

NOTICE OF PROPOSED ORDINANCE

Pursuant to Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council will consider adoption of the following named and described Ordinance during its SPECIAL Meeting on March 28, 2017 at 6:00 P.M. at the Castle Rock Town Council Chambers, 100 N. Wilcox St., Castle Rock, CO 80104

Title of Proposed Ordinance:

Ordinance Vacating A Portion Of A Public Alley Located In The NW Quarter Of Section 11, Township 8 South, Range 67 West, Town Of Castle Rock (North Portion)

Subject Matter Summary:

The proposed Ordinance approves the vacation of an alley in order to facilitate construction of the Riverwalk development project, while retaining continued access to and the right to maintain all existing public and private utilities within the easement until such time as said utilities are relocated.

The entire text of the proposed Ordinance is contained herein, and copies of all documents are available for public inspection at the office of the Town Clerk, 100 N. Wilcox St., Castle Rock, CO 80104, during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication Date: March 22, 2017

ORDINANCE NO. 2017-

**AN ORDINANCE VACATING
A PORTION OF A PUBLIC ALLEY LOCATED IN THE NW QUARTER OF SECTION
11, TOWNSHIP 8 SOUTH, RANGE 67 WEST, TOWN OF CASTLE ROCK
(NORTH PORTION)**

WHEREAS, it is appropriate to vacate a portion of the public alley as more particularly described in the attached *Exhibit 1* (the "Vacated Area") in conjunction with the planned construction of the Riverwalk development project, and

WHEREAS, the Vacated Area has existing public and private utility facilities, which may include water, sewer, electrical, natural gas and cable television ("Existing Utilities") and accordingly, the Town will permit continued access to and the right to maintain all existing public and private utilities therein until relocated by mutual agreement.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Vacation. The existing platted right-of-way within the Vacated Area is vacated pursuant to Part 3, Chapter 2, Title 43, C.R.S., subject to all matters of record. The vacation shall take effect upon the recordation of this Ordinance in the Douglas County public records.

Section 2. Reservation of Easement for Utilities. Pursuant to §43-2-303(3), C.R.S., the Town, for itself and providers of the Existing Utilities in the Vacated Area, reserves a temporary utility easement over the entirety of the Vacated Area, for access, maintenance, repair, and replacement of the Existing Utilities until such time that the Existing Utilities are relocated and alternative access is provided. The temporary reserved easement will expire upon relocation of all of the Existing Utilities.

Section 3. Vesting of Ownership. Ownership of the vacated roadway right of way shall vest in accordance with the provisions of §43-2-302, C.R.S.

Section 4. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 5. Safety Clause. The Town 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.

APPROVED ON FIRST READING this ___ day of _____, 2017 by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON FINAL READING this ___day of _____, 2017, by the Town Council of the Town of Castle Rock, Colorado by a vote of ___ for and ___ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

David L. Corliss, Town Manager

EXHIBIT 1
Legal Description

PUBLIC ALLEY AREA TO BE VACATED

BEING A PORTION OF A 20' WIDE PUBLIC ALLEY AS DEDICATED ON THE PLAT OF TOWN OF CASTLE ROCK, LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

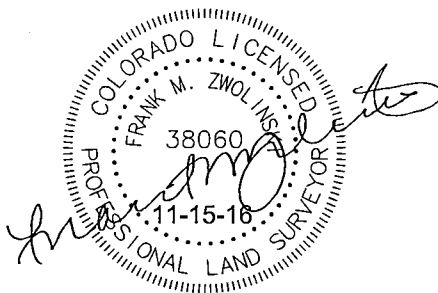
COMMENCING AT THE CENTERLINE INTERSECTION OF THIRD AND WILCOX STREETS, AS MARKED BY A FOUND #8 REBAR IN RANGE BOX, FROM WHENCE THE CENTERLINE INTERSECTION OF SECOND AND WILCOX STREETS, AS MARKED BY A FOUND #8 REBAR IN RANGE BOX, BEARS SOUTH 00°44'00" WEST A DISTANCE OF 381.09 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;
THENCE ALONG THE CENTERLINE OF SAID WILCOX STREET, SOUTH 00°44'00" WEST, 190.00 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE, NORTH 89°16'00" WEST, 40.00 FEET TO THE NORTHEAST CORNER OF LOT 13A OF BLOCK 23 OF THE PLAT OF TOWN OF CASTLE ROCK 16TH AMENDMENT;
THENCE ALONG THE NORTH LINE OF SAID LOT 13A, NORTH 89°16'00" WEST, 140.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 13A, AND BEING THE POINT OF BEGINNING;

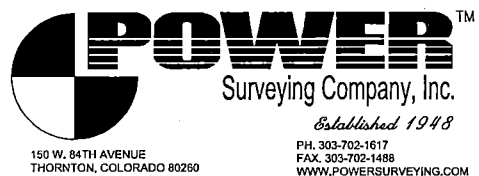
THENCE ALONG THE WEST LINE OF SAID LOT 13A, SOUTH 00°44'00" WEST, 50.00 FEET TO A POINT;
THENCE LEAVING SAID WEST LINE, NORTH 89°16'00" WEST, 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 18 OF SAID PLAT OF TOWN OF CASTLE ROCK;
THENCE ALONG THE EAST LINE OF SAID LOT 18, NORTH 00°44'00" EAST, 50.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 18;
THENCE LEAVING SAID EAST LINE, SOUTH 89°16'00" EAST, 20.00 FEET TO THE POINT OF BEGINNING.

Containing 1,000 Square Feet or 0.023 Acres of Land, more or less.

End of Legal Description.



Frank M. Zwolinski, P.L.S.
Colorado License #38060
For and on behalf of Power Surveying Company, Inc.
303-702-1617



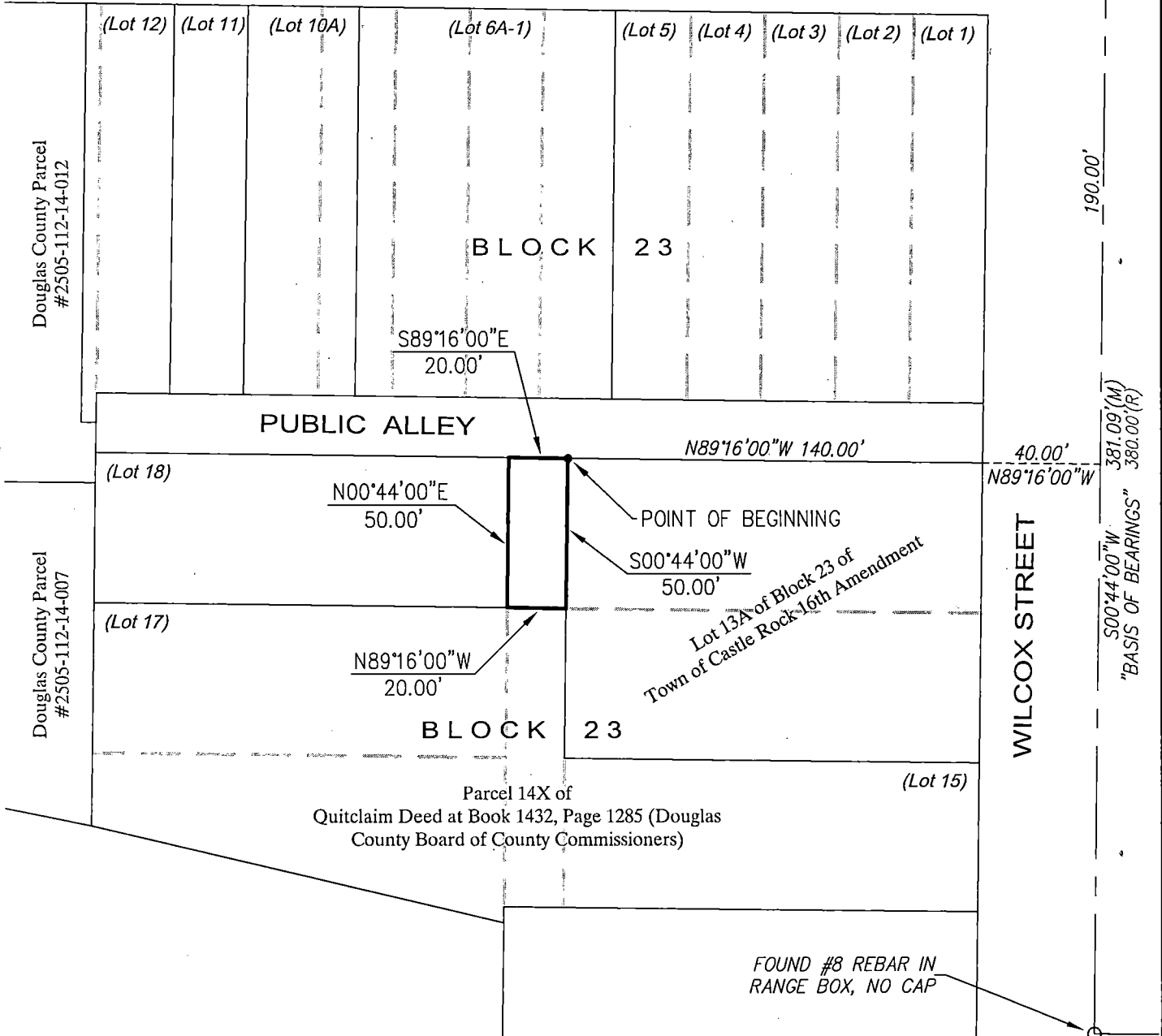
DRAWING BY: FMZ DATE: 11-15-2016
PROJECT NO. 501-15-357(F)

EXHIBIT 1 Legal Description Exhibit

S89°16'00"E 380.00'

THIRD STREET

*POINT OF COMMENCEMENT
FOUND #8 REBAR IN RANGE BOX,
NO CAP (ACCEPTED AS CENTER
LINE INTERSECTION OF THIRD
STREET AND WILCOX STREET)*



Douglas County Parcel
#2505-112-14-012

Douglas County Parcel
#2505-112-14-007

(Lot 12) (Lot 11) (Lot 10A) (Lot 6A-1) (Lot 5) (Lot 4) (Lot 3) (Lot 2) (Lot 1)

BLOCK 23

*S89°16'00"E
20.00'*

PUBLIC ALLEY

N89°16'00"W 140.00'

190.00'

(Lot 18)

*N00°44'00"E
50.00'*

POINT OF BEGINNING

*40.00'
N89°16'00"W*

*Lot 13A of Block 23 of
Town of Castle Rock-16th Amendment*

(Lot 17)

*N89°16'00"W
20.00'*

*S00°44'00"W
50.00'*

*381.09'(M)
380.00'(R)
"BASIS OF BEARINGS"*

BLOCK 23

WILCOX STREET

Parcel 14X of

(Lot 15)

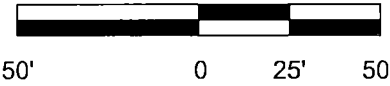
Quitclaim Deed at Book 1432, Page 1285 (Douglas
County Board of County Commissioners)

*FOUND #8 REBAR IN
RANGE BOX, NO CAP*

Vacation Area: 1,000 s.f. (0.023 acres)



SCALE: 1" = 50'





POWERTM
Surveying Company, Inc.
Established 1948

150 W. 84TH AVENUE
THORNTON, COLORADO 80260

PH. 303-702-1617
FAX. 303-702-1488
WWW.POWERSURVEYING.COM

DRAWING BY: FMZ DATE: 11-15-2016
PROJECT NO. 501-15-357(F)