

ORDINANCE NO. 2021-020

AN ORDINANCE VACATING DESIGNATED ROADWAY RIGHT OF WAY LOCATED WITHIN THE DAWSON RIDGE PLANNED UNIT DEVELOPMENT AND PROVIDING CERTAIN CONDITIONS TO SUCH VACATION

WHEREAS, the Town of Castle Rock (the “Town”) wishes to enter into a certain Agreement with the Douglas County Development Corporation (“DCDC”), Dawson Ridge Metropolitan District No. 1 (the “District”), and Dawson Trails I, LLC (“DTLLC”), which Agreement is approved concurrently by this Ordinance (the “Agreement”); and

WHEREAS, the Agreement provides that the Town, at no cost to the Town, will acquire necessary right of way within the area currently zoned within the Town as the Dawson Ridge Planned Unit Development (the “P.U.D.”) for construction of the West Frontage Road element of the proposed Crystal Valley Parkway Interchange (the “West Frontage Road ROW”); and

WHEREAS, per the terms of the Agreement, the acquisition of the West Frontage Road ROW is contingent upon the Town vacating its interest in certain other right of way previously dedicated to the Town within the P.U.D., which right of way is described in *Exhibit 1* to this Ordinance (the “Vacated ROW”); and

WHEREAS, although transportation improvements were previously made to portions of the Vacated ROW, the Vacated ROW does not support any current or planned element of the Town’s transportation system and as such the Vacated ROW is surplus to the current and future transportation and utility needs of the Town and other public utilities; and

WHEREAS, the Agreement provides that alternative access to public right of way currently afforded certain properties within the P.U.D. by the Vacated ROW will be provided in compliance with applicable law; and

WHEREAS, the Town will reserve its interest, if any, to the Denver Basin groundwater underlying the Vacated ROW; and

WHEREAS, this Ordinance will take effect only upon its recordation with the consummation of the of the transactions contemplated in the Agreement, including the conveyance to the Town of the West Frontage Road ROW; and

WHEREAS, the Town reserves over the Vacated ROW a temporary easement for the benefit of any utility provider with active utility services lines in the Vacated ROW, which may include water, sewer, electrical, natural gas and cable television (“Existing Utilities”) and accordingly, the Town will permit continued access to and the right to maintain all Existing Utilities.

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

Section 1. Vacation. The Vacated ROW is vacated pursuant to Title 43, Article 2, Part 3, C.R.S., subject to all matters of record, excepting and reserving all right and interest to the Denver Basin groundwater underlying the Vacated ROW, and subject to the following condition to its efficacy:

The vacation affected by this Ordinance shall take effect upon the recordation of this Ordinance in the Douglas County public records pursuant to the closing of the Agreement as provided in Section 6 of the Agreement. If for any reason the closing of the Agreement does not occur, this Ordinance shall be of no force or effect and in that event the Town will retain its interest in the Vacated ROW.

Section 2. Reservation of Easement for Utilities. Pursuant to § Section 43-2-303(3), C.R.S., the Town, for itself and providers of the Existing Utilities in the Vacated ROW, reserves a temporary utility easement over the entirety of the Vacated ROW, for access, maintenance, repair, and replacement of the Existing Utilities until such time that the Existing Utilities are relocated and alternative access is provided. The temporary reserved easement over the Vacated ROW will expire upon relocation of all of the Existing Utilities.

Section 3. Vesting of Ownership. Ownership of the Vacated ROW shall vest in accordance with the provisions of § Section 43-2-302, C.R.S.

Section 4. 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 5. 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

Exhibit 1

All of the interest of the Town of Castle Rock in any and all street and roadway rights of way, whether improved or unimproved, previously dedicated to the Town of Castle Rock on the following four (4) Final Subdivision Plats recorded in the Douglas County, Colorado Clerk and Recorder's Office, recording information as noted:

Final Plat of Dawson Ridge Filing A

Recorded March 18, 1987 at Reception No. 8707610 (as corrected by affidavit recorded October 5, 1988 in Book 818 at Page 272)

Final Plat of Dawson Ridge Filing B

Recorded March 18, 1987 at Reception No. 8707612 (as corrected by affidavit recorded October 5, 1988 in Book 818 at Page 274)

Final Plat of Dawson Ridge Filing 11

Recorded March 18, 1987 at Reception No. 8707614 (as corrected by affidavit recorded October 5, 1988 in Book 818 at Page 276)

Final Plat of Dawson Ridge Recreation Center No. 1

Recorded August 16, 1988 at Reception No. 8818610 (as corrected by affidavit recorded October 5, 1988 in Book 818 at Page 278)

BUT EXCEPTING THEREFROM THE STREET AND ROADWAY RIGHT OF WAY DESCRIBED AS FOLLOWS:

EXHIBIT

PART OF SECTIONS 27 & 22, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

A PARCEL OF LAND BEING A PORTION OF THE DAWSON RIDGE BOULEVARD RIGHT-OF-WAY, AS DEDICATED BY DAWSON RIDGE FILING NO. A, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 8707610, IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LYING WITHIN THE WEST HALF OF SECTION 27 AND THE SOUTH HALF OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE WEST LINE OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE SIXTH P.M., BEING ASSUMED TO BEAR N 00°26'45" W, FROM THE SOUTHWEST CORNER OF SAID SECTION 22, BEING MONUMENTED BY A REBAR WITH A 2-1/2 INCH ALUMINUM CAP STAMPED "PLS 6935" TO THE SOUTH 1/16TH CORNER OF SAID SECTIONS 21/22, BEING MONUMENTED BY A PIPE WITH A 2 INCH ALUMINUM CAP, STAMPED "PLS 6935", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22, THENCE N 37°37'36" E, A DISTANCE OF 2603.53 FEET TO THE NORTHWEST CORNER OF SAID DAWSON RIDGE BOULEVARD, ALSO BEING A POINT ON THE SOUTH LINE OF THE TERRITORIAL ROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING. THENCE ALONG THE NORTH AND EAST LINES OF SAID DAWSON RIDGE BOULEVARD RIGHT-OF-WAY, THE FOLLOWING NINE (9) COURSES:

1. N 89°40'41" E, A DISTANCE OF 212.00 FEET;
2. S 00°19'19" E, A DISTANCE OF 36.27 FEET TO A POINT OF NON-TANGENT CURVATURE;
3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 75°31'21" AND AN ARC LENGTH OF 52.72 FEET, THE CHORD OF WHICH BEARS S 37°26'22" W, A DISTANCE OF 48.99 FEET;
4. S 00°19'19" E, A DISTANCE OF 79.43 FEET TO A POINT OF CURVATURE;
5. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1882.00 FEET, A CENTRAL ANGLE OF 14°04'37" AND AN ARC LENGTH OF 462.39 FEET TO A POINT OF COMPOUND CURVATURE;
6. ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 16°41'34" AND AN ARC LENGTH OF 116.54 FEET TO A POINT OF REVERSE CURVATURE;
7. ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 10°51'25" AND AN ARC LENGTH OF 75.80 FEET TO A POINT OF REVERSE CURVATURE;
8. ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 1860.00 FEET, A CENTRAL ANGLE OF 12°48'55" AND AN ARC LENGTH OF 416.02 FEET;
9. S 32°24'22" W, A DISTANCE OF 2021.66 FEET;

THENCE N 79°58'06" W, A DISTANCE OF 3.79 FEET TO A POINT OF NON-TANGENT CURVATURE;
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1560.00 FEET, A CENTRAL ANGLE OF 22°16'58" AND AN ARC LENGTH OF 606.70 FEET, THE CHORD OF WHICH BEARS N 21°15'53" E, A DISTANCE OF 602.88 FEET TO A POINT ON THE WEST LINE OF SAID DAWSON RIDGE BOULEVARD RIGHT-OF-WAY;

NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
PROJECT: 20-224 DAWSON DR: J. ANTON
DATE: 05/28/2021 DS: T. GIRARD
SHEET 1 OF 5 P.M. K. ROHRBOUGH

CORE

CORE CONSULTANTS, INC.
3473 SOUTH BROADWAY
ENGLEWOOD, CO 80113
303.703.4444
LIVEYOURCORE.COM

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TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

THENCE N 32°24'22" E, ALONG SAID WEST LINE, A DISTANCE OF 579.18 FEET TO THE SOUTH LINE OF THE
GAMBEL RIDGE DRIVE NORTH RIGHT-OF-WAY;

THENCE N 28°28'24" E, A DISTANCE OF 160.38 FEET TO THE NORTH LINE OF THE GAMBEL RIDGE DRIVE NORTH
RIGHT-OF-WAY;

THENCE ALONG THE WEST LINE OF SAID DAWSON RIDGE BOULEVARD RIGHT-OF-WAY, THE FOLLOWING SIX
(6) COURSES:

1. N 32°24'22" E, A DISTANCE OF 692.40 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 321.00 FEET, A CENTRAL ANGLE OF
09°15'17" AND AN ARC LENGTH OF 51.85 FEET TO A POINT OF REVERSE CURVATURE;
3. ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 279.00 FEET, A CENTRAL
ANGLE OF 13°02'30" AND AN ARC LENGTH OF 63.51 FEET TO A POINT OF COMPOUND CURVATURE;
4. ALONG THE ARC OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 1740.00 FEET, A CENTRAL
ANGLE OF 28°56'28" AND AN ARC LENGTH OF 878.90 FEET;
5. N 00°19'19" W, A DISTANCE OF 114.43 FEET TO A POINT OF CURVATURE;
6. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF
90°00'00" AND AN ARC LENGTH OF 62.83 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 388,660 SQUARE FEET OR 8.922 ACRES, MORE OR LESS.

THOMAS M. GIRARD
COLORADO PLS 38151
FOR AND ON BEHALF OF
CORE CONSULTANTS, INC.



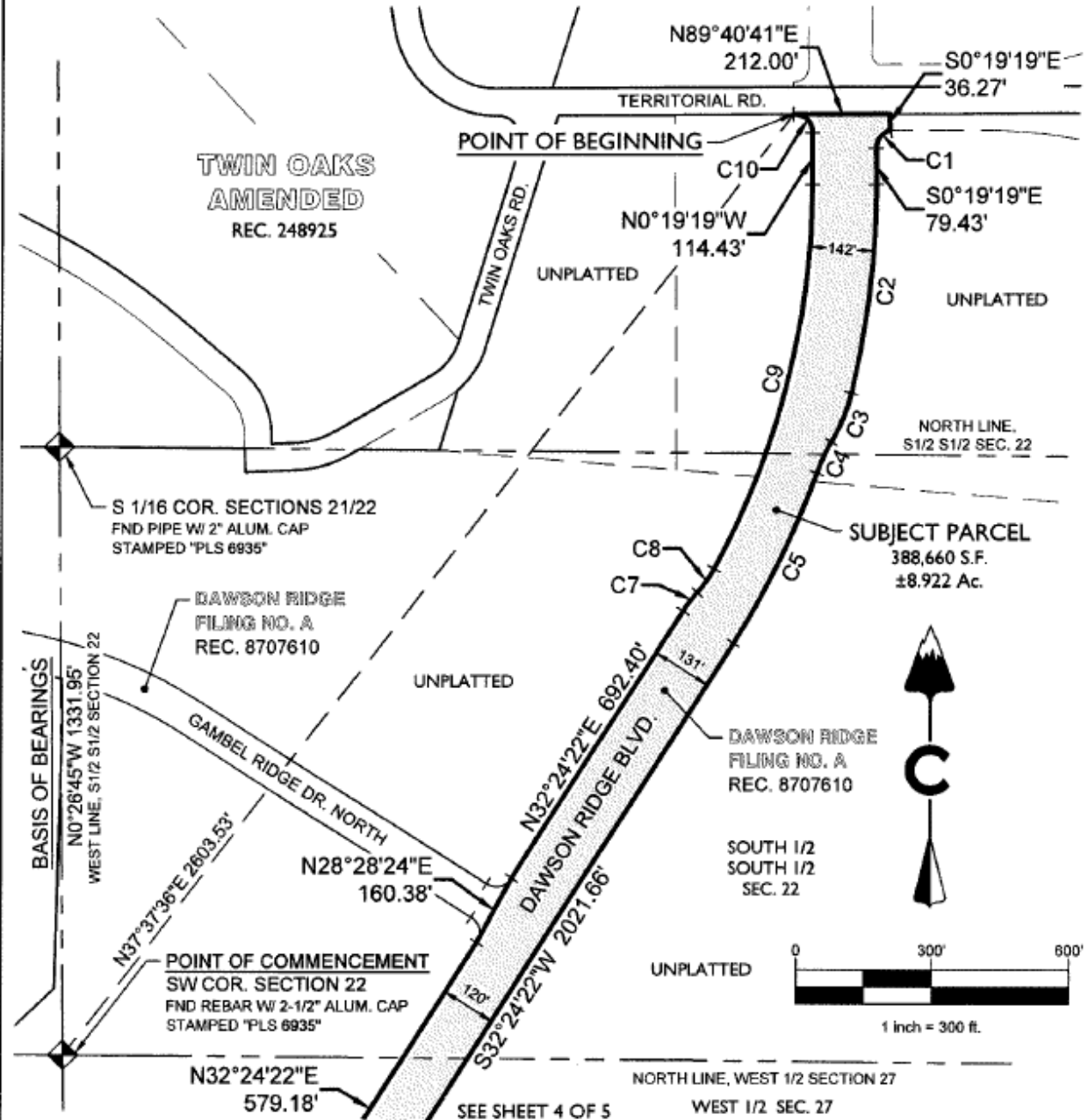
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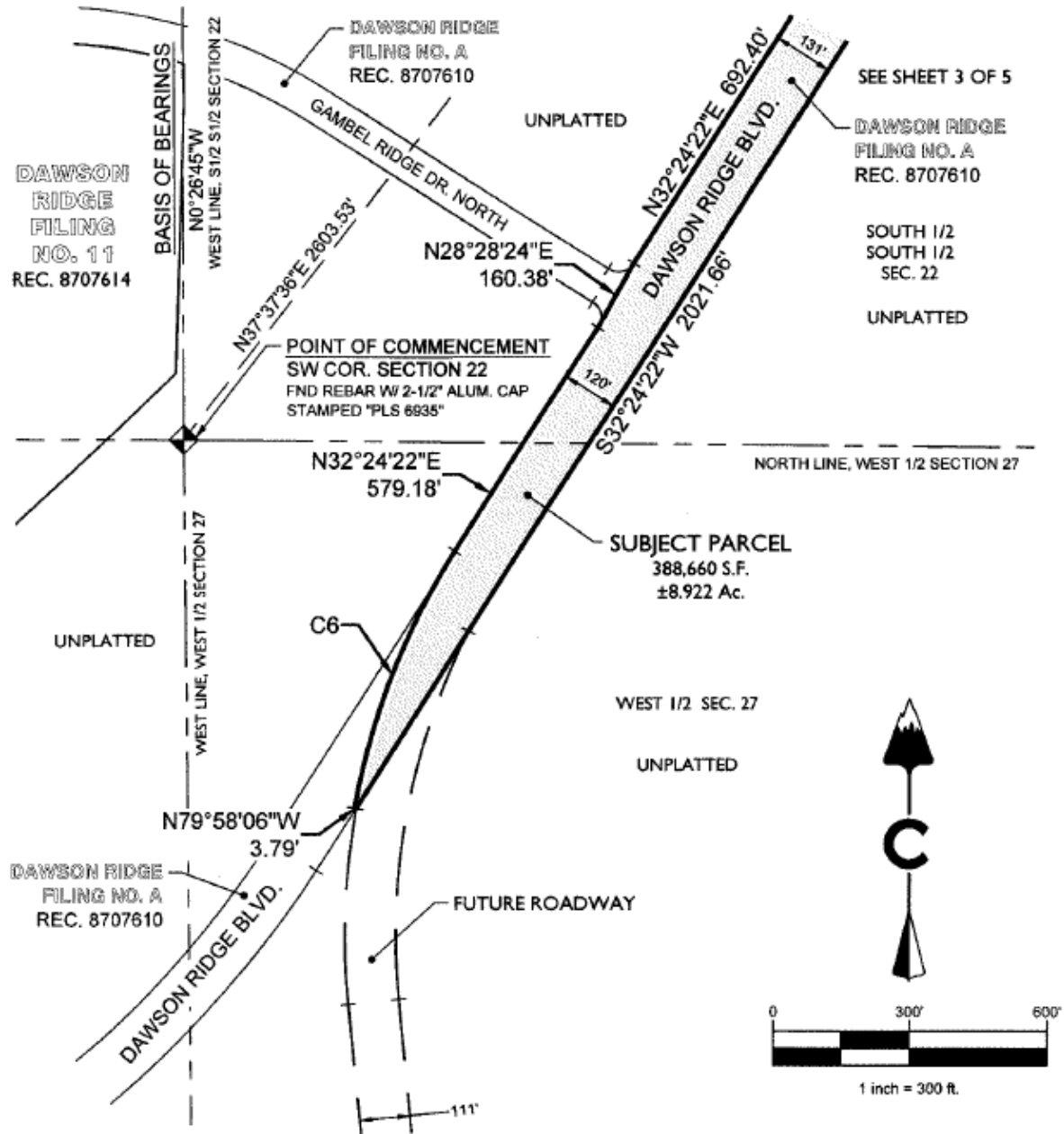
PARCEL CONTAINS 388,660 S.F. OR 8.922 Ac. MORE OR LESS.
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CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	52.72'	40.00'	75°31'21"	S37°26'22"W	48.99'
C2	462.39'	1882.00'	14°04'37"	S6°43'00"W	461.23'
C3	116.54'	400.00'	16°41'34"	S22°06'05"W	116.13'
C4	75.80'	400.00'	10°51'25"	S25°01'10"W	75.68'
C5	416.02'	1860.00'	12°48'55"	S25°59'55"W	415.16'
C6	606.70'	1560.00'	22°16'58"	N21°15'53"E	602.88'
C7	51.85'	321.00'	9°15'17"	N37°02'00"E	51.79'
C8	63.51'	279.00'	13°02'30"	N35°08'24"E	63.37'
C9	878.90'	1740.00'	28°56'28"	N14°08'55"E	869.59'
C10	62.83'	40.00'	90°00'00"	N45°19'19"W	56.57'

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