5" ALUMINUM CAP STAMPED LS 6935 AND AT THE NORTHEAST CORNER BY A 3.25" ALUMINUM CAP STAMPED LS 13258.

CONTIGUITY

TOTAL PERIMETER = 1,829.62 FEET
 CONTIGUOUS PERIMETER = 611.20 FEET
 REQUIRED 1/6
 CONTIGUOUS PERIMETER = 304.94 FEET

TOTAL ANNEXATION AREA = 198,968 SF (4.568 ACRES)

Exhibit B – Affidavit of Circulator

The undersigned, being of lawful age who, being first duly sworn upon oath, deposes and says:

That he was the circulator of the foregoing Petition for annexation of lands to the Town of Castle Rock, Colorado, consisting of four (4) pages, including this page, and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

DAC
Circulator

STATE OF Colorado
COUNTY OF Douglas

)
) ss.
)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 9th day of August, 2016 by Daniel Connolly.

Witness my official hand and seal.
My commission expires: 4-8-2017

(SEAL)

JM
Notary Public

