ORDINANCE NO. 26-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, VACATING A PORTION OF SOUTH HAVANA STREET WITHIN THE FINAL PLAT CANYONSIDE SUBDIVISION FILING NO. 4

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; and

WHEREAS, per Article 7B, Road Vacation ("Article 7B"), of the City's Subdivision Regulations, the City Council is authorized to vacate any public way designated on a plat of the City by approval of an ordinance following a duly noticed public hearing before City Council and finding the approval standards in Section 705B of Article 7B are met; and

WHEREAS, following a duly noticed public hearing, City Council finds:

A. The portion of South Havana Street that is subject to this Ordinance is legally described and depicted in **Exhibit A** attached hereto ("Subject ROW"), which is incorporated herein by this reference; and

B. South Havana Street was replatted and realigned as shown on the final plat Canyonside Subdivision Filing No. 4, approved by City Council on April 08, 2025, and recorded on May 29, 2025, at Reception No. 2025024566, in the real property records of Douglas County, Colorado ("Realigned ROW"); and

C. The Realigned ROW is constructed and open to the public for ordinary use; and

D. The Subject ROW is not a state highway; and

E. The vacation of the Subject ROW (the "Vacation") will not leave any land adjoining South Havana Street without an established public road or private access easement connecting said land with another established public road; and

F. The Vacation keeps with the spirit and intent of the City's Subdivision Regulations and the City's Comprehensive Plan and Transportation Plan; and

G. The Vacation will not diminish the ability to provide adequate emergency services and will not increase the cost of services; and

H. The Vacation will not adversely affect the public health, safety, and welfare; and

WHEREAS, City Council determines that the conditions of approval in Section 705B are met; and

WHEREAS, the holders of any easements of record in the Subject ROW have consented to the Vacation; and

WHEREAS, the Subject ROW is not within the boundaries of a Special District or Metropolitan District; and

WHEREAS, per Section 706B of the Subdivision Regulations, vesting of title to the land within the Subject ROW upon Vacation shall be in accordance with C.R.S. § 43-2-302, as amended; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the City's Subdivision Regulations by setting a public hearing. 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 the proposed Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS:

Section 1. Recitals. 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. Vacation; Realignment; Title. The Subject ROW, as depicted and described in **Exhibit A** attached hereto, is vacated, and South Havana Street is realigned as shown on the final plat Canyonside Subdivision Filing No. 4, approved by City Council on April 08, 2025, and recorded on May 29, 2025, at Reception No. 2025024566, in the real property records of Douglas County, Colorado. Title shall vest pursuant to C.R.S. § 43-2-302, as amended.

Section 3. Quitclaim Deed. Neither the City nor the City Council claims or represents that the City holds any specific right, title, or interest in or to the land comprising the vacated Subject ROW following the effective date of this Ordinance; however, to the extent the City may hold any such right, title, or interest in said land, the City Council intends that such interest be quitclaimed without warranties to North Canyons, LLLP, a Colorado limited liability limited partnership, and the Mayor is hereby authorized to execute a quitclaim deed for that purpose, subject to the City Attorney's approval as to the form of the quitclaim deed ("Quitclaim Deed").

Section 4. Recording. The City Clerk is directed to record a fully executed, certified copy of this Ordinance with Exhibit A and an executed copy of the Quitclaim Deed in the real property records of Douglas County, Colorado, upon the effective date of this Ordinance.

Section 5. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 6. 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 7. 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 27th DAY OF OCTOBER, 2026.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 10th DAY OF NOVEMBER, 2026.

Tracy Engerman (Nov 18, 2026 22:37:13 CST)

Tracy Engerman, Mayor

CITY OF CASTLE PINES CORPORATE SEAL 2008 COLORADO

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Approved as to form:

Linda Michow
Linda Michow (Nov 18, 2026 10:41:49 MST)

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 at a regular meeting of the Castle Pines City Council on October 27, 2026; published by reference by title only in the *Douglas County News-Press*, together with the statement that "[t]he complete text of all ordinances is available through the City Offices and on the City's official website"; and finally passed and adopted by the City Council on November 11, 2026 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on November 5, 2026.

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

EXHIBIT A
To City of Castle Pines Ordinance No. 26-11

{See attached legal description of vacated Subject ROW and vacation map.}

HAVANA STREET RIGHT-OF-WAY VACATION

PARCEL 2B OF HAVANA STREET SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 2003135858 IN THE OFFICIAL RECORDS OF THE DOUGLAS COUNTY, COLORADO CLERK AND RECORDER'S OFFICE AND AS SHOWN AS "EXISTING ROW" ON THE PLAT OF CANYONSIDE SUBDIVISION FILING NO. 4 AS RECORDED ON MAY 29, 2025 AT RECEPTION NO. 2025024566 IN SAID RECORDS, AND LOCATED WITHIN THE EAST HALF OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO.

SUBORDINATELY DESCRIBED AS FOLLOWS:

A 140-FOOT-WIDE PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO;

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 1, OF SAID PLAT OF PLAT OF CANYONSIDE SUBDIVISION FILING NO. 4, WHENCE THE NORTH SIXTEENTH CORNER COMMON TO SAID SECTION 3 AND SECTION 2 OF THE SAME TOWNSHIP AND RANGE BEARS N03°51'42"E, A DISTANCE OF 1100.71 FEET AND CONSIDERING THE SOUTH LINE OF NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 2 TO BEAR NORTH 89°40'49" EAST, A DISTANCE OF 2674.61 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 62°38'07" WEST, A DISTANCE OF 20.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 2100.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°17'05", AN ARC LENGTH OF 120.39 FEET TO THE WESTERLY RIGHT-OF-WAY OF S. HAVANA STREET AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 440.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 71°08'06" WEST;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

1. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°52'54", AN ARC LENGTH OF 352.35 FEET;

2. NORTH 27°01'00" WEST, A DISTANCE OF 259.18 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 572.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 54°15'13" EAST;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°01'25", AN ARC LENGTH OF 269.78 FEET;

THENCE SOUTH 62°46'12" EAST, A DISTANCE OF 64.06 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID S. HAVANA STREET AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 580.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 66°57'33" WEST;

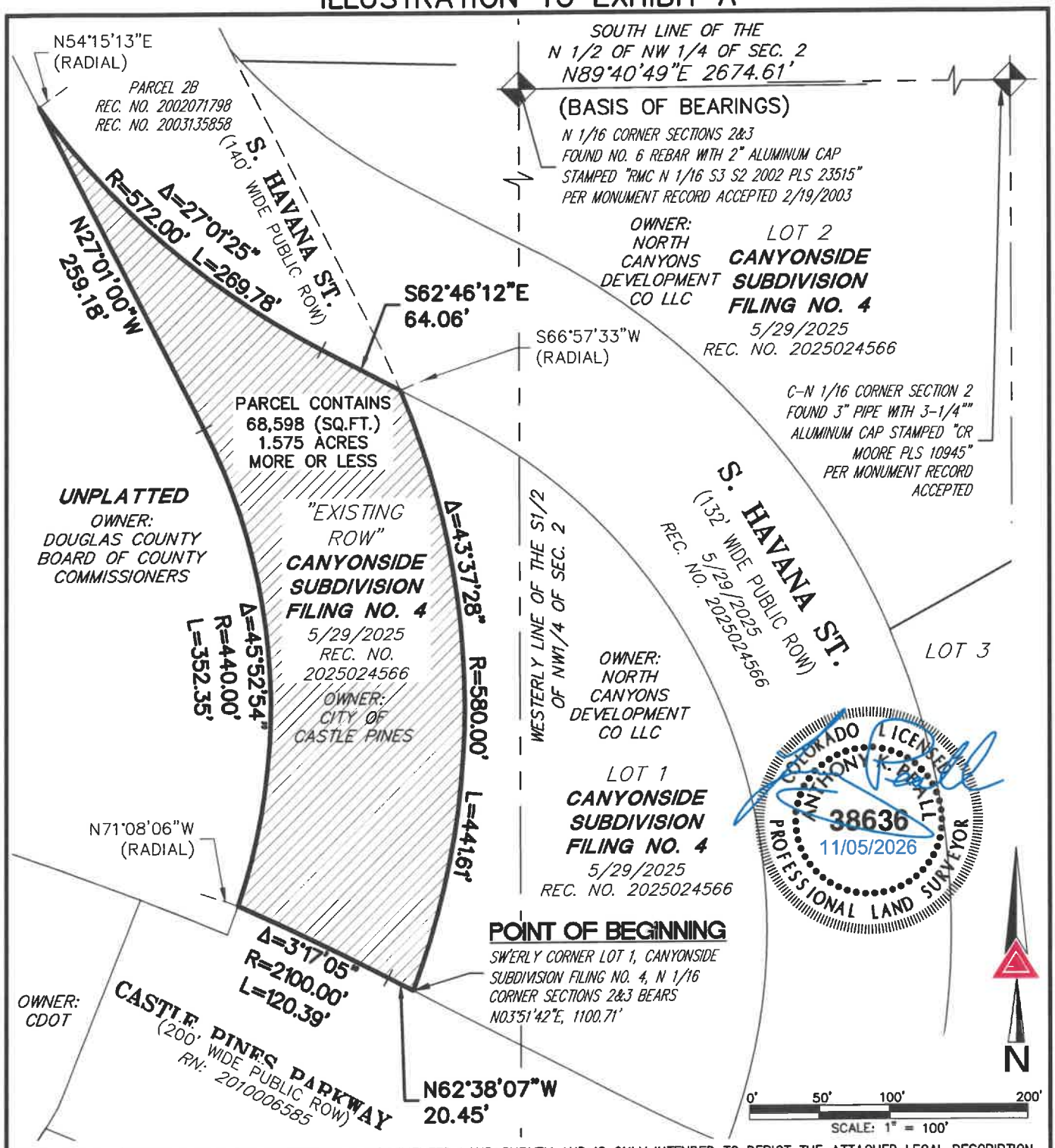
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°37'28", AN ARC LENGTH OF 441.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 1.575 ACRES, (68,598 SQUARE FEET), MORE OR LESS.

ANTHONY K. PEALL, PLS 38636
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 EAST MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898



ILLUSTRATION TO EXHIBIT A



NOTE: THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

AZTEC CONSULTANTS, INC.
300 East Mineral Ave, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898
Fax: (303)713-1897
www.aztecconsultants.com

HAVANA STREET VACATION
CITY OF CASTLE PINES
DOUGLAS COUNTY, COLORADO

PATH: Q:\179323-02 – CANYONSIDE F4 PLAT\DWG\EXHIBITS\HAVANA VACATION EXHIBIT\HAVANA VACATION.DWG
JOB NUMBER: 179323-02 DATE: 07/14/2026 DWG: TP CHK: AKP 2 OF 2 SHEETS