

## 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 August 16, 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 Vacating a Portion of Valley View Drive (West of McMurdo Gulch);  
and Providing for its Emergency Adoption on Second and Final Reading**

### Subject Matter Summary:

The proposed Ordinance authorizes the vacation of certain right of way while reserving temporary and continued access and use rights to permit ongoing maintenance for certain public and private utilities with the vacated area until such time as said utilities may be relocated.

Emergency adoption is requested in order to timely construct the relocated portion of

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: August 10, 2016

## ORDINANCE NO. 2016-

**AN ORDINANCE VACATING A PORTION OF VALLEY VIEW DRIVE (WEST OF MCMURDO GULCH); AND PROVIDING FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL READING**

**WHEREAS**, it is appropriate to vacate a portion of Valley View Drive (west of McMurdo Gulch), as more particularly described in the attached *Exhibit 1* ("Vacated Area"), with the reservation of certain continued use and occupancy rights over the Vacated Area,

**WHEREAS**, the Vacated Area is currently needed for public access, and accordingly, the Town will reserve temporary access rights over the Vacated Area to permit public use of the Vacated Area until the new alignments for Valley View Drive is constructed and accepted by the Town; and

**WHEREAS**, the Vacated Area has existing public and private utilities and related appurtenances. Accordingly, the Town must reserve continued access and use rights over the Vacated Area to permit the ongoing access and maintenance of such public utilities and related appurtenances; and

**WHEREAS**, in order to meet construction schedules and timely construct the relocated portion of Valley View Drive, it is necessary to adopt this ordinance on an emergency basis on second and final reading.

**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 and the reservations set forth in Sections 2 and 3. The vacation shall take effect upon the concurrent recordation of this Ordinance in the Douglas County public records.

**Section 2. Reservation of Easement for Temporary Public Access.** The Town reserves a temporary easement over the entirety of the Vacated Area, for public access, to remain in place until the new alignments for Valley View Drive is constructed and accepted by the Town. Once the easement is terminated, the Town shall convey its interest in the easement by quit claim deed to the owner of the fee state encumbered by the temporary easement.

**Section 3. 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 4. 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 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.

**Section 7. 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.

**APPROVED ON FIRST READING** this 16<sup>th</sup> day of August, 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 AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING** this 6<sup>th</sup> day of September, 2016, 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

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Bill Detweiler, Director of Development Services

**EXHIBIT**

**SOUTHEAST QUARTER, SECTION 6,  
TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,  
DOUGLAS COUNTY, COLORADO**

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF THE VALLEY VIEW DRIVE RIGHT-OF-WAY, CASTLE OAKS, A SUBDIVISION RECORDED AT RECEPTION NO. 150556 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN; BEING ASSUMED TO BEAR S 88°50'09" W, FROM THE SOUTHEAST CORNER OF SECTION 6, BEING A 3-1/4" ALUMINUM CAP STAMPED "PLS 12405" TO THE SOUTH QUARTER CORNER OF SECTION 6, BEING A 3-1/4" ALUMINUM CAP STAMPED "PLS 22100", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE N 29°17'52" W, A DISTANCE OF 1897.40 FEET TO A POINT ON THE SOUTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, BEING A POINT ON THE NORTH LINE OF TRACT B, CASTLE OAKS ESTATES FILING NO. 6, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2015087155, SAID DOUGLAS COUNTY RECORDS, ALSO BEING A POINT OF NON-TANGENT CURVATURE AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, RECEPTION NO. 150556, THE FOLLOWING THREE (3) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 09°32'49" AND AN ARC LENGTH OF 34.99 FEET, THE CHORD OF WHICH BEARS S 49°34'48" W, A DISTANCE OF 34.95 FEET TO A POINT OF TANGENCY;
2. S 44°48'39" W, A DISTANCE OF 193.00 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 11°22'08" AND AN ARC LENGTH OF 53.57 FEET;

THENCE N 34°33'22" W, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, RECEPTION NO. 150556, BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, THE FOLLOWING THREE (3) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 11°34'45" AND AN ARC LENGTH OF 42.44 FEET, THE CHORD OF WHICH BEARS N 50°36'02" E, A DISTANCE OF 42.37 FEET TO A POINT OF TANGENCY;
2. N 44°48'39" E, A DISTANCE OF 193.00 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 09°32'45" AND AN ARC LENGTH OF 44.98 FEET TO THE SOUTHEAST CORNER OF TRACT A, SAID CASTLE OAKS ESTATES FILING NO. 6 PLAT;

THENCE S 35°38'47" E, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 16,860 SQUARE FEET OR 0.387 ACRES, MORE OR LESS.

THOMAS M. GIRARD  
COLORADO PLS 38151  
FOR AND ON BEHALF OF  
CORE CONSULTANTS, INC.



NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.  
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.  
PROJECT: 14-001 DR: J. ANTON  
DATE: 07/19/16 DS: T. GIRARD  
SHEET 1 OF 3 P.M. B. CALVERT



**CORE**  
CONSULTANTS

CIVIL ENGINEERING  
DEVELOPMENT CONSULTING  
NATURAL RESOURCES  
LAND SURVEYING  
303.703.4444  
1950 W. Littleton Blvd., Ste. 109  
Littleton, CO 80120

# EXHIBIT

SOUTHEAST QUARTER, SECTION 6,  
TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,  
DOUGLAS COUNTY, COLORADO



CASTLE OAKS ESTATES  
FILING NO. 5  
REC. 2015023816

LOT 1,  
VACATION & REPLAT  
LOTS 1 & 2, BLOCK 5  
CASTLE OAKS  
REC. NO. 200290989

0 50 100 200



SCALE: 1" = 100'

VALLEY VIEW DRIVE  
PORTION OF 60' R.O.W.  
REC. NO. 150556  
TO BE VACATED  
16,860 S.F.  
±0.387 AC.

POINT OF  
BEGINNING

VALLEY VIEW DRIVE  
REC. NO. 150556

TRACT B  
CASTLE OAKS ESTATES  
FILING NO. 6 PLAT  
REC. NO. 2015087155

VALLEY VIEW DRIVE  
REC. NO. 2015087155

TRACT A  
CASTLE OAKS ESTATES  
FILING NO. 5 PLAT  
REC. NO. 2015023816

TRACT C  
CASTLE OAKS  
ESTATES FILING  
NO. 6 PLAT  
REC. NO.  
2015087155

VALLEY VIEW DRIVE  
(VACATED BY SEP. DOC.)

VALLEY VIEW DRIVE  
REC. NO. 2015016043

N29°17'52"W  
1897.74'

S ¼ CORNER, SEC. 6,  
T8S, R66W, 6TH PM  
3 ¼" ALUM. CAP  
PLS 22100

POINT OF  
COMMENCEMENT  
SE CORNER, SEC. 6,  
T8S, R66W, 6TH PM  
3 ¼" ALUM. CAP  
PLS 12405

BASIS OF BEARINGS

S. LINE, SE 1/4, SEC. 6 - S 88°50'09" W

PARCEL CONTAINS 16,860 S.F. OR 0.387 Ac, MORE OR LESS.

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PROJECT: 14-001

DR: J. ANTON

DATE: 07/19/16

DS: T. GIRARD

SHEET: 2 OF 3

P.M. B. CALVERT



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**EXHIBIT**  
**SOUTHEAST QUARTER, SECTION 6,**  
**TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,**  
**DOUGLAS COUNTY, COLORADO**

| LINE TABLE |        |               |
|------------|--------|---------------|
| LINE #     | LENGTH | DIRECTION     |
| L1         | 193.00 | S44° 48' 39"W |
| L2         | 60.00  | N34° 33' 22"W |
| L3         | 193.00 | N44° 48' 39"E |
| L4         | 60.00  | S35° 38' 47"E |

| CURVE TABLE |        |        |           |       |               |
|-------------|--------|--------|-----------|-------|---------------|
| CURVE #     | LENGTH | RADIUS | DELTA     | CHORD | CHORD BEARING |
| C1          | 34.99  | 210.00 | 9°32'49"  | 34.95 | S49°34'48"W   |
| C2          | 53.57  | 270.00 | 11°22'08" | 53.49 | S50°29'43"W   |
| C3          | 42.44  | 210.00 | 11°34'45" | 42.37 | N50°36'02"E   |
| C4          | 44.98  | 270.00 | 9°32'45"  | 44.93 | N49°34'50"E   |

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PROJECT: 14-001  
DATE: 07/19/16  
SHEET 3 OF 3

DR: J. ANTON  
DS: T. GIRARD  
P.M. B. CALVERT



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