

**ORDINANCE NO. 23-03**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CASTLE PINES, COLORADO, VACATING  
TWO PLATTED ENTRY STREETS, PERCHERON TRAIL AND  
BRETONHORSE LANE, IN THE CANYONS PLANNED DEVELOPMENT**

WHEREAS, Percheron Trail and Bretonhorse Lane (together, “ROWS”) were previously platted as rights-of-way within the Canyons Planned Development and dedicated to the City, and have not yet been constructed; and

WHEREAS, the ROWs are entry street stubs, which each serve as the access point for two large residential lots that are each approximately twenty (20) acres in size; and

WHEREAS, the ROWs are each 80 feet wide, approximately 160 feet long, and are located off the southern loop of Canyonside Boulevard, approximately one-mile northeast of the I-25 and Happy Canyon interchange, as legally described in **Exhibit A** attached hereto and incorporated herein; and

WHEREAS, Terracina Design, on behalf of Shea Canyons, LLC, has submitted an application for the vacation of the ROWs to replace the public rights-of-way with dedicated shared driveway easements in the same size and location; and

WHEREAS, City staff and the Planning Commission have carefully reviewed the application and have determined that approval of the application will provide access for the large residential lot owners while being more practical for the City because the lot owners would own and maintain the access points through the shared driveway easements, which relieves the City of the responsibility for repaving, snow plowing, and irrigating any landscaping for the ROWs; and

WHEREAS, furthermore, said vacation will not leave any adjoining lands without an established public road or private access easement connection to another established public road; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on January 26, 2023, at which time evidence and testimony were presented concerning the proposed vacation; and

WHEREAS, City Council finds it in the best interest of the health, safety and welfare of the public to vacate whatever interest the City has in Percheron Trail and Bretonhorse Lane, subject to any terms and conditions set forth in this Ordinance

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:**

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

**Section 2. Right-of-Way Vacation; Vesting of Title.** City Council hereby vacates Percheron Trail and Bretonhorse Lane, located within the Canyons Planned Development and platted in The Canyons Filing No. 2, 1st Amendment, subject to the conditions set forth in Section 3 of this Ordinance. Upon the effective date of this Ordinance, vesting of title shall be in accordance with Section 43-2-302, Colorado Revised Statutes.

**Section 3. Conditions of Vacation.** The right-of-way vacation established in this Ordinance is conditioned upon the recording of the dedicated shared driveway easements. The shared driveway easements shall consist of easements in the same location and of the same size as the platted Percheron Trail and Bretonhorse Lane and shall describe maintenance obligations. Furthermore, the shared driveway easement shall be recorded at the same time as this Ordinance is recorded.

**Section 4. 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, in accordance with Section 6.8 of the Charter.

**Section 5. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**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 14th day of FEBRUARY, 2023.**

**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 28th day of FEBRUARY, 2023.**



  
 Tracy Engerman (Mar 6, 2023 23:37 MST)

Tracy Engerman, Mayor

ATTEST:

Approved as to form:





Tobi Duffey, MMC, City Clerk

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 February 14, 2023; 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 14, 2023”; and finally passed and adopted by the City Council on February 28, 2023, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on Mar 7, 2023.

ATTEST:



Tobi Duffey, MMC, City Clerk

**EXHIBIT A**  
**ROW VACATION LEGAL DESCRIPTION**

**EXHIBIT A**  
**LEGAL DESCRIPTION**

TWO PARCELS OF LAND BEING A PORTION OF THE CANYONS FILING NO. 2, 1ST AMENDMENT, RECORDED AT RECEPTION NO. 2022021016 OF THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTH HALF OF SECTION 11, 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:

**PARCEL 1**

PERCHERON TRAIL BEING AN 80' RIGHT-OF-WAY, SAID CANYONS FILING NO. 2, 1ST AMENDMENT.

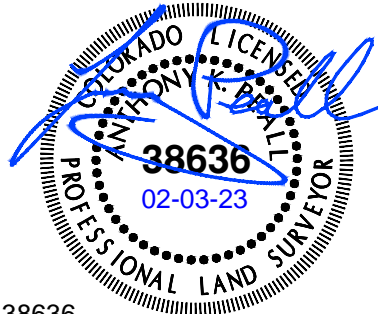
CONTAINING AN AREA OF 0.324 ACRES, (14,118 SQUARE FEET), MORE OR LESS.

**PARCEL 2**

BRETONHORSE LANE BEING AN 80' RIGHT-OF-WAY, SAID CANYONS FILING NO. 2, 1ST AMENDMENT.

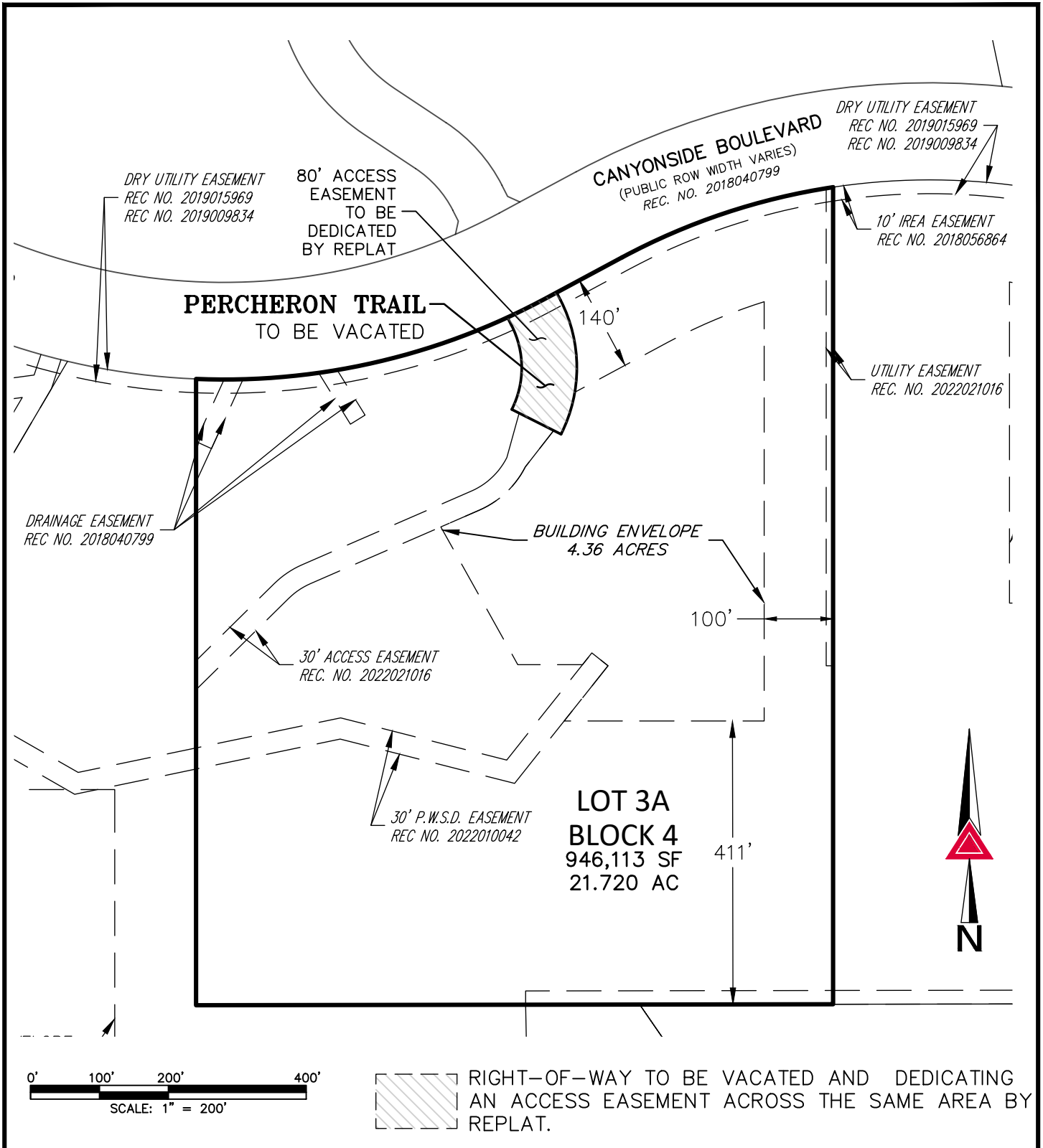
CONTAINING AN AREA OF 0.312 ACRES, (13,576 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



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

# ROW VACATION EXHIBIT



PATH: Q:\DWG\EXHIBITS\  
 DWG NAME: .DWG  
 DWG: TP CHK: AKP  
 DATE: 10/05/2022  
 SCALE: 1" = 200'


**AZTEC**  
 CONSULTANTS, INC.

300 East Mineral Ave,  
 Suite 1  
 Littleton, Colorado 80122  
 Phone: (303)713-1898  
 Fax: (303)713-1897  
[www.aztecconsultants.com](http://www.aztecconsultants.com)

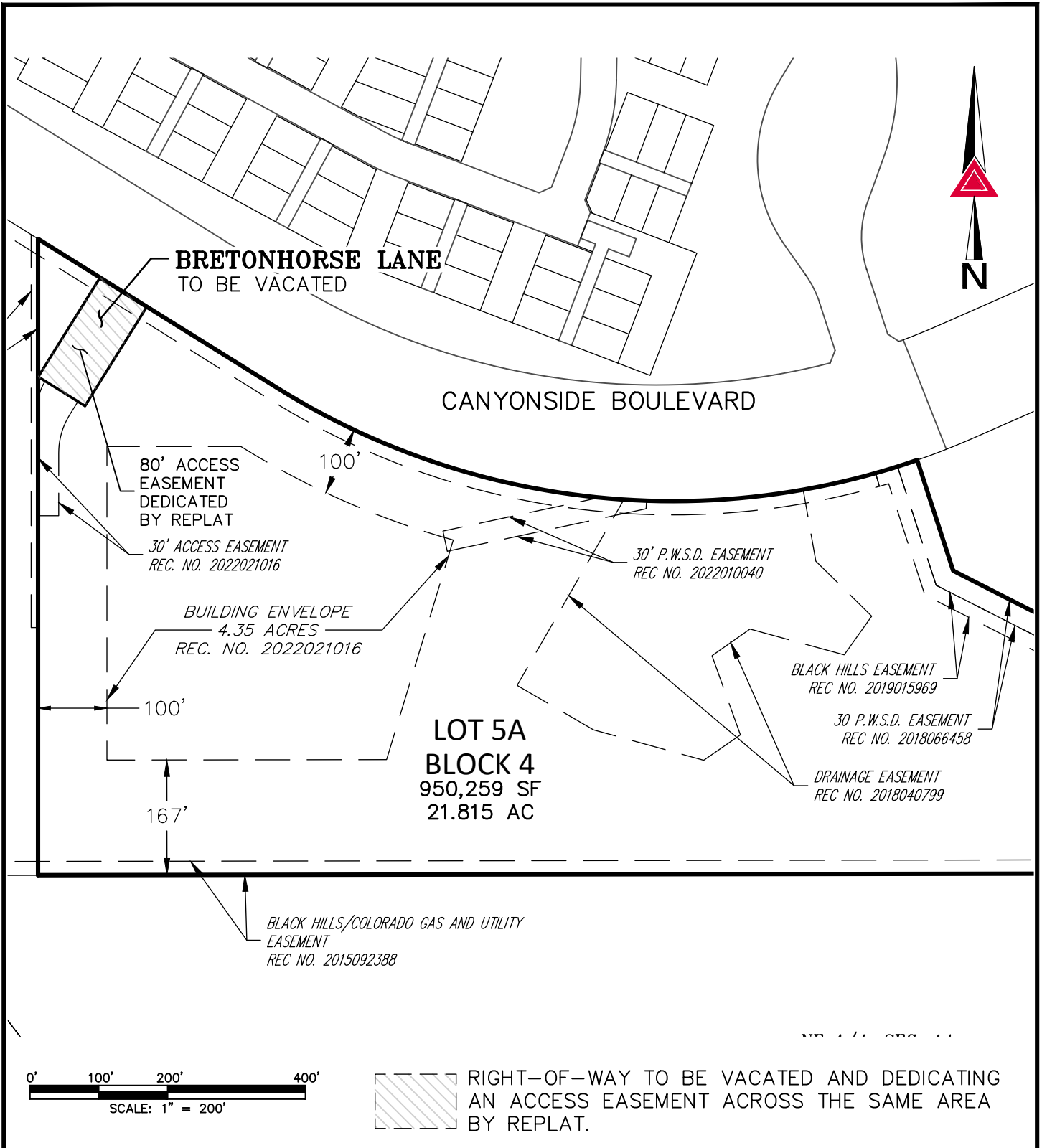
**ROW VACATION EXHIBIT**

**PERCHERON TRAIL ROW**

**THE CANYONS F2, 1ST AM**

JOB NUMBER 10722-16 1 OF 2 SHEETS

# ROW VACATION EXHIBIT



PATH: Q:\DWG\EXHIBITS\  
 DWG NAME: .DWG  
 DWG: TP CHK: AKP  
 DATE: 01/03/2023  
 SCALE: 1" = 200'

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**ROW VACATION EXHIBIT**  
**BRETONHORSE LANE**  
**THE CANYONS F2, 1ST AM**  
 JOB NUMBER 10722-16 1 OF 2 SHEETS