

**ORDINANCE NO. 14-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CASTLE PINES, COLORADO APPROVING VESTED PROPERTY  
RIGHTS ASSOCIATED WITH THE CASTLE PINES TOWN CENTER  
PLANNED DEVELOPMENT, FIRST AMENDMENT, AND THE FIRST  
AMENDMENT TO ANNEXATION AND DEVELOPMENT  
AGREEMENT FOR LAGAE SOUTH (AKA CASTLE PINES TOWN  
CENTER) PURSUANT TO  
C.R.S. SECTION 24-68-101, *ET SEQ.***

**WHEREAS**, pursuant to Ordinance No. 12-07, recorded June 15, 2012 at Reception No. 2012043271, the City annexed certain property legally described in Exhibit A attached hereto and incorporated herein by this reference (the "Property"); and

**WHEREAS**, A and A Investments, LLC (A&A), as sole fee owner of the Property at the time of annexation, and the City entered into that certain Annexation and Development Agreement for Lagae South (aka Castle Pines Town Center) dated March 27, 2012, a copy of which was recorded June 15, 2012 at Reception No. 2012043272 in the real property records of Douglas County, Colorado ("Development Agreement"); and

**WHEREAS**, since annexation of the Property, A&A has conveyed roughly the northern half of the Property to LS Partners, LLC ("LS Partners") and Taylor Morrison of Colorado, Inc. ("TM"), retaining roughly the southern half of the Property; and

**WHEREAS**, A&A, LS Partners and TM, collectively the "Owners", desire to amend the Development Agreement through a proposed First Amendment to Annexation and Development Agreement ("First Amendment") consistent with the future use and development of the Property as contemplated in the Castle Pines Town Center Planned Development – 1<sup>st</sup> Amendment, Case No. ZR13-001 ("Amended PD Plan"); and; and

**WHEREAS**, in conjunction with the First Amendment, the Owners have submitted to the City for approval an application for the Amended PD Plan, a copy of which is on file in the Castle Pines Community Development Department; and

**WHEREAS**, in accordance with Section 34 of the City of Castle Pines Zoning Ordinance ("Zoning Ordinance") and Section 24-68-101, C.R.S., *et seq.*, the Owners have requested the extension of vested property rights through designation of the Amended PD Plan and the First Amendment collectively as a "Site Specific Development Plan"; and

**WHEREAS**, public notice has been properly given of such proposed Site Specific Development Plan by publication in a newspaper of general circulation within the City of Castle Pines; and

**WHEREAS**, in accordance with the Zoning Ordinance, a public hearing was held before the City Council at which time evidence and testimony were presented to the City Council concerning said Site Specific Development Plan and the request to obtain vested property rights with respect to the Amended PD Plan and the First Amendment; and

**WHEREAS**, City Council has determined that the Amended PD Plan and First Amendment contain sufficient restrictions and are each sufficiently well-defined to justify vesting of the Site Specific Development Plan for a period in excess of three (3) years; and

**WHEREAS**, City Council further finds that the size of the development contemplated under the Amended PD Plan, the substantial investment and time required to complete the development of the Property, the potential for phased development and the possible impact of economic cycles and varying market conditions during the course of development justify vesting of the Amended PD Plan and First Amendment for a period of eight (8) years.

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

**Section 1.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2.** The City Council hereby approves the Amended PD Plan and the First Amendment collectively as a Site Specific Development Plan within the meaning of Section 24-68-102(4)(a), C.R.S., and Section 34 of the Zoning Ordinance.

**Section 3.** Approval of the Site Specific Development Plan creates vested property rights pursuant to Section 24-68-103, C.R.S., and Section 34 of the Zoning Ordinance and in accordance with and subject to the terms of the Development Agreement.

**Section 4.** As contemplated by Section 34 of the Zoning Ordinance, notice of the approval and creation of vested property rights achieved through this Ordinance shall be made by publication by the Applicant no later than fourteen (14) days following approval of this Ordinance.

**Section 5.** The vested property rights created by this Ordinance shall be vested for a period of eight (8) years commencing on the effective date of this Ordinance, and pursuant to the terms and conditions set forth in the Development Agreement and Section 34 of the Zoning Ordinance.

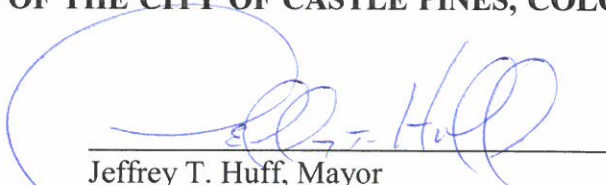
**Section 6.** **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 7.** **Repeal of Previous Ordinances.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 8.** **Effective Date.** Except as otherwise expressly provided herein, this Ordinance shall become effective thirty (30) days after final publication.

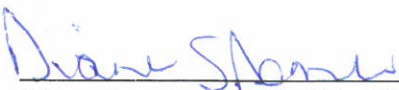
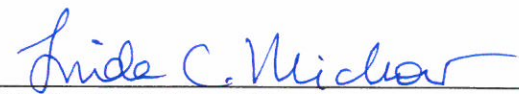
**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 28th day of January, 2014.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 25th day of February, 2014.**

  
\_\_\_\_\_  
Jeffrey T. Huff, Mayor

ATTEST:

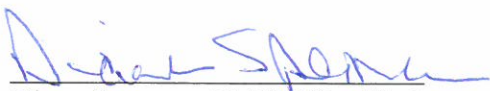
Approved as to form:

  
\_\_\_\_\_  
Diane Spomer, CMC, 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 noticed public meeting of the Castle Pines City Council on January 28, 2014; published by reference 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 February 25, 2014 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on March 5, 2014.

ATTEST:

  
\_\_\_\_\_  
Diane Spomer, CMC, City Clerk

**EXHIBIT A  
LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE EAST 1/2 OF SECTION 9 AND SECTION 10 OF TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 10, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10 TO BEAR SOUTH 89°09'17" EAST WITH ALL BEARINGS CONTAINED HEREIN, RELATIVE THERETO; THENCE WESTERLY ALONG THE EXISTING FENCELINE AS DESCRIBED IN THAT QUIT CLAIM DEED RECORDED IN BOOK 539, PAGE 598 THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 89°08'57" WEST, 1080.47 FEET;
- 2) THENCE NORTH 01°28'54" WEST, 3606.79 FEET

TO A POINT ON THE SOUTH SUBDIVISION BOUNDARY OF LAGAE RANCH FILING 1, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE DEPARTING SAID FENCELINE, AND ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 86°45'40" EAST, 2928.23 FEET;
- 2) THENCE NORTH 71°00'10" EAST, 1527.60 FEET

TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25, THENCE DEPARTING SAID LAGAE RANCH FILING 1 SUBDIVISION BOUNDARY AND ALONG SAID WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25 THE FOLLOWING EIGHT (8) COURSES:

- 1) SOUTH 01°01'24" WEST, 14.01 FEET;
- 2) THENCE SOUTH 07°31'24" WEST, 1546.10 FEET;
- 3) THENCE ALONG A CURVE TO THE LEFT, HAVING A DELTA OF 05°02'01", A RADIUS OF 11,620.00 FEET, AN ARC OF 1020.85 FEET AND A CHORD WHICH BEARS SOUTH 04°59'54" WEST, 1020.52 FEET;
- 4) THENCE SOUTH 02°28'54" WEST, 832.00 FEET;
- 5) THENCE SOUTH 16°41'54" WEST, 773.70 FEET;
- 6) THENCE NORTH 87°31'06" WEST, 60.00 FEET;
- 7) THENCE SOUTH 43°44'54" WEST, 199.50 FEET;
- 8) THENCE SOUTH 01°33'24" WEST, 43.20 FEET

TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE DEPARTING SAID U.S. INTERSTATE NO. 25 RIGHT-OF-WAY LINE AND ALONG SAID SOUTH LINE OF SECTION 10, NORTH 89°09'17" WEST, 2445.46 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; CONTAINING 354.14 ACRES, MORE OR LESS.