

**ORDINANCE NO. 16-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CASTLE PINES, COLORADO VACATING A PORTION OF LAGAE  
ROAD WITHIN THE CASTLE PINES TOWN CENTER PLANNED  
DEVELOPMENT AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Castle Pines (the “City”) is a statutory municipality incorporated and organized pursuant to the provisions of sections 31-2-101, *et seq.*, C.R.S.; and

**WHEREAS**, Section 43-2-303(1)(a), C.R.S. provides that the City Council may vacate any roadway or part thereof located within the corporate limits of said city or town by ordinance; and

**WHEREAS**, the City Council previously approved Ordinance No. 08-11 and Ordinance No. 14-08 vacating a portion of Lagae Road (“Existing Lagae Road”) that runs through the property known as Lagae Ranch Filing 1 Final Plat recorded in the Douglas County Clerk and Recorder’s Office at Reception No. 2008082081 (“Lagae Ranch”); and

**WHEREAS**, the purpose of the vacation of Existing Lagae Road is to allow for the realignment of Existing Lagae Road (“Realigned Lagae Road”) as approved by the City through the Lagae Ranch and Castle Pines Town Center Planned Developments; and

**WHEREAS**, Taylor Morrison of Colorado, Inc. (“Petitioner”), the property owner of Castle Pines Town Center Filing No. 1 plat and Superblock Plat No. 2, has submitted a request to the City Council to vacate that portion of Existing Lagae Road lying within the Castle Pines Town Center Planned Development to avoid conflicts with the platting of lots and right-of-way within the Castle Pines Town Center project; and

**WHEREAS**, the proposed vacation of Existing Lagae Road through the Castle Pines Town Center property will be conditioned on the Petitioner’s conveyance of a public access easement to the City over and across the Existing Lagae Road, in a form approved by the City Attorney, for continued public access during construction of the Realigned Lagae Road; and

**WHEREAS**, Section 705B of the City’s Subdivision Regulations provides standards upon which approval of a road vacation may be based; and

**WHEREAS**, the City Council finds the condition of vacation of the Existing Lagae Road as more fully set forth herein is in compliance with Section 705B of the Subdivision Regulations and in accordance with Part 3 of Article 2 of Title 43 of the Colorado Revised Statutes; 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, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:**

**Section 1.** Existing Lagae Road as described in **Exhibit A** is vacated in accordance with Section 705B of the City's Subdivision Regulations and Section 43-2-303 of the Colorado Revised Statutes, subject to the Petitioner's conveyance of a public access/roadway easement ("Roadway Easement") dedicating public access easement to the City over and across Existing Lagae Road in a form approved by the City Attorney.

**Section 2.** The City Council hereby authorizes the Mayor to execute the Roadway Easement and a quit claim deed for the vacated Existing Lagae Road, in a form approved by the City Attorney, upon the City's acceptance of the Roadway Easement.

**Section 3. 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 4. Emergency Declared.** The City Council hereby declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Specifically, the passage of this Ordinance as an emergency measure is necessary in order to permit continued public access on Existing Lagae Road during construction of the Realigned Lagae Road, while allowing the Petitioner the legal right to develop the Petitioner's property. Upon passage by three quarters (3/4) of the members of the City Council, this Ordinance shall become effective immediately. If this Ordinance is not passed by three-quarters (3/4) of the members of City Council as required by C.R.S. Section 31-16-105, then it is the intent of the City Council that this Section be severed from the Ordinance and, if approved by a majority of members of the City Council constituting a quorum, the Ordinance is adopted as a non-emergency measure effective thirty days after final publication.

**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 10<sup>th</sup> day of MAY, 2016.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 24<sup>th</sup> day of MAY, 2016.**



ATTEST:

  
Sharon Washington, CMC, City Clerk

  
Jeffrey T. Huff, Mayor

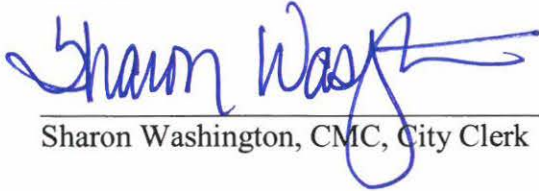
Approved as to form:

  
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 noticed public meeting of the Castle Pines City Council on May 10, 2016; published by reference by title only in *The Denver Post*, 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 May 24, 2016 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 June 2, 2016.

ATTEST:



Sharon Washington, CMC, City Clerk

**EXHIBIT A**

**Legal Description and Map of Portion of Vacated Lagae Road**

# EXHIBIT A

NE 1/4, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 67 WEST 6th P.M.  
 -----CITY OF CASTLE PINES, COUNTY OF DOUGLAS-----

## PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LAGAE ROAD RIGHT-OF-WAY AS DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN BOOK 2326 AT PAGE 1152 IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE ASSUMED AND ARE BASED UPON THE SOUTHERLY LINE OF LAGAE RANCH FILING 1, FINAL PLAT RECORDED AT RECEPTION NO. 2008082081 IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER AS BEARING N86°20'56"E A DISTANCE OF 2928.15 FEET BETWEEN THE SOUTHWEST CORNER OF SAID LAGAE RANCH FILING 1, BEING A FOUND #4 REBAR WITH A 3/4" PLASTIC CAP, STAMPED LS# 22564 AND THE SOUTHERLY CORNER OF SAID LAGAE RANCH FILING 1, BEING A FOUND #4 REBAR WITH A 3/4" PLASTIC CAP, STAMPED LS# 22564.

**COMMENCING** AT SAID SOUTHWEST CORNER OF LAGAE RANCH FILING 1, FINAL PLAT;  
 THENCE N86°20'56"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 880.98 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF SAID LAGAE ROAD, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING N86°20'56"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 122.71 FEET;  
 THENCE S45°39'39"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 129.90 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 15°35'49", A RADIUS OF 1160.00 FEET, A CHORD BEARING S37°51'44"W A DISTANCE OF 314.80 FEET, AND AN ARC DISTANCE OF 315.77 FEET;

THENCE S30°03'50"W TANGENT WITH THE LAST AND FOLLOWING DESCRIBED CURVES A DISTANCE OF 559.12 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 46°56'20", A RADIUS OF 490.00 FEET, A CHORD BEARING S53°32'00"W A DISTANCE OF 390.30 FEET, AND AN ARC DISTANCE OF 401.43 FEET;


THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 89°53'42", A RADIUS OF 65.00 FEET, A CHORD BEARING S72°57'41"W A DISTANCE OF 91.84 FEET, AND AN ARC DISTANCE OF 101.98 FEET TO THE EASTERLY LINE OF CASTLE PINES VILLAGE FILING 27-A, A PLAT RECORDED AT RECEPTION NO. 2002008134, IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE N01°53'55"W ALONG SAID EASTERLY LINE, NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 113.03 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 73°09'56", A RADIUS OF 65.00 FEET, A CHORD BEARING S84°37'11"E A DISTANCE OF 77.48 FEET, AND AN ARC DISTANCE OF 83.00 FEET;

THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 46°25'32", A RADIUS OF 410.00 FEET, A CHORD BEARING N53°16'36"E A DISTANCE OF 323.20 FEET, AND AN ARC DISTANCE OF 332.21 FEET;

THENCE N30°03'50"E TANGENT WITH THE LAST AND FOLLOWING DESCRIBED CURVES A DISTANCE OF 559.12 FEET;

|  |                              |              |
|--|------------------------------|--------------|
| REVISION DESCRIPTION   | <b>LAGAE ROAD</b>            |              |
| MERRICK PROJECT NO. 65118205   | <b>RIGHT-OF-WAY VACATION</b> |              |
| DRAWN KGD  | DATE: JULY 23, 2014          | SHEET 1 OF 2 |
|  <b>MERRICK®</b><br><b>&amp; COMPANY</b><br><small>5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111<br/>         Telephone: 303-751-0741</small> | SCALE: N/A                   |              |

# EXHIBIT A

NE 1/4, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 67 WEST 6th P.M.  
-----CITY OF CASTLE PINES, COUNTY OF DOUGLAS-----


## PROPERTY DESCRIPTION

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 15°35'49", A RADIUS OF 1240.00 FEET, A CHORD BEARING N37°51'44"E A DISTANCE OF 336.51 FEET, AND AN ARC DISTANCE OF 337.55 FEET;  
THENCE N45°39'39"E TANGENT WITH THE LAST DESCRIBED CURVE A DISTANCE OF 36.85 FEET TO THE **POINT OF BEGINNING**.

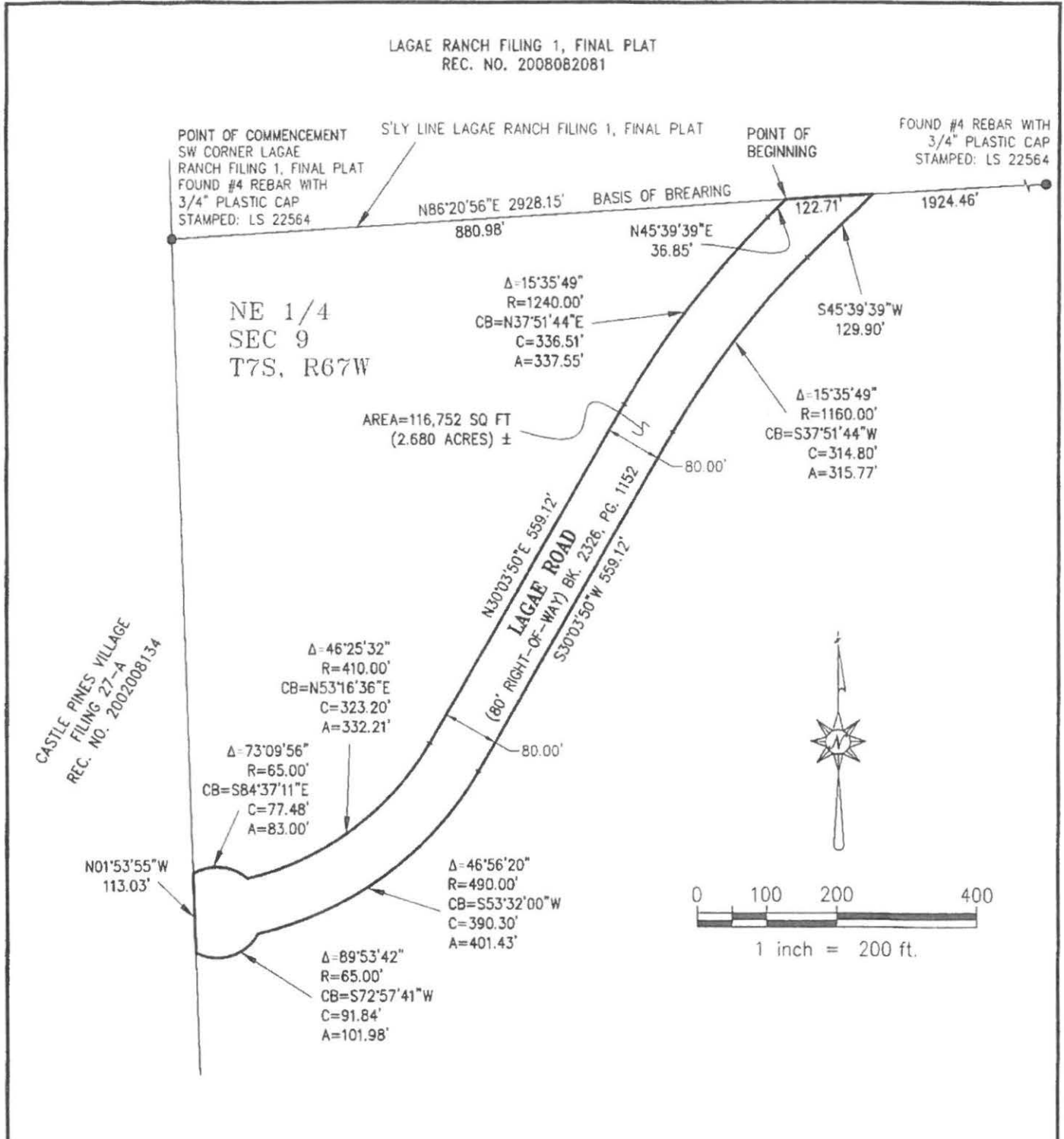
CONTAINING 116,752 SQUARE FEET (2.680 ACRES), MORE OR LESS.



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KENNETH G. QUELLETTE, PLS 24673  
DATE: JULY 23, 2014  
JOB NO. 65118205  
FOR AND ON BEHALF OF MERRICK & COMPANY

|  |          |                       |            |
|--|----------|-----------------------|------------|
| REVISION DESCRIPTION   |          | LAGAE ROAD            |            |
| MERRICK PROJECT NO.  | 65118205 |                       |            |
| DRAWN  | KGO      | RIGHT-OF-WAY VACATION |            |
|  <b>MERRICK®</b><br>& COMPANY<br>5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111<br>Telephone: 303-751-0741 |          | DATE: JULY 23, 2014   |            |
|  |          |                       | SCALE: N/A |

# ILLUSTRATION FOR EXHIBIT A



This illustration does not represent a monumented survey. It is intended only to depict the attached property description.

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| REVISION DESCRIPTION<br>MERRICK PROJECT NO. 65118205<br>DRAWN KGO  | <h2 style="margin: 0;">LAGAE ROAD</h2> <h3 style="margin: 0;">RIGHT-OF-WAY VACATION</h3> |
| <b>MERRICK &amp; COMPANY</b><br>5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111<br>Telephone: 303-751-0741 | DATE: JULY 23, 2014<br>SCALE: 1"=200'      SHEET 1 OF 1                                  |