

**RESOLUTION NO. 2017 - 058**

**A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS YOUR STORAGE CENTER AT CASTLE ROCK TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S.; AND ESTABLISHING A DATE, TIME AND PLACE FOR THE HEARING PRESCRIBED UNDER §31-12-108, C.R.S. TO DETERMINE IF THE PROPERTY PETITIONED FOR ANNEXATION TO THE TOWN OF CASTLE ROCK IS ELIGIBLE FOR ANNEXATION UNDER SECTION 30, ARTICLE II OF THE COLORADO CONSTITUTION AND THE MUNICIPAL ANNEXATION ACT OF 1965**

**WHEREAS**, on June 13, 2017, a Petition for Annexation designated the Your Storage Center at Castle Rock Annexation (“Petition”) was filed with the Town Clerk by petitioners alleging to comprise more than fifty percent (50%) of the landowners in the area subject to the Petition and described on the attached *Exhibit A* (“Property”), and who assert ownership of more than fifty percent (50%) of the Property, excluding public streets and alleys and any land owned by the Town of Castle Rock;

**WHEREAS**, the Petition requests the Town of Castle Rock annex the Property; and

**WHEREAS**, pursuant to §31-12-107(1)(f), C.R.S., the Town Council, without undue delay, is required to determine if the Petition is in substantial compliance with Section 30(1)(b) of the Colorado Constitution and §31-12-107(1), and if so, it is to follow the procedures for consideration of the proposed annexation in accordance with the Municipal Annexation Act of 1965 including determination of whether the proposed annexation of the Property complies with the requirements of §§31-12-104 and 31-12-105, C.R.S.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:**

- Section 1.** The Town Council finds and determines:
- A. the Petition filed with the Town Clerk was signed by persons comprising more than fifty percent (50%) of the landowners of the Property, and who own more than fifty percent (50%) of the Property, excluding public streets and alleys, and all land owned by the Town of Castle Rock;
  - B. the Petition requests the Town of Castle Rock annex the Property;
  - C. the Petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.;

- D. the Petition is accompanied by a map containing the information required under §31-12-107(1)(d), C.R.S.; and
- E. no signature on the Petition is dated more than 180 days prior to the date of filing of the Petition with the Town Clerk.

**Section 2.** Pursuant to §31-12-108, C.R.S., a public hearing is scheduled before the Town Council on September 5, 2017, at 6:00 P.M., at the Castle Rock Town Hall, 100 N. Wilcox Street, Castle Rock, Colorado, for the purpose of enabling the Town Council to determine whether the area proposed to be annexed complies with Section 30 of Article II of the Colorado Constitution and the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed.

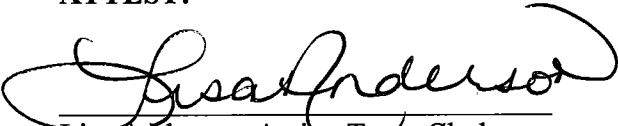
**Section 3.** The Town Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

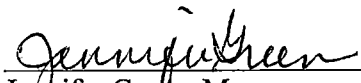
**Section 4.** This Resolution shall become effective on the date and at the time of its adoption.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of July, 2017 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of 6 for and 0 against.

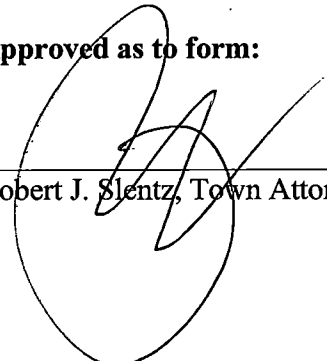
**ATTEST:**

**TOWN OF CASTLE ROCK**

  
\_\_\_\_\_  
Lisa Anderson, Acting Town Clerk

  
\_\_\_\_\_  
Jennifer Green, Mayor

**Approved as to form:**

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

PARCEL B:

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 ;THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 678.00 FEET ;  
THENCE NORTHWESTERLY ON AN ANGLE TO THE RIGHT OF 96 DEGREES 34 MINUTES 15 SECONDS A

DISTANCE OF 309.60 FEET TO THE TRUE POINT OF BEGINNING ;  
THENCE CONTINUING NORTHWESTERLY ALONG THE LAST MENTIONED COURSE A DISTANCE OF

296.00 FEET TO A POINT ON THE EAST LINE OF INTERSTATE 25 ;  
THENCE SOUTHWESTERLY ON AN ANGLE TO THE LEFT OF 73 DEGREES 39 MINUTES 00 SECONDS

ALONG SAID EAST LINE A DISTANCE OF 106.00 FEET ;  
THENCE SOUTHEASTERLY ON AN ANGLE TO THE LEFT OF 106 DEGREES 21 MINUTES 00 SECONDS A

DISTANCE OF 315.58 FEET ;  
THENCE NORTHEASTERLY ON AN ANGLE TO THE LEFT OF 84 DEGREES 14 MINUTES 30 SECONDS A

DISTANCE OF 102.23 FEET TO THE POINT OF BEGINNING.

PARCEL C:

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DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, COUNTY OF DOUGLAS, STATE OF COLORADO



# Town of Castle Rock

100 North Wilcox Street  
Castle Rock, CO 80104

## Agenda Memorandum

**Agenda Date: 7/18/2017**

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**Item #: 15. File #: RES 2017-058**

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**To:** Honorable Mayor and Members of Town Council

**From:** Donna Ferguson, Planner II, Development Services Department

**Resolution Finding a Certain Petition for Annexation Known as Your Storage Center at Castle Rock to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of §31-12-107(1), C.R.S.; and Establishing a Date, Time and Place for the Hearing Prescribed Under §31-12-108, C.R.S. to Determine if the Property Petitioned for Annexation to the Town of Castle Rock is Eligible for Annexation Under Section 30, Article II of the Colorado Constitution and the Municipal Annexation Act of 1965 [South I-25 Frontage Road between Brookside Circle and S. Perry Street]**

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### **Executive Summary**

Cactus Moon Maizeland, LLC has submitted a Petition for Annexation for two parcels of land which are located along the I-25 Frontage Road between Brookside Circle and S. Perry Street (Figure 1). Petitions for Annexation require public hearing before Town Council for review and determination of its Substantial Compliance with the applicable requirements of the Colorado Municipal Annexation Act (Act).

Once Town Council concurs a Petition for Annexation is in Substantial Compliance with the Act, the Act mandates that Town Council set a date for its Eligibility Hearing. The Eligibility Hearing determines if the allegations made in the petition are supportable and eligible to move forward to the Town's Annexation and Zoning process. Upon approval of the Substantial Compliance Resolution the Eligibility Hearing for this petition will be scheduled for September 5, 2017.

Please note that the Substantial Compliance and Eligibility hearings only determine whether or not a Petition for Annexation may move forward to the Town's Annexation and Zoning process. It is at the Town's Annexation and Zoning hearings that Town Council determines whether or not it is in the Town's interest to annex the property.

### **Budget Impact**

The action of determining substantial compliance does not have any financial impact.

### **Staff Recommendation**

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**Item #: 15. File #: RES 2017-058**

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The application substantially complies with the State requirements and staff recommends setting an Eligibility Hearing date of September 5, 2017.

**Proposed Motion**

I move to approve the Resolution as introduced by title.

**Attachments**

- Attachment A: Resolution
- Exhibit A: Legal Description
- Attachment B: Annexation Petition
- Attachment C: Annexation Plat Map



## AGENDA MEMORANDUM

**To:** Honorable Mayor and Members of Town Council

**From:** Donna Ferguson, Planner II, Development Services Department

**Title:** **Resolution Finding a Certain Petition for Annexation Known as Your Storage Center at Castle Rock to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of §31-12-107(1), C.R.S.; and Establishing a Date, Time and Place for the Hearing Prescribed Under §31-12-108, C.R.S. to Determine if the Property Petitioned for Annexation to the Town of Castle Rock is Eligible for Annexation Under Section 30, Article II of the Colorado Constitution and the Municipal Annexation Act of 1965 [South I-25 Frontage Road between Brookside Circle and S. Perry Street]**

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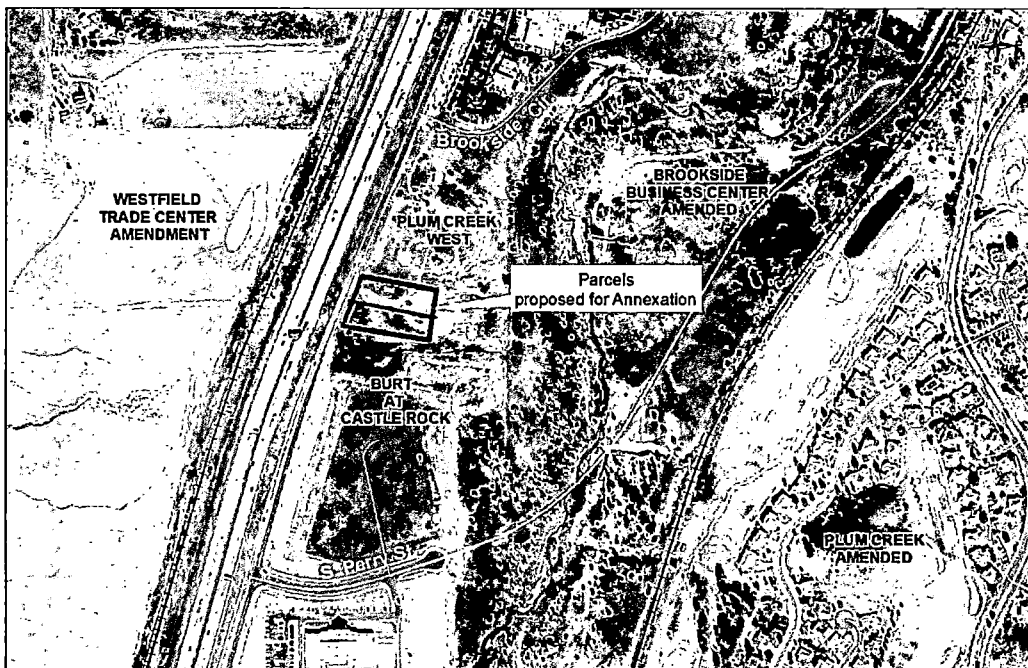


Figure 1: Location Map

Petitions for Annexation require public hearing before Town Council for review and determination of its Substantial Compliance with the applicable requirements of the Colorado Municipal Annexation Act (Act).

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Please note that the Substantial Compliance and Eligibility hearings only determine whether or not a Petition for Annexation may move forward to the Town's Annexation and Zoning process. It is at the Town's Annexation and Zoning hearings that Town Council determines whether or not it is in the Town's interest to annex the property.

## **Discussion**

### **The Property**

The annexation petition known as Your Storage Center at Castle Rock was filed with the Town Clerk on June 13, 2017. The proposed annexation area is 1.457 acres. The property is a vacant site zoned rural residential under the jurisdiction of Douglas County.

### **Annexation Process**

There are three steps required in the annexation process. The following summarizes the three steps:

1. **Substantial Compliance** – The Town must determine if the annexation petition is in the prescribed form and contains the necessary statutory allegations. In addition, a finding must be made that the petitioners constitute more than 50% of all the landowners and that the petitioners own more than 50% of the total area of the property, excluding certain public ownership. The Town must also set a date, time and place for an Eligibility Hearing.
2. **Eligibility** – After four consecutive weeks of public notice in a newspaper of general circulation, the Town will determine if the assertions in the annexation petition are supportable and that the property is eligible for annexation under the Act. The Eligibility Hearing must occur between 30 and 60 days after the Substantial Compliance Hearing. If this Substantial Compliance Resolution is approved, the Eligibility Hearing for the Your Storage Center at Castle Rock Annexation will be scheduled for September 5, 2017 (**Attachment A**).
3. **Annexation and Zoning** – Once a request has been found to be eligible for annexation, the Town can proceed with the Annexation and Zoning hearings at Planning Commission and Town Council. Substantial Compliance and Eligibility determine whether the parcel **can** be annexed; this final step determines whether a parcel **should** be annexed.

### **Substantial Compliance Findings**

This application meets the requirements of the first step in the annexation process. Staff recommends that Town Council make a finding that this application substantially complies with Section 30 of Article II of the Colorado Constitution and with the Colorado Revised Statutes (C.R.S.) § 31-12-107(1) given that:

1. The Annexation Petition has been signed by more than 50% of the landowners, owning more than 50% of the land, excluding right-of-way and property owned by the Town of Castle Rock. In fact, the Annexation Petition is signed by all of the property owners.
2. The petition (**Attachment B**) was filed with the Town Clerk on June 13, 2017.
3. The petition contains:
  - a. An allegation that it is desirable and necessary that such territory be annexed to the Town;
  - b. An allegation that the requirements of §§ 31-12-104 and 31-12-105 C.R.S. exist or have been met;
  - c. An allegation that the signers of the petition comprise the landowners of more than fifty (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
  - d. A request that the municipality approve the annexation;
  - e. The signatures of the land owners;
  - f. The mailing address of each signer;
  - g. The legal description of the land owned by such signer;
  - h. The date of signing of each signature; and
  - i. The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.
4. Four copies of the annexation map (**Attachment C**) were filed with the Clerk, containing:
  - a. A written legal description;
  - b. A map showing the boundary of the area proposed for annexation;
  - c. An indication of ownership tracts; and
  - d. A depiction of the contiguous boundary of the property with any municipality.
5. No signatures on the petition are dated more than 180 days prior to the date of filing.

Staff finds that the annexation request meets the statutory requirements and it should be deemed sufficient.

#### **Budget Impact**

The action of determining substantial compliance does not have any financial impact.

#### **Staff Recommendation**

The application substantially complies with the State requirements and staff recommends setting an Eligibility Hearing date of September 5, 2017.

#### **Proposed Motion**

I move to approve the Resolution as introduced by title.

#### **Attachments**



Attachment A: Resolution

Exhibit A: Legal Description

Attachment B: Annexation Petition

Attachment C: Annexation Plat Map

**PETITION FOR ANNEXATION**

TO: TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO

The undersigned Landowner (Petitioner), in accordance with the provisions of Article 12 of Title 31, C.R.S., as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, hereby petition the Town Council of the Town of Castle Rock, Colorado, for annexation to the Town of Castle Rock, Colorado, of the unincorporated territory situate and described as in the attached *Exhibit I* (Property).

Petitioner states to the Town Council as follows:

1. It is desirable and necessary that the Property be annexed to the Town of Castle Rock, Colorado.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met, in that:
  - a. Not less than one sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town.
  - b. A community of interest exists between the Property and the Town.
  - c. The Property is urban or will be urbanized in the near future and that the Property is integrated with or is capable of being integrated with the Town.
  - d. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way.
  - e. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000.00 for *ad valorem* tax purposes for the year next preceding the annexation) is included in the area proposed to be annexed without the written consent of the landowner or landowners, unless such tract of land is situated entirely within the outer boundaries of the Town, as they exist at the time of annexation.

f. That no annexation proceedings have been commenced for the annexation of part or all of the Property proposed to be annexed to another municipality.

g. That the property proposed to be annexed by the Town, or substantially this same area has not been the subject of an election for annexation to the Town within the preceding twelve (12) months.

h. That the Property is not presently a part of any incorporated city, city and county, or town.

i. That the annexation of the Property will not result in the detachment of area from any school district and the attachment of the same to another school district.

j. That the annexation of the Property will not have the effect of extending a municipal boundary of the Town, more than three miles in any direction from any point of such municipal boundary within one year, except such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership and at least fifty percent of that parcel is within the three-mile limit.

k. That in establishing the boundaries of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

l. That the mailing address of the Petitioner, the legal description of the land owned by the Petitioner and the date of signing of each signature are all shown on this Petition for Annexation.

m. That no signature on this Petition for Annexation is dated more than one hundred eighty (180) days prior to the date of filing the Petition for Annexation with the Town Clerk.

3. The Signer of this petition comprise more than fifty percent (50%) of the landowners in the area proposed to be annexed, and own more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town of Castle Rock, Colorado, in accordance with the Constitution of the State of Colorado, Article II, Section 30.

4. Submitted concurrently are four (4) prints of the annexation map containing a written legal description of the Property and showing the boundaries of the area proposed to be annexed; the location of each ownership tract in unplatted land or, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and a drawing of the contiguous boundary of the Town of Castle Rock, Colorado, and the contiguous boundary of any other municipality abutting the area proposed to be annexed.





**EXHIBIT 1 (Property)**

**PARCEL B:**

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 ;THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 678.00 FEET ;  
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DISTANCE OF 309.60 FEET TO THE TRUE POINT OF BEGINNING ;  
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**PARCEL C:**

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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# YOUR STORAGE CENTER

## AN ANNEXATION TO THE TOWN OF CASTLE ROCK

### PART OF THE SE 1/4 OF SECTION 15, T8S, R67W, 6TH P.M., DOUGLAS COUNTY, COLORADO

#### 1.457 ACRES

ATTACHMENT C

**PROPERTY DESCRIPTION: PARCEL B**

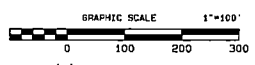
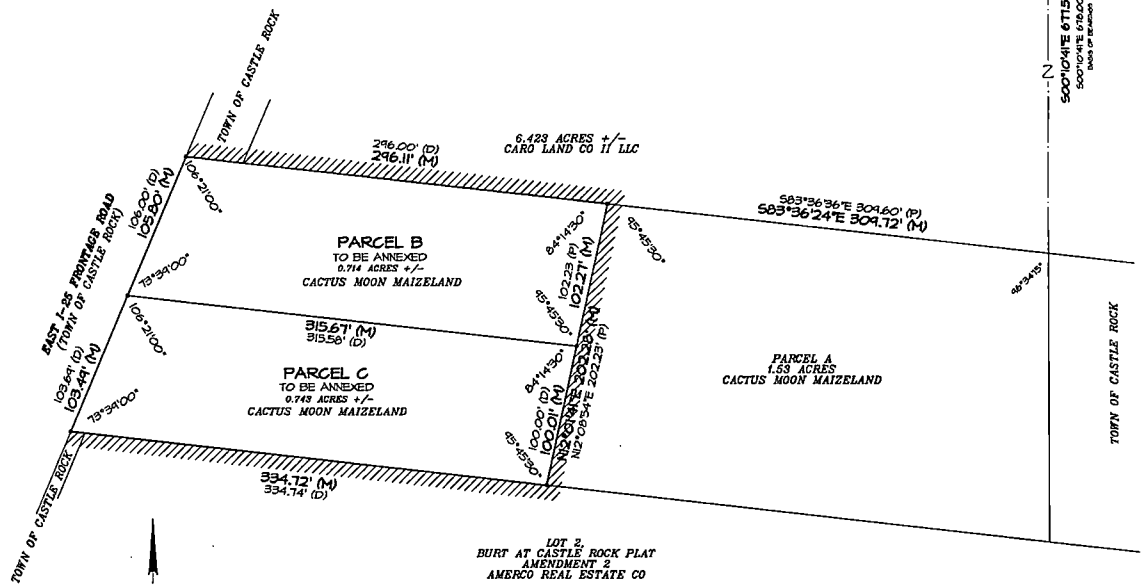
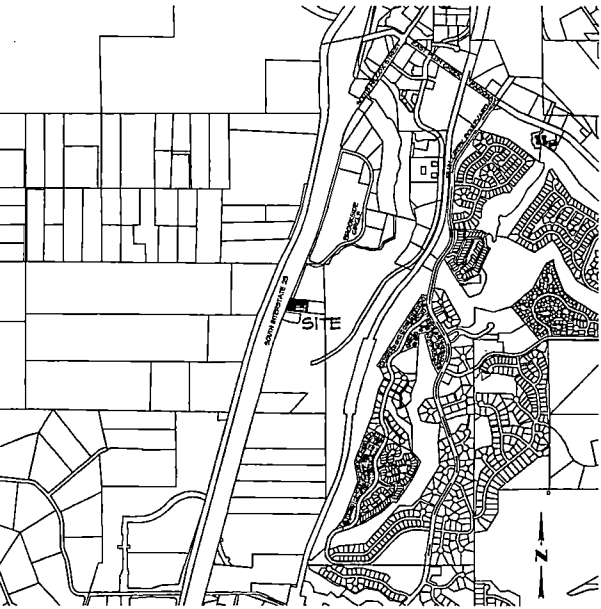
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**PROPERTY DESCRIPTION: PARCEL C**

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(M)=FIELD MEASURED  
 (P)=PLATTED DIMENSIONS  
 (D)=DEEDED DIMENSIONS

**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE CONSIDERATION THAT THE EAST LINE OF SECTION 15 BEARS S00°10'41"E AS SHOWN HEREON BETWEEN THE MONUMENTS IDENTIFIED.

**GENERAL NOTES**

- THE LINEAL UNITS OF MEASURE SHOWN ON THIS SURVEY ARE BASED UPON THE U.S. SURVEY FOOT.
- THE FIELD WORK FOR THIS SURVEY WAS PERFORMED BY DAVID E. ARCHER & ASSOCIATES.
- THE ANNEXATION PARCEL CONTAINS A TOTAL OF 1.457 ACRES MORE OR LESS.
- PUBLIC ACCESS TO THE SITE WILL BE VIA EAST I-25 FRONTAGE ROAD.
- THERE ARE NO MAPPED FEMA FLOOD PLAINS ON THIS PARCEL PER FIRM PANEL 0803SC0310, EFFECTIVE MARCH 16, 2016.

**CONTIGUOUS PERIMETER**

TOTAL PERIMETER	1042.41 LINEAR FEET
MINIMUM CONTIGUOUS PERIMETER (1/8)	173.74 LINEAR FEET
CONTIGUOUS PERIMETER	833.11 LINEAR FEET

////// DENOTES EXISTING TOWN LIMITS

**TOWN OF CASTLE ROCK APPROVAL**

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, DOUGLAS COUNTY, COLORADO, THIS \_\_\_\_\_, 2017, A.D.

WAYON \_\_\_\_\_ ATTEST: TOWN CLERK

**SURVEYOR'S CERTIFICATE**

I, DEE ALLEN BIRD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT MORE THAN ONE-SIXTH (1/6) (OR 16.7%) OF THE EXTERNAL BOUNDARY OF THE AREA PROPOSED TO BE ANNEXED TO THE TOWN OF CASTLE ROCK, COLORADO, IS CONTIGUOUS WITH THE BOUNDARIES OF THE ANNEXING MUNICIPALITY, AND THAT THIS ANNEXATION PLAT COMPLIES WITH THE COLORADO STATE STATUTES AND THE TOWN OF CASTLE ROCK, COLORADO CODES PERTAINING THEREIN.

DEE ALLEN BIRD (P.L.S. 25953) \_\_\_\_\_ DATE \_\_\_\_\_

**CLERK AND RECORDER'S CERTIFICATE**

STATE OF COLORADO )  
 COUNTY OF DOUGLAS )  
 I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017 A.D., AT \_\_\_\_\_ A.M./P.M., AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_

\_\_\_\_\_ COUNTY CLERK AND RECORDER

Revised	02-21-17

**DAVID E. ARCHER & ASSOCIATES, INC.**  
 LAND DEVELOPMENT CONSULTING  
 SURVEYING & ENGINEERING  
 PHONE (303) 838-8442  
 100 WILCOX ST. CASTLE ROCK, COLORADO 80104



THIS ANNEXATION Your Storage Center In Sec. 15, Township 8 South, Range 67 West, 6th P.M., Douglas County, Colorado.	SCALE 1"=100' DATE 04-21-2017 BY [Signature]
POLO PROPERTIES	108 108282
Sheet _____ of _____	17-0207

\*NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

C:\ProgramData\BENTLEY\2007\MicroStation\MicroStation.mxd  
 Mon Jun 12 11:24:12 2017