

ORDINANCE NO. 19-16

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
APPROVING A SECOND AMENDMENT TO THE
CANYONS ANNEXATION AND DEVELOPMENT
AGREEMENT**

WHEREAS, the Canyons property consists of approximately 3,342 acres and is generally located in the southeast quadrant of Interstate I-25 and Hess Road (“Canyons Property”); and

WHEREAS, in 2009, the then owners of the Canyons Property, North Canyons LLLP, a Colorado limited liability limited partnership (“Owner”), and Judge Inc., a Colorado corporation (“Judge”), petitioned the City of Castle Pines to annex and zone the Canyons Property; and

WHEREAS, the City annexed and approved initial zoning of the Canyons Property through the Canyons Planned Development (“Canyons PD”); the Canyons PD was approved via Ordinance No. 09-17; and

WHEREAS, in connection with annexation of the Canyons Property, the Owner, Judge, Canyons Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado, and the City entered into that certain Annexation and Development Agreement dated October 22, 2009 (“Development Agreement”); and

WHEREAS, since 2009, portions of the Canyons Property have been sold, further subdivided and are in process of development for detached and attached single family residences; and

WHEREAS, in 2011, Judge conveyed all of its interest in the Canyons Property to the Owner; and

WHEREAS, through a First Amendment to the Canyons PD, the City approved a rezoning to allow for up to 1,000 additional multi-family residential units within Planning Areas 1, 2, and 3 and to increase and modify certain land dedication requirements; and

WHEREAS, the Owner has requested rezoning to allow for an additional 1,500 dwelling units within Planning Areas 10 and 12-19 along with increases and modifications to land dedication requirements, for that portion of the Canyons Property legally described in **Exhibit A** (“Parcel 3”), attached hereto and incorporated herein; and

WHEREAS, such rezoning request is accompanied by a PD plan exhibit (the “Second Amended PD Plan”) on file in the Castle Pines Community Development Department; and

WHEREAS, in conjunction with its rezoning application, the Owner and the City have negotiated a second amendment to the Development Agreement to establish the scope of

permissions, entitlements and obligations associated with approval of the rezoning and the Second Amended PD Plan (“Second Amended Development Agreement”); and

WHEREAS, a copy of the Second Amended Development Agreement is on file in the Castle Pines Community Development Department and is incorporated herein by reference; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to conduct a public hearing in order to provide staff, the Applicant, interested parties, and the public an opportunity to present testimony and evidence regarding the Second Amended Development Agreement; and

WHEREAS, 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 the proposal.

NOW, 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 Second Amended Development Agreement with Canyons North LLLP and the Canyons Metropolitan District No. 4.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

Section 4. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. 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 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City’s official website and posting at the City Clerk’s office pursuant to Section 1-3-40 of the Municipal Code.

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 November, 2019.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 10th day of December, 2019.



ATTEST:

DocuSigned by:
Tobi Basile
AD83A3B02092499...
Tobi Basile, CMC, City Clerk

DocuSigned by:
Tera Stave Radloff
6E068EB2798E479...
Tera Stave Radloff, Mayor

Approved as to form:

DocuSigned by:
Linda C. Michow
5241DF008FE444...
Linda C. Michow, City Attorney

City of Castle Pines

Ordinance No. 19-16

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on November 12, 2019; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on December 10, 2019”; and finally passed and adopted by the City Council on December 10, 2019, following a duly noticed public hearing and published on the City’s official website and posted in the City Clerk’s office on November 13, 2019.

ATTEST:


DocuSigned by:

AP09A30620320199
Tobi Basile, CMC, City Clerk

Exhibit A
Legal Description of East Canyons Property

A PARCEL OF LAND BEING A PORTION OF THE CANYONS SUPERBLOCK PLAT NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2015090038 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED WITHIN SECTIONS 1, 12, 13, 24, AND 25, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 3, THE CANYONS SUPERBLOCK PLAT NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2015090038 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE.