

ORDINANCE 08-11

INTRODUCED BY:

Councilperson Clark

Councilperson Dooley

**ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CASTLE PINES NORTH
VACATING LAGAE ROAD**

WHEREAS, the City of Castle Pines North (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of sections 31-2-101, *et seq.*, C.R.S.; and

WHEREAS, Section 43-2-303(1)(a), C.R.S. provides that the City Council may vacate any roadway or part thereof located within the corporate limits of said city or town by ordinance; and

WHEREAS, an application to vacate a portion of Lagae Road, as shown in **Exhibit A**, (the "Road") was submitted to the City's Planning Department by H.F. Holdings, LLC, on behalf of R.I. Management of Tulsa, Inc.; and

WHEREAS, a final plat has been submitted that describes a realigned Lagae Road that will provide access to the properties which are currently accessed via the existing Lagae Road; and

WHEREAS, a public hearing was held regarding vacation of the Road and notice was given in accordance with Sections 708B.02 and 708B.03 of the City's Subdivision Regulations; and

WHEREAS, the City Council desires to conditionally approve the application to vacate the Road; and

WHEREAS, Section 705B of the City's Subdivision Regulations provides the following standards, upon which approval of road vacation may be based:

1. 705B.01 - A platted or deeded road or portion thereof or unplatted or undefined roads which have arisen by public usage shall not be vacated so far as to leave any land adjoining said road without an established public road or private access easement connecting said land with another established public road;
2. * * *
3. 705B.03 – The road vacation, or vacation and replat is in keeping with the spirit and intent of the City's Subdivision Regulations and the Master Plan and Transportation Plan;
4. 705B.04 – The road vacation will not diminish the ability to provide adequate emergency services and will not increase the cost of services; and

RECORD AND RETURN TO:
Iceogleg, Norton, Smith, Gilida & Pogue, P.C.
1331 17th Street, Suite 500
Denver, CO 80202

5. 705B.05 – The approval will not adversely affect the public health, safety, and welfare.

WHEREAS, no special districts or easement holders have submitted recommendations in connection with the proposed vacation pursuant to Section 707B.06; and

WHEREAS, subject to the condition set forth herein, the City Council finds that the application for vacation of the Road complies with all applicable standards set forth in Section 705B of the City's Subdivision Regulations; and

WHEREAS, the City Council finds that vacation of the Road, subject to the condition set forth herein, promotes the public interests of health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, THAT:

Section 1. Provided that the condition set forth in Section 2 of this Ordinance is met, the City Council hereby finds that the vacation of the Road complies with all applicable standards set forth in Section 705B of the City's Subdivision Regulations.


Section 2. The City Council hereby approves the application to vacate the Road, subject to the condition that an alternative public road is built and accepted by the City and/or Douglas County, so that no land adjoining the Road is left without access to another established public road.

Section 3. The City Council hereby authorizes the City Attorney to prepare any deeds required by this vacation.

INTRODUCED, READ AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINE NORTH, COLORADO THE 11th DAY OF AUGUST, 2008.

READ, PASSED AND ADOPTED ON SECOND READING, AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, THE 29th DAY OF OCTOBER, 2008.


Maureen A. Shul, Mayor

ATTEST:

Douglas J. Gilbert, Interim City Clerk

Approved as to form:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Erin M. Smith, City Attorney

EXHIBIT A

Legal Description and Map of Portion of Lagae Road to be Vacated

PARCEL DESCRIPTION

A PART OF LAGAE ROAD AS RECORDED IN BOOK 2326 AT PAGE 1152, DOUGLAS COUNTY RECORDS, LYING WITHIN A PARCEL OF LAND AS RECORDED AT RECEPTION NO. 2006062879, DOUGLAS COUNTY RECORDS, ALSO BEING A PART OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 3, THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 9 AND THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3, AS MONUMENTED IN THE FIELD; THENCE N44°17'39"E, A DISTANCE OF 1788.78 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL RECORDED AT RECEPTION NO. 2006062879, AS MONUMENTED IN THE FIELD, SAID POINT BEING THE **POINT OF BEGINNING**. THENCE S89°29'13"E, ALONG SAID NORTH LINE, A DISTANCE OF 120.94 FEET TO THE NORTHEAST CORNER OF SAID STRIP OF LAND RECORDED AS LAGAE ROAD IN BOOK 2326 AT PAGE 1152; THENCE ALONG THE EASTERLY LINES OF SAID STRIP OF LAND THE FOLLOWING NINE (9) COURSES:

1. S56°10'26"W, A DISTANCE OF 9.87 FEET;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 93°41'42", A RADIUS OF 515.00 FEET, AN ARC LENGTH OF 842.17 FEET, AND WHOSE CHORD BEARS S12°52'19"W, A DISTANCE OF 751.42 FEET;
3. S59°43'10"W, A DISTANCE OF 320.00 FEET;
4. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 43°36'05", A RADIUS OF 460.00 FEET, AND AN ARC LENGTH OF 350.05 FEET;
5. S16°07'05"W, A DISTANCE OF 502.32 FEET;
6. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 03°46'30", A RADIUS OF 1960.00 FEET, AND AN ARC LENGTH OF 129.14 FEET;
7. S12°20'35"W, A DISTANCE OF 199.72 FEET;
8. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 33°19'37", A RADIUS OF 1240.00 FEET, AND AN ARC LENGTH OF 721.26 FEET;
9. S45°40'12"W, A DISTANCE OF 429.70 FEET

TO A POINT ON THE SOUTH LINE OF SAID PARCEL RECORDED AT RECEPTION NO. 2006062879; THENCE S86°20'43"W, ALONG SAID SOUTH LINE, AS MONUMENTED IN THE FIELD, A DISTANCE OF 122.74 FEET; THENCE ALONG THE WESTERLY LINES OF SAID STRIP OF LAND RECORDED AS LAGAE ROAD THE FOLLOWING TEN (10) COURSES:

1. N45°40'12"E, A DISTANCE OF 522.79 FEET;
2. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 33°19'37", A RADIUS OF 1160.00 FEET, AND AN ARC LENGTH OF 674.73 FEET;
3. N12°20'35"E, A DISTANCE OF 199.72 FEET;
4. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 03°46'30", A RADIUS OF 2040.00 FEET, AND AN ARC LENGTH OF 134.41 FEET;
5. N16°07'05"E, A DISTANCE OF 502.32 FEET;

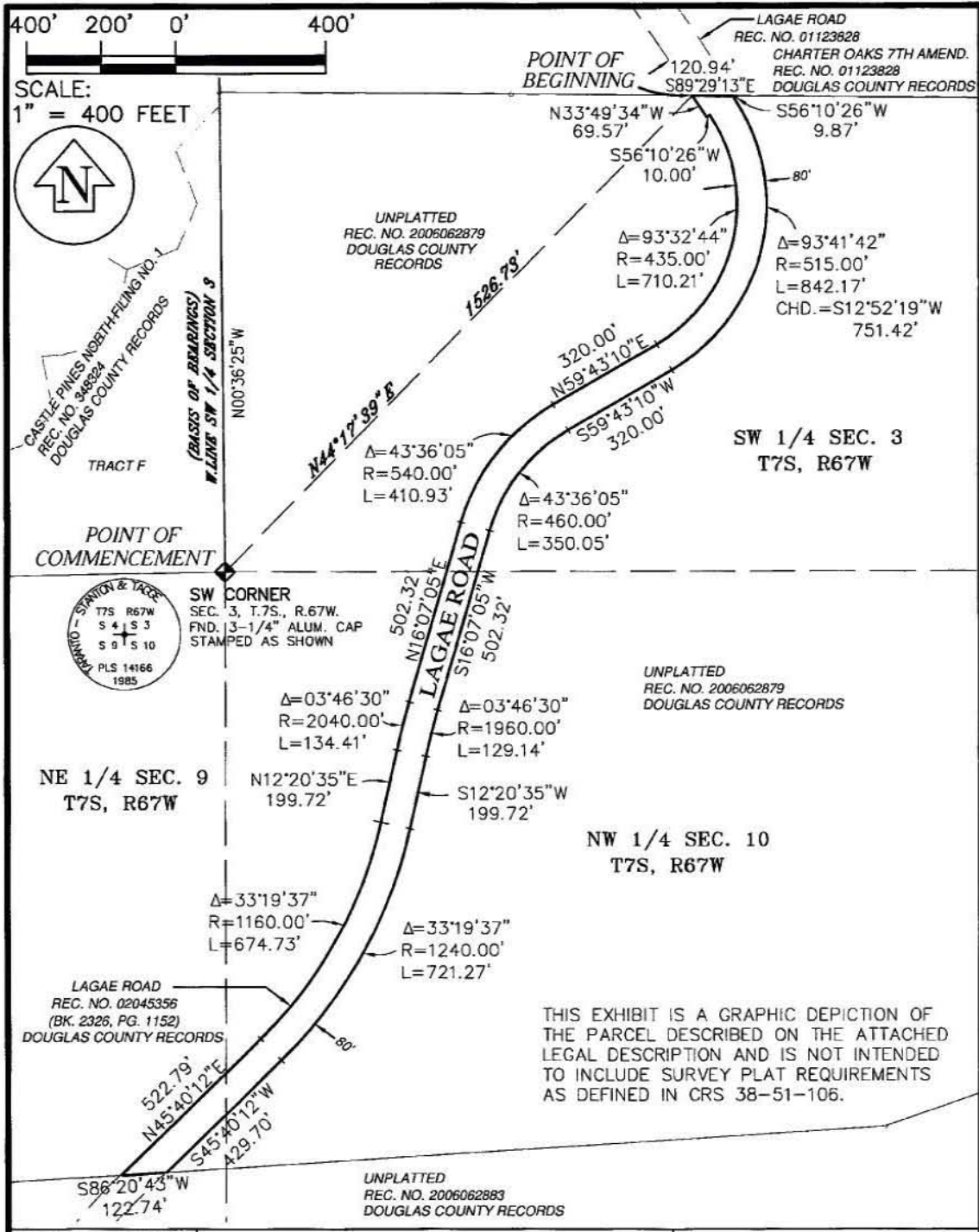
6. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 43°36'05", A RADIUS OF 540.00 FEET, AND AN ARC LENGTH OF 410.93 FEET;
7. N59°43'10"E, A DISTANCE OF 320.00 FEET;
8. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 93°32'44", A RADIUS OF 435.00 FEET, AND AN ARC LENGTH OF 710.21 FEET;
9. S56°10'26"W, A DISTANCE OF 10.00 FEET;
10. N33°49'34"W, A DISTANCE OF 69.57 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 6.480 ACRES OF LAND, MORE OR LESS.

THE BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING A GRID BEARING OF N00°36'25"W. THE GRID BEARING WAS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE COLORADO HIGH ACCURACY REFERENCE NETWORK (CHARN). THE GRID BEARING IS NAD83 (1992) - COLORADO STATE PLANE CENTRAL ZONE (502).

PREPARED BY: JANET A. CALDWELL, PLS 29027
FOR AND ON BEHALF OF THE LUND PARTNERSHIP INC.
12265 W. BAYAUD AVE., SUITE 130
LAKEWOOD, COLORADO 80228
DATE: AUGUST 20, 2008

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



JOB NO.	440-0209
SCALE:	1" = 400'
DATE:	AUG. 20, 2008
EXHIBIT SHEET:	3
DRAWN BY:	JAC

A PART OF SECTIONS 3, 9 AND 10,
TOWNSHIP 7 SOUTH, RANGE 67 WEST,
6TH PRINCIPAL MERIDIAN
DOUGLAS COUNTY, COLORADO

LUND
PARTNERSHIP

P:303.989.1461 F: 303.989.4094
CIVIL ENGINEERING & SURVEYING