

Councilperson Coppola

Councilperson Neely

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CASTLE PINES NORTH, COLORADO
ACCEPTING AN ANNEXATION PETITION, MAKING CERTAIN
FINDINGS OF FACT, FINDING SUBSTANTIAL COMPLIANCE FOR
SUCH PETITION, AND SETTING A PUBLIC HEARING FOR
PROPERTY KNOWN AS LAGAE SOUTH**

WHEREAS, the City Council of the City of Castle Pines North, Colorado has received and examined the filings and the Petition for Annexation of certain real estate more fully described in said petition and in **Exhibit A** attached hereto (the "Property"); said petition having heretofore been filed with the City Clerk of the City of Castle Pines North, State of Colorado, and FINDS AS FOLLOWS:

1. That such petition contains the following:
 - (a) An allegation that the requirements of §§31-12-104 and 31-12-105 C.R.S. exist or are met.
 - (b) An allegation that the signers of the petition comprise the landowners of more than fifty percent of the territory included in the Property proposed to be annexed, exclusive of streets and alleys.
 - (c) A request that the City of Castle Pines North approve the annexation of the Property.
 - (d) The signature of such landowners.
 - (e) The mailing address of such signers.
 - (f) The legal description of the land owned by such signers.
 - (g) The date of signing of each signature.
 - (h) The affidavits of the circulators of the petition; stating that each signature therein is the signature of the person whose name it purports to be.

2. That accompanying such petition have been filed four copies of an annexation map containing the following information:
 - (a) A written legal description of the boundaries of the Property proposed to be annexed.
 - (b) A map showing the boundary of the Property proposed to be annexed.
 - (c) Next to the boundary of the Property proposed to be annexed is drawn the contiguous boundary of the City of Castle Pines North, and that the dimensions of the contiguous boundary are shown on the map.

3. That no signatures on the petition are dated more than 180 days prior to the date of filing of the Petition for Annexation with the City Clerk of the City of Castle Pines North, State of Colorado.
4. That on its face, the petition is in substantial compliance with §31-12-107(1) C.R.S.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO:

Section 1. That the foregoing recitals and findings are incorporated herein as findings and conclusions of the City Council.

Section 2. That the Petition for Annexation to the City of Castle Pines North of the Property substantially complies with the requirements of §31-12-107(1), C.R.S.

Section 3. No election is required under §31-12-107(2), C.R.S.

Section 4. No additional terms and conditions are to be imposed except as provided in the Petition for Annexation and in the annexation and development agreement to be entered into by the City of Castle Pines North and the petitioner, which are not to be considered additional terms and conditions within the meaning of §31-12-112, C.R.S.

Section 5. Pursuant to §31-12-115, C.R.S., the City of Castle Pines North may institute the procedure outlined in state statutes to make the Property subject to zoning.

Section 6. That a public hearing shall be held on the 17th day of December, 2009 at 7:00 p.m. at the Castle Pines North Community Center, 7404 Yorkshire Drive in the City of Castle Pines North for the purpose of determining and finding whether the Property proposed to be annexed meets the applicable requirements of §§31-12-104 and 31-12-105, C.R.S. and is considered eligible for annexation under the terms of §31-12-108(1) C.R.S. The Deputy City Clerk is hereby instructed to cause notice of the public hearing to be prepared and accomplished in accordance with the requirements of §31-12-108(2), C.R.S.

Section 7. Any person may appear at such hearing and present evidence relative to the eligibility of the Property for annexation.

Section 8. This resolution shall be effective immediately upon approval by the City Council.

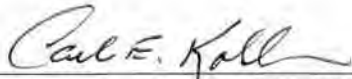
INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH by a vote of six (6) in favor, none against, and one (1) absent this 12th day of November, 2009.



Maureen A. Shul, Mayor

ATTEST:

Approved as to form:



Carl E. Kollmar, Deputy City Clerk



Linda C. Michow, City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

A PARCEL OF LAND LYING IN THE EAST 1/2 OF SECTION 9 AND SECTION 10 OF TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 10, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10 TO BEAR SOUTH 89°09'17" EAST WITH ALL BEARINGS CONTAINED HEREIN, RELATIVE THERETO; THENCE WESTERLY ALONG THE EXISTING FENCELINE AS DESCRIBED IN THAT QUIT CLAIM DEED RECORDED IN BOOK 539, PAGE 598 THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 89°08'57" WEST, 1080.47 FEET;
- 2) THENCE NORTH 01°28'54" WEST, 3606.79 FEET

TO A POINT ON THE SOUTH SUBDIVISION BOUNDARY OF LAGAE RANCH FILING 1, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE DEPARTING SAID FENCELINE, AND ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 86°45'40" EAST, 2928.23 FEET;
- 2) THENCE NORTH 71°00'10" EAST, 1527.60 FEET

TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25, THENCE DEPARTING SAID LAGAE RANCH FILING 1 SUBDIVISION BOUNDARY AND ALONG SAID WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25 THE FOLLOWING EIGHT (8) COURSES:

- 1) SOUTH 01°01'24" WEST, 14.01 FEET;
- 2) THENCE SOUTH 07°31'24" WEST, 1546.10 FEET;
- 3) THENCE ALONG A CURVE TO THE LEFT, HAVING A DELTA OF 05°02'01", A RADIUS OF 11,620.00 FEET, AN ARC OF 1020.85 FEET AND A CHORD WHICH BEARS SOUTH 04°59'54" WEST, 1020.52 FEET;
- 4) THENCE SOUTH 02°28'54" WEST, 832.00 FEET;
- 5) THENCE SOUTH 16°41'54" WEST, 773.70 FEET;
- 6) THENCE NORTH 87°31'06" WEST, 60.00 FEET;
- 7) THENCE SOUTH 43°44'54" WEST, 199.50 FEET;
- 8) THENCE SOUTH 01°33'24" WEST, 43.20 FEET

TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE DEPARTING SAID U.S. INTERSTATE NO. 25 RIGHT-OF-WAY LINE AND ALONG SAID SOUTH LINE OF SECTION 10, NORTH 89°09'17" WEST, 2445.46 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION:

CONTAINING 354.14 ACRES, MORE OR LESS.

Portion of above-described Property owned by Petitioner (A&A Investments, LLC, a Colorado limited liability company)

PARCEL 1

A PARCEL OF LAND LYING IN THE EAST 1/2 OF SECTION 9 AND SECTION 10 OF TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 10, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10 TO BEAR SOUTH 89°09'17" EAST WITH ALL BEARINGS CONTAINED HEREIN, RELATIVE THERETO; THENCE WESTERLY ALONG THE EXISTING FENCELINE AS DESCRIBED IN THAT QUIT CLAIM DEED RECORDED IN BOOK 539, PAGE 598 THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 89°08'57" WEST, 1080.47 FEET;
- 2) THENCE NORTH 01°28'54" WEST, 2588.09 FEET

TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LAGAE ROAD AS DESCRIBED IN BOOK 2326, PAGE 1152, THENCE DEPARTING SAID FENCELINE AND ALONG SAID LAGAE ROAD RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES:

- 1) ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A DELTA OF 89°39'00", A RADIUS OF 65.00 FEET, AN ARC OF 101.68 FEET AND A CHORD WHICH BEARS NORTH 73°17'48" EAST, 91.64 FEET;
- 2) THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A DELTA 46°56'20", A RADIUS OF 490.00 FEET; AN ARC OF 401.43 FEET AND A CHORD WHICH BEARS NORTH 53°57'42" EAST, 390.30 FEET;
- 3) THENCE NORTH 30°29'32" EAST, 559.10 FEET;
- 4) THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A DELTA OF 15°35'49", A RADIUS OF 1160.00 FEET, AN ARC OF 315.77 FEET AND A CHORD WHICH BEARS NORTH 38°17'26" EAST, 314.80 FEET;
- 5) THENCE NORTH 46°05'21" EAST, 130.14 FEET

TO A POINT ON THE SOUTH SUBDIVISION BOUNDARY OF LAGAE RANCH FILING 1, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE DEPARTING SAID LAGAE ROAD RIGHT-OF-WAY. AND ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING TWO (2) COURSES:

- 3) NORTH 86°45'40" EAST, 1924.39 FEET;
- 4) THENCE NORTH 71°00'10" EAST, 1527.60 FEET

TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25, THENCE DEPARTING SAID LAGAE RANCH FILING 1 SUBDIVISION BOUNDARY

AND ALONG SAID WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25 THE FOLLOWING EIGHT (8) COURSES:

- 1) SOUTH 01°01'24" WEST, 14.01 FEET;
- 2) THENCE SOUTH 07°31'24" WEST, 1546.10 FEET;
- 3) THENCE ALONG A CURVE TO THE LEFT, HAVING A DELTA OF 05°02'01", A RADIUS OF 11,620.00 FEET, AN ARC OF 1020.85 FEET AND A CHORD WHICH BEARS SOUTH 04°59'54" WEST, 1020.52 FEET;
- 4) THENCE SOUTH 02°28'54" WEST, 832.00 FEET;
- 5) THENCE SOUTH 16°41'54" WEST, 773.70 FEET;
- 6) THENCE NORTH 87°31'06" WEST, 60.00 FEET;
- 7) THENCE SOUTH 43°44'54" WEST, 199.50 FEET;
- 8) THENCE SOUTH 01°33'24" WEST, 43.20 FEET

TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE DEPARTING SAID U.S. INTERSTATE NO. 25 RIGHT-OF-WAY LINE AND ALONG SAID SOUTH LINE OF SECTION 10, NORTH 89°09'17" WEST, 2445.46 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

CONTAINING 340.50 ACRES, MORE OR LESS.

PARCEL 2

A PARCEL OF LAND LYING IN THE EAST 1/2 OF SECTION 9 OF TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10 TO BEAR SOUTH 89°09'17" EAST WITH ALL BEARINGS CONTAINED HEREIN, RELATIVE THERETO; THENCE WESTERLY ALONG THE EXISTING FENCELINE AS DESCRIBED IN THAT QUIT CLAIM DEED RECORDED IN BOOK 539, PAGE 598 THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 89°08'57" WEST, 1080.47 FEET
- 2) THENCE NORTH 01°28'54" WEST, 2701.12 FEET

TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LAGAE ROAD AS DESCRIBED IN BOOK 2326, PAGE 1152 AND THE POINT OF BEGINNING OF THIS DESCRIPTION,

THENCE CONTINUING ALONG SAID FENCELINE, NORTH 01°28'54" WEST, 905.67 FEET TO A POINT ON THE SOUTH SUBDIVISION BOUNDARY OF LAGAE RANCH FILING 1, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE DEPARTING SAID FENCELINE AND ALONG SAID SUBDIVISION BOUNDARY, NORTH 86°45'40" EAST, 881.09 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE

OF LAGAE ROAD, THENCE DEPARTING SAID LAGAE RANCH FILING 1 SUBDIVISION BOUNDARY AND ALONG SAID LAGAE ROAD RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES:

- 1) SOUTH $46^{\circ}05'21''$ WEST, 37.04 FEET.
- 2) THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A DELTA OF $15^{\circ}35'49''$, A RADIUS OF 1240.00 FEET, AN ARC OF 337.55 FEET AND A CHORD WHICH BEARS SOUTH $38^{\circ}17'26''$ WEST, 336.51 FEET;
- 3) THENCE SOUTH $30^{\circ}29'32''$ WEST, 559.10 FEET;
- 4) THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A DELTA OF $46^{\circ}21'19''$, A RADIUS OF 410.00 FEET; AN ARC OF 331.71 FEET AND A CHORD WHICH BEARS SOUTH $53^{\circ}40'11''$ WEST, 322.74 FEET;
- 5) THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A DELTA OF $73^{\circ}27'03''$, A RADIUS OF 65.00 FEET, AN ARC OF 83.31 FEET AND A CHORD WHICH BEARS NORTH $84^{\circ}21'34''$ WEST, 77.74 FEET

TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 10.96 ACRES, MORE OR LESS.