

NOTICE OF PROPOSED ORDINANCE

Pursuant of 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 meeting on March 8, 2016 at 6:00 P.M. at the Town of Castle Rock, Town Hall, 100 North Wilcox, Castle Rock, CO 80104.

Title of Proposed Ordinance:

An Ordinance Repealing and Reenacting Chapter 14.02 of the Castle Rock Municipal Code Concerning the Acquisition and Disposition of Real Property

Subject Matter Summary:

The purpose of the proposed Ordinance is to provide the ability for the Town to grant certain easements administratively rather than through action by the Town Council provided there is only nominal financial consideration provided. For any easement where compensation or other material consideration is given, a Resolution of the Town Council is required to approve such transaction.

The entire text of the proposed ordinance is contained herein, and copies 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: March 2, 2016

ORDINANCE NO. 2016-

AN ORDINANCE REPEALING AND REENACTING CHAPTER 14.02 OF THE
CASTLE ROCK MUNICIPAL CODE CONCERNING THE ACQUISITION AND
DISPOSITION OF REAL PROPERTY

WHEREAS, in order to timely process the grant of certain easements or licenses, it is necessary to amend Chapter 14.02 to provide for the administrative approval of the grant of an easement or license on Town-owned property for which the Town receives nominal consideration.

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

Section 1. Amendment. Chapter 14.02 of the Castle Rock Municipal Code is repealed and reenacted to read as follows:

Chapter 14.02
Real Property Acquisition and Disposition

- 14.02.010 Definitions
- 14.02.020 Property acquisition
- 14.02.030 Acceptance of dedications
- 14.02.040 Property disposition
- 14.02.050 Lease of real property
- 14.02.060 Administrative approval of real estate documents

14.02.010 Definitions.

Code means this Castle Rock Municipal Code.

Disposition means the sale, exchange, transfer, conveyance, assignment or any other alienation of real property by the Town.

Real property means land and improvements, water rights, easements and other property interests recognizes as real property under law.

14.02.020 Property acquisition.

The Town may acquire real property by deed, grant or by other conveyance instrument, or as prescribed in 14.02.030. The grantee in all such conveyances shall be designated as the "Town of Castle Rock, a municipal corporation," although the failure to make such designation shall not impair the vesting of title in the Town under an otherwise valid conveyance. At the Town's request, the grantor shall furnish the Town with an ALTA form policy of title insurance, issued by a title

company licensed to do business in the State of Colorado, and which insures the Town's title in an amount equal to the value of the subject parcel.

14.02.030 Acceptance of dedications.

The recordation of a subdivision plat approved by the Town in accordance with the provisions of this Code shall be prima facie evidence of the acceptance by the Town of title and ownership of real property dedicated on the plat. However, the obligation of maintenance, repair and replacement of any improvement on the dedicated property shall not be deemed accepted by the Town unless specifically provided in the plat dedication, or as otherwise assumed by the Town pursuant to contract or pursuant to the Code.

14.02.040 Property disposition.

- A. The Town may dispose of a fee interest in real property upon such terms and conditions as the Town Council may determine, but in compliance with the provisions of Section 31-15-713, C.R.S. Any such disposition which does not require voter approval shall be authorized by ordinance.
- B. The Town may administratively grant an easement or license to real property, provided that the Town receives only nominal consideration for such grant. Such easement or license shall be approved by resolution of the Town Council if the Town is to receive compensation or other material consideration for the grant of the easement or license. The administrative grant of an easement or license shall be by an instrument approved and executed by the Town Manager or designee and the Town Attorney or designee.
- C. In conjunction with a subdivision approval under Title 16 of this Code, an unimproved street right-of-way which has never been opened for public use, or access or utility tracts or easements previously dedicated or conveyed to the Town, may be abandoned in whole or in part, provided that adequate public access and municipal services within such platted area are preserved or relocated. Town ownership of right-of-way which has been improved or opened for public use may not be relinquished under this Subsection.
- D. Except for abandonment as authorized in Subsection C. above, Town right-of-way shall be vacated in accordance with the applicable statutory process.

14.02.050 Lease of real property.

The lease of any real property for a term of less than one year shall be authorized by Town Council resolution or at the option of the Town Council by ordinance. Any lease of real property interests for a term of greater than one year shall be authorized and approved only by ordinance.

14.02.060 Administrative approval of real estate documents.

The Town Manager or designee is authorized to execute, on behalf of the Town, real estate documents necessary to implement the provisions of this Chapter. Any such document shall be approved as to form by the Town Attorney prior to recordation.

Section 2. 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 3. 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 _____, 2016 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 SECOND AND FINAL READING this ___ day of _____, 2016, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney