

ORDINANCE NO. 12-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO ANNEXING CERTAIN TERRITORY TO THE CITY OF
CASTLE PINES KNOWN AS THE CASTLE PINES TOWN CENTER PROPERTY
(AKA LAGAE SOUTH)**

WHEREAS, the City Council of the City of Castle Pines, Colorado (the “City”), received a Petition for Annexation (“Petition”) and annexation map of certain real property known as the Castle Pines Town Center Annexation (formerly known as Lagae South), 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 November 12, 2009, the City Council found said Petition to be in substantial compliance with C.R.S. § 31-12-107(1) and set a public hearing pursuant to C.R.S. § 31-12-108(1) to determine whether the proposed annexation complied with the applicable parts of C.R.S. §§ 31-12-104 and 31-12-105, as required to establish the Property’s eligibility for annexation; and

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

WHEREAS, in conformance with C.R.S. § 31-12-110, and at the conclusion of the public hearing, the City Council adopted Resolution No. 09-91 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.

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

Section 1. The recitals contained herein above and the findings and determinations set forth in Resolution No. 09-91 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, 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, Colorado. This

Annexation Ordinance shall be published and recorded only upon the City Council's approval of Ordinance No. 12-07 approving the Annexation and Development Agreement for the Property.


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, COLORADO the 13th day of March, 2012.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 27th day of March, 2012.

CITY OF CASTLE PINES:



Jeffrey T. Huff, Mayor

ATTEST:



Dan Schatz, City Clerk

Approved as to form:

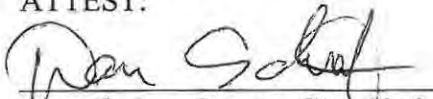


Linda C. Michow, City Attorney

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 City Council on March 13, 2012; 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 March 27, 2012 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 April 5, 2012.

ATTEST:



City Clerk or Deputy 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.