

**POPLAR INVESTMENTS INC  
% PARK LAND COMPANY  
1805 S. BELLAIRE STREET, SUITE 110  
DENVER, CO 80222**

EXHIBIT A  
June 2, 2020  
Town Council Meeting  
Item #10  
Resolution 2020-52

July 9, 2019

Robert J. Slentz  
Town Attorney  
Town of Castle Rock  
100 North Wilcox Avenue  
Castle Rock, CO 80104

RE: Poplar Property Impacts Related to Ordinance 3.71. Status.  
**CONFIDENTIAL INFORMATION ONLY FOR TOWN STAFF AND TOWN BOARD**

Dear Mr. Slentz:

Per your request, this letter details the potential economic impacts upon the property ownership of the Poplar and Founders Crossing parcels (Property – See Attachment A). As we understand, your office will be meeting with the Town Board in Executive Session to discuss legal matters surrounding the current situation and the effect of zoning and annexation documents on the development of the Property and a potential resolution. Many issues are involved but the core is the application of Article VIII, Section A of Ordinance 3.71A which states: "... Each final site plan shall contain a phasing plan, provided, however, that the entire Planned Unit Development shall be completed within twenty-five (25) years of the date hereof. ..." [1981] The date that all approvals (PUD) are required is 2006. As you know several lots in the Founders Crossing property have been sold and are either under construction or vacant and being marketed. Additionally, the Poplar parcel is under contract to Garrett Acquisitions LLC.

The status of the lots in Founders Crossing are:

<u>Lot/Parcel</u>	<u>Use</u>	<u>Ownership</u>	<u>Status</u>
Lot 1	Drive Thru-Bank	Canvas Bank	Building Permit Issued - Under Construction
Lot 2	Car Wash	Viper Holdings	Site Plan and Civil Approved - Not Under Construction
Lot 3	Medical Facility	Porter Care Adventist Health Systems	No submittals
Lot 4	Convenience Store/Gas	WDG Founders LLC	Use Constructed/Operating
Lot 5	Vacant	Linden Partners (PLC Entity)	Vacant - on the Market
Lot 6	Vacant	Linden Partners (PLC Entity)	Vacant - on the Market

The status of the Poplar parcel is it is under contract with Garrett Acquisitions LLC. This contract was entered into October 3, 2018. The Buyer has completed the majority of their site plan planning work and had a pre-application meeting for their Site Development Plan (SDP) with the Town on June 27, 2019 and they expect to submit their entire SDP package to the Town on July 8, 2019.

### Regulatory Impacts Summary

As outlined in a document (See Attachment B) provided to your office on June 23, 2019, "*Flamingo, Linden and Poplar Parcels, Villages at Castle Rock, Unified Development History*," Park Land Company's (PLC) position on the historical facts is that Flamingo, Linden and Poplar proceeded in good faith from 2004 (prior to 2006) forward with investment-backed decisions and actions in reliance on the existing PD zoning which provides for the Poplar parcel being included as a multi-family parcel in the long term unified, development plans for the PLC Entities. Those actions and activities are summarized below.

#### Development Activities for Poplar

- Plats and FDPs approved by the Town which included Poplar
- Easements for water lines, sewer lines and detention approved by the Town on Poplar
- Construction Drawings which included Poplar
- Detention pond development on Poplar
- Transfer of School Site to Town from Poplar for Potential School use
- Payment to Castle Rock for \$300,000 for a traffic signal a portion of which will serve Poplar
- Construction of streets and utilities adjacent to Poplar, a portion of which will serve Poplar
- Vacation of Castle Oaks Drive along entire northern boundary of Poplar
- Expenditure of substantial costs (\$770,797) on physical improvements that benefited the future development of Poplar. See Attachment B, Section 2 for backup on this number.

The potential for the development of the Poplar parcel was recognized as early as 2000 in the Preliminary PD Site Plan, Amendment 1 (related to the Castle Oaks [now Terrain] development) which showed a major transportation connection from Castle Oaks into the Poplar parcel. This connection was also a specific requirement in the Ordinance that adopted the Site Plan Amendment.

Based upon all of the above actions which directly or indirectly affected Poplar and its development potential, PLC's opinion is that Poplar has performed substantial activities and incurred substantial costs over the last 15 years in reliance on the underlying zoning. It was not until approximately a month ago, that the PLC entities were made aware of the 25 year provision. PLC entities have been acting upon reliance of continuing approvals by the Town in the Flamingo, Linden and Poplar properties.

As discussed above, several FDPs, plats, building permits and construction drawings have been approved after the date of August 2006. PLC entities relied upon those approvals for all of the properties under its unified control. Founders Crossing should be permitted to proceed to completion of the remaining lots that have not had buildings constructed on them and Poplar should be permitted to proceed with obtaining Final PD Site Plan approval and development of a multi-family project on the Poplar parcel as contemplated in the existing PD zoning of the property.

This is not a situation where a property owner simply did nothing to prepare a property for development. On the contrary, the actions and expenditures described in this letter were undertaken with the eventual development of the Poplar property in mind. Also, note that a prior Town Board dealt with a similar issue in 2006 through a Resolution to extend the time frame from the date of that Resolution. See Attachment D. That Resolution applied to the exact same zoning ordinance (Ord. 3.71) as the subject case here.



### Economic Impacts Summary

If the Town were to not resolve the 25 year issue and require that no future approvals/permits in the Founders Crossing and Poplar parcels were to be acted upon, then the following projected economic impacts to the property owner and 3<sup>rd</sup> party interests are anticipated.

#### FOUNDERS CROSSING

Because Founders is partially built out, eliminating approvals/permits at this time would make the lots that are undeveloped valueless. This would apply to the vacant lots owned by Linden, the lot owned by Porter Care and a portion of Lot 1 owned by Canvas Bank since they replatted and plan on an additional use on the lot they purchased. See spreadsheet (Attachment C) attached for estimate of monetary impacts.

As shown on the attached, the total economic loss to Founders Crossing would be: \$3,763,091.

#### POPLAR

This property is only partially developed and is under contract. The contract amount (plus water purchase) is: \$4,904,000 for the entire parcel with a Multi-family use. The contract is based upon a multi-family development which is the current zoning. Additionally, the Buyer has expended close to \$100,000 in engineering and planning related to the SDP submittal. Therefore a total of \$5,104,000 is the total potential economic impact for the loss of the sale.

Therefore, assuming no future uses of the Founders Crossing vacant land and no future use for Poplar the loss to the property owners in total is: \$8,867,091.

We appreciate your efforts in the review and resolution of this important matter. If you require additional information or have any questions regarding this letter, please contact me.

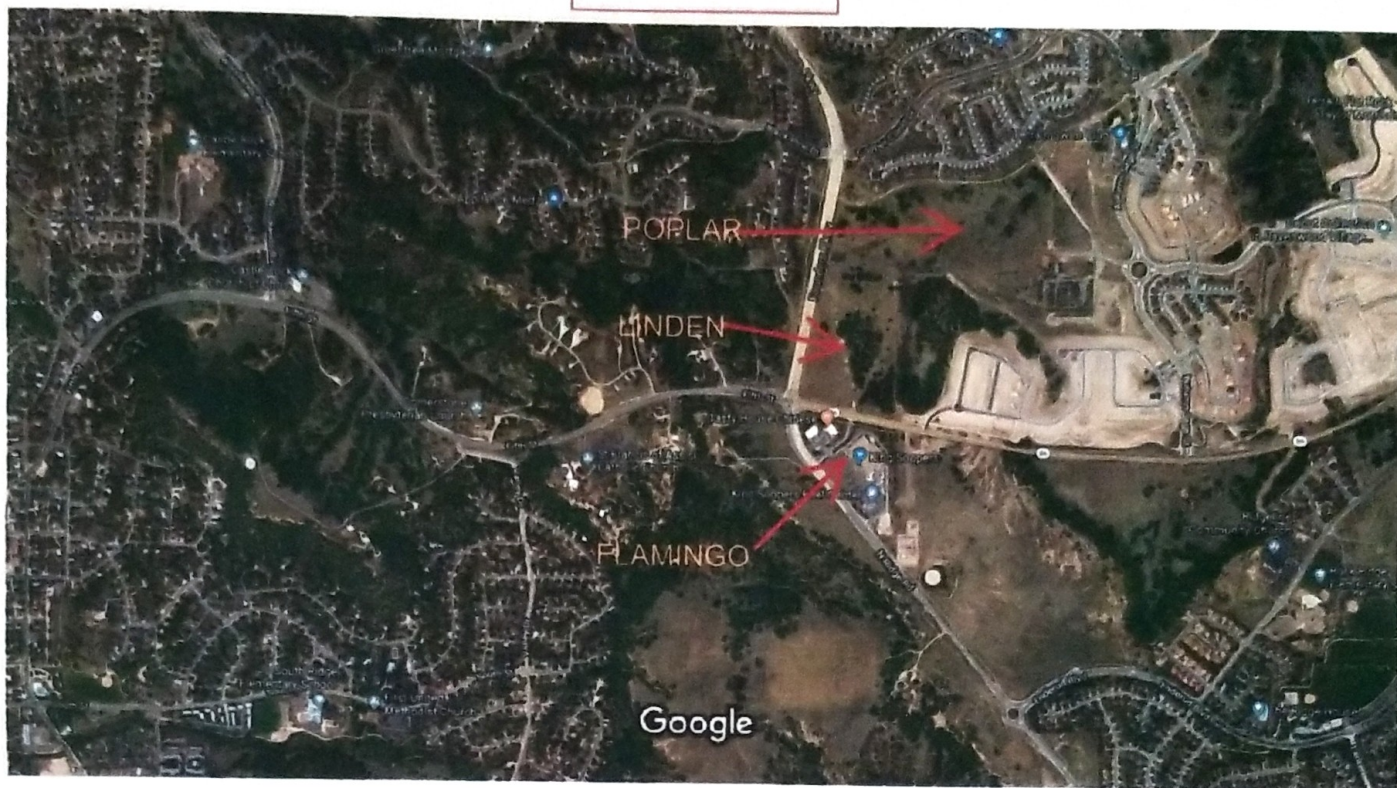
Sincerely,



Glen R. Smith  
Vice President  
Park Land Company

Google Maps

ATTACHMENT A



Imagery ©2019 Google, Map data ©2019 500 ft



## **ATTACHMENT B – WITH NO EXHIBITS**

### **FLAMINGO, LINDEN AND POPLAR PARCELS**

#### **VILLAGES AT CASTLE ROCK**

#### **UNIFIED DEVELOPMENT HISTORY**

**PREPARED JUNE 23, 2019**

#### **1. Background and History.**

Park Land Company (PLC) and related entities annexed and planned thousands of acres in Castle Rock in the 1980s thru present. In the area of the Villages at Castle Rock, Park Land Company and related entities either sold or developed substantial property but by the year 2000 Park Land Company only controlled three remaining contiguous parcels (owned by Flamingo, Linden and Poplar). See Exhibit 1.

These three parcels are subject to existing PUD zoning maps and text. The Flamingo and Linden Parcel are subject to the map identified as "The Villages at Castle Rock – Infill" (see Exhibit 2) dated 3/1986. The Poplar Parcel is subject to the map identified as "The Villages at Castle Rock Planned Unit Development Preliminary Site Plan" (see Exhibit 3) dated 8/1981. The controlling zoning ordinance is Ordinance 3.71 dated 8/1981 (see Exhibit 4-relevant Section VIII A referring to completion of the entire PUD within 25 years of the date of the ordinance). A prior Town Amendment to its PUD zoning ordinance also impacts this issue; that was Ordinance 3.21.3 dated 6/1981 (see Exhibit 5-relevant Section C.1.4 which states that there can be no time limit for completion of a development zoned PUD.

In the early 2000s these three parcels ("PLC Parcels") started seeing retail development interest. Linden and Flamingo were zoned Integrated Business and Poplar zoned Multi-Family. As a result of a major development proposal PLC was able to move forward with King Soopers and related retail on the Flamingo parcel of 12.04 acres. After planning efforts a plat was approved by the Town for the Flamingo Parcel and the Linden Parcel in 2004. The plat was signed by all three property owners (Flamingo, Linden and Poplar). It is indicative of the coordinated planning that all 3 parcels were included in the plat signatures. See Exhibit 6.

Also, in 2004 the Final PD Site Plan (FDP) was approved and subsequently amended for the Flamingo Portion of the plat and that FDP included references to the Linden and Poplar parcels within the FDP itself (see Exhibit 7 attached). The FDP approval in 2004 was 2 years before the expiration of the 25 year restriction for Linden and Flamingo outlined in the PUD ordinance and the Villages at Castle Rock-Infill Planned Unit Development Preliminary Site Plan dated in 1986 (refer back to Exhibit 2). This FDP was for the Kings, Gas Station, and three retail stand-alone buildings. All lots have been constructed but one.

The above 2004 FDP included provision for drainage improvements to occur on Linden and Poplar properties. A detention pond was constructed on Poplar and a water quality pond was constructed on Linden and channel improvements were constructed to link the King Soopers (Flamingo) with Poplar (on which property the pond was constructed). This pond was originally designed as a regional pond to eventually handle the flows of Flamingo, Linden and Poplar and was sized, at that time, for just Flamingo with the understanding that future flows from the other parcels could be accommodated by enlarging the regional pond.

Further demonstration of the unified and coordinated efforts regarding the PLC parcels and reliance on the existing PD zoning for all three parcels is that the Development Agreement for the Flamingo Plat (see Exhibit 8 – dated August 3, 2004) had Linden, Poplar and Flamingo as parties to that agreement for work related to storm sewer and sanitary sewer. Relevant storm sewer easements for construction and maintenance were entered into by the PLC parcels further solidifying the unified nature of these properties. Additionally, the approved civil engineering plans (approved on April 16, 2018) for the improvements required by the 2004 Development Agreement included improvements on both Linden and Poplar.

After the development of the Flamingo property (King Soopers and related retail/gas) was completed in 2006 (one lot still remains undeveloped but a site plan is being prepared), several years elapsed before new development opportunities arose on the Linden and Poplar properties. In 2016 and 2017 interest in additional retail north of King Soopers occurred. As a result PLC moved forward to develop the necessary planning, engineering and platting to provide for marketable lots on the Linden parcel. As noted above, the Linden parcel was platted but did not have an approved FDP. Due to the need to create several lots for marketing and retail sales purposes the Linden parcel was re-platted in 2017 (see Exhibit 9). Once again, due to the unified and coordinated approach by PLC, Poplar was a signatory on the plat. Additionally, the prior Development Agreement was amended (all PLC parcels were signatories) during the same time frame to clarify improvement obligations for Linden and Poplar. See Exhibit 10 for Development Agreement Amendment and specific requirements for contributions by PLC Parcels to a traffic signal and replacement of interim lift station with a permanent sewer line across Poplar property

The approved construction plans from the replat included substantial improvements on the Poplar parcel mostly related to detention and storm sewer improvements as well as providing cash-in-lieu for a traffic signal. The Development Agreement required the PLC parcels to pay \$300,000 for a traffic signal at Aloha Drive and Founders Parkway. The intersection was designed to handle the traffic flows from all of Linden (to be developed as retail) and Poplar (to be developed as multi-family and a school administration building) and Aloha Street was designed to provide for cross access into Poplar to service that property. (See Exhibit 11 for page from traffic study.)

The detention pond improvements and related storm sewer improvements were substantial on the Poplar parcel due to changes in Town specifications for regional detention ponds and additional requirements to detain more offsite flows. As a result, the pond was substantially increased in size and included additional outlet facilities to provide for all three parcels and other offsite parcels. Poplar dedicated storm drainage and detention pond easements to the Town (See Exhibit 12).

During this time, the Town of Castle Rock requested that Poplar provide payment per the Development Agreement (dated 12/2017) for its prorata share of a new sewer line installed by the Town which ran



across the Poplar property and replaced the old lift station. This sewer line will service the Poplar property as well as continuing service for Linden and Flamingo. Poplar dedicated a construction and maintenance easement to the Town (See Exhibit 13).

As mentioned above, the Linden parcel was subject to a plat amendment in 2017. PLC proceeded to obtain replat approval, prepared detailed civil engineering drawings and entered into a Development Agreement with the Town prior to any FDPs being approved for the Linden parcel. The Linden parcel replat includes 6 lots. During 2017 and 2018 several of the lots submitted FDPs with some approved as of the current date. All public improvements per the approved CDs and as contemplated in the Development Agreement are completed and have been accepted (substantial completion 10/18/18) by the City for the 2-year warranty (see Exhibits 14 and 15)

As of today, the current status of these lots is:

Lot 1 - Canvas Credit Union	FDP Anticipated Approval 6-19 (under const.)
Lot 2 - Liberty Car Wash	FDP Anticipated Approval 6-19
Lot 3 - Centura Health	No FDP yet submitted
Lot 4 - 7-11	FDP Approved-2018 (facility open)
Lot 5 - Linden	No FDP yet submitted
Lot 6 - Linden	No FDP yet submitted

## 2. Entitlement and Costs Incurred by and Benefiting Poplar

Substantial costs related to the development of the PLC parcels (Flamingo, Linden and Poplar) have been incurred through PLC which were incurred for the benefit of and as a burden on the Poplar parcel and were expended with the understanding that Poplar would be developed as a multi-family property for which it is currently zoned. Flamingo, Linden and Poplar have all expended substantial sums of money and provided significant benefits to the Town in reliance on the existing PD zoning.

Those costs and the share to Poplar are:

Cost Element	Total Cost	Poplar Share
Linden Traffic Signal	\$300,000	\$75,000
Sanitary Sewer Line	\$247,359	\$44,171
Aloha Street	\$631,342	\$94,701
Detention Pond	\$526,000	\$105,200
Widening of Hwy 86 and Founders Parkway	\$303,450	\$151,725
Fill Material Placed on Poplar from Linden	\$300,000	\$300,000
Total		\$770,797

Additionally, the Poplar parcel provided substantial easements or related land use matters and was reflected in area wide planning over the years. For example, the Castle Oaks PD Amended Site plan dated January, 2003 identified a major roadway arterial into the Poplar parcel from the Castle Oaks (now Terrain) PD. (See Exhibit 16)

Additionally, Castle Oaks Drive (until vacated) was the access point from Founders Parkway to the Poplar parcel and it was vacated in 2012. This Town action further solidified the Poplar parcel development potential and its need for access through Linden via Aloha and through Terrain as shown in the above Exhibit 17.

PLC also facilitated an agreement with the Town of Castle Rock and the School District to dedicate 3.8 acres of Poplar property to the Town for the Town to hold that property for future school district use. The transfer occurred in 2016 (see Exhibit 18). It is apparent from such transfer that the Poplar parcel was considered a viable multi-family development site by the Town and the School District due to this deed transfer.

Other specific easements benefiting the Town have been entered into by Poplar for such items as sanitary sewer force main, detention pond land for Water Treatment Plant, Mitchell Creek sanitary sewer line and temporary lift station. All of these items together indicate the intent from PLC and Poplar to develop this property at a future date.

### **3. Summary**

Based upon the facts and discussion above, it is PLCs position that Flamingo, Linden and Poplar proceeded in good faith from 2004 (prior to 2006) forward with investment-backed decisions and actions in reliance on the existing PD zoning which provides for the Poplar parcel being included as a multi-family parcel in the long term unified, development plans for the PLC Entities. Those actions and activities are documented above and are summarized below.

#### **Development Activities for Poplar**

- Plats and FDPs approved by the Town which included Poplar
- Easements for water lines, sewer lines and detention approved by the Town on Poplar
- Construction Drawings which included Poplar
- Detention pond development on Poplar
- Transfer of School Site to Town from Poplar for Potential School use
- Detention pond development on Poplar
- Vacation of Castle Oaks Drive along entire northern boundary of Poplar
- Expenditure of substantial costs (\$770,797) on physical improvements that benefited the future development of Poplar



The potential for the development of the Poplar parcel was recognized as early as 2000 in the Preliminary PD Site Plan, Amendment 1 (Castle Oaks-see Exhibit 15) which showed a major transportation connection from Castle Oaks into the Poplar parcel. This connection was also a specific requirement in the Ordinance that adopted this Site Plan Amendment (See 2<sup>nd</sup> Page of Exhibit 16).

Based upon all of the above actions which directly or indirectly affected Poplar and its development potential, PLC's opinion is that the Poplar has performed substantial activities and incurred substantial costs over the last 15 years in reliance on the underlying zoning. It was not until a month or so ago, that the PLC entities were made aware of the 25 year provision. PLC entities have been acting upon reliance of continuing approvals by the Town in the Flamingo, Linden and Poplar properties. As discussed above, several FDPs, plats, building permits and construction drawings have been approved after the date of August 2006. PLC entities relied upon those approvals for all of the properties under its unified control.

Poplar should be permitted to proceed with obtaining Final PD Site Plan approval of and development of a multi-family project on the Poplar parcel as provided for in the existing PD zoning of the property.

**EXHIBIT A**  
**(Legal Description)**

**Parcel A:**

The South half of the Southwest quarter of Section 4, a portion of the North half of the Northwest quarter of Section 9, the Southeast quarter of the Southeast quarter of Section 5, and a portion of the East half East half of Section 8, all in Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Beginning at the Northeast quarter of the Southeast quarter of the Southwest quarter of said Section 4; thence South 00 degrees 22 minutes 00 seconds East along the Easterly line of the South half of the Southwest quarter a distance of 1309.83 feet; thence South 00 degrees 38 minutes 06 seconds East along the Easterly line of the Northeast quarter of the Northwest quarter of said Section 9 a distance of 1330.42 feet; thence South 89 degrees 44 minutes 37 seconds West along the Southerly line of the North half of the Northwest quarter of Section 9 a distance of 2652.14 feet; thence South 00 degrees 42 minutes 39 seconds East along the Easterly line of the Southeast quarter of the Northeast quarter of said Section 8 a distance of 1340.99 feet to the East 1/4 corner of Section 8; thence South 00 degrees 43 minutes 54 seconds East along the Easterly line of the Northeast quarter of the Southeast quarter of said Section 8 a distance of 418.39 feet; thence South 89 degrees 11 minutes 26 seconds West along the line parallel with the Southerly line of the Northeast quarter of the Southeast quarter of said Section 8 a distance of 1324.47 feet; thence North 00 degrees 30 minutes 25 seconds West along the Westerly line of the Northeast quarter of the Southeast quarter of said Section 8 a distance of 413.41 feet; thence North 00 degrees 30 minutes 20 seconds West along the Westerly line of the Southeast quarter of the Northeast quarter of said Section 8 a distance of 1337.71 feet; thence North 88 degrees 49 minutes 50 seconds East along the Southerly line of the Northeast quarter of said Northeast quarter of Section 8 a distance of 615.86 feet; thence North 00 degrees 30 minutes 21 seconds West parallel with the Westerly line of the West half of the Northeast quarter of the Northeast quarter of said Section 8 a distance of 1339.21 feet; thence South 88 degrees 41 minutes 11 seconds West along the Southerly line of the Southeast quarter of the Southeast quarter of said Section 5 a distance of 615.88 feet; thence North 00 degrees 04 minutes 59 seconds West along the Westerly line of the Southeast quarter of said Section 5 a distance of 1304.19 feet; thence North 88 degrees 55 minutes 12 seconds East along the Northerly line of the Southeast quarter of the Southeast quarter of said Section 5 a distance of 1318.46 feet; thence North 89 degrees 44 minutes 06 seconds East along the Northerly line of the South half of the Southwest quarter of said Section 4 a distance of 2642.30 feet to the Point of Beginning. County of Douglas, State of Colorado.

**SAVE AND EXCEPT:**

A parcel of land located in the Southeast quarter of the Southeast quarter of Section 5, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of said Southeast quarter of Section 5, whence the Southeast corner of said Section bears South 00 degrees 08 minutes 28 seconds West a distance of 1298.98 feet, said line forming the basis of bearings for this description; thence South 88 degrees 55 minutes 12 seconds West along the North line of said Southeast quarter of the Southeast quarter of Section 5 a distance of 430.00 feet to the True Point of Beginning; thence South 08 degrees 13 minutes 06 seconds West a distance of 370.00 feet; thence South 41 degrees 07 minutes 17 seconds West a distance of 1267.41 feet to the Southwest corner of said Southeast quarter of the Southeast quarter of Section 5; thence North 00 degrees 04 minutes 59 seconds West along the West line of said Southeast quarter of the Southeast quarter of Section 5 a distance of 1304.22 feet; thence North 88 degrees 55 minutes 12 seconds East along the North line of said Southeast quarter of the Southeast quarter of Section 5 a distance of 888.46 feet to the True Point of Beginning;

Together with a parcel of land located in the Northeast quarter of the Northeast quarter of Section 8, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of said Northeast quarter of the Northeast quarter of Section 8, as monumented by a 3" aluminum cap stamped "LS #10377"; thence North 00 degrees 30 minutes 26 seconds West 1337.81 feet along the West line of said Northeast quarter of the Northeast quarter of Section 8 to the Northwest corner, as monumented by a 3" aluminum cap stamped "LS #10377"; thence North 88 degrees 41 minutes 37 seconds East 615.89 feet along the North line of said Northeast quarter of the Northeast quarter of Section 8 to a point, said point monumented by a rebar with cap stamped "LS #22100"; thence South 00 degrees 30 minutes 18 seconds East 1340.83 feet to a point on the South line of said Northeast quarter of the Northeast quarter of Section 8, said point monumented by a rebar with cap stamped "LS #22 100";



# ATTACHMENT C

## ECONOMIC IMPACT ON FOUNDERS CROSSING

Lot/Parcel	Use	Ownership	Status	Sales Price	Asking Price
Lot 1- Vacant	Vacant	Canvas Bank	No submittals - Just a replat	\$ 909,319	
Lot 3	Vacant	Porter Care Adventist Health Systems	No submittals	\$ 917,500	
Lot 5	Vacant	Linden Partners (Feinberg Entity)	Vacant - on the Market		\$ 790,240
Lot 6	Vacant	Linden Partners (Feinberg Entity)	Vacant - on the Market		\$ 1,146,032
				\$ 1,826,819	\$ 1,936,272
			Total 3rd Party Owner Impact:	\$ 1,826,819	
			Total Current Owner Impact:	\$ 1,936,272	
			<b>Total Economic Impact (Founders):</b>	<b>\$ 3,763,091</b>	

**ATTACHMENT D**

**ORDINANCE NO. 2006-34**



**AN ORDINANCE AMENDING ORDINANCE NO. 3.71A  
REPEALING AND REENACTING SECTION VIII A, AND PROVIDING FOR ITS  
EMERGENCY ADOPTION**

**WHEREAS**, development of the property described the attached *Exhibit A* (Property) is subject to Ordinance 3.71A adopted by the Board of Trustees on August 4, 1981, recorded December 18, 1986 at Reception No. 86296508 in the Douglas County public records (Zoning Ordinance); and

**WHEREAS**, Section VIII A. of the Zoning Ordinance contains a requirement that the P.U.D. created by the Zoning Ordinance is "completed" within 25 years, or on or about August 4, 2006 (Compliance Date); and

**WHEREAS**, a portion of the Property is pending final subdivision platting as Founders Village Filing No. 24, but development plans for the balance of the Property are not yet finalized; and

**WHEREAS**, the Town Council finds that there is no compelling public interest to enforce application of the Compliance Date and that it is appropriate to extend the Compliance Date for an additional 10 years insofar as the Zoning Ordinance applies to the Property; and

**WHEREAS**, extension of the Compliance Date by adoption of an emergency ordinance is a prerequisite for the Town to obtain a site for construction of a new middle school which must be completed as soon as possible in order to permit the completion of the school at the earliest possible time.

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

**Section 1. Repeal and Reenactment.** Section VIII A. of Ordinance No. 3.71A is hereby repealed in its entirety and reenacted to read as follows:

**SECTION VIII  
SUBMISSION OF FINAL PLANNED UNIT  
DEVELOPMENT PLANS AND/OR PLATS**

A. That following the approval of this ordinance, the owners of tracts within the above-described tract shall present final site plans for all or any portion or portions of the general use areas as are then ready for development. Each final site plan shall contain a phasing plan, provided, however, that the entire Planned Unit Development

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DOUGLAS COUNTY CO  
CAROLE R. MURRAY  
CLERK & RECORDER  
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5 PGS

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shall be completed within thirty-five (35) years of the date hereof (August 4, 2016), except as such may be enlarged by the Board of Trustees or its successors. No final site plan shall describe less than one acre in area. No final site plan in a residential areas shall contain less than fifty (50) dwelling units, excepting the last final site plan presented in any general use area.

**Section 2. Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 3. Emergency Clause.** For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public health and safety for this Ordinance to take effect upon its adoption.

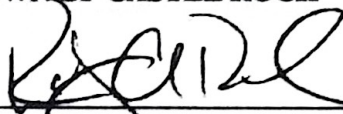
**Section 4. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

**PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE** this 25<sup>th</sup> day of July, 2006, by a vote of the Town Council of the Town of Castle Rock, Colorado of 7 for and 0 against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

**ATTEST:**

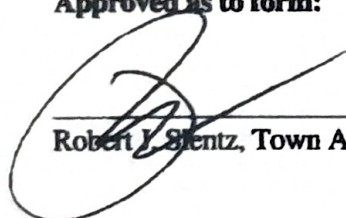
**TOWN OF CASTLE ROCK**

  
Sally A. Misare, Town Clerk

  
Randy A. Reed, Mayor

**Approved as to form:**

**Approved as to content:**

  
Robert J. Slentz, Town Attorney

  
Art Corsie, Director of Development Services

thence South 88 degrees 38 minutes 29 seconds West 615.81 feet along said South line to the Point of Beginning; (bearings are based on said West line of the Northeast quarter of the Northeast quarter of Section 8 being North 00 degrees 30 minutes 26 seconds West).

Excepting therefrom all that part of the Northeast quarter of the Southeast quarter of Section 5, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of said Northeast quarter of the Southeast quarter; thence North along the East line of said Northeast quarter of the Southeast quarter a distance of 415.75 feet; thence Southwesterly a distance of 598 feet, more or less, to a point on the South line of said Northeast quarter of the Southeast quarter that is 430.00 feet Westerly from the Southeast corner of said Northeast quarter of the Southeast quarter; thence Easterly along said South line a distance of 430.00 feet to the Point of Beginning;  
plus all the North half of the Southwest quarter of Section 4, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado;

Excepting therefrom those parcels of land described as follows:

The Northwest quarter of the Southeast quarter of the Southwest quarter of Section 4, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado.

The Southwest quarter of the Southwest quarter of Section 4, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado.

Parcel C:

A parcel of land located in the East half of Section 8, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, Town of Castle Rock, County of Douglas, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of the North half of the Southeast quarter of said Section 8; whence the Southwest corner of the North half of the Southeast quarter of said Section 8 bears South 89 degrees 11 minutes 26 seconds West 2655.76 feet, said line forming the basis of bearings for this description; thence South 89 degrees 11 minutes 26 seconds West 2171.57 feet along the South line of said North half of the Southeast quarter and along the North line of that parcel of land described in Book 582 at Page 740 of the records of said Douglas County, to a point on the Easterly boundary of that parcel of land described in Book 520 at Page 51 and in Book 355 at Page 946 of the records of said Douglas County;

thence along said Easterly boundary North 27 degrees 26 minutes 30 seconds East 463.61 feet to the Southeast corner of Founder's Village Piling No. 12, a plat recorded with the Clerk and Recorder of said Douglas County at Reception No. 8702918

Thence along the Easterly boundary of said Founder's Village No. 12, the following seven (7) courses:

- 1) North 27 degrees 26 minutes 30 seconds East 112.78 feet;
- 2) thence North 13 degrees 25 minutes 09 seconds East 769.28 feet;
- 3) thence North 29 degrees 37 minutes 42 seconds East 303.94 feet;
- 4) thence North 30 degrees 12 minutes 32 seconds West 337.19 feet;
- 5) thence North 17 degrees 55 minutes 10 seconds East 420.37 feet;
- 6) thence North 02 degrees 37 minutes 39 seconds West 133.59 feet;
- 7) thence North 66 degrees 33 minutes 35 seconds West 467.98 feet to a point on the Easterly boundary of that parcel of land described in Book 838 at Page 1159 of the records of said Douglas County;

thence along said boundary North 23 degrees 28 minutes 14 seconds East 149.68 feet to a point on the South line of the North half of the Northeast quarter of said Section 8; thence along said South line, North 88 degrees 49 minutes 51 seconds East 641.55 feet to the Northeast corner of the Southwest quarter of the Northeast quarter of said Section 8 and a point on the Westerly boundary of that parcel of land described in Book 931 at Page 1117 of the records of said Douglas County;  
thence along the boundary of said parcel of land the following three (3) courses;



- 1) along the East line of said Southwest quarter of the Northeast quarter of Section 8 00 degrees 30 minutes 11 seconds East 1337.76 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 8;
  - 2) thence along the West line of said Northeast quarter of the Southeast quarter of Section 8 South 00 degrees 30 minutes 29 seconds East 413.47 feet;
  - 3) thence North 89 degrees 10 minutes 58 seconds East 124.52 feet to a point on the East line of said Southeast quarter of Section 8 and a point on the Westerly boundary of that parcel of land described in Book 582 at Page 740 of the records of said Douglas County;
- thence along said line South 00 degrees 44 minutes 14 seconds East 922.50 feet to the Point of Beginning.

Excepting therefrom those parcels of land conveyed to the Castlewood Ranch Metropolitan District in deed recorded May 30, 2001 in Book 2049 at Page 1038 and 1041;

**Parcel D:**

The Northwest quarter of the Southeast quarter of the Southwest quarter of Section 4, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado.

The Southwest quarter of the Southwest quarter of Section 4, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado.

**Parcel E:**

That part of the Northeast quarter of the Southeast quarter of Section 5, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of said Northeast quarter of the Southeast quarter; thence North along the East line of said Northeast quarter of the Southwest quarter a distance of 415.75 feet; thence Southwesterly a distance of 598 feet, more or less, to a point on the South line of said Northeast quarter of the Southeast quarter that is 430.00 feet Westerly from the Southeast corner of said Northeast quarter of the Southeast quarter; thence Easterly along said South line a distance of 430.00 feet to the Point of Beginning; plus all of the North half of the Southwest quarter of Section 4, Township 8 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado.

THE PROPERTY DESCRIBED IN RULE AND ORDER RECORDED NOVEMBER 24, 2005 UNDER RECEPTION NO. 2005107040 IS HEREBY EXCLUDED.

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