

ORDINANCE NO. 24-01

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES ANNEXING CERTAIN CITY-OWNED TERRITORY
TO THE CITY KNOWN AS THE HAVANA STREET ANNEXATION**

WHEREAS, the City of Castle Pines is a Colorado home rule municipality operating under the Castle Pines home rule charter (the “Charter”) approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected City Council; and

WHEREAS, the City Council has authority pursuant to its Charter and C.R.S. § 31-12-101, et seq. to annex land by ordinance; and

WHEREAS, the City Council previously accepted the conveyance of certain real property from the Douglas County Board of County Commissioners legally described in **Exhibit A** attached hereto (the “Property”); and

WHEREAS, the Property consists of 5.895 acres, more or less, currently comprises a portion of S. Havana Street, and is located in unincorporated Douglas County, Colorado; and

WHEREAS, upon annexation of the Property, the City of Castle Pines (“City”) intends to vacate a portion of the Property to allow it to be developed by the adjacent property owner, who also originally dedicated the Property to the County; and

WHEREAS, the City Council has determined that:

- The Property meets the applicable requirements of Section 30(1)(b) of Article II of the Colo. Constitution and C.R.S. §§ 31-12-104(1)(a) and 31-12-105, and is eligible for annexation to the City of Castle Pines;
- An election is not required under the applicable requirements of Section 30(1)(a) of Article II of the Colo. Constitution and C.R.S. § 31-12-107(2);
- No additional terms or conditions are imposed on the proposed annexation of the Property which would require an election under C.R.S. § 31-12-112(1);
- The City is the sole owner of one hundred percent (100%) of the area proposed to be annexed, which area will not be solely a public street or right-of-way upon adoption of that certain City ordinance vacating a portion of Havana Street; and

WHEREAS, the City Council finds that, because the area to be annexed is solely owned by the City, the City Council may annex the same without notice and hearing, as authorized by C.R.S. § 31-12-106(3); and

WHEREAS, annexation of the Property will not result in detachment of any area from any school district and the attachment of the same to another school district; and

WHEREAS, annexation proceedings to annex the Property have not commenced for annexation of all or part of the Property to another municipality; and

WHEREAS, the City Council finds that it is in the best interests of the City to annex the Property to the City; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Charter requiring a public hearing prior to adoption of all ordinances. 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 annexation of the Property.

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

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

Section 2. **Annexation of Property Approved.** The Property, as more particularly described in Exhibit 1 attached hereto, is hereby annexed to and included within the corporate limits of the City of Castle Pines, Colorado, in accordance with law.

Section 3. **Direction to City Staff.** The City Council hereby directs staff to complete all necessary procedures required for annexation of said Property to the City including: (1) filing for recording three certified copies of this Annexation Ordinance and the map of the annexed Property containing a legal description of the Property annexed hereby (“Annexation Map”) with the Douglas County Clerk and Recorder, and (2) filing the original of this Annexation Ordinance together with a copy of the Annexation Map with the City Clerk of the City of Castle Pines, Colorado.

Section 4. **Severability.** Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. **Repeal.** Any and all ordinances, resolutions, 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, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision 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 or code hereby repealed prior to the taking effect of this ordinance.

Section 6. **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 23rd day of JANUARY, 2024.

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 13th day of FEBRUARY, 2024.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman
Tracy Engerman (Feb 21, 2024 22:24 MST)

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 January 23, 2024; 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 February 13, 2024”; and finally passed and adopted by the City Council on February 13, 2024, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on January 30, 2024.

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk