

ORDINANCE NO. 16-04

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES ANNEXING CERTAIN TERRITORY TO THE CITY
KNOWN AS THE SAGE VILLAGE PROPERTIES ANNEXATION**

WHEREAS, the legal description of the real property generally described as the Sage Village Properties annexation is described in **Exhibit 1** attached hereto (the “Property”); and

WHEREAS, the Property consists of 2.28 acres, more or less, and is located in unincorporated Douglas County, Colorado; and

WHEREAS, pursuant to the findings set forth in Resolution No. 2016-R-11 dated April 12, 2016, the City Council has previously determined that:

- The Property meets the applicable requirements of Section 30(1)(b) of Article II of the Colo. Constitution and C.R.S. §§ 31-12-104 and 31-12-105, and is eligible for annexation to the City of Castle Pines;
- An election is not required under the applicable requirements of Section 30(1)(a) of Article II of the Colo. Constitution and C.R.S. § 31-12-107(2); and
- No additional terms or conditions are imposed on the proposed annexation of the Property which would require an election under C.R.S. § 31-12-112(1).

WHEREAS, the City Council held a duly noticed public hearing to consider annexation of the Property, notice of which was duly published in accordance with the requirements set forth in Section 31-12-108(2), C.R.S.; and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, annexation proceedings to annex the Property have not commenced for annexation of all or part of the Property to another municipality; and

WHEREAS, the City Council finds that it is in the best interests of the City to annex the Property to the City; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law by setting a public hearing in order to provide the property owner/petitioner and the public an opportunity to present testimony and evidence regarding the proposed annexation. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies annexation of the Property.

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

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

Section 2. Annexation of Property Approved. The Property as more particularly described in **Exhibit 1** attached hereto is hereby annexed to and included within the corporate limits of the City of Castle Pines, Colorado, in accordance with law.

Section 3. Direction to City Staff. 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 the 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.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby 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.

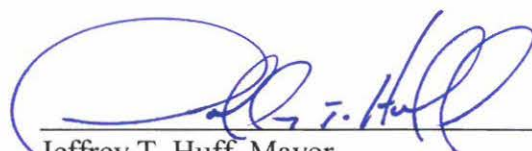
Section 5. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision 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 or code hereby repealed prior to the taking effect of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 12th day of JULY, 2016.

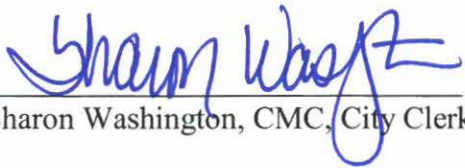
READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day of JULY, 2016.



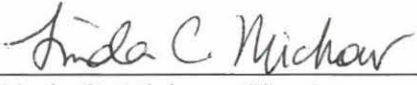


Jeffrey T. Huff, Mayor

ATTEST:


Sharon Washington, CMC, 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 noticed public meeting of the Castle Pines City Council on July 12, 2016; published 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 July 26, 2016 and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on August 4, 2016.

ATTEST:

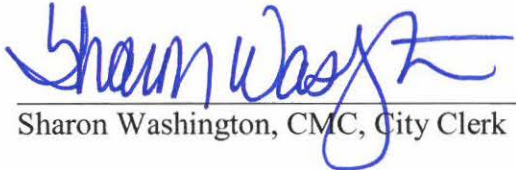

Sharon Washington, CMC, City Clerk

EXHIBIT 1

A tract of land situated in the Northeast $\frac{1}{4}$ of Section 3, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County Colorado, more particularly described as follows:

Commencing at the West $\frac{1}{4}$ corner of Section 3 and considering the South line of the North $\frac{1}{2}$ of Section 3 to bear S $89^{\circ}46'20''$ E with all bearings contained herein relative thereto;
Thence S $89^{\circ}46'20''$ E along said South line a distance of 3047.14 feet to the Southeast corner of Tract C, Charter Oaks (Reception No. 261854);
Thence N $00^{\circ}37'13''$ W along the boundary of Charter Oaks a distance of 368.58 feet;
Thence S $86^{\circ}29'43''$ E along said boundary a distance of 153.06 feet; Thence N $03^{\circ}30'17''$ E along said boundary a distance of 70.00 feet to the Southeast corner of Tract E, Charter Oaks and to the True Point of Beginning;
Thence N $15^{\circ}22'47''$ E along the East boundary of Tract E a distance of 292.40 feet to the Northeast corner of Tract E;
Thence N $89^{\circ}22'47''$ E a distance of 52.01 feet to the West boundary of Lot 22, Block 1, Beverly Hills Estates Filing No. 1;
Thence N $15^{\circ}22'47''$ E a distance of 72.92 feet to the Northwest corner of Lot 22, Block 1;
Thence S $74^{\circ}37'13''$ E a distance of 265.10 feet to the Northeast corner of Lot 22, Block 1;
Thence S $15^{\circ}27'17''$ W a distance of 277.50 feet to the Southeast corner of Lot 24, Block 1;
Thence S $87^{\circ}23'49''$ W along the South line of Lot 24, Block 1 and the Westerly extension thereof a distance of 330.90 feet to the Point of Beginning;
Containing 2.28 acres, more or less.

This description was prepared under the direct supervision of Dee Allen Bird, PLS25933, for and on behalf of David E. Archer and Associates, Inc.