

ORDINANCE NO. 09-14

INTRODUCED BY:

Councilperson Hoffman

Councilperson Havercroft

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH, COLORADO
ANNEXING CERTAIN TERRITORY TO THE CITY OF CASTLE PINES
NORTH KNOWN AS CANYONS NORTH ANNEXATION NO. 1**

WHEREAS, the City Council of the City of Castle Pines North, Colorado (the "City"), received a Petition for Annexation ("Petition") and annexation map of certain real property known as The Canyons North Annexation No. 1, as more fully described in the attached **Exhibit A** (the "Property"), said Petition having heretofore been filed with the City Clerk of the City; and

WHEREAS, on April 23, 2009, the City Council found said Petition to be in substantial compliance with § 31-12-107(1), C.R.S., and set a public hearing pursuant to § 31-12-108(1), C.R.S., to determine whether the proposed annexation complied with the applicable parts of §§ 31-12-104 and 31-12-105, C.R.S., as required to establish the Property's eligibility for annexation; and

WHEREAS, following notice of public hearing given as required by § 31-12-108(2), C.R.S., the City Council held a public hearing on such eligibility for annexation in accordance with the requirements of §§ 31-12-108 and 31-12-109, C.R.S., as applicable; and

WHEREAS, in conformance with § 31-12-110, C.R.S., and at the conclusion of the public hearing, the City Council adopted Resolution No. 09-52 finding that the Property is eligible for annexation; and

WHEREAS, having made such determination of eligibility for annexation, the City Council finds that it is in the best interests of the City to annex the Property to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines North, Colorado:

Section 1. The recitals contained herein above and the findings and determinations set forth in Resolution No. 09-52 are incorporated herein by reference.

Section 2. The Property as described herein is hereby annexed to and included within the corporate limits of the City of Castle Pines North, Colorado, in accordance with law.

Section 3. The City Council hereby directs staff to complete all necessary procedures required for annexation of said Property to the City including: (1) filing for recording three certified copies of this Annexation Ordinance and a map of the annexed Property containing a

legal description of the Property annexed hereby ("Annexation Map") with the Douglas County Clerk and Recorder, and (2) filing the original of this Annexation Ordinance together with a copy of the Annexation Map with the City Clerk of the City of Castle Pines North, Colorado.

Section 4. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 27th day of August, 2009.

READ, AND PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 22nd day of October, 2009.

CITY OF CASTLE PINES NORTH:



Maureen A. Shul, Mayor

ATTEST:



Jamie Berry, City Clerk

Approved as to form:




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 at a regular meeting of the Castle Pines North City Council on August 27, 2009; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on October 22, 2009, 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 November 5, 2009.

ATTEST:



Janie Berry, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN PORTIONS OF THE WEST ONE-HALF OF SECTION 2, THE EAST ONE-HALF OF SECTION 3, THE EAST ONE-HALF OF SECTION 10 AND THE NORTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, AND BEING A PORTION OF THOSE PARCELS OF LAND OF RECORD AT RECEPTION NUMBER 2006073538 AND IN BOOK 471 AT PAGE 536, RECORDS OF THE RECORDER'S OFFICE, DOUGLAS COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MONUMENTED AT THE WEST ONE-QUARTER OF SAID SECTION 13 BY A RECOVERED AND ACCEPTED 2 INCH ALUMINUM CAP STAMPED "RMC, T7S, R67W, 1/4, S14/S13, 2002, PLS 23515" AND MONUMENTED AT THE NORTHWEST CORNER OF SAID SECTION 13 BY A RECOVERED AND ACCEPTED 2 INCH ALUMINUM CAP STAMPED "RMC, T7S, R67W, S11/S12/S14/S13, 2002, PLS 23515" WITH THE LINE CONSIDERED TO BEAR N00°06'11"W, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N64°04'52"W ACROSS SECTION 11, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN A DISTANCE OF 5956.12 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 10 AND THE **POINT OF BEGINNING**;

THENCE S00°14'30"E ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10, A DISTANCE OF 2611.39 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 10;

THENCE S01°53'13"E ALONG THE EAST LINE OF THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 15, A DISTANCE OF 678.88 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF HAPPY CANYON FILING NO. 3 OF RECORD AT RECEPTION NO. 117522 AND BEING THE SOUTHEAST CORNER OF NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 15;

THENCE N89°20'06"W ALONG SAID NORTHERLY BOUNDARY LINE OF HAPPY CANYON FILING NO. 3, AND ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15, A DISTANCE OF 1306.50 FEET TO THE SOUTHWEST CORNER OF SAID NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15;

THENCE N01°02'28"W ALONG THE WEST LINE OF SAID NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15 AND ALONG THE EAST BOUNDARY LINE OF HAPPY CANYON FILING NO. 1, SECOND AMENDMENT OF RECORD AT RECEPTION NO. 9014294, A DISTANCE OF 674.06 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 15;

THENCE N89°31'53"W ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 15, A DISTANCE OF 5.81 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE U.S. INTERSTATE No. 25 CORRIDOR;

THENCE THE FOLLOWING TWENTY-THREE (23) COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE U.S. INTERSTATE No. 25 CORRIDOR:

1. N02°06'30"E, A DISTANCE OF 89.03 FEET;
2. N87°53'30"W, A DISTANCE OF 200.00 FEET;
3. N80°46'00"W, A DISTANCE OF 403.10 FEET;
4. N12°22'00"W, A DISTANCE OF 694.62 FEET;
5. N15°42'55"E, A DISTANCE OF 286.49 FEET;
6. N13°10'36"E, A DISTANCE OF 219.82 FEET;
7. N64°02'52"W, A DISTANCE OF 145.35 FEET;
8. N02°06'30"E, A DISTANCE OF 369.49 FEET TO A POINT OF CURVATURE;
9. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 11360.00 FEET, A CENTRAL ANGLE OF 05°02'00", A DISTANCE OF 997.96 FEET TO A POINT OF TANGENCY;
10. N07°08'30"E, A DISTANCE OF 1478.18 FEET;
11. N17°30'02"E, A DISTANCE OF 119.03 FEET;
12. N36°16'28"E, A DISTANCE OF 78.57 FEET;
13. N75°42'58"E, A DISTANCE OF 52.95 FEET;
14. N38°27'09"E, A DISTANCE OF 78.12 FEET;
15. N36°39'22"W, A DISTANCE OF 38.26 FEET;
16. N60°50'11"W, A DISTANCE OF 62.80 FEET;
17. N26°07'43"W, A DISTANCE OF 72.63 FEET;
18. N07°08'30"E, A DISTANCE OF 540.25 FEET;
19. S83°30'59"E, A DISTANCE OF 299.66 FEET;
20. N48°16'26"E, A DISTANCE OF 114.63 FEET;
21. N24°38'27"W, A DISTANCE OF 293.06 FEET;
22. N52°10'54"W, A DISTANCE OF 256.60 FEET;
23. N07°08'30"E, A DISTANCE OF 482.14 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 1 OF RECORD AT RECEPTION NO. 2003135860;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 1 OF RECORD AT RECEPTION NO. 2003135860;

1. N26°01'01"E, A DISTANCE OF 411.99 FEET;
2. N07°09'27"E, A DISTANCE OF 185.00 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 40°39'11", A DISTANCE OF 567.62 FEET TO A POINT OF TANGENCY;
4. N47°48'38"E, A DISTANCE OF 651.62 TO THE SOUTHEAST CORNER OF PARCEL 2 OF RECORD AT RECEPTION NO. 2003135858;

THENCE N31°53'34"E ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 2 OF RECORD AT RECEPTION NO. 2003135858 A DISTANCE OF 399.07 FEET TO A POINT ON A NON-TANGENT CURVE AT THE SOUTHWESTERLY CORNER OF PARCEL 2B OF RECORD AT RECEPTION NUMBER 2003135858;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 2B;

1. ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S21°27'40"W, HAVING A RADIUS OF 1920.00 FEET, A CENTRAL ANGLE OF 05°53'33", A DISTANCE OF 197.46 FEET TO A POINT OF TANGENCY;
2. S62°38'47"E, A DISTANCE OF 171.27 FEET TO THE SOUTHWESTERLY CORNER OF PARCEL 1A OF RECORD AT RECEPTION NUMBER 2003135860;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND EASTERLY BOUNDARY LINE OF SAID PARCEL 1A:

1. S62°38'47"E, A DISTANCE OF 191.88 FEET;
2. N27°21'13"E, A DISTANCE OF 160.00 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 1A, ALSO BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL 2B OF RECORD AT RECEPTION NUMBER 2003135858;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTHERLY AND EASTERLY BOUNDARY LINE OF SAID PARCEL 2B;

1. N62°38'47"W, A DISTANCE OF 363.16 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2080.00 FEET, A CENTRAL ANGLE OF 00°11'07", A DISTANCE OF 6.73 FEET TO A POINT ON A NON-TANGENT CURVE;
3. ALONG THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N67°25'02"W, HAVING A RADIUS OF 580.00 FEET, A CENTRAL ANGLE OF 49°35'58", A DISTANCE OF 502.09 FEET TO A POINT OF TANGENCY;
4. N27°01'00"W, A DISTANCE OF 709.99 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 3;

THENCE S89°46'20"E ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 3, A DISTANCE OF 422.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 3;

THENCE N89°40'49"E ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2, A DISTANCE OF 300.00 FEET;

THENCE S00°07'46"E, 300.00 FEET EASTERLY OF AND PARALLEL TO (AS MEASURED AT RIGHT ANGLES) THE WEST LINE OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2, A DISTANCE OF 1288.05 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2;

THENCE S00°06'33"E, 300.00 FEET EASTERLY OF AND PARALLEL TO (AS MEASURED AT RIGHT ANGLES) THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 2, A DISTANCE OF 2587.81 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 2;

THENCE N89°54'38"W ALONG SAID SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 2, A DISTANCE OF 300.00 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 2;

THENCE S00°14'21"E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 10, A DISTANCE OF 2611.09 FEET TO THE **POINT OF BEGINNING**,

CONTAINING A CALCULATED AREA OF 14,979,542 SQUARE FEET OR 343.883 ACRES, MORE OR LESS.