

ORDINANCE NO. 2019-_____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A QUITCLAIM DEED FOR THE PURPOSE OF ABANDONING THE TOWN'S INTEREST IN A SANITARY SEWER EASEMENT WITHIN LOT 3 BLOCK 1 CASTLE ROCK FACTORY SHOPS

WHEREAS, an easement was granted to the Town for a sanitary sewer line as part of the development of the Castle Rock Factory Shops by plat recorded in the public records of Douglas County at Reception No. 9213910 ("Easement");

WHEREAS, the property owner, Craig Realty Group – Castle Rock, LLC desires to construct an expansion to the existing Factory Shops and in order to do so, a portion of the sanitary sewer line located within the Easement must be relocated;

WHEREAS, as a condition to the Town's abandonment of the portion of the Easement, the property owner, at its expense, shall relocate the sanitary sewer line and grant to Town a permanent easement for the relocated sanitary sewer line.

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

Section 1. Abandonment. The Town of Castle Rock hereby abandons its interest in that portion of the Easement described in the attached *Exhibit 1*. The Mayor and other proper officials of the Town of Castle Rock are hereby authorized to execute the quitclaim deed described in the attached *Exhibit 2* on behalf of the Town of Castle Rock, Colorado. Recordation of the quitclaim deed is conditioned on the relocation of the sanitary sewer line and concurrent grant of a permanent easement for that portion of the sanitary sewer line relocated.

Section 2. 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 3. 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 relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2019 by a vote of ____ for and ____ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019, by the Town Council of the Town of Castle Rock 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:

Robert J. Slentz, Town Attorney

Mark Marlowe, Director of Castle Rock Water