

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CASTLE PINES NORTH
CONDITIONALLY APPROVING THE LAGAE RANCH FILING NO. 1
PRELIMINARY PLAN**

WHEREAS, the City of Castle Pines North (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of sections 31-2-101, *et seq.*, C.R.S.; and

WHEREAS, by Ordinance 08-04, the City Council adopted the Douglas County 2030 Comprehensive Master Plan (the "City's Master Plan"); and

WHEREAS, by Ordinance 08-04 the City Council adopted the Douglas County Zoning Resolution (the "City's Zoning Ordinance") and the Douglas County Subdivision Resolution (the "City's Subdivision Regulations"); and

WHEREAS, H.F. Holdings, LLC, a Colorado Limited Liability Company, (the "Applicant"), has submitted a preliminary plan (the "Preliminary Plan") for property located approximately 600 feet south of the intersection of Castle Pines Parkway and Lagae Road, a legal description of which is attached hereto as **Exhibit A** and incorporated herein by reference (the "Property"); and

WHEREAS, the owner of the Property, R.I. Management of Tulsa, Inc., a North Dakota Corporation (the "Owner"), has consented to the submission of the Preliminary Plan;

WHEREAS, the City Council held a public hearing on approval of the Preliminary Plan, in accordance with Section 404.05 of the City's Subdivision Regulations, following proper notice; and

WHEREAS, Section 403 of the City's Subdivision Regulations provides that, a preliminary plan may be approved upon the City Council finding that:

1. Section 403.01: The preliminary plan is in conformance with the goals, objectives, and policies of the City's Master Plan;
2. Section 403.02: The plan is in conformance with the design elements established in Article 3, Section 304 of the City's Subdivision Regulations;
3. Section 403.03: The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the Water Supply – Overlay District section of the City's Zoning Ordinance;

4. Section 403.04: The subdivider has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations;
5. Section 403.05: The subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
6. Section 403.06: The subdivider has provided adequate drainage improvements;
7. Section 403.07: Significant cultural, archaeological, natural/historical resources and unique landforms have been protected; and
8. Section 403.08: Necessary services, including fire/police protection, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision.

WHEREAS, the City Council finds that the Preliminary Plan complies with all the standards set forth in Section 403 of the City's Subdivision Regulations; and

WHEREAS, City Council wishes to approve the Preliminary Plan, subject to the condition contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, THAT:

Section 1. Provided that the condition set forth in Section 2 of this Resolution is met, the City Council hereby finds that:

1. The Preliminary Plan is in conformance with the goals, objectives and policies of the City's Master Plan.
2. The Preliminary Plan is in conformance with the design elements established in Article 3, Section 304 of the City's Subdivision Regulations.
3. The Applicant has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the Water Supply – Overlay District section of the City's Zoning Ordinance.
4. The Applicant has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations.

5. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the Applicant and that the proposed uses of these areas are compatible with such conditions.

6. The Applicant has provided adequate drainage improvements.

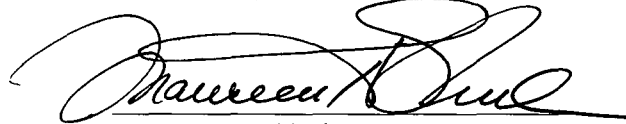
7. Significant cultural, archaeological, natural/historical resources and unique landforms have been protected.

8. Necessary services, including fire/police protection, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision.

Section 2. The City Council hereby approves the Preliminary Plan, subject to the following condition:

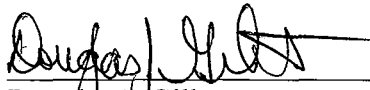
1. The Applicant shall pay ALL fees and costs incurred by the City and its consultants, including without limitation legal fees and costs, for review and processing of the Preliminary Plan application within forty-five (45) days of receiving an invoice from the City. If the fees and costs are not paid within forty-five (45) days of receiving an invoice, the City may withhold issuance of building permits or further land use approvals for the Property until the invoices have been paid.

INTRODUCED, READ AND ADOPTED AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, THE 29th DAY OF OCTOBER, 2008.




Maureen A. Shul, Mayor

ATTEST:



Douglas J. Gilbert
Interim City Clerk

APPROVED AS TO FORM:



Erin M. Smith
City Attorney

Exhibit A

Legal Description of the Property

LEGAL DESCRIPTION

LAGAE RANCH

A PARCEL OF LAND LOCATED IN THE SOUTH ONE-HALF (S 1/2) OF SECTION 3, THE EAST ONE-HALF (E 1/2) OF SECTION 9 AND THE NORTH ONE-HALF (N 1/2) OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N00°36'25"W ALONG THE WEST LINE OF THE SOUTH HALF OF SAID SECTION 3, BEING THE BASIS OF BEARINGS AND ALL BEARINGS CONTAINED BEING RELATIVE, A DISTANCE OF 1291.32 FEET; THENCE S89°31'01"E, A DISTANCE OF 778.70 FEET; THENCE S89°29'13"E, A DISTANCE OF 2707.69 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. S07°06'13"W, A DISTANCE OF 2174.99 FEET;
 2. S00°06'03"W, A DISTANCE OF 86.48 FEET;
- THENCE S70°35'23"W, A DISTANCE OF 1527.63 FEET; THENCE S86°20'43"W, A DISTANCE OF 2928.26 FEET; THENCE N01°53'42"W, A DISTANCE OF 1656.35 FEET; THENCE N88°54'13"E, A DISTANCE OF 1214.66 FEET TO THE TRUE POINT OF BEGINNING .

CONTAINING 248.861 ACRES OF LAND, MORE OR LESS.
THE AREA INCLUDES LAGAE ROAD AS RECORDED IN BOOK 2326 AT PAGE 1152.