

ORDINANCE NO. 2021-022

**AN ORDINANCE ANNEXING TO THE TOWN OF CASTLE ROCK,
COLORADO, 5.332 ACRES OF LAND LOCATED IN SECTIONS 34 AND
35, TOWNSHIP 7 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL
MERIDIAN, DOUGLAS COUNTY, COLORADO, PURSUANT TO AN
ANNEXATION PETITION SUBMITTED BY KGCB INDUSTRIES LLC
(StorQuest-Liggett Road Annexation)**

WHEREAS, on April 13, 2021, a petition (the “Petition”) was filed with the Town Clerk by KGCB Industries LLC (the “Petitioner”) for the annexation of 5.332 acres of land located southwest of the intersection of Liggett Road and State Highway 85 as more particularly described on the attached Exhibit A (the “Property”); and

WHEREAS, the Petition requests that the Town of Castle Rock (the “Town”) annex the Property; and

WHEREAS, on May 18, 2021, the Town Council adopted Resolution No. 2021-049, finding that the Petition is in substantial compliance with the requirements set forth in Article II, Section 30(1)(b) of the Colorado Constitution and §31-12-107(1), C.R.S.; and

WHEREAS, on July 6, 2021, the Town Council adopted Resolution No. 2021-068 finding that the Property is eligible for annexation to the Town in accordance with the requirements of Article II, Section 30 of the Colorado Constitution and §§31-12-104 and 31-12-105, C.R.S.; and

WHEREAS, Section 20.02.020 of the Castle Rock Municipal Code provides that, within 180 days from the date the Town Council determines the Property is eligible for annexation, the Town Council shall conduct a separate hearing regarding the advisability of annexing of the Property to the Town (the “Annexation Hearing”); and

WHEREAS, in addition, at least ten days prior to the date set for the Annexation Hearing, the Petitioner’s request to annex the Property shall be reviewed in a public hearing by the Planning Commission; and

WHEREAS, the Planning Commission and Town Council have conducted the public hearings required by Section 20.02.020 the Act and Chapter 20.02 of the Castle Rock Municipal Code.

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

Section 1. Notice. The Town Council takes notice of the following findings regarding the annexation of the Property made in Resolution No. 2021-068:

- A. The applicable provisions of Article II, Section 30 of the Colorado Constitution and §§ 31-12-104 and 31-12-105, C.R.S., have been met;

- B. An election is not required under §31-12-107(2), C.R.S.; and
- C. No additional terms and conditions are to be imposed.

Section 2. Findings. Based upon the testimony and evidence presented at the Annexation Hearing, the Town Council makes the following additional findings:

- A. The annexation of the Property is consistent with the Town Master Plan; and
- B. The Property is otherwise a desirable addition to the Town.

Section 3. Annexation of Property. Annexation of the Property to the Town is hereby approved.

Section 4. Required Filings. The Town Clerk is hereby directed to file with the Douglas County Clerk and Recorder those documents required by § 31-12-113, C.R.S.

Section 5. Effective Date. Subject to the filings required to be made pursuant to Section 4, above, the Property shall be subject to the Town Charter and all ordinances, resolutions, rules and regulations of the Town upon the effective date of this Ordinance.

Section 6. 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 7. 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 relationship to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 7th day of September, 2021, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, after publication; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 21st day of September, 2021, by the Town Council of the Town of Castle Rock, Colorado 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

Tara Vargish, Development Services Director

EXHIBIT A

Legal Description of Property to be Annexed

Parcel 1 (2351-340-00-090)

A TRACT OF LAND SITUATED PARTLY IN THE NORTHEAST 1/4 OF SECTION 34, AND PARTLY IN THE NORTHWEST 1/4 OF SECTION 35, ALL IN TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 34;

THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 379.68 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE STATE HIGHWAY, THE TRUE POINT OF BEGINNING;

THENCE ON AN ANGLE TO THE LEFT OF 28 DEGREES 42 MINUTES 30 SECONDS A DISTANCE OF 232.92 FEET ALONG THE SAID WESTERLY RIGHT OF WAY LINE;

THENCE ON AN ANGLE TO THE LEFT OF 90 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 320.29 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD;

THENCE ON AN ANGLE TO THE LEFT OF 87 DEGREES 27 MINUTES 15 SECONDS A DISTANCE OF 305.79 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE;

THENCE ON AN ANGLE TO THE LEFT 90 DEGREES 13 MINUTES 45 SECONDS A DISTANCE OF 334.15 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE STATE HIGHWAY;

THENCE ON AN ANGLE TO THE LEFT OF 92 DEGREES 19 MINUTES 00 SECONDS A DISTANCE OF 86.08 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, COUNTY OF DOUGLAS, STATE OF COLORADO.

Parcel 2 (2351-341-00-008)

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE QUARTER CORNER OF SECTION 34; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 379.68 FEET TO THE WEST RIGHT OF WAY LINE OF STATE HIGHWAY; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE ON A DEFLECTION ANGLE TO THE LEFT OF 28 DEGREES 42 MINUTES 30 SECONDS A DISTANCE OF 232.92 FEET TO THE NORTHEASTERLY CORNER OF THE SWEENEY PROPERTY (BOOK 938, PAGE 1074 OF THE DOUGLAS COUNTY RECORDS); THENCE SOUTHWESTERLY ON A DEFLECTION ANGLE TO THE LEFT OF 90 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 320.29 FEET TO THE NORTHWESTERLY CORNER OF THE SWEENEY PROPERTY AND TO THE TRUE POINT OF BEGINNING; THENCE SOUTHEASTERLY ON A DEFLECTION ANGLE TO THE LEFT OF 92 DEGREES 32 MINUTES 45 SECONDS ALONG A LINE 150 FEET EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF THE RAILROAD A DISTANCE OF 477.83 TO THE SOUTH LINE OF THE NORTHEAST 1/4; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 109.49 FEET TO A LINE 50 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF THE RAILROAD; THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 428.79 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SWEENEY PROPERTY; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION A DISTANCE OF 100.10 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM THE ABOVE ANY PORTION CONVEYED TO DOUGLAS COUNTY IN DEED RECORDED AUGUST 30, 1927 IN BOOK 73 AT PAGE [239](#).

Parcels 3 (2352-352-00-006) and 4 (2351-340-00-035)

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35 AND IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 34;

THENCE NORTH 89 DEGREES 32 MINUTES 53 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 178.79 FEET TO THE EAST RIGHT OF WAY LINE OF THE DENVER & RIO GRANDE WESTERN RAILROAD;

THENCE NORTH 23 DEGREES 34 MINUTES 37 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 172.04 FEET;

THENCE NORTH 64 DEGREES 22 MINUTES 08 SECONDS EAST A DISTANCE OF 334.15 FEET TO THE WEST RIGHT OF WAY LINE OF LIGGETT ROAD;

THENCE SOUTH 27 DEGREES 56 MINUTES 52 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 347.75 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35;

THENCE NORTH 89 DEGREES 03 MINUTES 33 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 216.68 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM THE ABOVE ANY PORTION CONVEYED TO DOUGLAS COUNTY IN DEED RECORDED AUGUST 30, 1927 IN BOOK 73 AT PAGE [239](#).