

RESOLUTION NO. 25-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CASTLE PINES, COLORADO, APPROVING A FIRST
AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS
BETWEEN THE CITY OF CASTLE PINES AND CP
COMMERCIAL, LLC**

WHEREAS, the City of Castle Pines (the "City") and CP Commercial, LLC, a Colorado limited liability company ("CP") previously entered into that Declaration of Easements, Covenants, Conditions and Restrictions recorded on August 27, 2020, in the Office of the Clerk and Recorder of the County of Douglas, State of Colorado (the "Official Records") at Reception No. 2020080760 (the "Declaration"); and

WHEREAS, Section 10.2 of the Declaration states that the provisions of the Declaration may be modified or amended by the consent of the Approving Parties and Applicable Property Owners, as defined in the Declaration, which must be obtained in writing and recorded in the Official Records; and

WHEREAS, the City and CP are the Declarants, the sole Approving Parties and the sole Applicable Property Owners; and

WHEREAS, the City and CP desire to amend the Declaration and enter into a First Amendment to the Declaration to amend and replace the Site Plan, as defined in the Declaration, and to exclude Tract B of the Property from the easements, covenants, conditions and restrictions of the Declaration (the "First Amendment"); and

WHEREAS, the City Council desires to approve the First Amendment and further desires to authorize the Mayor to execute the First Amendment on behalf of the City.

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

Section 1. The City Council hereby: (1) approves the First Amendment in substantially the form attached hereto as **Exhibit 1**; (2) authorizes the City Manager and the City Attorney to make such changes as may be necessary to correct any non-material errors or language in the First Amendment that do not increase the obligations of the City; and (3) authorizes the Mayor to execute the First Amendment on behalf of the City.


Section 2. The City Council hereby directs the City Clerk to record the First Amendment with the Official Records upon its mutual execution by CP and the City.

Section 3. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

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

[continued on next page]

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 6 IN FAVOR, 1 AGAINST, AND 0 ABSENT THIS 11th DAY OF FEBRUARY, 2025.


Tracy Engerman (Feb 19, 2025 12:50 MST)

Tracy Engerman, Mayor

ATTEST:

APPROVED AS TO FORM:



Tobi Duffey, MMC, City Clerk



Linda C. Michow, City Attorney



EXHIBIT 1
**FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS**

(see attached document)

AFTER RECORDING RETURN TO:

CP Commercial, LLC
c/o Ventana Capital, Inc.
8678 Concord Center Drive, #200
Englewood, CO 80112
Attention: Tom Clark

**FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS (this "First Amendment") is made this ____ day of _____, 2025, by **CP COMMERCIAL, LLC**, a Colorado limited liability company ("**CP**"), and the **CITY OF CASTLE PINES, COLORADO**, a Colorado home rule municipal corporation ("**City**") (CP and the City are collectively referred to herein as the "**Declarant**").

RECITALS

A. CP and the City entered into those certain Declaration of Easements, Covenants, Conditions and Restrictions recorded on August 27, 2020, in the Office of the Clerk and Recorder of the County of Douglas, State of Colorado (the "Official Records"), at Reception No. 2020080760 (the "Declaration").

B. CP and the City are the sole Approving Parties and are, collectively, the Declarant.

C. CP and the City are the sole Owners of the Property currently identified and legally described as follows:

- CP as owner of Lots 3, 5, 6 and Tract A, Lagae Family Trust Minor Development Final Plat, recorded in the Official Records on May 26, 2020 at Reception No. 2020078051 and Lot 1B, Lagae Family Trust Minor Development Final Plat, Second Amendment, recorded in the Official Records on December 18, 2024 at Reception No. 2024054696.
- City as owner of Lot 4, Lagae Family Trust Minor Development Final Plat, recorded in the Official Records on May 26, 2020 at Reception No. 2020078051 and Tract B, Lagae Family Trust Minor Development Final Plat, Amendment No. 1, recorded in the Official Records on August 15, 2022 at Reception No. 2022055309.

D. CP and the City desire to amend the Declaration, as set forth herein, and record a Declaration Supplement to amend and replace the Site Plan, as allowed by Section 10.2 in the Declaration.

NOW, THEREFORE, in consideration of the mutual covenants and provisions herein contained and other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, CP and the City declare as follows:

1. **Capitalized Terms.** Capitalized terms used but not defined in this First Amendment are defined in the Declaration.

2. **Site Plan.** The Site Plan attached to the Declaration as **Exhibit C** is hereby deleted in its entirety and replaced with the Site Plan attached to this First Amendment as **Exhibit A**.

3. **Exclusion of Property subject to Declaration.** The Property subject to the Declaration is hereby amended to exclude Tract B, Lagae Family Trust Minor Development Final Plat, Amendment No. 1, recorded in the Official Records on August 15, 2022 at Reception No. 2022055309 such that Tract B shall not be encumbered by any easements, covenants, conditions or restrictions imposed by the Declaration.

4. **Effect of Amendment.** Except as expressly amended hereby, the Declaration shall continue in full force and effect. In the event of any conflict or inconsistency between the provisions of the Declaration and this First Amendment, the provisions of this First Amendment shall control in all instances.

5. **Severability.** In the event that any one or more of the provisions of this First Amendment shall for any reason be held to be invalid or unenforceable, the remaining provisions of this First Amendment shall be unimpaired, and shall remain in full force and effect and be binding upon the parties hereto.

6. **Headings.** The paragraph headings that appear in this First Amendment are for purposes of convenience of reference only and are not in any sense to be construed as modifying the substance of the paragraphs in which they appear.

7. **Governing Law.** This First Amendment shall be governed by and construed in accordance with the laws of the State of Colorado.

8. **Recordation.** This First Amendment shall be recorded in the Official Records.

9. **Runs with the Land.** The benefits and rights granted and agreed to herein and the burdens, duties and obligations imposed and agreed to herein shall run with the land.

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IN WITNESS WHEREOF, this First Amendment has been executed effective of the date first written above.

CP COMMERCIAL, LLC,
a Colorado limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____)
) SS
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2025, by _____ as _____ of CP Commercial, LLC, a Colorado limited liability company, on behalf of said limited liability company.

Notary Public

My commission expires: _____

[Signatures following on the next page]

CITY OF CASTLE PINES, COLORADO, a
Colorado home rule municipal corporation

By: _____
Tracy Engerman, Mayor

Date of execution: _____, 2025

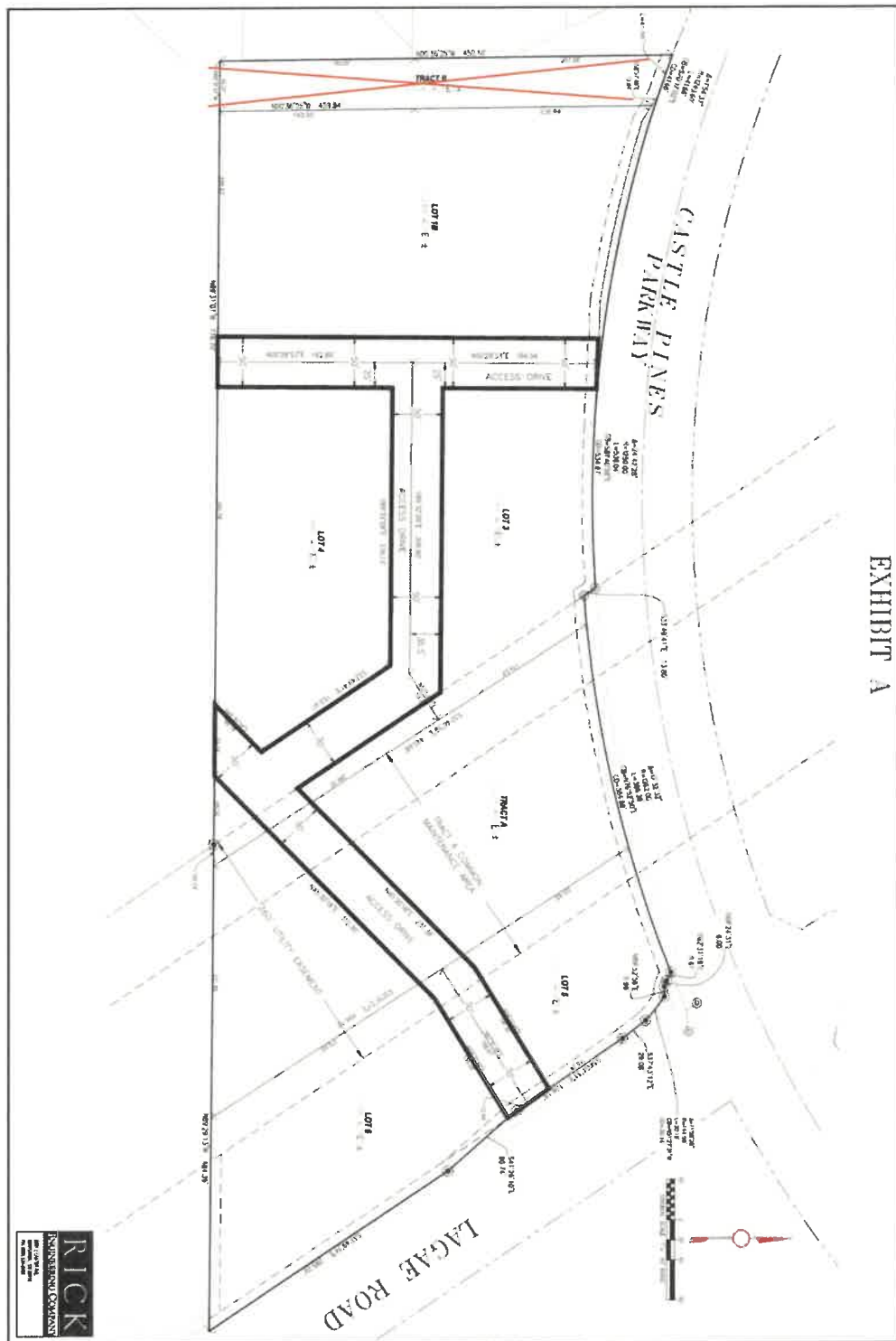
ATTEST:

Approved as to Form:

Tobi Duffey, City Clerk

Linda C. Michow, City Attorney

Site Plan



SIGNATURE PAGE