

ORDINANCE NO. 2022-027

AN ORDINANCE VACATING A PORTION OF BROOKSIDE CIRCLE LYING WITHIN THE BROOKSIDE BUSINESS CENTER PLANNED DEVELOPMENT AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 8 SOUTH, RANGE 67 WEST, TOWN OF CASTLE ROCK AND A PORTION OF BROOKSIDE CIRCLE AS UNPLATTED ROW LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 67 WEST, TOWN OF CASTLE ROCK

WHEREAS, the Town Council finds that it is necessary to vacate a portion of Brookside Circle located in the northwest quarter of Section 14, Township 8 South, Range 67 West, and portion of Brookside Circle as unplatted ROW located in the southeast quarter of Section 15, Township 8 South, Range 67 West, all as more particularly described in the legal description attached as *Exhibit A* and in the map attached as *Exhibit B* (the "Vacated Property"), and

WHEREAS, the Vacated Property is not a component of any current or planned transportation network, and

WHEREAS, the Town has active utilities located in the Vacated Property; and

WHEREAS, the Town will reserve a temporary access and utility easement in the Vacated Property to ensure continued access to and the right to maintain any other existing utilities until such time as a plat is completed and permanent easements are defined and conveyed.

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

Section 1. Vacation. The Vacated Property is hereby vacated pursuant to the authority granted by Section 43-2-303(1)(a), 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. Pursuant to Section 43-2-303(3), C.R.S., the Town, for itself and the providers of any existing utilities in the Vacated Property, reserves a temporary access and utility easement over, across, and under the entirety of the Vacated Property for access, maintenance, repair, and replacement of the existing utilities until such time that a plat is completed and permanent easements are defined and conveyed. The temporary access and utility easement over the Vacated Property will expire upon the recordation in the Douglas County public records of: (i) a plat for the Vacated Property and (ii) any other documents evidencing the conveyance of permanent easements over, across, and under the Vacated Property.

Section 3. Vesting of Ownership. Ownership of the vacated roadway right of way shall vest in accordance with the provisions of Section 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 4th day of October, 2022 by a vote of 6 for and 1 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 18th day of October, 2022, by the Town Council of the Town of Castle Rock by a vote of 5 for and 1 against.

ATTEST:

TOWN OF CASTLE ROCK

Robbie Schwanher for

Lisa Anderson, Town Clerk

JEJ

Jason Gray, Mayor

Approved as to form:

Approved as to content:

[Signature]

Michael J. Hyman, Town Attorney

[Signature]

Tara Vargish, Director of Development Services



EXHIBIT A

LAND DESCRIPTION

A portion of Brookside Circle, being located in the NW¼, Section 14 and the east ½ of Section 15, Township 8 South, Range 67 West of the 6th Principal Meridian, in the Town of Castle Rock, County of Douglas, State of Colorado, being more particularly described as follows:

Beginning at the SE corner of Lot 2, Block 1, First Amendment to Brookside Business Center Filing No. 2 as platted in the records of said county at Reception Number 9009022;
Thence southerly along the west right-of-way line of Brookside Circle through the following ten courses:

- 1) S14°30'27"W, 314.50 feet to a tangent, 490.00-foot radius curve;
- 2) Southerly along said tangent, 490.00-foot radius curve, concave easterly through a central angle of 11°45'05", a distance of 100.50 feet;
- 3) S2°45'23"W, 331.25 feet to a tangent, 265.00-foot radius curve;
- 4) Southerly along said tangent, 265.00-foot radius curve, concave northwesterly through a central angle of 73°30'49", a distance of 340.01 feet;
- 5) S76°16'11"W, 96.48 feet to a tangent, 315.00-foot radius curve;
- 6) Southwesterly along said tangent, 315.00-foot radius curve, concave southeasterly through a central angle of 31°49'38", a distance of 174.98 feet;
- 7) S44°26'29"W, 345.83 feet to a tangent, 150.00-foot radius curve;
- 8) Westerly along said tangent, 150.00-foot radius curve, concave northerly through a central angle of 67°59'55", a distance of 178.02 feet;
- 9) N67°33'31"W, 52.02 feet to a tangent, 50.00-foot radius curve;
- 10) Northerly along said tangent, 50.00-foot radius curve, concave easterly through a central angle of 90°00'00", a distance of 78.54 feet to the east right-of-way line of S. Wilcox Street;

Thence S22°26'29"W along last said east line, 150.00 feet to a non-tangent, 50.00-foot radius curve in the east right-of-way line of Brookside Circle;

Thence northerly along said east right-of-way line of Brookside Circle through the following eleven courses:

- 1) Easterly along said non-tangent, 50.00-foot radius curve (from which the center bears S67°33'31"E), concave southerly through a central angle of 90°00'00", a distance of 78.54 feet;
- 2) S67°33'31"E, 52.02 feet to a tangent, 200.00-foot radius curve;
- 3) Easterly along said tangent, 200.00-foot radius curve, concave northerly through a central angle of 67°59'55", a distance of 237.36 feet;
- 4) N44°26'29"E, 345.83 feet to a tangent, 265.00-foot radius curve;
- 5) Northeasterly along said tangent, 265.00-foot radius curve, concave southeasterly through a central angle of 31°49'38", a distance of 147.20 feet;
- 6) N76°13'18"E, 103.89 feet to a tangent, 315.00-foot radius curve;
- 7) Northeasterly along said 315.00-foot radius curve, concave northwesterly through a central angle of 72°09'58", a distance of 396.75 feet;
- 8) N2°45'23"E, 331.26 feet to a tangent, 440.00-foot radius curve;
- 9) Northerly along said tangent, 440.00-foot radius curve, concave easterly through a central angle of 11°45'03", a distance of 90.24 feet;

- 10) N14°30'27"E, 384.15 feet to a tangent, 430.00-foot radius curve;
- 11) Northerly along said tangent, 430.00-foot radius curve, concave westerly through a central angle of 17°49'18", a distance of 133.75 feet to a non-tangent, 50.00-foot radius curve;

Thence westerly along said non-tangent, 50.00-foot radius curve (from which the center bears N36°14'43"W), concave northerly through a central angle of 60°05'39", a distance of 52.44 feet to a non-tangent, 380.00-foot radius curve in the west right-of-way line of Brookside Circle;

Thence along said west right-of-way line through the following two courses:

- 1) Southerly along said non-tangent, 380.00-foot radius curve (from which the center bears S87°03'57"W), concave westerly through a central angle of 17°26'28", a distance of 115.67 feet;
- 2) S14°30'27"W, 69.65 feet to the Point of Beginning.

Said parcel, as described, contains 111,875 square feet or 2.568 acres, more or less.

BASIS OF BEARINGS

The northwest line of Lot 1, Second Amendment to Brookside Business Center Filing No. 2 bears N14°30'27"E per said plat. It is monument at the northwest corner of Lot 1 by an illegible aluminum cap in concrete and at the south end of said line by a ½" rebar and cap, PLS 23524.

CERTIFICATION

Brian Krombein, PE, PLS
For and on behalf of
Vermilion Peak Engineering LLC
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129



BASIS OF BEARINGS
NORTHWEST LINE OF LOT 1
N14° 30' 27"E

S87°03'57"W(R)

L=52.44', R=50.00'
Δ=060°05'39"

L=115.67', R=380.00'
Δ=017°26'28"

LOT 2, BLOCK 1,
FIRST AMENDMENT TO
BROOKSIDE BUSINESS
CENTER FILING NO. 2

EXISTING R.O.W.
TO REMAIN

L=133.75', R=430.00'
Δ=017°49'18"

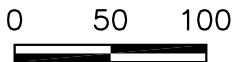
LOT 2,
SECOND AMENDMENT TO
BROOKSIDE BUSINESS CENTER
FILING NO. 4

SE CORNER LOT 2
POINT OF BEGINNING

S14° 30' 27"W
69.65'

LOT 1,
SECOND AMENDMENT TO
BROOKSIDE BUSINESS
CENTER FILING NO. 2

LOT 1,
SECOND AMENDMENT TO
BROOKSIDE BUSINESS
CENTER FILING NO. 4



SCALE: 1" = 100'

S14° 30' 27"W 314.50'

N14° 30' 27"E 384.15'

L=100.50', R=490.00'
Δ=011°45'05"

L=90.24', R=440.00'
Δ=011°45'03"

S02° 45' 23"W 331.25'

N02° 45' 23"E 331.26'

AREA=111,875 SF
(2.568 ACRES)

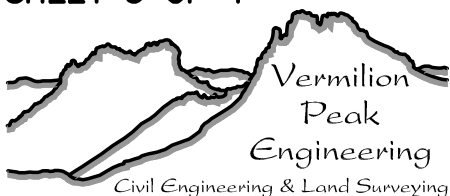
EXISTING R.O.W.
REC. NO. 9009022

LOT 1, BLOCK 2
FIRST AMENDMENT TO
BROOKSIDE BUSINESS CENTER
FILING NO. 2

LOT 2, BLOCK 2
FIRST AMENDMENT TO
BROOKSIDE BUSINESS CENTER
FILING NO. 2

MATCH LINE

EXHIBIT A
R.O.W. VACATION
JOB NO. 21007
DATE: MARCH 9, 2022
SHEET 3 OF 4



Vermilion
Peak
Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / vermillionpeak.com



NW 1/4,
SECTION 14

0 50 100

SCALE: 1" = 100'

MATCH LINE

WILCOX STREET

NE 1/4,
SECTION 15

WEST LINE, NW 1/4, SECTION 14

LOT 1,
SECOND AMENDMENT TO
BROOKSIDE BUSINESS CENTER
FILING NO. 2

N76° 13' 18"E
103.89'

S76° 16' 11"W
96.48'

L=340.01', R=265.00'
Δ=073°30'49"

L=396.75', R=315.00'
Δ=072°09'58"

LOT 2, BLOCK 2
FIRST AMENDMENT TO
BROOKSIDE BUSINESS CENTER
FILING NO. 2

EXISTING R.O.W.
REC. NO. 9009022

L=174.98', R=315.00'
Δ=031°49'38"

L=147.20', R=265.00'
Δ=031°49'38"

TRACT A,
FIRST AMENDMENT TO
BROOKSIDE BUSINESS CENTER
FILING NO. 2

FUTURE FLOODPLAIN
EASEMENT

S22° 26' 29"W
150.00'

L=78.54', R=50.00'
Δ=090°00'00"

N67° 33' 31"W
52.02'

S67° 33' 31"E
52.02'

S44° 26' 29"W 345.83'

N44° 26' 29"E 345.83'

TRACT D,
FIRST AMENDMENT TO
BROOKSIDE BUSINESS CENTER
FILING NO. 2

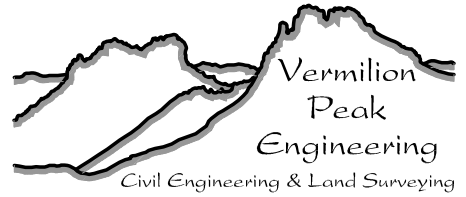
L=178.02', R=150.00'
Δ=067°59'55"

L=237.36', R=200.00'
Δ=067°59'55"

S67°33'31"E(R)
UNPLATTED

L=78.54', R=50.00'
Δ=090°00'00"

EXHIBIT A
R.O.W. VACATION
JOB NO. 21007
DATE: MARCH 9, 2022
SHEET 4 OF 4



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N



0 100 200



SCALE: 1" = 200'

WILCOX STREET

BROOKSIDE CIRCLE

EXHIBIT B
OVERALL MAP
JOB NO. 21007
DATE: MARCH 9, 2022
SHEET 1 OF 1



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