

**ORDINANCE NO. 2019-036**

**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 5th day of November, 2019 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED** this 3rd day of December, 2019, by the Town Council of the Town of Castle Rock by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Lisa Anderson, Town Clerk

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Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

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Mark Marlowe, Director of Castle Rock Water