

NOTICE OF ADOPTED ORDINANCE

Pursuant to Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council did adopt the following named and described Ordinance during a Regular Meeting on June 4, 2019, which commenced at 7:00 P.M. at the Castle Rock Town Council Chambers, 100 N. Wilcox St. Castle Rock, CO 80104

Title of Adopted Ordinance:

Ordinance No. 2019-016

An Ordinance Vacating a Portion of Second Street; and Providing for its Emergency Adoption on First Reading

Subject Matter Summary:

The proposed Ordinance vacates a portion of Second Street to accommodate an outdoor patio expansion along the south property line of Riverwalk North.

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 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication Date: June 5, 2019

ORDINANCE NO. 2019-016

**AN ORDINANCE VACATING
A PORTION OF SECOND STREET; AND PROVIDING FOR ITS EMERGENCY
ADOPTION ON FIRST READING**

WHEREAS, it is appropriate to vacate a portion of the Second Street right of way, as more particularly described in the attached *Exhibit 1* (the "Vacated Area") to accommodate certain improvements related to the Riverwalk development project;

WHEREAS, it is necessary to adopt this ordinance on an emergency basis reading in order to complete the construction of the improvements located in the Vacated Area as soon as possible to avoid disruption to the summer community events planned for the downtown.

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 other utility providers with facilities in the Vacated Area, reserves a permanent easement over the entirety of the Vacated Area, for access, maintenance, repair, and replacement of water, wastewater, storm water drainage, natural gas, electricity, cable television, telephone/fiber and/or any other similar lines or appurtenances.

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 of this Ordinance in the Douglas County public records.

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. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

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.

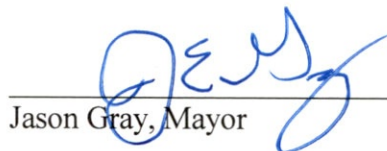
PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this 4th of June, 2019, by a vote of the Town Council of the Town of Castle Rock, Colorado of 6 for and 0 against, constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK



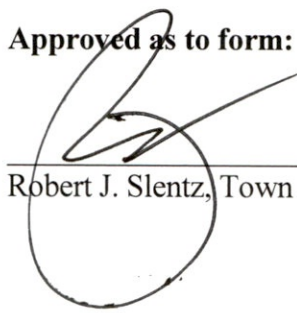
Lisa Anderson, Town Clerk



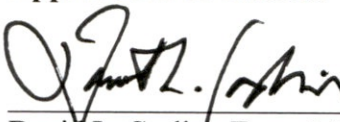
Jason Gray, Mayor

Approved as to form:

Approved as to content:



Robert J. Slentz, Town Attorney



David L. Corliss, Town Manager



EXHIBIT A Legal Description

RIGHT-OF-WAY VACATION AREA

BEING A PORTION OF 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 SAID CENTERLINE OF WILCOX STREET, SOUTH 00°44'00" WEST, 340.00 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE, NORTH 89°16'00" WEST, 40.00 FEET TO A POINT ON THE WEST LINE OF SAID WILCOX STREET, AND BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL 15X AS DESCRIBED AND CONVEYED IN THAT CERTAIN QUITCLAIM DEED RECORDED MAY 20, 1997 AT RECEPTION No. 9726856;

THENCE ALONG THE BOUNDARY OF SAID PARCEL 15X, NORTH 89°16'00" WEST, 59.00 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID BOUNDARY, SOUTH 00°44'00" WEST, 19.27 FEET TO A POINT;

THENCE SOUTH 23°18'28" WEST, 13.95 FEET TO A POINT;

THENCE NORTH 82°38'24" WEST, 9.44 FEET TO A POINT;

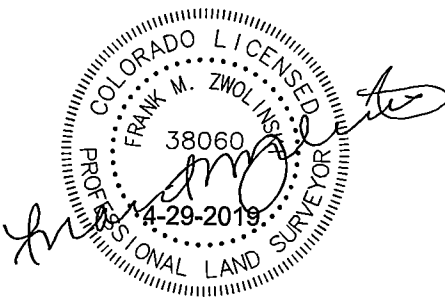
THENCE NORTH 72°42'36" WEST, 90.00 FEET TO A POINT ON THE AFOREMENTIONED BOUNDARY OF SAID PARCEL 15X;

THENCE ALONG SAID BOUNDARY THE FOLLOWING TWO (2) COURSES:

1. NORTH 00°44'00" EAST, 5.42 FEET TO A POINT;
2. SOUTH 89°16'00" EAST, 101.00 FEET TO THE POINT OF BEGINNING.

Containing 2,008 Square Feet or 0.046 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



720 W. 84TH AVENUE, UNIT 240
THORNTON, COLORADO 80260

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

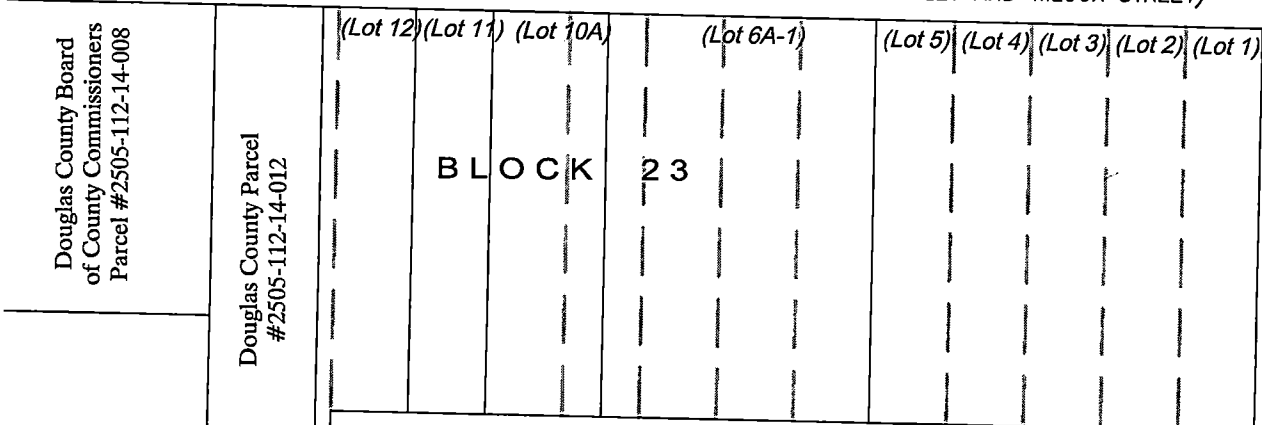
DRAWING BY: FMZ DATE: 7-17-2018
PROJECT NO. 501-16-357(C)

EXHIBIT A Legal Description Exhibit

THIRD STREET

$S89^{\circ}16'00''E$

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



Douglas County Board
of County Commissioners
Parcel #2505-112-14-008

Douglas County Parcel
#2505-112-14-012

PUBLIC ALLEY

WILCOX STREET

340.00'
381.09'(M)
380.00'(R)
"BASIS OF BEARINGS"

Lot 13A-1 of
Town of Castle Rock 31st Amendment

POINT OF
BEGINNING

$N00^{\circ}44'00''E$
5.42'

$N89^{\circ}16'00''W$
59.00'

$S89^{\circ}16'00''E$ 101.00'

$N89^{\circ}16'00''W$

Parcel 15X of
Quitclaim Deed at Book 1432, Page 1285
(Douglas County Board of County Commissioners)

$N72^{\circ}42'36''W$ 90.00'

$S00^{\circ}44'00''W$
19.27'

Vacated Streets and Lots
(Parts of Blocks 24, 25, 26 & 27 within
the Town of Castle Rock)

$N82^{\circ}38'24''W$
9.44'

$S23^{\circ}18'28''W$
13.95'

(pt. SECOND STREET)

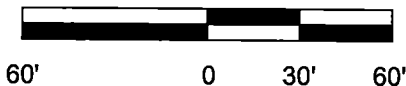
FOUND #8 REBAR
IN RANGE BOX,
NO CAP

Lot 1 of Block 28 of
Town of Castle Rock

Vacation Area: 2,008 sf. (0.046 acres)



SCALE: 1" = 60'



720 W. 84TH AVENUE, UNIT 240
THORNTON, COLORADO 80260

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

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