

**ORDINANCE NO. 12-08**

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

**WHEREAS**, A and A Investments, LLC (the "Owner") has petitioned the City of Castle Pines City Council for annexation of certain property totaling 354.14 acres and referred to herein as the "Property". The Property is generally located west of Interstate I-25 and north of Happy Canyon Road, and legally described on Exhibit A attached hereto and incorporated herein; and

**WHEREAS**, in conjunction with annexation, the Owner has submitted to the City for approval an application for zoning of the Property from Douglas County Agricultural One (A-1) to City of Castle Pines Planned Development ("PD"), which request is accompanied by a PD plan exhibit on file in the Castle Pines Community Development Department; and

**WHEREAS**, in conjunction with the annexation and PD, the Owner and the City have negotiated the terms of an Annexation and Development Agreement ("Development Agreement"), a copy of which is on file in the Castle Pines Community Development Department on or after March 14, 2012 and is incorporated herein by reference; and

**WHEREAS**, the initial zoning is accompanied by a request to adopt the Castle Pines Town Center Planned Development exhibit ("PD Plan") as the governing zoning document and development plan for the Property; 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 Owner wishes to pursue and obtain vested property rights through designation of the PD Plan and the Development Agreement 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 PD Plan and the Development Agreement; and

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

**WHEREAS**, City Council further finds that the size of the development contemplated under the Development Agreement and the 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 PD Plan and Development Agreement in excess of three (3) 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 PD Plan and the Development Agreement collectively as a Site Specific Development Plan within the meaning of Section 24-68-102, 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 ten (10) years commencing on the date, and pursuant to the terms and conditions, set forth in the Development Agreement.

**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 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.