

RESOLUTION NO. 21-53

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE
PINES, COLORADO APPROVING CHARTER OAKS, 9TH
AMENDMENT, CASE NO. SRP 2021-001**

WHEREAS, the City of Castle Pines (the “City”) is authorized under its home rule authority and pursuant to the City of Castle Pines Subdivision Regulations (the “Subdivision Regulations”) to regulate the subdivision of land within the City; and

WHEREAS, HSDevelopment LLC, a Colorado limited liability company (“HSD”), is the owner of the real property legally described as Tract A, Charter Oaks, City of Castle Pines, County of Douglas, recorded on December 5, 1980 at Reception No. 261854 (“Tract A”); and

WHEREAS, the City currently is the owner of real property immediately adjacent to Tract A and legally described as Tract E, Charter Oaks, City of Castle Pines, County of Douglas, recorded on December 5, 1980 at Reception No. 261854 (“Tract E”); and

WHEREAS, HSD desires to acquire Tract E from the City and, subject to HSD’s acquisition thereof, to combine Tract A and Tract E into one developable lot; and

WHEREAS, contemporaneously with this Resolution, a purchase and sale agreement (the “Purchase Agreement”) for the sale of Tract E by the City to HSD is being considered by the City Council for approval by Ordinance No. 21-10; and

WHEREAS, subject to HSD’s acquisition of Tract E, HSD is seeking the City Council approval of a replat of Tract A and Tract E, referred to as Charter Oaks, 9th Amendment (the “Replat”); and

WHEREAS, the Replat combines Tract A and Tract E to create one developable lot of approximately 1.082 acres, legally described as Lot 1A, Charter Oaks, 9th Amendment; and

WHEREAS, the City Council considered the Replat at a duly noticed public meeting in accordance with Section 706.07 of the Subdivision Regulations; and

WHEREAS, HSD has agreed to all conditions of approval as stated in this Resolution; and

WHEREAS, the City Council has determined that the Replat meets all applicable requirements of the Subdivision Regulations, subject to the conditions of approval as stated in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO AS FOLLOWS:

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 Replat, designated as Charter Oaks, 9th Amendment, is approved subject to the following conditions of approval which shall be satisfied prior to recordation of the Replat:

- a. HSD 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 Replat 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 approvals until the invoices have been paid; and
- b. HSD shall resolve or correct any minor technical issues with respect to the Replat as directed by Staff; and
- c. HSD shall provide an executed "Requirements for Release of C.O." or "Requirements for Final Inspections" form, as determined by the City; and
- d. HSD shall provide a "Treasurer's Certificate of Taxes Due" indicating no past due taxes; and
- e. HSD shall finalize an updated Subdivision Improvements Agreement in a form approved by the City Attorney at the direction of the Community Development Director; and
- f. The City Council shall approve Ordinance 21-10 and HSD shall thereafter acquire fee simple title to Tract E pursuant to the Purchase Agreement; and

Recordation of the Replat in the office of the Douglas County Clerk and Recorder shall not occur until after recordation of the deeds conveying Tract A and Tract E to HSD.

Section 3. The Mayor is hereby authorized to sign the Replat exhibit upon final review and approval as to form by the Community Development Director and the City Attorney.

Section 4. Effective Date. Approval of the Replat shall be deemed effective upon its recordation in the office of the Douglas County Clerk and Recorder.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 14th day of December, 2021.



ATTEST:

DocuSigned by:
Tobi Duffey
AD03A3802032499
Tobi Duffey, CMC, City Clerk

DocuSigned by:
Tera Stave Radloff
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Tera Stave Radloff, Mayor

Approved as to form:
DocuSigned by:
Linda C. Michow
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Linda C. Michow, City Attorney