PETITION FOR ANNEXATION

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

The undersigned (collectively "**Petitioner**"), in accordance with Section 30(1)(b) of Article II of the Constitution of the State of Colorado (the "**State Constitution**") and the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes, as amended and as in effect on the submission date set forth below (the **Annexation Act**"), hereby petitions the Town Council of the Town of Castle Rock, Colorado (the "**Council**"), to annex to the Town of Castle Rock (the "**Town**") the unincorporated territory located in the County of Douglas, State of Colorado, which property is more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "**Property**"). In support of this petition (this "**Petition**"), Petitioner alleges that:

1. It is desirable and necessary that the Property be annexed to the Town.

2. The requirements of Section 30(1)(b) of Article II of the State Constitution and Section - 104 and -105 of the Annexation Act exist or have been met.

3. The Petitioner comprises more than fifty percent (50%) of the landowners in the area proposed to be annexed and owns more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality.

4. Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the Town's current municipal boundaries.

5. A community of interest exists between the Property and the Town.

6. The Property is urban or will be urbanized in the near future.

7. The Property is integrated with or is capable of being integrated with the Town.

8. The Property is not presently a part of any incorporated city, city and county, or town. No proceedings have been commenced for incorporation or annexation of part or all of the Property to any other municipality. No election for annexation of the Property or substantially the same territory to the Town has been held within the twelve (12) months immediately preceding the filing of this Petition.

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

10. Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least fifty percent (50%) of which are within the three (3) mile limit, the proposed annexation will not extend the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary in one (1) year.

11. The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or

alley which has been annexed by the Town but is not bounded on both sides by the Town.

12. In Establishing the boundaries of the property to be annexed, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

    (a) is being divided into separate parts or parcels without the written consent of the landowner thereof unless such tracts or parcels are separated by a dedicated street, road or other public way; or

    (b) comprising twenty (20) acres or more (which, together with buildings and improvements situate thereon having a valuation for assessment in excess of two hundred thousand dollars ($200,000) for ad valorem tax purposes for the year next preceding the proposed annexation) is included in the Property without the written consent of the landowner.

13. If a portion of the platted street or alley is to be annexed, the entire width thereof is included within the Property.

14. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as Exhibit B and is incorporated herein by this reference.

15. This Petition is accompanied by four (4) prints of an annexation map containing, among other things, the following information;

    (a) a written legal description of the boundaries of the Property;

    (b) a map showing the boundaries of the Property;

    (c) within the annexation map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of the plots or of lots and blocks; and

    (d) next to the boundary of the Property, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the Property, if any.

16. In connection with the processing of this Petition, the Petitioner requests that the Town:

    (a) institute the process to establish planned development ("**PD**") zoning for the Property in accordance with applicable provisions of the Castle Rock Municipal Code (the "**Code**") and in accordance with any applicable provisions of Section -115 of the Annexation Act; and

(b) approve and execute a development agreement acceptable to Petitioner and the Town (the "Development Agreement") which establishes vested property rights for the Property for an agreed upon term, pursuant to Chapter 17.08 of the Code and Article 68, Title 24, Colorado Revised Statutes, and which, in conjunction with the PD zoning, will establish the development plan for the Property.

17. Petitioner has filed this Petition subject to the following conditions:

(a) Unless otherwise agreed in writing by Petitioner, the annexation of the Property into the Town shall not be effective unless:

(i) concurrently with the Town Council's final approval of an ordinance annexing the Property into the Town, the Town Council gives its final approval to (A) zoning regulations for the Property in form and substance satisfactory to the Petitioner, and (B) the Development Agreement in form and substance satisfactory to Petitioner; and

(ii) the town and Petitioner enter into the Development Agreement.

(b) Petitioner hereby reserves the right to withdraw this Petition, and thereby prevent the Property from being annexed into the Town, by so notifying the Town Clerk in writing prior to the later to occur of:

(i) the occurrence of the conditions to effectiveness of the annexation as set forth in Section -113(2)(b) of the Annexation Act;

(ii) the Petitioner's delivery to the Town of Petitioner's written consent described in paragraph 17©below; and

(iii) a later date, if any, set forth in the Development Agreement.

(c) Neither the Town, nor any representative thereof, shall cause or permit the occurrence of the conditions to effectiveness of the annexation as set forth in Sections -113(a)(II)(A) and -113(2)(b) of the Annexation Act, without the express written consent of the Petitioner. This Petition shall not constitute such written consent.

18. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition, and to be set forth in the Development Agreement and the documents constituting the terms of the PD zoning for the Property (the "**PD Documents**"), the Property shall be subject to the regulations of the Town, except as otherwise set forth in the Development Agreement and the PD Documents, and except for general taxation purposes in which case the annexation shall be deemed effective on January 1 of the next succeeding year following adoption of the annexation ordinance.

19. Except for the terms and conditions of this Petition, the Development Agreement and the PD Documents, which terms and conditions Petitioner has approved or shall expressly approve, and therefore do not constitute an imposition of additional terms and conditions within the meaning of Section -112(1) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the town.

THEREFORE, Petitioner requests that the Town Council of the Town of Castle Rock, Colorado, complete and approve the annexation of the Property pursuant and subject to the provisions of the Municipal Annexation Act of 1965, as amended, and this Petition.

Respectfully submitted this 24th day of November, 2015.

Signature of Landowner/Petitioner:

Scott Family Kyle A. Scott Adam B. Scott - owners

By: Kyle A Scott Adam B Scott
Kyle and Adam Scott

Date of Signature: 1/6/16

Petitioner's Mailing Address:

Scott Family
2034 Liggett Road
Castle Rock, CO 80109

EXHIBIT B
TO PETITION FOR ANNEXATION

Affidavit of Circulator

The undersigned, being of lawful age, who being first duly sworn upon oath deposes and says:

That the undersigned was the circulator of the foregoing Petition for Annexation of lands to the Town of Castle Rock, Colorado, consisting of Six pages including this page, and that the signature of each person or entity constituting the Petitioner thereon was witnessed by the circulator and is the true and original signature of the person whose name it purports to be, and that the date of such signature is correct.

Circulator

STATE OF Colorado)
) ss.
COUNTY OF _____)

The foregoing AFFIDAVIT OF CIRCULATOR was subscribed and sworn to before me this 6 day of January, 2018 6 B.H., by Edward D. Scott.

Witness my hand and official seal.

My commission expires: 11/01/2019

BREA HOWARD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20114069913
MY COMMISSION EXPIRES NOV. 1, 2019

Notary Public

Attached Legal Description

SCOTT PROPERTY LEGAL DESCRIPTION:

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, TOWWNSHIP 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;

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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.

PREPARED BY ATWELL LLC

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