

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 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.

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 PROVIDING FOR ITS EMERGENCY ADOPTION ON
SECOND AND FINAL READING**

WHEREAS, it is appropriate to vacate portions of Valley View Drive as more particularly described in the attached *Exhibits 1, 2 and 3* (collectively, the "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 utility facilities and accordingly, the Town will reserve continued access and use rights over the Vacated Area to permit the ongoing access and maintenance of such public facilities.

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 Section 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 16th 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 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, 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 SAID SECTION 6, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 12405" TO THE SOUTH QUARTER CORNER OF SAID SECTION 6, BEING MONUMENTED BY 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°29'31" W, A DISTANCE OF 1957.04 FEET TO A POINT ON THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, BEING THE SOUTHEAST CORNER OF TRACT A, CASTLE OAKS ESTATES FILING NO. 6 PLAT, 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 NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, SAID CASTLE OAKS, THE FOLLOWING FOUR (4) COURSES:

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 35°12'13" AND AN ARC LENGTH OF 165.89 FEET, THE CHORD OF WHICH BEARS N 71°57'19" E, A DISTANCE OF 163.30 FEET TO A POINT OF TANGENCY;
2. N 89°33'30" E, A DISTANCE OF 143.00 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 32°10'34" AND AN ARC LENGTH OF 117.93 FEET TO A POINT OF TANGENCY;
4. N 57°22'56" E, A DISTANCE OF 131.90 FEET;

THENCE S 27°04'36" E, A DISTANCE OF 12.50 FEET;

THENCE S 17°00'18" W, A DISTANCE OF 21.55 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 936.00 FEET, A CENTRAL ANGLE OF 02°37'54" AND AN ARC LENGTH OF 42.99 FEET, THE CHORD OF WHICH BEARS S 59°18'43" W, A DISTANCE OF 42.99 FEET;

THENCE S 57°59'46" W, A DISTANCE OF 163.06 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 414.00 FEET, A CENTRAL ANGLE OF 06°59'23" AND AN ARC LENGTH OF 50.50 FEET TO A POINT ON THE SOUTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, SAID CASTLE OAKS, ALSO BEING THE EAST CORNER OF TRACT B, SAID CASTLE OAKS ESTATES FILING NO. 6 PLAT, SAID DOUGLAS COUNTY RECORDS 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



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**

LEGAL DESCRIPTION CONTINUED

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

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 00°25'32" AND AN ARC LENGTH OF 2.00 FEET, THE CHORD OF WHICH BEARS S 89°20'44" W, A DISTANCE OF 2.00 FEET TO A POINT OF TANGENCY;
2. S 89°33'30" W, A DISTANCE OF 143.00 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 35°12'17" AND AN ARC LENGTH OF 129.03 FEET TO A POINT ON THE EAST LINE OF TRACTS A AND B, SAID CASTLE OAKS ESTATES FILING NO. 6 PLAT;

THENCE N 35°38'47" W, ALONG THE EAST LINES OF SAID TRACTS A AND B, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,294 SQUARE FEET OR 0.581 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, TOWNSHIP 8 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,
DOUGLAS COUNTY, COLORADO

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

R.O.W. TO REMAIN
(45' R.O.W.)

VALLEY VIEW DRIVE
PORTION OF 60' R.O.W.
REC. NO. 150556
TO BE VACATED
25,294 S.F.
±0.581 AC.

POINT OF BEGINNING

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

PROPOSED
VALLEY VIEW DRIVE
(72' R.O.W.)
PART OF
TERRAIN FILING #1

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

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

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 - S 88°50'09" W

0 50 100 200

SCALE: 1" = 100'

PARCEL CONTAINS 25,294 S.F. OR 0.581 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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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	143.00	N89° 33' 30"E
L2	131.90	N57° 22' 56"E
L3	12.50	S27° 04' 36"E
L4	21.55	S17° 00' 18"W
L5	163.06	S57° 59' 46"W
L6	143.00	S89° 33' 30"W
L7	60.00	N35° 38' 47"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	165.89	270.00	35°12'13"	163.30	N71°57'19"E
C2	117.93	210.00	32°10'34"	116.39	N73°28'13"E
C3	42.99	936.00	2°37'54"	42.99	S59°18'43"W
C4	50.50	414.00	6°59'23"	50.47	S61°29'27"W
C5	2.00	270.00	0°25'32"	2.00	S89°20'44"W
C6	129.03	210.00	35°12'17"	127.01	S71°57'21"W

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SHEET 4 OF 4

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COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE N 07°54'12" W, A DISTANCE OF 1950.22 FEET TO THE SOUTHEAST CORNER OF LOT 1, VACATION AND REPLAT OF LOTS 1 & 2, BLOCK 5 CASTLE OAKS, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 200290989, SAID DOUGLAS COUNTY RECORDS, ALSO BEING A POINT ON THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY AND THE POINT OF BEGINNING;

THENCE S 03°58'14" E, A DISTANCE OF 27.39 FEET TO A POINT OF NON-TANGENT CURVATURE;
 THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 936.00 FEET, A CENTRAL ANGLE OF 07°13'54" AND AN ARC LENGTH OF 118.14 FEET, THE CHORD OF WHICH BEARS S 68°50'05" W, A DISTANCE OF 118.06 FEET;
 THENCE N 71°09'30" W, A DISTANCE OF 21.55 FEET;
 THENCE N 27°04'36" W, A DISTANCE OF 16.87 FEET TO A POINT ON THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY;

THENCE ALONG THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, SAID CASTLE OAKS, THE FOLLOWING TWO (2) COURSES:

1. N 57°22'56" E, A DISTANCE OF 11.19 FEET TO A POINT OF CURVATURE;
2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 28°38'50" AND AN ARC LENGTH OF 135.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,630 SQUARE FEET OR 0.106 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: 07/20/16
 SHEET 1 OF 2

DR: J. ANTON
 DS: T. GIRARD
 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



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

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

VALLEY VIEW DRIVE
(60' R.O.W.)
REC. NO. 150556
TO BE VACATED
4,630 S.F.
±0.106 AC.

L=135.00'
R=270.00'
Δ=28°38'50"
CH=133.60'
CHB=N71°42'21"E

POINT OF
BEGINNING

S3°58'14"E
27.39'

N57°22'56"E
11.19'

N27°04'36"W
16.87'

L=118.14'
R=936.00'
Δ=7°13'54"
CH=118.06'
CHB=S68°50'05"W

N71°09'30"W
21.55'

VALLEY VIEW DRIVE
(VACATED BY SEP. DOC.)

R.O.W. TO REMAIN

PROPOSED
VALLEY VIEW DRIVE
(72' R.O.W.)
PART OF
TERRAIN FILING #1

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

N07°54'12"W
1350.22'

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

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

0 25 50 100

SCALE: 1" = 50'

BASIS OF BEARINGS

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

PARCEL CONTAINS 4,630 S.F. OR 0.106 Ac, MORE OR LESS.

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PROJECT: 14-001

DR: J. ANTON

DATE: 07/20/16

DS: T. GIRARD

SHEET 2 OF 2

P.M. B. CALVERT



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COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE N 07°54'12" W, A DISTANCE OF 1950.22 FEET TO THE SOUTHWEST CORNER OF LOT 2, VACATION AND REPLAT OF LOTS 1 & 2 BLOCK 5 CASTLE OAKS, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 200290989, SAID DOUGLAS COUNTY RECORDS, ALSO BEING A POINT ON THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, ALSO BEING A POINT OF NON-TANGENT CURVATURE AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, AND ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 17°02'18" AND AN ARC LENGTH OF 80.29 FEET, THE CHORD OF WHICH BEARS S 85°27'05" E, A DISTANCE OF 80.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 936.00 FEET, A CENTRAL ANGLE OF 04°56'12" AND AN ARC LENGTH OF 80.65 FEET, THE CHORD OF WHICH BEARS S 74°55'08" W, A DISTANCE OF 80.62 FEET;

THENCE N 03°58'14" W, RADIAL TO THE NORTH LINE OF SAID VALLEY VIEW DRIVE RIGHT-OF-WAY, A DISTANCE OF 27.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,196 SQUARE FEET OR 0.028 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: 07/20/16

SHEET 1 OF 2

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

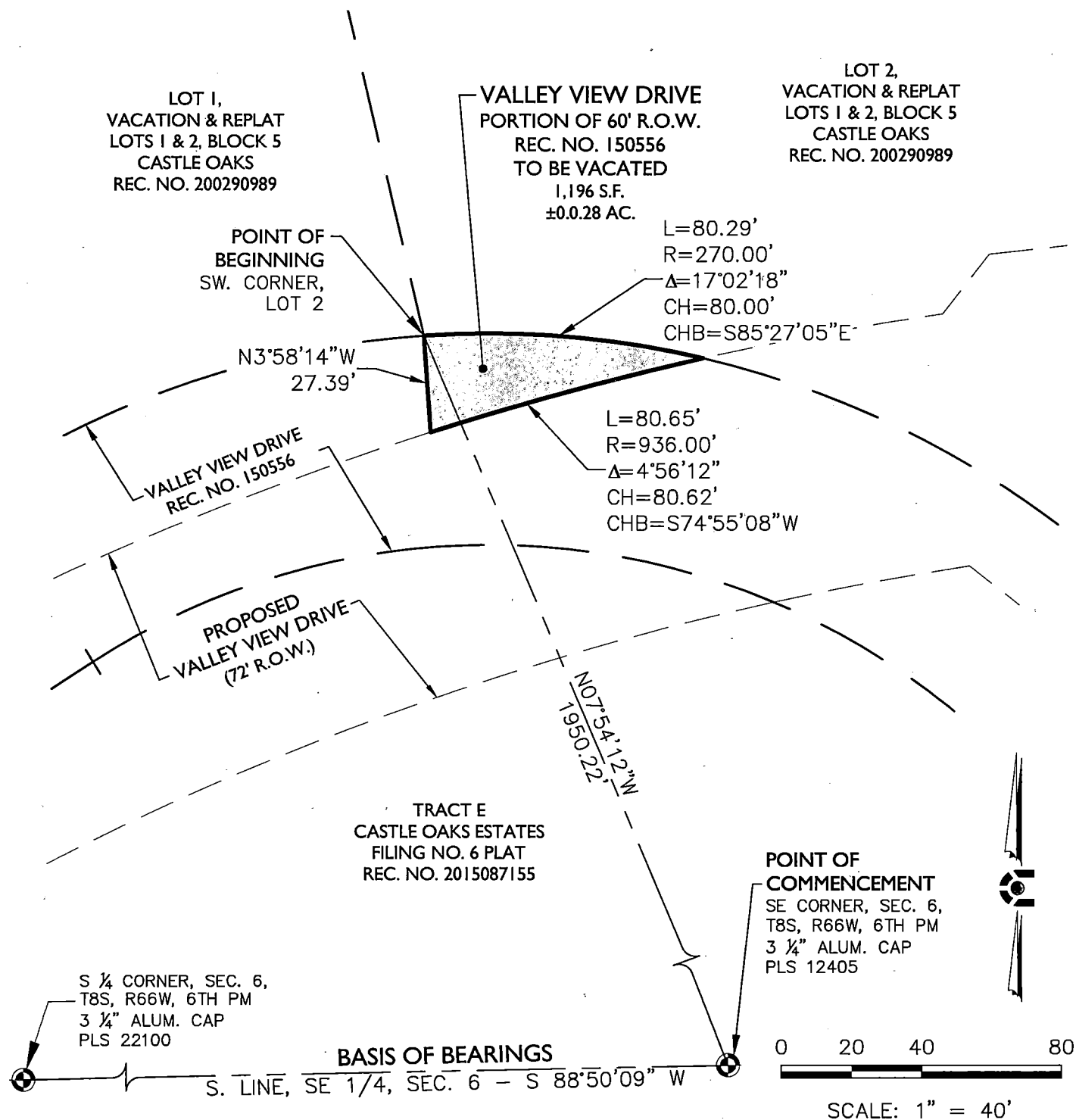


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DOUGLAS COUNTY, COLORADO



PARCEL CONTAINS 1,196 S.F. OR 0.028 Ac, MORE OR LESS.
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PROJECT: 14-001
DATE: 07/20/16
SHEET 2 OF 2

DR: J. ANTON
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