

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:

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 (South 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 effect of this Ordinance is conditioned on the replatting of the lots adjacent to the vacated area into a single lot.

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
(SOUTH 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.

WHEREAS, the recordation and effect of this Ordinance shall be conditioned on the replatting of the lots adjacent to the Vacated Area into a single lot.

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.

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. Effective Date. The vacation shall take effect upon the recordation in the Douglas County public records of the following: (i) this Ordinance, and (ii) the replat of the lots adjacent to the Vacated Area into a single lot.

Section 5. 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 6. 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, TOGETHER WITH ALL OF THAT PUBLIC ALLEY AS DEDICATED ON THE PLAT OF TOWN OF CASTLE ROCK THIRD AMENDMENT, 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 FIRST 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 NORTH 00°44'00" EAST A DISTANCE OF 378.91 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE ALONG THE CENTERLINE OF SAID WILCOX STREET, NORTH 00°44'00" EAST, 290.00 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE, NORTH 89°16'00" WEST, 40.00 FEET TO THE NORTHEAST CORNER OF LOT 3A OF SAID PLAT OF TOWN OF CASTLE ROCK THIRD AMENDMENT;

THENCE ALONG THE NORTH LINE OF SAID LOT 3A, NORTH 89°16'00" WEST, 155.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3A, AND BEING THE POINT OF BEGINNING;

THENCE ALONG THE BOUNDARY OF SAID LOT 3A THE FOLLOWING TWO (2) COURSES:

1. SOUTH 00°44'00" WEST, 150.00 FEET TO A POINT;
2. SOUTH 89°16'00" EAST, 15.00 FEET TO THE NORTHWEST CORNER OF LOT 5 OF BLOCK 28;

THENCE ALONG THE WEST LINE OF SAID LOT 5, SOUTH 00°44'00" WEST, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5;

THENCE NORTH 89°16'00" WEST, 20.00 FEET TO A POINT ON THE EAST LINE OF LOT 2 OF THE PLAT OF TOWN OF CASTLE ROCK 20TH AMENDMENT;

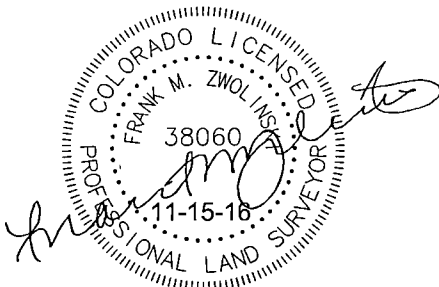
THENCE ALONG SAID EAST LINE, NORTH 00°44'00" EAST, 30.64 FEET TO A POINT ON THE BOUNDARY OF THAT CERTAIN PUBLIC ALLEY AS DEDICATED ON SAID PLAT OF TOWN OF CASTLE ROCK THIRD AMENDMENT;

THENCE ALONG SAID BOUNDARY THE FOLLOWING THREE (3) COURSES:

1. NORTHWESTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 20.00 FEET, AND WHOSE LONG CHORD BEARS NORTH 37°02'06" WEST AND HAS A CHORD LENGTH OF 24.49 FEET, THROUGH A CENTRAL ANGLE OF 75°30'30", FOR AN ARC LENGTH OF 26.36 FEET TO A POINT OF TANGENCY;
2. NORTH 00°44'00" EAST, 150.00 FEET TO A POINT;
3. SOUTH 89°16'00" EAST, 20.00 FEET TO THE POINT OF BEGINNING.

Containing 4,215 Square Feet or 0.097 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



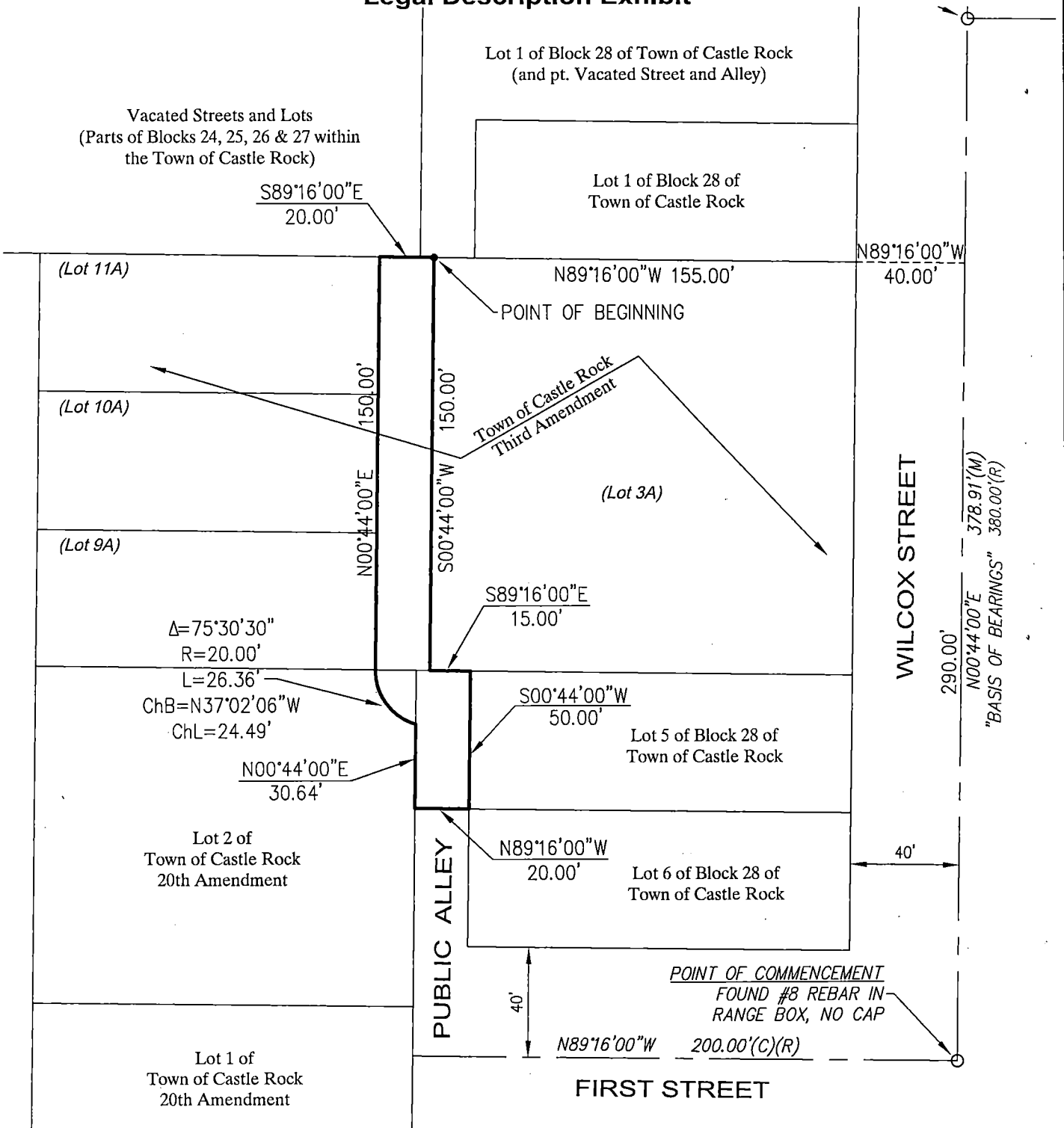
150 W. 84TH AVENUE
THORNTON, COLORADO 80260

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

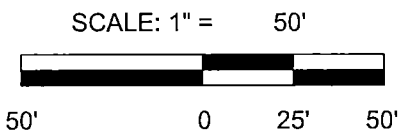
DRAWING BY: FMZ DATE: 11-15-2016
PROJECT NO. 501-15-357(F)

EXHIBIT 1

Legal Description Exhibit



Vacation Area: 4,215 sf. (0.097 acres)



POWER™

Surveying Company, Inc.

Established 1948

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

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