



**TOWN OF CASTLE ROCK  
FESTIVAL PARK COMMONS  
GENERAL IMPROVEMENT DISTRICT**

Board of Directors:

Jason Gray, Chair  
Jason Bower, Co-Chair  
Jess Loban  
George Teal  
James Townsend  
Kevin Bracken  
Caryn Johnson

**AGENDA**

**6:00 P.M.  
Tuesday, August 18, 2020**

**100 N. Wilcox Street  
Castle Rock, CO**

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1. **Call to Order and Roll Call**
2. **Minutes:** Approval of the December 3, 2019 Minutes
3. **Ordinance 2020-001 – First Reading:** Ordinance of the Town Council of the Town of Castle Rock, Acting Ex-Officio as the Board of Directors of the Town of Castle Rock Festival Park Commons General Improvement District Accepting a Petition for the Inclusion of Certain Real Property into the Town of Castle Rock Festival Park Commons General Improvement District; Declaring the Necessity of Including the Property into the District and Providing Other Details Relating Thereto
4. **Adjourn**



**TOWN OF CASTLE ROCK  
FESTIVAL PARK COMMONS  
GENERAL IMPROVEMENT DISTRICT**

**Board of Directors:**

Jason Gray, Chair  
Jason Bower, Co-Chair  
Jess Loban  
George Teal  
James Townsend  
Kevin Bracken  
Caryn Johnson

**MINUTES**

**6:00 pm  
Tuesday, December 3, 2019**

**100 N. Wilcox Street  
Castle Rock, CO**

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**1. Call to Order and Roll Call**

Chairman Gray called the meeting to order at 8:10 pm. All members present.

**2. Minutes:** Approval of the November 5, 2019 Minutes

*Moved by Loban, seconded by Townsend to Approve the Minutes.  
Vote of 7-0*

**3. Resolution 2019-007:** Approving the Second Amendment to the Encore CR Downtown Redevelopment and Financing Agreement

No public comment.

*Moved by Loban, seconded by Townsend to Approve the Resolution.  
Vote of 7-0*

**4. Adjourn**

Mayor Gray adjourned the meeting at 8:14 pm.

Submitted by:

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Lisa Anderson, Secretary



**TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS  
GENERAL IMPROVEMENT DISTRICT**

**AGENDA MEMO**

**Meeting Date: August 18, 2020**

**TO:** Board of Directors

**FROM:** Michael J. Hyman, District Counsel

**RE:** **Ordinance No. 2020-001: Ordinance of the Town Council of the Town of Castle Rock, Acting Ex-Officio as the Board of Directors of the Town of Castle Rock Festival Park Commons General Improvement District Accepting a Petition for the Inclusion of Certain Real Property into the Town of Castle Rock Festival Park Commons General Improvement District; Declaring the Necessity of Including the Property into the District and Providing Other Details Relating Thereto**

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The Developer has filed a petition with the Town requesting that additional property be included in the District. Petition has been signed by the Developer, who is the owner of one hundred percent of the taxable real property to be included in the District, and contains a request, pursuant to Section 31-25-618, Colorado Revised Statutes, for such inclusion.

**TOWN OF CASTLE ROCK, FESTIVAL PARK COMMONS  
GENERAL IMPROVEMENT DISTRICT  
ORDINANCE NO. 2020-001**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK,  
ACTING EX OFFICIO AS THE BOARD OF DIRECTORS OF THE CASTLE ROCK  
FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT ACCEPTING  
A PETITION FOR THE INCLUSION OF CERTAIN REAL PROPERTY INTO THE  
TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS GENERAL  
IMPROVEMENT DISTRICT; DECLARING THE NECESSITY OF INCLUDING THE  
PROPERTY INTO THE DISTRICT AND PROVIDING OTHER DETAILS RELATING  
THERE TO**

**WHEREAS**, the Town of Castle Rock, in the County of Douglas and State of Colorado (the “Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado and in particular under the provisions of Article XX of the Constitution of the State of Colorado and the Town’s Home Rule Charter (the “Charter”); and

**WHEREAS**, the members of the Town Council (the “Council”) have been duly elected or appointed and qualified; and

**WHEREAS**, the Council serves ex officio as the Board of Directors of the District (the “Board”); and

**WHEREAS**, the Town has been involved in discussions with CD Festival Commons LLC (the “Developer”) with respect to the development of mixed-use development project within the Town expected to include residential units, retail and office space, and parking for approximately 601 vehicles, approximately 308 of which are expected to be owned by the Town for public use (the “Project”); and

**WHEREAS**, the Town, at the request of the Developer, by Ordinance No. 2018-028, created the Town of Castle Rock Festival Park Commons General Improvement District; and

**WHEREAS**, the District was formed in order to provide financing for a portion of the cost of the construction and ongoing operation and maintenance of the parking garage facility; and

**WHEREAS**, upon organization, certain real property was included within the boundaries of the District; and

**WHEREAS**, the Developer has acquired additional property which it desires to include within the District boundaries; and

**WHEREAS**, the Developer has filed a Petition (the “Petition”) with the Town Clerk, acting ex officio as the Secretary of the District (the “Secretary”), for inclusion of such additional property into the District; and

**WHEREAS**, the Petition has been reviewed by the Secretary; and

**WHEREAS**, the Petition has been signed by the Developer, who is the owner of one hundred percent of the taxable real property to be included in the District, and contains a request, pursuant to Section 31-25-618, Colorado Revised Statutes, for such inclusion.

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT:**

Section 1. Findings and Determinations. The Board hereby accepts the Petition for inclusion of real property in to the District (the “Petition”). The Board hereby finds that the signatures on the Petition are genuine, that the Petition is signed by one hundred percent of the owners of taxable real property of the property to be included within the District, and that the Petition contains a request for inclusion.

The Secretary caused notice of the Petition to be given and published, which notice stated that the Petition was filed, the names of the petitioners, a description of the property to be included, and the request of the petitioner for inclusion.

Such notice notified all persons having objections to appear at the office of the Board on this date at the time stated, and to show cause why the Petition should not be granted.

No objections were presented at this meeting of the Board.

Section 2. Inclusion into the District. The Board hereby finds and determines that the real property shown in **Exhibit A** hereto shall be included within the boundaries of the District.

Section 3. Filing of Ordinance. Within thirty days after Board action on this ordinance, the Town Clerk shall transmit to the County Clerk and Recorder of Douglas County a copy of this ordinance.

Section 4. Ordinance Conclusive. This ordinance shall finally and conclusively establish the inclusion of the real property into the District against all persons unless an action attacking the validity of such inclusion is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 5. Repealer Clause. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 6. Severability Clause. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance.

Section 7. Charter Controls. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and such statutes. Any such inconsistency or conflict is intended by the Board and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 8. Effective Date. Pursuant to Section 7-3 of the Charter and 2.02.100 of the Municipal Code of the Town, this ordinance is effective thirty (30) days following its adoption on second reading.

Section 9. Safety Clause. The Board finds and declares that this Ordinance is promulgated and adopted for the public peace, health or safety and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 10. Disposition of Ordinance. This Ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the Mayor, acting as the Chairman of the Board of Directors of the District, and Town Clerk, acting as the Secretary of the Board, and by the certificate of publication.

**AFTER PUBLICATION ONCE BY TITLE AND SUMMARY (WITH NOTICE THAT THE ENTIRE TEXT OF THE PROPOSED ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE TOWN CLERK) THIS ORDINANCE WAS INTRODUCED, READ BY TITLE, PASSED ON FIRST READING, AND APPROVED THIS 18th DAY OF AUGUST, 2020.**

TOWN OF CASTLE ROCK, FESTIVAL  
PARK COMMONS GENERAL  
IMPROVEMENT DISTRICT

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Jason Gray, Mayor, ex officio Chairman of the  
Board of Directors

ATTEST:

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Lisa Anderson, Town Clerk, ex  
officio Secretary

APPROVED AS TO FORM:

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Michael J. Hyman, Town Attorney,  
General Counsel to District

**FINALLY ADOPTED AND APPROVED ON SECOND READING, AND ORDERED PUBLISHED ONCE BY TITLE AND SUMMARY (WITH NOTICE THAT THE ENTIRE TEXT OF THE PROPOSED ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE TOWN CLERK) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

TOWN OF CASTLE ROCK, FESTIVAL  
PARK COMMONS GENERAL  
IMPROVEMENT DISTRICT

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Jason Gray, Mayor, ex officio Chairman of the  
Board of Directors

ATTEST:

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Lisa Anderson, Town Clerk, ex  
officio Secretary

APPROVED AS TO FORM:

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Michael J. Hyman, Town Attorney,  
General Counsel to District



## EXHIBIT A

### LEGAL DESCRIPTION

That portion of Lot 2, Block 32, Town of Castle Rock, Amendment No. 33, which was not previously included within the District. (i.e., all of Lot 2, Block 32 shall be within the District).

**RECEIVED**

*By Lisa Anderson at 3:09 pm, Jun 29, 2020*

STATE OF COLORADO     )     **PETITION FOR INCLUSION**  
                                  )     **TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS**  
COUNTY OF DOUGLAS     )     **GENERAL IMPROVEMENT DISTRICT**  
                                  )  
TOWN OF CASTLE ROCK     )

The undersigned owners (the "Owners") of real property within the following described area of the Town of Castle Rock, Colorado (the "Town"), hereby petition the Town Council (the "Council"), acting ex officio as the Board of Directors of the District (the "Board") for the inclusion of real property into the Town of Castle Rock Festival Park Commons General Improvement District (the "District") pursuant to Section 31-25-618, Colorado Revised Statutes. In accordance with that statute, the petitioners state:

1. The property to be included in the District is described as follows:

That portion of Lot 2, Block 32, Town of Castle Rock, Amendment No. 33, which was not previously included within the District. (i.e., all of Lot 2, Block 32 shall be within the District).

2. The Owners agree pursuant to Section 31-25-618, C.R.S. to deposit sufficient funds with the District to pay all costs of the inclusion process and proceedings.

3. The Owner hereby names the following three persons to represent it in the inclusion process and to enter into agreements relating to the inclusion into the District:

1. Anthony DeSimone
2. Tim Walsh
3. Matt McBride

4. This petition is signed by one hundred percent of the owners of taxable real property to be included in the District.

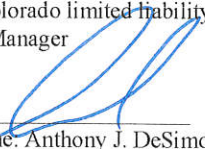
WHEREFORE, we request that the above-described real property be included in the TOWN OF CASTLE ROCK, FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT pursuant to Section 31-25-618, C.R.S.

Encore Castle Rock SPE, LLC,  
a Delaware limited liability company

By: Encore Castle Rock, LLC,  
a Colorado limited liability company,

its Sole Member

By: CD-Festival Commons, LLC,  
a Colorado limited liability company,  
its Manager

By:   
Name: Anthony J. DeSimone  
Its: Manager

VERIFICATION

STATE OF COLORADO )  
 ) ss.  
COUNTY OF DOUGLAS )

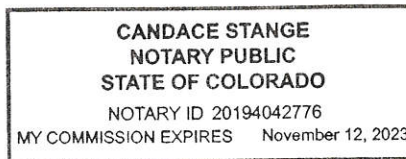
I, Candace Stange, hereby certify that I have read the attached PETITION FOR INCLUSION INTO THE CASTLE ROCK FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT in the Town of Castle Rock, Colorado. I further certify that I am owner of 100% of the real property within the area to be included in the District and I consent to the Petition and inclusion of the above described property into the TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT.

  
\_\_\_\_\_  
Signature

Subscribed and sworn to before me this 29<sup>th</sup> day of June, 2020 by

Candace Stange

WITNESS my hand and official seal.



\_\_\_\_\_  
Notary Public (Signature)