

**RESOLUTION NO. 2016-034**

**A RESOLUTION OF THE CASTLE ROCK TOWN COUNCIL  
MAKING REQUIRED STATUTORY FINDINGS  
CONCERNING THE ELIGIBILITY OF CERTAIN  
PROPERTY FOR ANNEXATION  
(PIONEER RANCH ANNEXATION)**

**WHEREAS**, a petition for annexation of certain property, to be known as **PIONEER RANCH ANNEXATION**, has been filed with the Town of Castle Rock; and

**WHEREAS**, by Resolution No. 2016 - 015, the Castle Rock Town Council found that the annexation petition was in substantial compliance with the applicable requirements of the Municipal Annexation Act of 1965, as amended (the "Act"); and

**WHEREAS**, the Town Council of the Town of Castle Rock has conducted a public hearing to determine if the parcel of real property described in *Exhibit A (the "Property")*, is eligible for annexation under the Act.

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

**Section 1. Findings.** The Town Council makes the following findings of fact under the Act:

- I. 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 of Castle Rock, Colorado.
  - b. A community of interest exists between the area proposed to be annexed and the Town of Castle Rock, Colorado.
  - c. The area proposed to be annexed is urban or will be urbanized in the near future and the area to be annexed is integrated with or is capable of being integrated with the Town of Castle Rock, Colorado.
  - 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 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, comprising twenty (20) acres or more (which, together with buildings and improvements situated thereon has a value 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 landowners.
  - f. No annexation proceedings have been commenced for the annexation to another

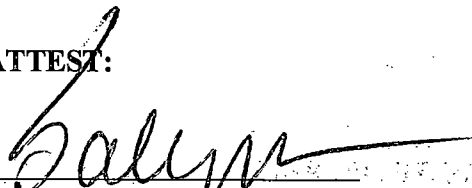
municipality of part or all of the territory proposed to be annexed herein.

- g. The territory proposed to be annexed by the Town of Castle Rock, Colorado, or substantially the same area, has not been the subject of an election for annexation to the Town of Castle Rock, Colorado, within the preceding twelve (12) months.
  - h. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.
  - i. The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of the same to another school district.
  - j. The annexation of the area proposed to be annexed will not have the effect of extending the municipal boundary of the Town of Castle Rock, Colorado more than three miles in any direction from any point of such municipal boundary within one year.
  - k. 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 has been included within the area to be annexed.
- II. The proposed annexation complies with Article II, Section 30 (1)(b) of the Constitution of the State of Colorado. The owners of 100% of the privately-owned land proposed to be annexed have signed the annexation petition. No election is required under the Act.
- III. No additional terms or conditions will be unilaterally imposed on the area proposed for annexation.


**Section 2. Eligibility.** Accordingly, the Property is eligible for annexation. The legislative determination as to whether the Property should be annexed shall be made at the time an annexation ordinance is acted on by Town Council.

**PASSED, APPROVED AND ADOPTED** this 5th day of April, 2016, 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.

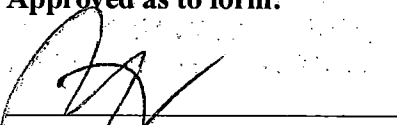
ATTEST:

  
Sally A. Misare, Town Clerk


TOWN OF CASTLE ROCK

  
Paul Donahue, Mayor

Approved as to form:

  
Robert J. Slentz, Town Attorney

Approved as to Content:

  
Bill Detweiler, Director of Development Services

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36 AND A PORTION OF THE NORTH 1/2 OF THE SOUTH 1/2 OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED ON THE NORTHLINE OF THE NORTHWEST 1/4 OF SECTION 36, AS MONUMENTED AT THE WEST END BY 2 1/2" ALUMINUM CAP STAMPED LS 6935 AND AT THE EAST END BY 2 1/2" ALUMINUM CAP STAMPED LS 6935, SAID LINE BEARS S89°37'40"E.

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 36;

THENCE S89°37'40"E; ALONG THE NORTHERLY LINE OF SAID SECTION 36, A DISTANCE OF 2612.44 FEET, TO A FOUND 2 1/2" ALUMINUM MONUMENT AT THE NORTH QUARTER CORNER OF SAID SECTION 36;

THENCE ALONG THE NORTHERLY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36 S89°36'43"E, A DISTANCE OF 834.35 FEET TO A POINT OF NON-TANGENTIAL CURVE;

THENCE A DISTANCE OF 352.87 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1005.00 FEET, THROUGH A CENTRAL ANGLE OF 20°07'02", HAVING A CHORD WHICH BEARS S79°45'03"E, A DISTANCE OF 351.06 FEET;

THENCE S89°48'34"E A DISTANCE OF 488.93 FEET TO A POINT OF CURVATURE;

THENCE 1400.04 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 895.00 FEET, THROUGH A CENTRAL ANGLE OF 89°37'39", HAVING A CHORD WHICH BEARS S44°59'44"E, A DISTANCE OF 1261.60 FEET TO A POINT ON THE WEST R.O.W. LINE OF FOUNDERS PARKWAY;

THENCE ON SAID WEST R.O.W. LINE S00°10'54"E, A DISTANCE OF 1689.49 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 36;

THENCE ON SAID SOUTH LINE S89°52'39"W, A DISTANCE OF 3864.69 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36;

THENCE ON THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 S00°59'56"E, A DISTANCE OF 1324.69 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4;

THENCE ON THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 S89°40'51"W, A DISTANCE OF 1305.87 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4;

THENCE ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 35 N89°18'24"W, A DISTANCE OF 2672.40 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35;

THENCE ON THE SOUTHLINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 35 N89°18'46"W, A DISTANCE OF 223.25 FEET TO A POINT ON THE EAST R.O.W. LINE OF INTERSTATE 25;

THENCE ON SAID EAST R.O.W. LINE N03°29'34"W A DISTANCE OF 578.61 FEET;

THENCE LEAVING SAID EAST R.O.W. LINE S89°27'38"E A DISTANCE OF 2914.92 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35;

THENCE ON SAID EAST LINE N01°33'25"W, A DISTANCE OF 744.12 FEET TO A FOUND 2 1/2" ALUMINUM MONUMENT AT THE EAST QUARTER CORNER OF SAID SECTION 35;

THENCE ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 35 N00°06'32"E, A DISTANCE OF 2679.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,920,770 SQUARE FEET OR 388.447 ACRES MORE OR LESS.



# Town of Castle Rock

100 North Wilcox Street  
Castle Rock, CO 80104

## Agenda Memorandum

Agenda Date: 4/5/2016

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Item #: 14 File #: RES 2016-034

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To: Honorable Mayor and Members of Town Council

From: Sandy Vossler, Senior Planner, Development Services

**A Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation (*Pioneer Ranch Annexation*)**

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### PUBLIC HEARING - ELIGIBILITY

#### **A Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation**

The Town Council will now consider this Resolution. As is outlined in the agenda memorandum, this is the second stage of annexation proceedings as specified by statute and town code. This eligibility hearing requires the Council to determine whether the annexation petition and property comply with certain statutory requirements. The applicant is entitled to a fair and impartial hearing on whether the applicant has demonstrated compliance with these requirements. Determination of eligibility does not in any manner bind the Council to favorably consider the annexation when the annexation ordinance is later presented to Council for hearing and final action.

Does any Councilmember have any questions or concerns with the purpose of the hearing and the effect of the Resolution?

#### **Executive Summary**

The purpose and intent of this staff report is to demonstrate to Town Council that the proposed 388 acre Pioneer Ranch Annexation meets the State of Colorado requirements for annexation, and to recommend approval of a resolution making statutory findings that the property is eligible for annexation (**Attachment B**).

The Eligibility Hearing is procedural; this hearing only determines whether the proposed annexation meets State requirements and makes findings on whether or not an election is required. The Eligibility criteria are:

- The proposed annexation complies with Section 30, Article II of the Colorado Constitution, and as applicable §§31-12-104 and 105, C.R.S.,

- More than 50% of the landowners in the area to be annexed, owning more than 50% of the area to be annexed have petitioned for annexation,
- A community interest exists between the area proposed to be annexed and the Town, the area to be annexed is urban or will be urbanized in the near future, and the area to be annexed is integrated with or is capable of being integrated with the Town,
- At least 1/6 of the perimeter of the property to be annexed is contiguous with the Town boundary,
- No additional terms and conditions are to be imposed, and
- No election is required because 100% of the private property owners signed the annexation petition.

Only after the request is found to be eligible can the Town hold a hearing to determine whether the property should be annexed. The legal description of the property in question is attached **(Attachment B, Exhibit A)**. Staff finds that the proposed annexation meets State of Colorado requirements and recommends approval.

**Budget Impact**

The finding of eligibility does not have any financial impact. Financial impacts will be addressed through the annexation hearing process, the third and final step in the annexation process.

**Staff Recommendation**

Based on the findings above, the proposed annexation area is eligible per State Statute and staff recommends that Town Council approve the Resolution finding the property eligible for annexation.

**Proposed Motion**

I move to approve Resolution No. 2016 - \_\_\_\_, as introduced by title.

**Attachments**

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



Meeting Date: April 5, 2016

## AGENDA MEMORANDUM

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

**From:** Sandy Vossler, Senior Planner, Development Services

**Through:** Bill Detweiler, Director, Development Services

**Title:** Resolution No. 2016 - \_\_: A Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation (Pioneer Ranch Annexation)

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### Executive Summary

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- The proposed annexation complies with Section 30, Article II of the Colorado Constitution, and as applicable §§31-12-104 and 105, C.R.S.,
- More than 50% of the landowners in the area to be annexed, owning more than 50% of the area to be annexed have petitioned for annexation,
- A community interest exists between the area proposed to be annexed and the Town, the area to be annexed is urban or will be urbanized in the near future, and the area to be annexed is integrated with or is capable of being integrated with the Town,
- At least 1/6 of the perimeter of the property to be annexed is contiguous with the Town boundary,
- No additional terms and conditions are to be imposed, and
- No election is required because 100% of the private property owners signed the annexation petition.

Only after the request is found to be eligible can the Town hold a hearing to determine whether the property should be annexed. The legal description of the property in question

is attached (**Attachment B, Exhibit A**). Staff finds that the proposed annexation meets State of Colorado requirements and recommends approval.

### **Notification and Outreach Efforts**

The Town has published notice of the Eligibility Hearing in the Douglas County News-Press for four consecutive weeks prior to the hearing date. The Town also provided notice to all tax entities within the proposed annexation, as well as to the Douglas County Commissioners and the Douglas County Attorney's Office.

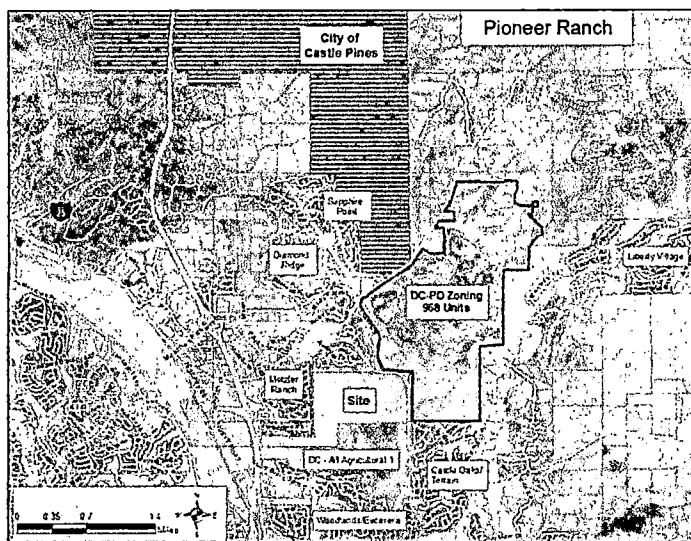
### **History of Past Town Council, Boards & Commissions, or Other Discussions**

On February 16, 2016, Town Council found that the application was in substantial compliance with the State of Colorado requirements for annexation requests and scheduled the Eligibility Hearing for April 5, 2016.

### **Discussion**

#### **The Property**

The proposed 388 acre annexation is located east of Interstate 25/Front Street and west of Founders Parkway. It abuts Metzler Ranch and Pinion Soleil subdivisions to the north and unincorporated Douglas County to the south (**Attachment A**). The Pioneer Ranch Annexation is designated an area of "growth and annexation" by the Douglas County / Town of Castle Rock Intergovernmental Development Agreement.



**Pioneer Ranch Vicinity Map**

#### **Substantial Compliance and Eligibility**

The applicant's petition for annexation was filed with the Town Clerk on February 16, 2016. On February 16, 2016, Town Council approved Resolution 2016-015 finding the annexation petition to be in substantial compliance with relevant State Statutes regarding annexation and setting the Eligibility Hearing for April 5, 2016.

There are three steps required in the annexation process. The first two steps, Substantial Compliance and Eligibility, are procedural; the Town can only determine whether or not an annexation request meets State requirements, as set forth in the Colorado Revised Statutes (C.R.S.) regarding annexations. The third step is when the Town determines whether a request complies with the Town's Vision, Comprehensive Master Plan and Municipal Code through advertised public hearings at Planning Commission and Town Council. Those hearings will be scheduled for future meetings.

## Analysis

The Resolution presented does not commit the Town to annexing the property, but only declares that the land is eligible to be annexed. Town Council is required to set forth its findings of fact, and its conclusion thereon, based on the requirements found in Section 31-12-110 C.R.S.:

1. Whether or not the requirements of the applicable parts of Sections 31-12-104 and 31-12-105 C.R.S. have been met;
2. Whether or not an election is required under Section 31-12-107(2) C.R.S.;
3. Whether or not additional terms and conditions are to be imposed.

Staff recommends that Town Council accept and make the findings that the following conditions are true:

1. 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 of Castle Rock, Colorado (**Attachments A & B – Exhibit A**).

*This requirement is met in that 60.35% of the boundary of the proposed annexation is contiguous with the existing boundaries of the Town of Castle Rock.*

- b. A community of interest exists between the area proposed to be annexed and the Town of Castle Rock, Colorado.

*The Town of Castle Rock and Douglas County Land Use Intergovernmental Agreement (IGA) designates this area for future growth and annexation.*

- c. The proposed area to be annexed is urban or will be urbanized in the near future, and the area to be annexed is integrated with, or is capable of being integrated with, the Town of Castle Rock, Colorado.

*The Town of Castle Rock's Comprehensive Master Plan identifies this property for future mixed use development adjacent to Front Street and Founders Parkway. The remainder of the property is identified for future residential development.*

*If the annexation is approved the owner proposes a Planned Development (PD) Plan that is consistent with the anticipated land uses identified in the Town's Comprehensive Master Plan.*



- 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(s) thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way.

*The petitioners own 100 percent of the privately held land proposed to be annexed. The petitioners did not provide any evidence that their land has been divided into separate tracts or parcels without their consent.*

- e. In establishing the boundaries of the area 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 20 acres or more (together with the 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 proposed area and is included without the written consent of the land owners.

*All private landowners have consented to the annexation.*

- f. No annexation proceedings have been commenced for the annexation of part or all of the property to another municipality.

*This is a true statement.*

- g. The territory proposed to be annexed by the Town of Castle Rock has not been the subject of an election for annexation to the Town within the preceding twelve (12) months.

*No annexation election has been held in the preceding twelve (12) months.*

- h. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.

*The territory proposed for annexation is currently in unincorporated Douglas County.*

- i. The area proposed for annexation will not result in the detachment of area from any school district or the attachment of the same to another school district.

*This is a true statement; the proposed annexation area will remain under the Douglas County School District.*

- j. The area proposed for annexation will not have the effect of extending the municipal boundary of the Town of Castle Rock, Colorado more than three

miles in any direction from any point of such municipal boundary within one year.

*This annexation will not extend the boundary of the Town of Castle Rock more than three miles.*

- k. In establishing the boundaries of the area for annexation, if a portion of a platted street or alley is to be annexed, the entire width of said street or alley has been included in the area to be annexed.

*The annexation area does not include any partial streets or alleys.*

- 2. No election is required.

*The Town of Castle Rock did not receive a petition from qualified electors requesting an annexation election so no election is required.*

- 3. Additional terms or conditions will not be imposed.

*No additional terms or conditions will be unilaterally imposed on the area proposed for annexation.*

### **Budget Impact**

The finding of eligibility does not have any financial impact. Financial impacts will be addressed through the annexation hearing process, the third and final step in the annexation process.

### **Staff Recommendation**

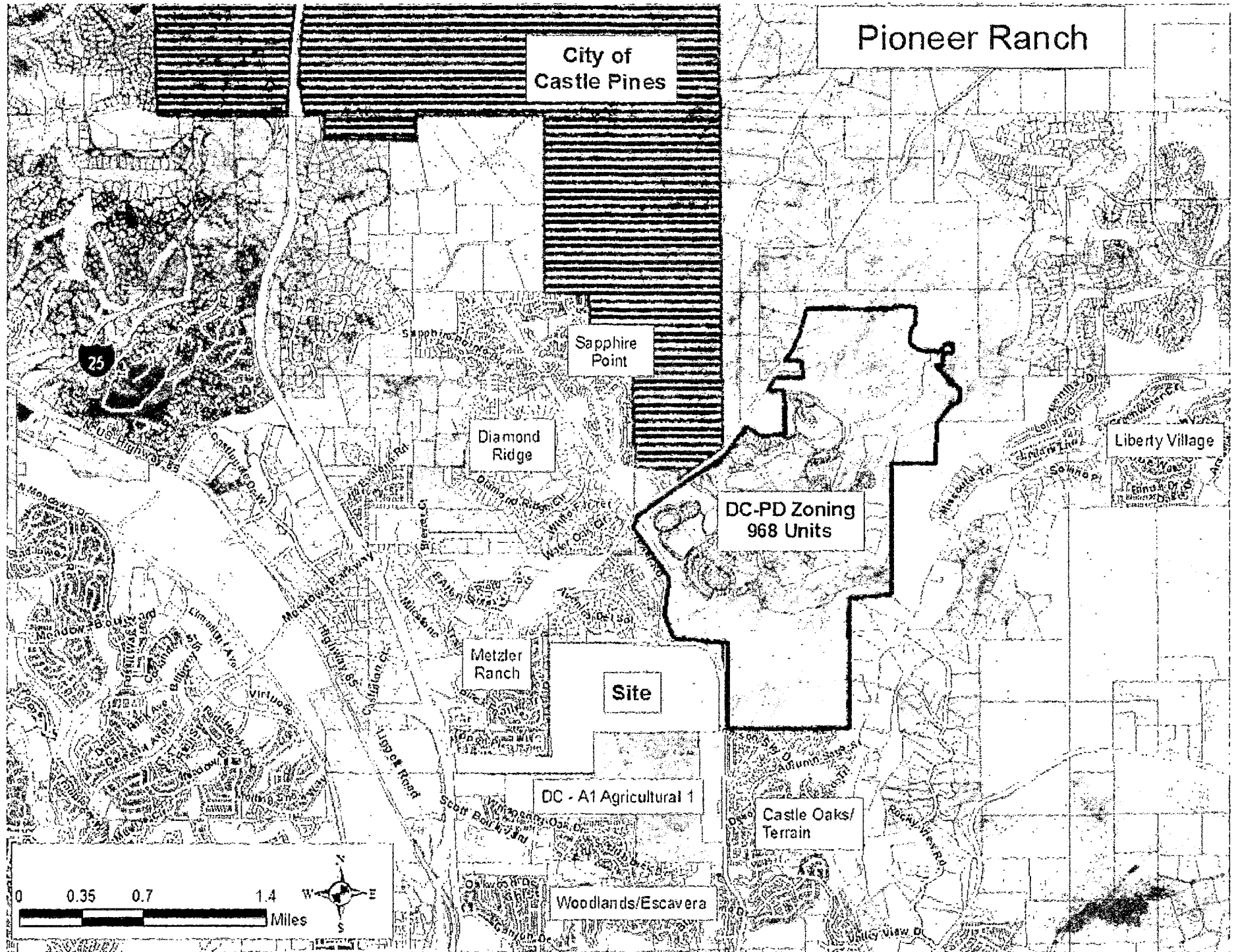
Based on the findings above, the proposed annexation area is eligible per State Statute and staff recommends that Town Council approve the Resolution finding the property eligible for annexation.

### **Proposed Motion**

I move to approve Resolution No. 2016 - \_\_\_\_, as introduced by title.

### **Attachments**

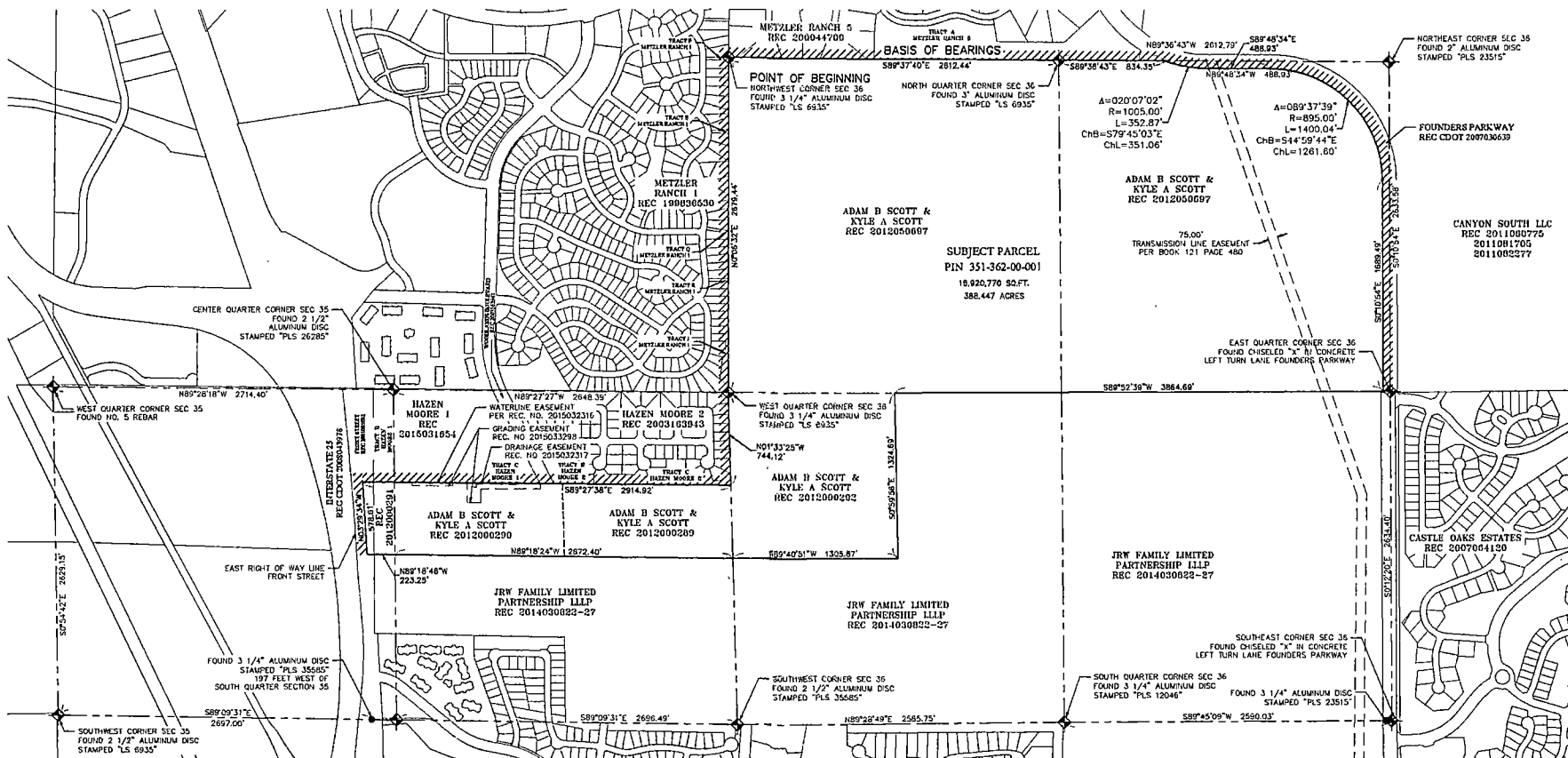
Attachment A:	Vicinity Map
Attachment B:	Resolution
Exhibit A:	Legal Description
Attachment C:	Annexation Plat





# ANNEXATION PLAT PIONEER RANCH

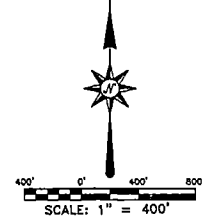
A PARCEL OF LAND LOCATED IN THE NORTH 1/2 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36 AND A PORTION OF THE NORTH 1/2 OF THE SOUTH 1/2 OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO



- LEGEND**
- BOUNDARY OF LAND TO BE ANNEXED
  - BOUNDARY OF LAND CONTIGUOUS TO THE PRESENT CITY OF CASTLE ROCK
  - PROPERTY LINE
  - - - QUARTER SECTION LINE
  - SECTION LINE
  - ◆ SECTION CORNER
  - ◆ MONUMENT FOUND, AS NOTED
  - × MONUMENT FOUND, AS NOTED
  - PI# PARCEL ID NUMBER

**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE NORTHLINE OF THE NORTHWEST 1/4 OF SECTION 36, AS MONUMENTED AT THE WEST END BY 2 1/2" ALUMINUM CAP STAMPED LS 6935 AND AT THE EAST END BY 2 1/2" ALUMINUM CAP STAMPED LS 6936, SAID LINE BEARS S89°37'40"E.



**ATWELL**  
 866.850.4200 www.atwellinc.com  
 143 UNION BOULEVARD, SUITE 700  
 LAKEWOOD, CO 80228  
 303.462.1100

PROJECT NO. ANX15-0003 ANNEXATION PLAT PIONEER RANCH	
REVISIONS	SHEET 2 OF 2
	File No. 150101 AMZ
	Date Drawn 7/17/2015
	Drawn By: AWH
	Checked By: JES
	App No. 15001404