RESOLUTION NO. 26-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, APPROVING THE CANYONSIDE SUBDIVISION FILING NO. 1, 3RD AMENDMENT, CASE NO. SRP-2026-001

WHEREAS, the City of Castle Pines is authorized pursuant to Title 31, Article 23, C.R.S., the City of Castle Pines zoning and subdivision regulations as adopted via Ordinance No. 08-04, as amended ("Zoning Ordinance"), and the Canyons Subdivision Regulations ("Subdivision Regulations") as adopted through Ordinance No. 09-18, to regulate the subdivision of land within the Canyons Planned Development; and

WHEREAS, via Resolution No. 26-62, the City Council conditionally approved The Canyonside Preliminary Plan No. 1, 2nd Amendment, under Case No. PFP-2026-001 (the "Preliminary Plan") for the development of the real property described in the Preliminary Plan; and

WHEREAS, North Canyons Development Company, LLC ("Owner") has submitted an application to the City, under City Case No. SRP-2026-001, for approval of the replat titled *Canyonside Subdivision Filing No. 1, 3rd Amendment* (the "Replat") to subdivide the real property described in the Replat ("Property") into lots, tracts, and right-of-way; and

WHEREAS, the Property and the Replat are subject to the Preliminary Plan, and the Replat must substantially conform to the Preliminary Plan, per the Subdivision Regulations; and

WHEREAS, the Property is under contract to be purchased by Sekisui House Colorado, Inc., a Delaware corporation, f/k/a Richmond American Homes of Colorado, Inc., a Delaware corporation ("Sekisui House"), as evidenced by the Purchase and Sale Agreement executed by the Owner and Sekisui House on May 13, 2026, which includes a closing date ("Closing") set to occur after final approval of the Replat and the Site SIA connected thereto; and

WHEREAS, to facilitate the development of the Property pursuant to the Preliminary Plan, the Replat, and the Site SIA connected thereto; and

WHEREAS, the Owner and Sekisui House have agreed to all conditions of approval as stated in this Resolution; and

WHEREAS, the City Council has considered the Replat, City staff's report on same, and public comment, if any, thereon, and finds that the Replat meets all applicable requirements of the Zoning Ordinance and Subdivision Regulations, is substantially in conformance with the Preliminary Plan, and hereby approves the acceptance of the public dedications thereon subject to the conditions on the Replat and Final Acceptance (as defined in the Site SIA (defined below)) of the public improvements pursuant to the Site SIA connected to the Replat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, AS FOLLOWS:

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

Section 2. The Replat titled *Canyonside Subdivision Filing No. 1, 3rd Amendment*, under City Case No. PFP-2026-001, is approved subject to satisfaction of the following conditions subsequent of approval:

1. Prior to recordation of the Replat:

    a. All requirements in Section 7.10 of the Subdivision Regulations deemed applicable by the City's Community Development Director ("Director") shall be met; and

    b. The Owner shall resolve any minor technical issues on the Replat as directed by City staff; and

    c. The Owner shall pay all fees and costs incurred by the City and its consultants, in the review and processing of the Replat application for the Property within forty-five (45) days of receiving an invoice from the City; if such fees and costs are not paid within forty-five (45) days of receiving an invoice, the City may withhold issuance of building permits or further approvals until the invoices have been paid in full; and

    d. Final approval by the City Manager, in consultation with the City Attorney and the Director, of the Site Subdivision Improvement Agreement for Canyonside Subdivision Filing No. 1, 3rd Amendment ("Site SIA"), which the Site SIA must include provisions that require the Site Developer (as defined in the Site SIA) to construct and install chase drains in sidewalks where deemed necessary by the City at no cost or expense to the City before the City may grant Final Acceptance of the Site Improvements (capitalized terms are defined in the Site SIA); and

    e. The Closing Instructions for the Closing shall be provided to the City Attorney for review and approval before the Closing, and said Closing Instructions shall set forth a procedure for closing the transaction between Owner and Sekisui House that includes a requirement that Sekisui House execute the Site SIA subsequent to the Owner executing the deed(s) that convey the Property to Sekisui House, and the executed Site SIA shall be recorded against the Property as an encumbrance that runs with the land.

2. All post-recordation requirements in the City's Subdivision Ordinance (to the extent not contrary to or inconsistent with the Subdivision Regulations) and in the Subdivision Regulations shall be completed by Sekisui House or the Owner, as applicable.

Section 3. The Mayor is hereby authorized to sign the Replat exhibit subject to the pre-recordation conditions above, and the City Manager is authorized to sign the Site SIA upon final review and approval by the Community Development Director and the City Attorney.

Section 4. The Replat shall be deemed effective upon the Replat's recordation in the office of the Douglas County Clerk and Recorder; provided, however, such effectiveness is subject to the condition that the following must occur at the Closing: (a) Owner executes the Replat and the Replat is recorded; (b) Owner conveys fee title to the Property to Sekisui House by delivery of a duly executed deed accepted by Sekisui House and such deed is recorded; and (c) following the conveyance of the Property, Sekisui House, as owner of the Property, fully executes the Site SIA and the Site SIA is recorded. The Replat, the deed conveying the Property to Sekisui House, and the Site SIA shall be recorded as part of the same closing transaction, consecutively and in that order, pursuant to written closing instructions approved by the City Attorney.

Section 5. This Resolution is effective immediately upon adoption.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 5 IN FAVOR, 0 AGAINST, AND 2 ABSENT THIS 27TH DAY OF OCTOBER, 2026.

CITY OF CASTLE PINES CORPORATE SEAL 2008 COLORADO

Tracy Engerman (Oct 30, 2026 06:22:03 MDT)

Tracy Engerman, Mayor

ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

APPROVED AS TO FORM:

Linda Michow

Linda Michow (Oct 28, 2026 13:39:27 MDT)

Linda C. Michow, City Attorney