

RESOLUTION NO. 2021 - 095

A RESOLUTION FINDING THAT CERTAIN PROPERTY, WHICH IS THE SUBJECT OF A PETITION FOR ANNEXATION SUBMITTED BY 455 ALEXANDER, LLC, AND TIERRA INVESTORS, LLC, IS IN SUBSTANTIAL COMPLIANCE WITH ARTICLE II, SECTION 30 OF THE COLORADO CONSTITUTION AND SECTION 31-12-107(1), C.R.S.; AND SETTING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE IF THE SUBJECT PROPERTY IS ELIGIBLE FOR ANNEXATION UNDER ARTICLE II, SECTION 30 OF THE COLORADO CONSTITUTION AND SECTIONS 31-12-104 AND 31-12-105, C.R.S. (Alexander Way Annexation)

WHEREAS, on September 16, 2021, a petition (the “Petition”) was filed with the Town Clerk of the Town of Castle Rock, Colorado (the “Town”) by 455 Alexander, LLC and Tierra Investors (the “Petitioner”) for the annexation of a 73.76-acre parcel of land located east of the Silver Heights subdivision, north of Alexander Place, and west of the Diamond Ridge Estates subdivision, as more particularly described in the attached *Exhibit A* (the “Property”); and

WHEREAS, the Petition requests that the Town annex the Property; and

WHEREAS, the Petition states that it is signed by persons: (i) comprising more than fifty percent of the landowners in the area to be annexed and (ii) owning more than fifty percent of the area to be annexed, excluding public streets, and alleys and any land owned by the Town, as required by Article II, Section 30(1)(b) of the Colorado Constitution; and

WHEREAS, pursuant to Section 31-12-107(1)(f), C.R.S., the Town Council, without undue delay, is required to determine if the Petition is in substantial compliance with the requirements set forth in Article II, Section 30(1)(b) of the Colorado Constitution and Section 31-12-107(1), C.R.S.; and

WHEREAS, upon such determination, the Town Council is required to set a date, time, and place for a hearing to determine whether the Property is eligible for annexation to the Town in accordance with the requirements of Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 31-12-105, C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Findings. The Town Council finds and determines that:

- A. The Petition requests that the Town annex the Property;
- B. The Petition is signed by persons: (i) comprising more than fifty percent (50%) of the landowners of the Property and (ii) owning more than fifty percent (50%) of the Property, excluding public streets and alleys, and any land owned by the Town;

- C. The Petition substantially complies with the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and Section 31-12-107(1), C.R.S.;
- D. The Petition is accompanied by a map containing the information required by Section 31-12-107(1)(d), C.R.S.; and.
- E. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition with the Town Clerk.

Section 2. Public Hearing. Pursuant to Section 31-12-108, C.R.S., a public hearing is scheduled before the Town Council on December 7, 2021, at 6:00 P.M., at the Castle Rock Town Hall, 100 N. Wilcox Street, Castle Rock, Colorado, for the purpose of enabling the Town Council to determine whether:

- A. The Property is eligible for annexation to the Town in accordance with the requirements of Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 31-12-105, C.R.S.;
- B. Whether an election of the landowners and registered electors in the area to be annexed is required under Article II, Section 30(1)(a) of the Colorado Constitution and Section 31-12-107(2), C.R.S.; and
- C. Whether additional terms and conditions are to be imposed upon the proposed annexation.

Section 3. Notice of Hearing. The Town Clerk shall give notice of said hearing in the manner prescribed by Section 31-12-108(2), C.R.S.

Section 4. Effective Date. This Resolution shall become effective on the date and at the time of its adoption.

PASSED, APPROVED AND ADOPTED this 19th day of October, 2021, by the Town Council of the Town of Castle Rock, Colorado on first and final reading 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, Director of Development Services

EXHIBIT A

Legal Description of Property to be Annexed

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, AS MONUMENTED BY A 3 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 13485", AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR SOUTH 89°23'27"EAST TO THE NORTH QUARTER CORNER OF SAID SECTION 26, AS REFERENCED BY A WITNESS CORNER, LOCATED 25.0 FEET SOUTH OF SAID NORTH QUARTER CORNER, AND MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "25' WC LS 13155"; THENCE ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 1292.65 FEET TO THE INTERSECTION WITH THE EAST LINE OF BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 103535 AND THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 913.25 FEET TO THE NORTHWEST CORNER OF TRACT A OF DIAMOND RIDGE ESTATES FILING TWO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG THE WESTERLY LIMITS OF SAID TRACT A THE FOLLOWING TWO COURSES; 1) SOUTH 00°31'06"WEST, 475.23 FEET; 2) SOUTH 53°29'05"EAST, 1424.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT A, AND THE INTERSECTION WITH A LINE THAT RUNS BETWEEN THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AS MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 6935" AND THE SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, AS MONUMENTED BY A 2 INCH DIAMETER ALUMINUM CAP MARKED: "LS 27011"; THENCE ALONG SAID INTERSECTED LINE, SOUTH 89°11'37"EAST, 359.30 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 2020114077; THENCE ALONG THE EASTERLY LIMITS OF SAID PARCEL THE FOLLOWING TWO COURSES; 1) SOUTH 39°44'05"EAST, 253.32 FEET; 2) SOUTH 25°03'40"EAST, 528.12 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 89°41'25"WEST, 2392.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00°04'19"EAST, 714.39 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE INTERSECTION OF SAID LINE THAT RUNS BETWEEN SAID NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AND SAID SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION; THENCE ALONG SAID INTERSECTED LINE, NORTH 89°11'37"WEST, 418.14 FEET TO SAID SOUTHEAST CORNER OF BLOCK 5; THENCE ALONG THE WEST LINE OF SAID BLOCK 5, NORTH 00°31'36"EAST, 1303.54 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION, CONTAINING 73.76 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY, OR UNDER THE DIRECT SUPERVISION OF, MICHAEL C. CREGGER, PROFESSIONAL LAND SURVEYOR, COLORADO REGISTRATION NO. 22564 FOR AND ON BEHALF OF IMEG CORP ON JULY 12, 2021.