

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 Portions of Valley View Drive and Rocky View Road 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 meet construction schedules for the relocated Valley View Dr. and Rocky View Road.

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
PORTIONS OF VALLEY VIEW DRIVE AND ROCKY VIEW ROAD;
AND PROVIDING FOR ITS EMERGENCY ADOPTION
ON SECOND AND FINAL READING**

WHEREAS, it is appropriate to vacate a portion of Valley View Drive as described in the attached *Exhibit 1*, and a portion of Rocky View Road as described in the attached *Exhibit 2* (collectively, the "Vacated Area"), with the reservation of certain continued use and occupancy rights over the Vacated Area; and

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 and Rocky View Road are constructed and accepted by the Town; and

WHEREAS, the Vacated Area has existing public and private utilities (including but not limited to water, wastewater, storm water drainage, natural gas, electricity cable television, telephone/fiber and related appurtenances ("Existing Utilities"), and accordingly, the Town reserves access and use rights over the Vacated Area to permit the ongoing access and maintenance of the Existing Utilities until such time as all Existing Utilities facilities have been relocated; and

WHEREAS, in order to meet construction schedules and timely construct the relocated portions of Valley View Drive and Rocky View Road, 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 access easement over the entirety of the Vacated Area, for public access, to remain in place until the new alignments for Valley View Drive and Rocky View Road are 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 access 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 for the Existing Utilities in the Vacated Area, reserves a temporary utility easement over the entirety of the Vacated Area, for access, maintenance, repair, and

replacement of the Existing Utilities until such time that the Existing Utilities are relocated. The temporary utility easement will expire upon relocation of all of the Existing Utilities.

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.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2016, by the Town Council of the Town of Castle Rock by a vote of __ for and __ against.

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING this 6th 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, SOUTHWEST QUARTER, SECTION 5
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 AND HIGH POINT ROAD RIGHTS-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 AND THE SOUTHWEST QUARTER OF SECTION 5, BOTH IN 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 05°10'58" W, A DISTANCE OF 1863.67 FEET TO A POINT ON THE SOUTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, BEING A POINT OF NON-TANGENT CURVATURE AND THE POINT OF BEGINNING;

THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 864.00 FEET, A CENTRAL ANGLE OF 03°45'43" AND AN ARC LENGTH OF 56.73 FEET, THE CHORD OF WHICH BEARS N 79°33'47" E, A DISTANCE OF 56.72 FEET;

THENCE S 52°04'16" E, A DISTANCE OF 20.85 FEET;

THENCE N 83°55'54" E, A DISTANCE OF 33.87 FEET TO A POINT ON THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY ALSO BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, RECEPTION NO. 150556, THE FOLLOWING FIVE (5) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 02°51'29" AND AN ARC LENGTH OF 13.47 FEET, THE CHORD OF WHICH BEARS S 44°43'49" E, A DISTANCE OF 13.47 FEET TO A POINT OF TANGENCY;
2. S 43°18'07" E, A DISTANCE OF 444.86 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 92°30'00" AND AN ARC LENGTH OF 339.03 FEET TO A POINT OF TANGENCY;
4. N 44°11'55" E, A DISTANCE OF 97.89 FEET TO A POINT OF CURVATURE;
5. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET, A CENTRAL ANGLE OF 15°56'57" AND AN ARC LENGTH OF 102.99 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1009.00 FEET, A CENTRAL ANGLE OF 01°04'01" AND AN ARC LENGTH OF 18.79 FEET, THE CHORD OF WHICH BEARS S 53°40'53" E, A DISTANCE OF 18.79 FEET TO A POINT OF TANGENCY;

THENCE S 53°08'53" E, A DISTANCE OF 147.43 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID HIGH POINT ROAD RIGHT-OF-WAY, RECEPTION NO. 150556 AND A POINT OF NON-TANGENT CURVATURE;

NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.
PROJECT: 14-001
DATE: 07/19/16
SHEET 1 OF 4

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



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CIVIL ENGINEERING
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303.703.4444
1950 W. Littleton Blvd., Ste. 109
Littleton, CO 80120

EXHIBIT

SOUTHEAST QUARTER, SECTION 6, SOUTHWEST QUARTER, SECTION 5 TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DOUGLAS COUNTY, COLORADO

LEGAL DESCRIPTION CONTINUED

THENCE ALONG THE SOUTHERLY LINE OF SAID HIGH POINT ROAD RIGHT-OF-WAY, RECEPTION NO. 150556, THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 02°28'34" AND AN ARC LENGTH OF 41.49 FEET, THE CHORD OF WHICH BEARS N 62°15'06" W, A DISTANCE OF 41.48 FEET TO A POINT OF TANGENCY;
2. N 63°29'23" W, A DISTANCE OF 63.76 FEET TO A POINT ON THE SOUTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, RECEPTION NO. 150556, ALSO BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE SOUTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, THE FOLLOWING FIVE (5) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 12°21'03" AND AN ARC LENGTH OF 92.69 FEET, THE CHORD OF WHICH BEARS S 38°01'24" W, A DISTANCE OF 92.51 FEET TO A POINT OF TANGENCY;
2. S 44°11'55" W, A DISTANCE OF 97.89 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 92°30'00" AND AN ARC LENGTH OF 435.90 FEET TO A POINT OF TANGENCY;
4. N 43°18'07" W, A DISTANCE OF 444.86 FEET TO A POINT OF CURVATURE;
5. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 23°58'42" AND AN ARC LENGTH OF 87.89 FEET TO THE POINT OF BEGINNING;

CONTAINING 66,246 SQUARE FEET OR 1.521 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.
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PROJECT: 14-001
DATE: 07/19/16
SHEET 2 OF 4

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

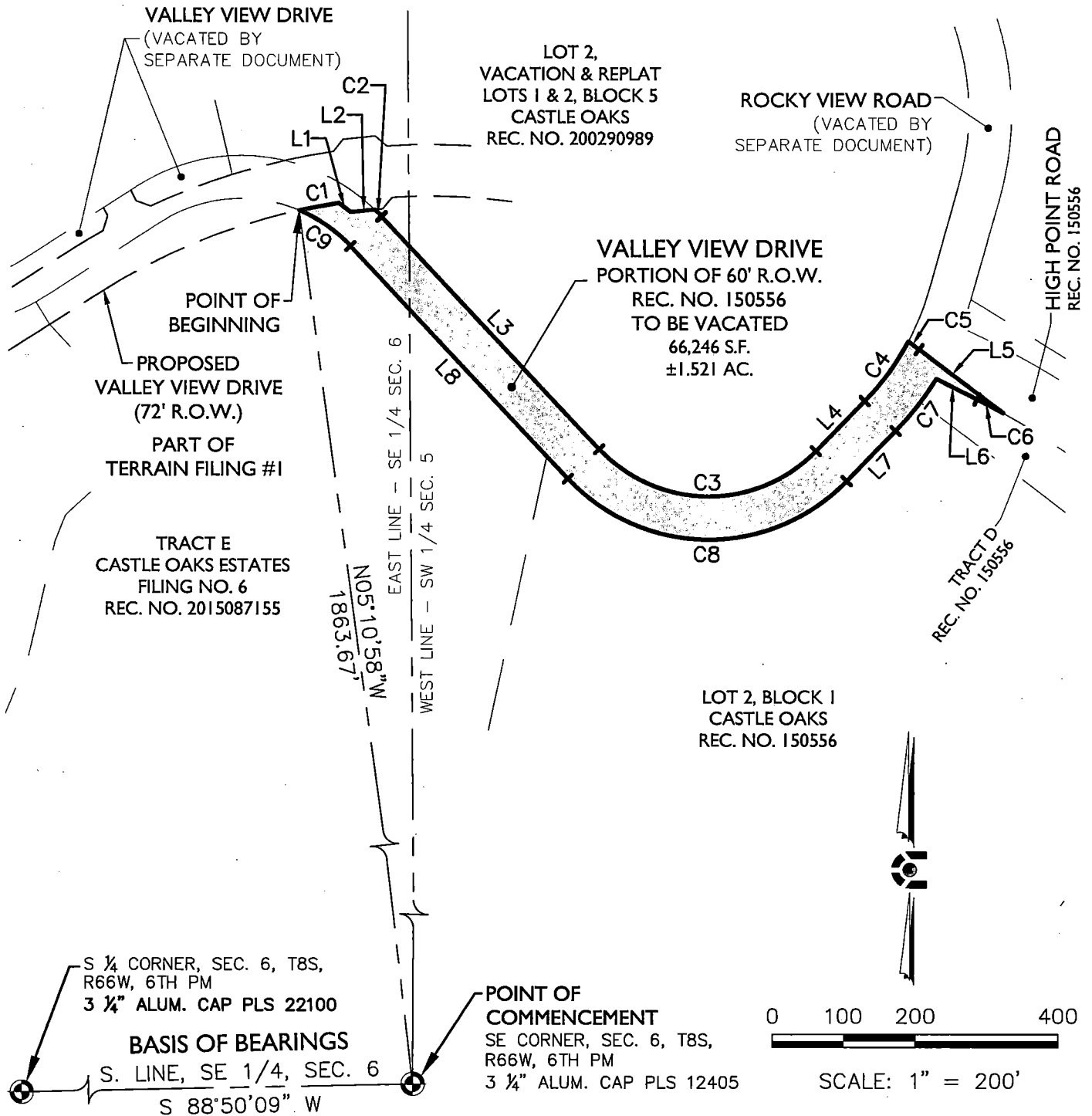


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EXHIBIT

SOUTHEAST QUARTER, SECTION 6, SOUTHWEST QUARTER, SECTION 5
 TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
 DOUGLAS COUNTY, COLORADO



PARCEL CONTAINS 66,246 S.F. OR 1.521 Ac, MORE OR LESS.

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PROJECT: 14-001

DR: J. ANTON

DATE: 07/19/16

DS: T. GIRARD

SHEET 3 OF 4

P.M. B. CALVERT



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

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	20.85	S52° 04' 16"E
L2	33.87	N83° 55' 54"E
L3	444.86	S43° 18' 07"E
L4	97.89	N44° 11' 55"E
L5	147.43	S53° 08' 53"E
L6	63.76	N63° 29' 23"W
L7	97.89	S44° 11' 55"W
L8	444.86	N43° 18' 07"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	56.73	864.00	3°45'43"	56.72	N79°33'47"E
C2	13.47	270.00	2°51'29"	13.47	S44°43'49"E
C3	339.03	210.00	92°30'00"	303.39	S89°33'05"E
C4	102.99	370.00	15°56'57"	102.66	N36°13'27"E
C5	18.79	1009.00	1°04'01"	18.79	S53°40'53"E
C6	41.49	960.00	2°28'34"	41.48	N62°15'06"W
C7	92.69	430.00	12°21'03"	92.51	S38°01'24"W
C8	435.90	270.00	92°30'00"	390.08	N89°33'05"W
C9	87.89	210.00	23°58'42"	87.25	N55°17'26"W

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PROJECT: 14-001
DATE: 07/19/16
SHEET 4 OF 4

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



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EXHIBIT

**SOUTHWEST QUARTER, SECTION 5,
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 ROCKY VIEW ROAD 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 SOUTHWEST QUARTER OF SECTION 5, 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 24°02'06" E, A DISTANCE OF 1894.54 FEET TO A POINT ON THE EAST LINE OF SAID ROCKY VIEW ROAD RIGHT-OF-WAY, ALSO BEING THE POINT OF BEGINNING;

THENCE N 52°57'37" W, A DISTANCE OF 28.87 FEET;
THENCE S 80°59'49" W, A DISTANCE OF 21.26 FEET;
THENCE N 54°54'28" W, A DISTANCE OF 14.61 FEET TO A POINT ON THE WEST LINE OF SAID ROCKY VIEW ROAD RIGHT-OF-WAY;

THENCE ALONG THE WEST LINE OF SAID ROCKY VIEW ROAD RIGHT-OF-WAY, RECEPTION NO. 150556, THE FOLLOWING FOUR (4) COURSES:

1. N 15°45'37" E, A DISTANCE OF 144.09 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET, A CENTRAL ANGLE OF 54°00'00" AND AN ARC LENGTH OF 348.72 FEET TO A POINT OF TANGENCY;
3. N 38°14'23" W, A DISTANCE OF 123.00 FEET TO A POINT OF CURVATURE;
4. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 43°54'58" AND AN ARC LENGTH OF 206.95 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 464.00 FEET, A CENTRAL ANGLE 03°25'27" AND AN ARC LENGTH OF 27.73 FEET, THE CHORD OF WHICH BEARS N 45°09'29" E, A DISTANCE OF 27.73 FEET;

THENCE N 42°06'23" E, A DISTANCE OF 72.25 FEET;

THENCE N 46°52'12" E, A DISTANCE OF 78.11 FEET TO A POINT ON THE EAST LINE OF SAID ROCKY VIEW ROAD RIGHT-OF-WAY, ALSO BEING A POINT OF NON-TANGENT CURVATURE;

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PROJECT: 14-001
DATE: 07/13/16
SHEET 1 OF 4

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



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EXHIBIT

**SOUTHWEST QUARTER, SECTION 5,
TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
DOUGLAS COUNTY, COLORADO**

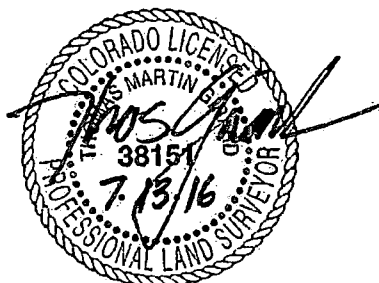
LEGAL DESCRIPTION CONTINUED

THENCE ALONG THE EAST LINE OF SAID ROCKY VIEW ROAD RIGHT-OF-WAY, THE FOLLOWING FIVE (5) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 85°06'35" AND AN ARC LENGTH OF 311.94 FEET, THE CHORD OF WHICH BEARS S 04°18'55" W, A DISTANCE OF 284.04 FEET TO A POINT OF TANGENCY;
2. S 38°14'23" E, A DISTANCE OF 123.00 FEET TO A POINT OF CURVATURE;
3. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 54°00'00" AND AN ARC LENGTH OF 405.27 FEET;
4. S 15°45'37" W, A DISTANCE OF 147.96 FEET TO A POINT OF CURVATURE;
5. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 00°20'20" AND AN ARC LENGTH OF 2.54 FEET TO THE POINT OF BEGINNING;

CONTAINING 52,794 SQUARE FEET OR 1.212 ACRES, MORE OR LESS.

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



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PROJECT: 14-001 DR: J. ANTON
DATE: 07/13/16 DS: T. GIRARD
SHEET 2 OF 4 P.M. B. CALVERT



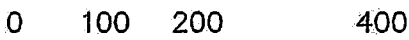
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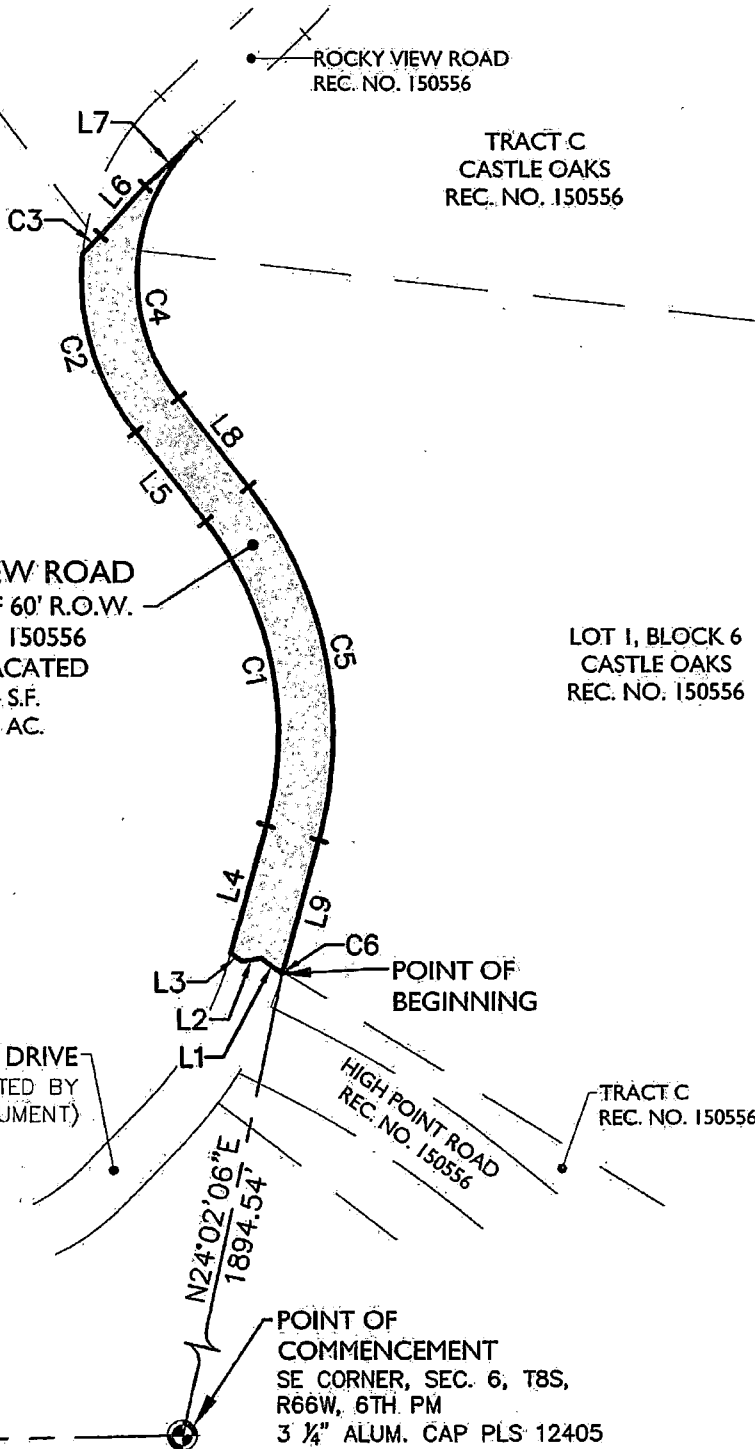
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TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
DOUGLAS COUNTY, COLORADO



SCALE: 1" = 200'



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

ROCKY VIEW ROAD
PORTION OF 60' R.O.W.
REC. NO. 150556
TO BE VACATED
52,794 S.F.
±1.212 AC.

LOT 1, BLOCK 6
CASTLE OAKS
REC. NO. 150556

TRACT C
REC. NO. 150556

S 1/4 CORNER, SEC. 6, T8S,
R66W, 6TH PM
3 1/4" ALUM. CAP PLS 22100

BASIS OF BEARINGS

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

POINT OF
COMMENCEMENT
SE CORNER, SEC. 6, T8S,
R66W, 6TH PM
3 1/4" ALUM. CAP PLS 12405

PARCEL CONTAINS 52,794 S.F. OR 1.212 Ac, MORE OR LESS.
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PROJECT: 14-001 DR: J. ANTON
DATE: 07/13/16 DS: T. GIRARD
SHEET 3 OF 4 P.M. B. CALVERT



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EXHIBIT

SOUTHWEST QUARTER, SECTION 5,
TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
DOUGLAS COUNTY, COLORADO

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	28.87	N52° 57' 37"W
L2	21.26	S80° 59' 49"W
L3	14.61	N54° 54' 28"W
L4	144.09	N15° 45' 37"E
L5	123.00	N38° 14' 23"W
L6	72.25	N42° 06' 23"E
L7	78.11	N46° 52' 12"E
L8	123.00	S38° 14' 23"E
L9	147.96	S15° 45' 37"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	348.72	370.00	54°00'00"	335.95	N11°14'23"W
C2	206.95	270.00	43°54'58"	201.92	N16°16'54"W
C3	27.73	464.00	3°25'27"	27.73	N45°09'29"E
C4	311.94	210.00	85°06'35"	284.04	S04°18'55"W
C5	405.27	430.00	54°00'00"	390.43	S11°14'23"E
C6	2.54	430.00	0°20'20"	2.54	S15°55'47"W

NOTE: THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
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PROJECT: 14-001
DATE: 07/13/16
SHEET 4 OF 4

DR: J. ANTON
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P.M. B. CALVERT



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