

ORDINANCE NO. 18-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO AMENDING ORDINANCE NO. 16-02,
VACATING A PORTION OF LAGAE ROAD WITHIN THE CASTLE
PINES TOWN CENTER SUPERBLOCK PLAT NO. 2 AND DECLARING
AN EMERGENCY**

WHEREAS, the City of Castle Pines (the “City”) is a statutory municipality incorporated and organized pursuant to the provisions of sections 31-2-101, *et seq.*, C.R.S.; and

WHEREAS, Section 43-2-303(1)(a), C.R.S., provides that the City Council may vacate any roadway or part thereof located within the corporate limits of said city or town by ordinance; and

WHEREAS, the City Council previously approved Ordinance No. 16-02 vacating that portion of Lagae Road located on and within property known as Castle Pines Town Center Superblock Plat No. 2 (“CPTC Plat 2”) recorded in the Douglas County Clerk and Recorder’s Office at Reception No. 2017035483 (“CPTC Property”); and

WHEREAS, the vacation of Lagae Road is necessary to allow for the realignment of Lagae Road and the development of the CPTC Property by Taylor Morrison of Colorado, Inc. (“Property Owner”); and

WHEREAS, the portion of Lagae Road to be vacated is no longer being used for vehicular traffic, as the realigned Lagae Road has been constructed through the CPTC Property; and

WHEREAS, Ordinance No. 16-02 should have been, but was not, recorded in the Clerk and Recorder’s Office of Douglas County in accordance with Section 43-2-303(2)(f), C.R.S., prior to the City’s approval and recordation of the CPTC Plat 2; and

WHEREAS, the CPTC Plat 2 dedicates right-of-way known as Kenzie Circle over a portion of Lagae Road that was intended to be vacated through the adoption of Ordinance No. 16-02; and

WHEREAS, Ordinance No. 16-02 has no legal effect until it is recorded in the office of the clerk and recorder of Douglas County; and

WHEREAS, in order to preserve the right-of-way dedicated by the CPTC Plat 2, the City Council desires to amend Ordinance No. 16-02 to modify the legal description of the portion of Lagae Road to be vacated to exclude that portion of overlapping right-of-way dedicated as Kenzie Circle by replacing Exhibit A of Ordinance No. 16-02 with **Exhibit A-1** attached hereto incorporated herein; and

WHEREAS, Section 705B of the City’s Subdivision Regulations provides standards upon which approval of a road vacation shall be based; and

WHEREAS, following a duly noticed public hearing, the City Council finds the condition of vacation of the Existing Lagae Road as more fully set forth herein is in compliance with Section 705B of the Subdivision Regulations and in accordance with Part 3 of Article 2 of Title 43 of the Colorado Revised Statutes; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the City's Subdivision Regulations by setting a public hearing. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. Ordinance No. 16-02 is hereby amended to replace Exhibit A, attached thereto, with the attached **Exhibit A-1**. This Ordinance 18-05 shall vacate three separate parcels constituting a portion of Lagae Road, as legally described in **Exhibit A-1**, based on the findings set forth in Section 705B of the City's Subdivision Regulations and Section 43-2-303 of the Colorado Revised Statutes.

Section 2. Pursuant to C.R.S. § 43-2-303(2)(f), City Council directs the City Clerk to record this Ordinance in the real property records of the Douglas County Clerk and Recorder upon the effective date of the Ordinance.

Section 3. **Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. **Emergency Declared.** The City Council hereby declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Specifically, the passage of this Ordinance as an emergency measure is necessary in order to resolve overlapping and conflicting right-of-way dedications and vacations and thereby allow the Property Owner the legal right to develop the CPTC Property in accordance with approved development plans. Upon passage by three quarters (3/4) of the members of the City Council, this Ordinance shall become effective immediately. If this Ordinance is not passed by three-quarters (3/4) of the members of City Council as required by C.R.S. Section 31-16-105, then it is the intent of the City Council that this Section be severed from the Ordinance and, if approved by a majority of members of the City Council constituting a quorum, the Ordinance is adopted as a non-emergency measure effective thirty days after final publication.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 26TH DAY OF JUNE, 2018.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 11th DAY OF JULY, 2018.

DocuSigned by:
Tera Stave Radloff
6E0C8EB279DC479...
Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:
Sharon Washington
AD03A3B02032499...
Sharon Washington, CMC, City Clerk

Approved as to form:

DocuSigned by:
Linda C. Michow
5241DE98B8FF444...
Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on June 26, 2018; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on July 10, 2018 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on July 19, 2018.

ATTEST:

DocuSigned by:
Sharon Washington
AD03A3B02032499...
Sharon Washington, CMC, City Clerk

EXHIBIT A-1

Legal Descriptions and Map of Portion of Vacated Lagae Road

EXHIBIT A-1

NE 1/4, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 67 WEST 6th P.M.
 -----CITY OF CASTLE PINES, COUNTY OF DOUGLAS-----

PROPERTY DESCRIPTION

THREE PARCELS OF LAND BEING A PORTION OF LAGAE ROAD RIGHT-OF-WAY AS DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN BOOK 2326 AT PAGE 1152 IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE ASSUMED AND ARE BASED UPON THE SOUTHERLY LINE OF LAGAE RANCH FILING 1, FINAL PLAT RECORDED AT RECEPTION NO. 2008082081 IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER, AS BEARING N86°20'56"E A DISTANCE OF 2928.15 FEET BETWEEN THE SOUTHWEST CORNER OF SAID LAGAE RANCH FILING 1, BEING A FOUND #4 REBAR WITH A 3/4" PLASTIC CAP, STAMPED LS# 22564 AND THE SOUTHERLY CORNER OF SAID LAGAE RANCH FILING 1, BEING A FOUND #4 REBAR WITH A 3/4" PLASTIC CAP, STAMPED LS# 22564.

PARCEL 1:

COMMENCING AT SAID SOUTHWEST CORNER OF LAGAE RANCH FILING 1, FINAL PLAT;
 THENCE S06°43'44"E A DISTANCE OF 918.72 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID LAGAE ROAD, SAID POINT BEING THE **POINT OF BEGINNING**;
 THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:
 1. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 46°20'54", A RADIUS OF 410.00 FEET, A CHORD BEARING N53°14'17"E A DISTANCE OF 322.69 FEET, AND AN ARC DISTANCE OF 331.66 FEET;
 2. THENCE N30°03'50"E TANGENT WITH THE LAST DESCRIBED CURVE AND NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 138.83 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF KENZIE CIRCLE AS SHOWN ON CASTLE PINES TOWN CENTER SUPERBLOCK PLAT NO. 2 RECORDED AT RECEPTION NO. 2017035483 IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER;
 THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 37°22'37", A RADIUS OF 250.00 FEET, A CHORD BEARING S00°06'26"W A DISTANCE OF 160.21 FEET, AND AN ARC DISTANCE OF 163.09 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID LAGAE ROAD;



KENNETH G. OUELLETTE, PLS 24673
 DATE: JUNE 19, 2018
 JOB NO. 65118205
 FOR AND ON BEHALF OF MERRICK & COMPANY


REVISION DESCRIPTION	LAGAE ROAD	
MERRICK PROJECT NO. 65118205		
DRAWN KGO	RIGHT-OF-WAY VACATION	
 MERRICK® & COMPANY 5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111 Telephone: 303-751-0741	DATE: JUNE 19, 2018	
	SCALE: N/A	SHEET 1 OF 3

EXHIBIT A-1

NE 1/4, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 67 WEST 6th P.M.
 ----CITY OF CASTLE PINES, COUNTY OF DOUGLAS----

PROPERTY DESCRIPTION CONTINUED

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:
 1. S30°03'50"W NON-TANGENT WITH THE LAST DESCRIBED CURVE AND TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 0.02 FEET;
 2. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 29°54'27", A RADIUS OF 490.00 FEET, A CHORD BEARING S45°01'03"W A DISTANCE OF 252.88 FEET, AND AN ARC DISTANCE OF 255.77 FEET TO THE SOUTHWESTERLY LINE OF LOT 1 OF SAID CASTLE PINES TOWN CENTER SUPERBLOCK PLAT NO. 2;
 THENCE ALONG SAID SOUTHWESTERLY LINE, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 14°53'42", A RADIUS OF 582.84 FEET, A CHORD BEARING N80°12'17"W A DISTANCE OF 151.09 FEET, AND AN ARC DISTANCE OF 151.52 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 26,746 SQUARE FEET (0.614 ACRES), MORE OR LESS.

PARCEL 2:

COMMENCING AT SAID SOUTHWEST CORNER OF LAGAE RANCH FILING 1, FINAL PLAT;
 THENCE S34°15'13"E A DISTANCE OF 840.23 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID LAGAE ROAD, SAID POINT BEING THE **POINT OF BEGINNING**;
 THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID KENZIE CIRCLE AS SHOWN ON CASTLE PINES TOWN CENTER SUPERBLOCK PLAT NO. 2, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 68°38'22", A RADIUS OF 200.00 FEET, A CHORD BEARING N30°03'50"E A DISTANCE OF 225.52 FEET, AND AN ARC DISTANCE OF 239.60 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF LAGAE ROAD;
 THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE S30°03'50"W A DISTANCE OF 225.52 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 5,334 SQUARE FEET (0.122 ACRES), MORE OR LESS.



KENNETH G. OUELLETTE, PLS 24673
 DATE: JUNE 19, 2018
 JOB NO. 65118205
 FOR AND ON BEHALF OF MERRICK & COMPANY

REVISION DESCRIPTION	LAGAE ROAD	
MERRICK PROJECT NO. 65118205		
DRAWN KGO	RIGHT-OF-WAY VACATION	
MERRICK® & COMPANY <small>5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111 Telephone: 303-751-0741</small>	DATE: JUNE 19, 2018	SHEET 2 OF 3
	SCALE: N/A	

EXHIBIT A-1

NE 1/4, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 67 WEST 6th P.M.
 ----CITY OF CASTLE PINES, COUNTY OF DOUGLAS----

PROPERTY DESCRIPTION CONTINUED

PARCEL 3:

COMMENCING AT SAID SOUTHWEST CORNER OF LAGAE RANCH FILING 1, FINAL PLAT;
 THENCE N86°20'56"E ALONG THE SOUTHERLY LINE OF SAID LAGAE RANCH FILING 1, FINAL PLAT A
 DISTANCE OF 880.98 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID
 LAGAE ROAD, SAID POINT BEING THE **POINT OF BEGINNING**;
 THENCE CONTINUING N86°20'56"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 122.71 FEET TO THE
 SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID LAGAE ROAD;
 THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:
 1. S45°39'39"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 129.97 FEET;
 2. THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 15°35'49", A
 RADIUS OF 1160.00 FEET, A CHORD BEARING S37°51'44"W A DISTANCE OF 314.80 FEET, AND AN ARC
 DISTANCE OF 315.77 FEET;
 3. THENCE S30°03'50"W TANGENT WITH THE LAST DESCRIBED CURVE AND NON-TANGENT WITH THE
 FOLLOWING DESCRIBED CURVE A DISTANCE OF 183.76 FEET TO THE NORTHERLY
 RIGHT-OF-WAY LINE OF SAID KENZIE CIRCLE;
 THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE TO THE LEFT,
 HAVING A CENTRAL ANGLE OF 37°22'37", A RADIUS OF 250.00 FEET, A CHORD BEARING S60°01'13"W
 A DISTANCE OF 160.21 FEET, AND AN ARC DISTANCE OF 163.09 FEET TO THE NORTHWESTERLY
 RIGHT-OF-WAY LINE OF SAID LAGAE ROAD;
 THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF LAGAE ROAD THE FOLLOWING THREE
 (3) COURSES:
 1. N30°03'50"E NON-TANGENT WITH THE LAST DESCRIBED CURVE AND TANGENT WITH THE FOLLOWING
 DESCRIBED CURVE A DISTANCE OF 322.57 FEET;
 2. THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 15°35'49", A
 RADIUS OF 1240.00 FEET, A CHORD BEARING N37°51'44"E A DISTANCE OF 336.51 FEET, AND AN ARC
 DISTANCE OF 337.55 FEET;
 3. THENCE N45°39'39"E TANGENT WITH THE LAST DESCRIBED CURVE A DISTANCE OF 36.93 FEET TO
 THE **POINT OF BEGINNING**.

CONTAINING 51,647 SQUARE FEET (1.186 ACRES), MORE OR LESS.



KENNETH G. QUELLETTE, PLS 24673
 DATE: JUNE 19, 2018
 JOB NO. 65118205
 FOR AND ON BEHALF OF MERRICK & COMPANY


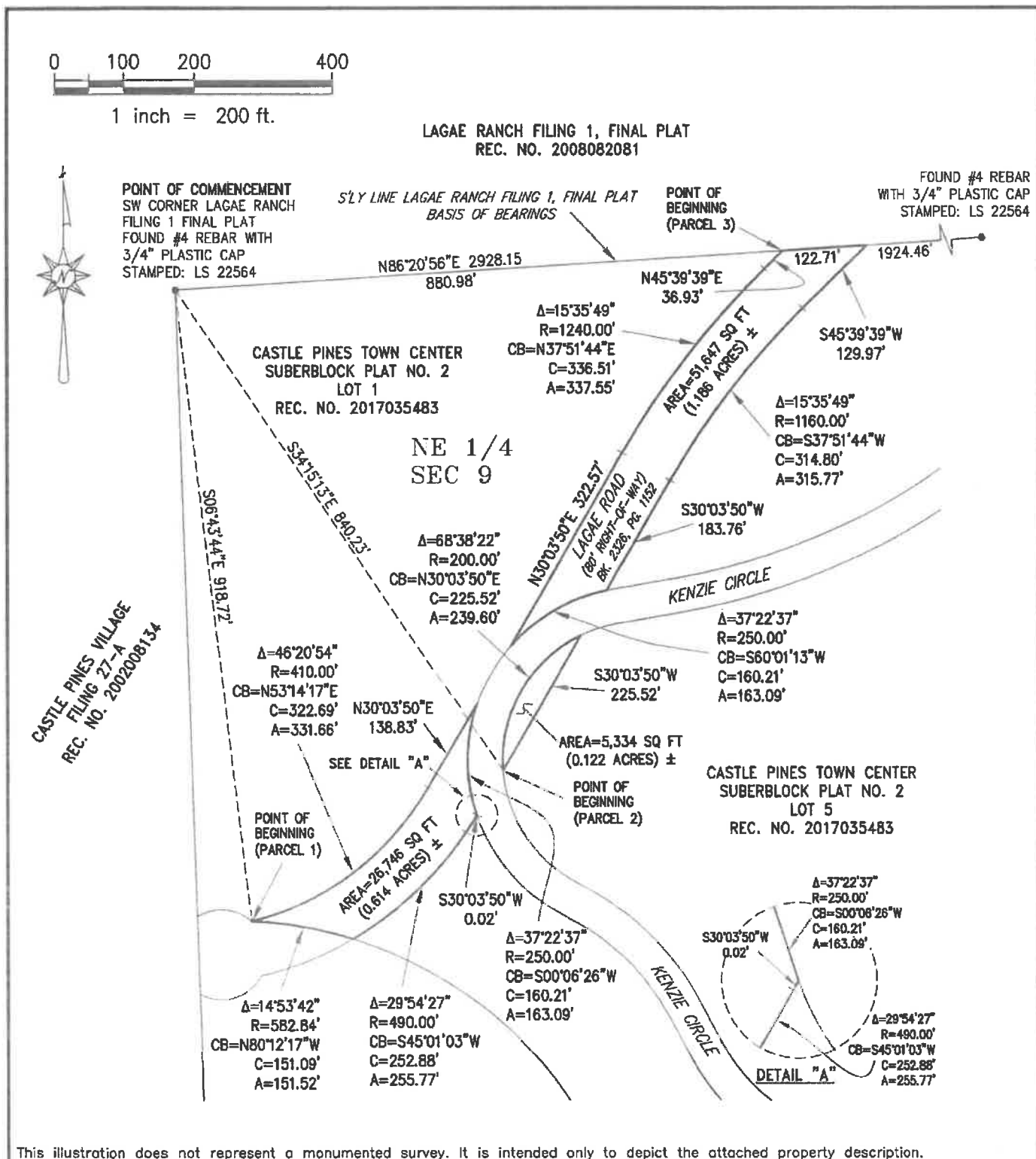
REVISION DESCRIPTION	LAGAE ROAD	
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DRAWN KGO	RIGHT-OF-WAY VACATION	
 MERRICK® & COMPANY 5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111 Telephone: 303-751-0741	DATE: JUNE 19, 2018	
	SCALE: N/A	SHEET 3 OF 3

ILLUSTRATION FOR EXHIBIT A-1



This illustration does not represent a monumented survey. It is intended only to depict the attached property description.

REVISION DESCRIPTION		LAGAE ROAD
MERRICK PROJECT NO.	65118205	
DRAWN	KGO	
MERRICK® & COMPANY 5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111 Telephone: 303-751-0741	RIGHT-OF-WAY VACATION	
	DATE: JUNE 19, 2018	SCALE: 1"=200'