

ORDINANCE NO. 09-16

INTRODUCED BY:

Councilperson Neely

Councilperson Clark

**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. 3**

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. 3, 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. 09-54 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. 09-54 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:**

**Approved as to form:**

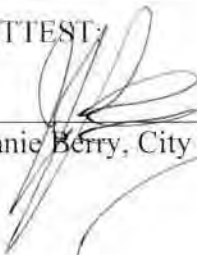
  
Janie Berry, City Clerk

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 A PORTION OF SECTION 1, SECTION 12, SECTION 13, SECTION 24 AND SECTION 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, AND BEING A PORTION OF THOSE PARCELS OF LAND OF RECORD AT RECEPTION NUMBER 2006073538, 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 6<sup>TH</sup> 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.

**BEGINNING** AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE N00°07'37"W ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 12, A DISTANCE OF 2602.89 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 12;

THENCE N00°08'08"W ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12, A DISTANCE OF 2602.89 FEET TO THE NORTHWEST CORNER OF SAID SECTION 12;

THENCE N89°55'16"E ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 12, A DISTANCE OF 2620.55 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 12;

THENCE N00°17'45"W ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 1, A DISTANCE OF 2638.43 FEET TO THE CENTER ONE-QUARTER CORNER OF SAID SECTION 1;

THENCE N89°15'37"E ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 1, A DISTANCE OF 2324.33 FEET TO A POINT ON THE BOUNDARY LINE OF "EXCHANGE PARCEL 5" AS SHOWN ON THE "ORDER FOR IMMEDIATE POSSESSION", DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO CASE NUMBER 08-CV-1689 OF RECORD AT RECEPTION NUMBER 2008057654;

THENCE THE FOLLOWING SIX (6) COURSES ALONG THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID "EXCHANGE PARCEL 5" OF RECORD AT RECEPTION NO. 2008057654;

1. S08°50'56"W, A DISTANCE OF 54.98 FEET;
2. S16°27'41"E, A DISTANCE OF 275.00 FEET;
3. S34°16'19"W, A DISTANCE OF 180.00 FEET;
4. S01°22'03"E, A DISTANCE OF 340.00 FEET;

5. N84°35'57"E, A DISTANCE OF 165.00 FEET;
6. N34°48'34"E, A DISTANCE OF 271.83 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 1;

THENCE S00°22'38"E ALONG SAID EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 1, A DISTANCE OF 2078.77 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 1;

THENCE S00°20'29"E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 12, A DISTANCE OF 2640.72 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 12;

THENCE S00°21'11"E ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 12, A DISTANCE OF 2641.03 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12;

THENCE S00°21'43"E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 2640.26 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 13;

THENCE S00°39'08"E ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 2641.17 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13;

THENCE S00°12'36"E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 2652.51 FEET TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 24;

THENCE S00°12'31"E ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 2010.72 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD, OF RECORD IN BOOK 1926 AT PAGE 2195 AND A POINT ON A NON-TANGENT CURVE;

THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CROWFOOT VALLEY ROAD, RECORDED IN BOOK 1926 AT PAGE 2195:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS N54°44'25"W, HAVING A RADIUS OF 1587.00 FEET, A CENTRAL ANGLE OF 20°06'37", A DISTANCE OF 557.02 FEET TO A POINT OF TANGENCY;
2. S55°22'12"W, A DISTANCE OF 1122.70 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25;

THENCE N00°20'10"W ALONG SAID WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 25 A DISTANCE OF 383.18 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SOUTHEAST ONE-QUARTER OF SECTION 24;

THENCE S89°57'35"W ALONG THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 24, A DISTANCE OF 1322.39 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24;

THENCE N00°20'59"W ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER OF SECTION 24, A DISTANCE OF 2652.80 FEET TO THE CENTER ONE-QUARTER CORNER OF SECTION 24;

THENCE N00°20'59"W ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1312.32 FEET TO THE EAST ONE-QUARTER CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24;



THENCE N89°53'31"W ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1320.59 FEET TO THE CENTER ONE-QUARTER CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24;

THENCE N00°19'49"W ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1316.50 FEET TO THE NORTH ONE-QUARTER CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24;

THENCE N89°42'37"W ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 24, A DISTANCE OF 1320.18 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13;

THENCE N00°05'44"W ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 2674.87 FEET TO THE WEST ONE-QUARTER CORNER OF SAID SECTION 13;

THENCE N00°06'11"W ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 13, A DISTANCE OF 593.96 FEET TO A POINT ON THE EASTERLY FACE OF A FENCE LINE ON THE EASTERLY SIDE OF LOT 1, HAPPY CANYON RANCHES, OF RECORD AT RECEPTION 232235, DELINEATING THE OCCUPATION LIMITS OF SAID LOT 1;

THENCE THE FOLLOWING FIFTY-SEVEN (57) COURSES ALONG SAID OCCUPATION LIMITS OF LOT 1:

1. N09°56'21"E, A DISTANCE OF 10.07 FEET;
2. N02°54'58"E, A DISTANCE OF 33.75 FEET;
3. N02°01'23"E, A DISTANCE OF 30.33 FEET;
4. N00°07'38"E, A DISTANCE OF 33.15 FEET;
5. N00°00'50"E, A DISTANCE OF 33.20 FEET;
6. N00°30'10"W, A DISTANCE OF 44.93 FEET;
7. N00°23'11"W, A DISTANCE OF 26.55 FEET;
8. N00°11'03"W, A DISTANCE OF 37.48 FEET;
9. N00°33'29"W, A DISTANCE OF 41.35 FEET;
10. N01°07'23"W, A DISTANCE OF 25.03 FEET;
11. N00°10'08"W, A DISTANCE OF 28.90 FEET;
12. N00°15'37"W, A DISTANCE OF 31.09 FEET;
13. N01°19'28"E, A DISTANCE OF 45.17 FEET;
14. N01°19'34"E, A DISTANCE OF 35.89 FEET;

15. N00°58'31"W, A DISTANCE OF 38.98 FEET;
16. N00°06'41"W, A DISTANCE OF 20.35 FEET;
17. N00°06'08"E, A DISTANCE OF 46.65 FEET;
18. N00°22'21"W, A DISTANCE OF 39.92 FEET;
19. N00°25'40"E, A DISTANCE OF 37.99 FEET;
20. N00°44'19"W, A DISTANCE OF 52.47 FEET;
21. N06°36'09"E, A DISTANCE OF 19.51 FEET;
22. N02°44'53"E, A DISTANCE OF 37.90 FEET;
23. N08°45'59"W, A DISTANCE OF 20.98 FEET;
24. N07°40'24"W, A DISTANCE OF 11.21 FEET;
25. N03°30'32"W, A DISTANCE OF 20.06 FEET;
26. N02°51'03"E, A DISTANCE OF 22.60 FEET;
27. N02°27'29"W, A DISTANCE OF 38.15 FEET;
28. N00°39'10"W, A DISTANCE OF 31.95 FEET;
29. N00°24'38"E, A DISTANCE OF 42.00 FEET;
30. N00°07'34"W, A DISTANCE OF 28.72 FEET;
31. N00°04'14"W, A DISTANCE OF 41.23 FEET;
32. N01°31'07"W, A DISTANCE OF 86.05 FEET;
33. N02°09'07"W, A DISTANCE OF 14.81 FEET TO SAID WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 13;
34. N00°06'11"W ALONG SAID WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 13, A DISTANCE OF 193.75 FEET;
35. THENCE LEAVING SAID WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 13, N05°32'40"E, A DISTANCE OF 41.34 FEET;
36. N01°10'28"E, A DISTANCE OF 21.99 FEET;
37. N00°09'04"E, A DISTANCE OF 33.72 FEET;
38. N00°33'37"E, A DISTANCE OF 31.73 FEET;
39. N01°22'58"W, A DISTANCE OF 25.26 FEET;

- 40. N01°14'40"W, A DISTANCE OF 28.06 FEET;
- 41. N00°39'24"E, A DISTANCE OF 36.44 FEET;
- 42. N03°38'35"W, A DISTANCE OF 35.40 FEET;
- 43. N00°18'51"W, A DISTANCE OF 30.50 FEET;
- 44. N00°49'02"E, A DISTANCE OF 44.68 FEET;
- 45. N00°21'55"E, A DISTANCE OF 30.19 FEET;
- 46. N01°11'54"W, A DISTANCE OF 44.51 FEET;
- 47. N01°51'28"E, A DISTANCE OF 29.85 FEET;
- 48. N00°16'46"E, A DISTANCE OF 45.06 FEET;
- 49. N00°05'16"E, A DISTANCE OF 45.50 FEET;
- 50. N01°19'53"W, A DISTANCE OF 29.31 FEET;
- 51. N00°18'30"W, A DISTANCE OF 29.59 FEET;
- 52. N00°53'24"W, A DISTANCE OF 44.59 FEET;
- 53. N00°48'41"W, A DISTANCE OF 29.94 FEET;
- 54. N00°32'55"W, A DISTANCE OF 44.15 FEET;
- 55. N00°46'05"W, A DISTANCE OF 45.51 FEET;
- 56. N00°25'20"W, A DISTANCE OF 32.52 FEET;
- 57. N79°30'23"W, A DISTANCE OF 0.97 FEET TO THE **POINT OF BEGINNING**,

CONTAINING A CALCULATED GROSS AREA OF 77,967,261 SQUARE FEET OR 1,789.882 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PARCEL OF RECORD IN BOOK 297 AT PAGE 644, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN; THENCE N43°20'49"E ACROSS THE SOUTHWEST ONE-QUARTER OF SAID SECTION 12 A DISTANCE OF 1,025.17 FEET TO THE POINT OF BEGINNING;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE WESTERLY, NORTHERLY, EASTERLY AND SOUTHERLY BOUNDARY LINES OF SAID PARCEL OF RECORD IN BOOK 297 AT PAGE 644:

N01°27'51"E A DISTANCE OF 300.00 FEET;

S88°41'43"E A DISTANCE OF 300.00 FEET;



S01°27'51"W A DISTANCE OF 300.00 FEET;

N88°41'43"W A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 90,000 SQUARE FEET OR 2.066 ACRES, MORE OR LESS.

CALCULATED NET AREA FOR ANNEXATION No. 3 TO THE CITY OF CASTLE PINES NORTH:

77,877,261 SQUARE FEET OR 1,787.816 ACRES, MORE OR LESS.