

ORDINANCE NO. 23-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, CONDITIONALLY AUTHORIZING THE SALE AND TRANSFER OF THE CITY'S INTEREST IN PROPERTY KNOWN AS TRACT A, LAGAE FAMILY TRUST MINOR DEVELOPMENT FINAL PLAT

WHEREAS, the City of Castle Pines ("City") is a home rule municipality with all powers granted by Article XX of the Colorado Constitution and the City's Home Rule Charter ("City Charter"); and

WHEREAS, Section 14.6 of the City Charter requires the adoption of an ordinance to authorize the sale or conveyance of the City's interest in real property; and

WHEREAS, the City is the owner of an approximately 97,297 square foot parcel of real property described as Tract A ("Tract A") on the Lagae Family Trust Minor Development Final Plat recorded on August 21, 2020, at Reception No. 2020078058 in the Clerk and Recorder's Office for the County of Douglas, Colorado ("Final Plat"); and

WHEREAS, Tract A was conveyed to the City by way of the Special Warranty Deed dated August 25, 2020, which was recorded on August 27, 2020, at Reception No. 2020080758 in the Clerk and Recorder's Office for the County of Douglas, Colorado; and

WHEREAS, the City, as owner of Tract A, subjected and dedicated Tract A to the covenants, conditions and restrictions in the *Declaration of Easements, Covenants, Conditions and Restrictions*, dated August 25, 2020, which was recorded on August 27, 2020, at Reception No. 2020080760 in the Clerk and Recorder's Office for the County of Douglas, Colorado, ("Declaration"); and

WHEREAS, Tract A remains subject to the Declaration; and

WHEREAS, the City is designated as the Maintenance Director under the Declaration and currently has all rights, obligations, and burdens associated with being the Maintenance Director as provided for in the Declaration; and

WHEREAS, CP Commercial, LLC, a Colorado limited liability company with a principal office street address at 5800 South Nevada Street, Littleton, Colorado 80120 ("CP Commercial") owns certain other property that is also subject to the Declaration; and

WHEREAS, CP Commercial desires to use a portion of Tract A in a manner that is reserved to the City as owner of Tract A, namely the parking of vehicles on Tract A; and

WHEREAS, CP Commercial desires to accept Tract A from the City in exchange for taking over the City's role as Maintenance Director under the Declaration, along with all of the City's rights, obligations, and burdens associated with being the Maintenance Director under the Declaration; and

WHEREAS, City Council approves the conveyance of Tract A to CP Commercial as long as CP Commercial first accepts and becomes the Maintenance Director under the Declaration and assumes all past and future obligations, burdens, and liabilities of the City relating to or arising out of the City's role as the Maintenance Director, known or unknown, without limitation; and

WHEREAS, City Council has determined that, contingent upon the condition precedent in the previous recital paragraph, the conveyance of Tract A to CP Commercial by way of a quit claim deed is consistent with the City Charter to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City and its residents.

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

Section 1. **Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council for all purposes.

Section 2. **Conveyance of Property Conditionally Authorized.** City Council approves the conveyance and transfer of Tract A by way of quit claim deed to CP Commercial, LLC, conditioned upon CP Commercial, LLC, first accepting and becoming the Maintenance Director under the Declaration and assuming all past and future obligations, burdens, and liabilities of the City relating to or arising out of the City's role as the Maintenance Director, known or unknown, without limitation, by way of a method and form that is approved by the City Attorney. The City Manager is authorized to execute and record the Quit Claim Deed attached to this Ordinance as Exhibit A once the foregoing condition precedent is met to the satisfaction of the City Attorney.

Section 3. **Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. **Safety Clause.** The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 5. **Publication and Effective Date.** The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the City 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 City's 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 28th DAY OF FEBRUARY 2023.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 14th DAY OF MARCH 2023.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman
Tracy Engerman (Mar 22, 2023 10:56 MDT)

Tracy Engerman, Mayor

Approved as to form:

Linda C Michow

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 on February 28, 2023; 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 March 14, 2023”; and finally passed and adopted by the City Council on March 14, 2023, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on March 15, 2023.

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Exhibit A
Quit Claim Deed

