

RESOLUTION NO. 22-34

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
ACCEPTING A SPECIAL WARRANTY DEED FOR THE CONVEYANCE
OF TRACT D, CANYONSIDE SUBDIVISION, FILING NO. 2**

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, the City annexed and approved initial zoning of the Canyons Property through the Canyons Planned Development (“Canyons PD”); and

WHEREAS, as part of the 1st Major Amendment to the Canyons PD, approved by the City in 2019, certain parcels were designated for future dedication to the City by subdivision plat for open space and parks; and

WHEREAS, North Canyons Development Company, LLC (“Owner”), submitted an application to the City for subdivision of a portion of the Canyons Property known as Canyonside Subdivision Filing No. 2, a Replat of Parcel 4, The Canyons Superblock Plat No. 2, which was approved by the City Council in February, 2022 (“Canyonside Subdivision Filing No. 2”); and

WHEREAS, Canyonside Subdivision Filing No. 2 created a 35.19 acre parcel, known as Tract D, for dedication by separate instrument to the City as a regional park; said dedication to occur upon request of the City; and

WHEREAS, the City has requested that the Owner convey Tract D to the City, as more specifically described in the attached **Exhibit A**; and

WHEREAS, the Owner has agreed to dedicate and convey Tract D to the City; and

WHEREAS, the City Council desires to conditionally accept the Tract via special warranty deed as set forth herein.

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

Section 1. The City Council hereby conditionally accepts a special warranty deed in the form attached hereto as **Exhibit A** for Tract D, Canyonside Subdivision, Filing No. 2, (“Deed”).

Section 2. **Conditions of Acceptance.** The Deed shall not be finally accepted by the City or recorded in the real property records of Douglas County, Colorado until such time as: (1) the Owner has provided a title insurance policy in a form acceptable to the City Attorney insuring title to Tract D, in minimum amount acceptable to the City and the Tract is free and clear of encumbrances clouding title to same; (2) the Owner and City have agreed upon the requirements and time frame for the Owner’s dedication, construction and completion of the road to provide legal access to Tract D, depicted as “future 55’ right-of-way dedicated by separate document” on

the Canyonside Subdivision Filing No. 2 plat; and (3) the Owner has provided the City with a land survey plat of Tract D in a form acceptable to the City Attorney and City Manager.

Section 3. Delegation of Authority to City Manager. The City Manager or his designee shall be authorized to: (a) determine acceptable amounts of title insurance for the Tracts; (b) record the Deed following the date on which the conditions set forth in Section 2 of this Resolution have been satisfied; and (c) take all necessary steps to finalize and complete the conveyance of the Tract to the City.

Section 4. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of 7 in favor and 0 against this 12th day of July, 2022.



ATTEST:

DocuSigned by:
Tobi Duffey
AD92A3B62022409...

Tobi Duffey, CMC, City Clerk

DocuSigned by:
Tracy Engerman
18362126604545A...

Tracy Engerman, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Linda C. Michow
5241BE9868FF444...

Linda C. Michow, City Attorney

EXHIBIT A
SPECIAL WARRANTY DEED

Following recordation, return to:

Linda Michow
City Attorney
c/o Michow Cox & McAskin, LLP
6530 S. Yosemite St., Suite 200
Greenwood Village, CO 80111

NO DOCUMENTARY FEE REQUIRED PER C.R.S. § 39-13-104(1)(a)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, is made this ____ day of June, 2022, by **NORTH CANYONS DEVELOPMENT COMPANY, LLC**, a Delaware limited liability company, whose address is 3033 E. 1st Avenue, Suite 725, Denver, Colorado 80206 (“**Grantor**”), to **THE CITY OF CASTLE PINES, COLORADO**, a Colorado home rule municipal corporation, whose street address is 360 Village Square Lane, Suite B, Castle Pines, Colorado, 80108 (“**Grantee**”).

WITNESSETH, That Grantor for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns, forever, all the real property, together with improvements, if any, lying and being in the County of Douglas, State of Colorado, more particularly described as follows:

TRACT D, CANYONSIDE SUBDIVISION, FILING NO. 2, AS SHOWN ON THE MAP RECORDED FEBRUARY 17, 2022 UNDER RECEPTION NO. 2022012594, COUNTY OF DOUGLAS, STATE OF COLORADO

for use as a regional park and open space and for no other use (the “**Use Restriction**”),

TOGETHER with all its appurtenances and warrants the title to the same against all persons claiming by, through, or under Grantor, subject to statutory exceptions. Grantor, together with its affiliates and assigns, shall have all rights and remedies available at law or in equity to enforce the Use Restriction.

[signature page follows this page]

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth below.

GRANTOR:

NORTH CANYONS DEVELOPMENT
COMPANY, LLC, a Delaware limited liability
company

By: Alpert Development Manager, LLC, a
Delaware limited liability company, its
Manager

By: 
Leland J. Alpert, Manager


STATE OF COLORADO)
) ss:
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 3rd day of June, 2022, by Leland J. Alpert as Manager of Alpert Development Manager, LLC, a Delaware limited liability company, as Manager of NORTH CANYONS DEVELOPMENT COMPANY, LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: 01-09-2026

KAITLIN CRANDELL
Notary Public
State of Colorado
Notary ID # 20184001509
My Commission Expires 01-09-2026


Notary Public