

ORDINANCE NO. 2021-

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN DOUGLAS COUNTY DEVELOPMENT CORPORATION, DAWSON RIDGE METROPOLITAN DISTRICT NO. 1, DAWSON TRAILS LLC, AND THE TOWN OF CASTLE ROCK WHICH PROVIDES FOR THE TOWN'S ACQUISITION OF NECESSARY RIGHT OF WAY FOR CONSTRUCTION OF THE CRYSTAL VALLEY PARKWAY INTERCHANGE WEST FRONTAGE ROAD IN EXCHANGE FOR THE TOWN'S DIVESTITURE OF CERTAIN PROPERTY INTERESTS

WHEREAS, the Town of Castle Rock (the "Town") previously acquired real property by dedication of platted tracts and easements at the time of subdivision or by deed conveyance as part of the development commonly known as the Dawson Ridge Planned Unit Development (the "P.U.D.") (the "Community"); and

WHEREAS, portions of the Community were partially improved (the "Partial Improvements") by a prior owner of the Community and the Dawson Ridge Metropolitan District No. 1, however, none of such improvements received final approval from or were accepted by the Town and currently have no utility or value to the Town; and

WHEREAS, subsequent to the installation of the Partial Improvements and a series of financial challenges related to the Community and the Metropolitan Districts, the Town and the Metropolitan Districts entered into that certain Suspension Agreement dated October 8, 1992, and said agreement is still in place, no further development has occurred in the Community, and access to the Community has been closed to the public; and

WHEREAS, the current owners of the Community intend to revise the development plan for the Community and as a result a substantial portion of the roadway and infrastructure network will be reconfigured such that the Town has no current or projected needed for substantial portion of the real property interests previously dedicated to the Town (the "Town Property"); and

WHEREAS, the Partial Improvements are in a state of disrepair, and the Town has determined that it has no use for, and desires to absolve itself of any liability with respect to, the Partial Improvements; and

WHEREAS, the Town desires to design and construct what is commonly known as the Crystal Valley Parkway Interchange (the "Interchange"), including the construction of the Western Frontage Road, which traverses the Community and the alignment of which requires the acquisition of right of way and slope and drainage easements from the Douglas County Development Company and Dawson Trails LLC (the "Landowners"); and

WHEREAS, in exchange for the acquisition by Landowners of the Town Property by the Town vacating its interest in right of way and deed conveyance of the other portions of the Town Property, the Landowners have agreed to convey the Landowner Property and certain easements

to the Town, and the Parties have agreed to mutually release each other with respect to any liability related to the Partial Improvements.

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

Section 1. Approval. The Agreement between Douglas County Development Corporation, Dawson Ridge Metropolitan District No 1, and Dawson Trails LLC. and the Town of Castle Rock (the “Agreement”) in the form attached as ***Exhibit 1*** is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town and to execute all documents and approval required to fully perform the Agreement.

Section 2. Suspension Agreement. Approval of this Agreement and the exchange of the property interests authorized thereby shall have no effect on the Suspension Agreement which shall remain in force according to its terms.

Section 3. 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 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.

APPROVED ON FIRST READING this 17th day of August, 2021 by a vote of 6 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 ON SECOND AND FINAL READING this 7th day of September, 2021, 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:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager