



September 26, 2012

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Douglas County Clerk's Office
100 Third Street
Castle Rock, CO 80104

RE: Auburn Ridge Annexation

To Whom It May Concern:

Pursuant to Colorado annexation law, the following items are provided:

1. Copy of Public Notice
2. Copy of Resolution No. 2012-52 including the Annexation Petition

If you have any questions, please contact the Town Clerk's office at 303-660-1370.

Sincerely,

Janet Turbett
Deputy Town Clerk

enclosures

cc: file



MEMORANDUM

TO: Janet Turbett, Deputy Town Clerk
FROM: Sandy Vossler, Planner II
DATE: September 7, 2012
SUBJECT: Auburn Ridge Annexation Public Noticing
Certified Mailing to the Taxing Authorities

The Substantial Compliance hearing initiates the annexation process and sets the Eligibility Hearing date. The Substantial Compliance hearing will be held on **Tuesday, September 11, 2012.**

The Eligibility Hearing must be held between 30 and 60 days following the date of the Substantial Compliance resolution (between 10-11 and 11-10). The Eligibility Hearing is set for **October 23, 2012.**

The Town Clerk shall send by registered mail, no later than **September 27, 2012,** a copy of the published notice, a copy of the Annexation Petition and a copy of the Substantial Compliance Resolution (attached) to the following.

- Douglas County Government (clerk and attorney)
- Douglas County Law Enforcement
- Douglas County Re-1 School District
- Douglas County Schools – Cap Reserve
- Douglas County Schools – Insurance Reserve
- Douglas County Schools – Debt Service
- Cedar Hill Cemetery Association
- Castle Rock Fire Protection District
- Douglas County Soil Conservation District
- Douglas Public Library District

If you have any questions, let me know. Thank you, Sandy

DEVELOPMENT SERVICES

100 North Wilcox Street Castle Rock, CO 80104 P: 720.733.3556 F: 720.733.2207 E: svossler@crgov.com

EXCELLENCE • DEDICATION • SERVICE

Auburn Ridge Annexation

Copy of Published Notice (Page 1 of 2)

Public Notice

Auburn Ridge Annexation

Notice is hereby given that the Town Council of the Town of Castle Rock, Colorado will hold a public hearing on October 23, 2012 at 6:00 p.m. in the Town of Castle Rock Town Hall, 100 N. Wilcox Street, Castle Rock, Colorado. The purpose of the hearing is to determine if the Property denominated as the Auburn Ridge Annexation is eligible for annexation under section 30 of Article II of the State Constitution and as defined in C.R.S. 31-12-104 and C.R.S. 31-12-105.

Town Council Substantial Compliance Resolution and Auburn Ridge Annexation Petition follow.

RESOLUTION NO. 2012 - 52: A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 2012 - 42, A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY DENOMINATED AS THE AUBURN RIDGE ANNEXATION, FINDING THAT THE ANNEXATION PETITION IS IN SUBSTANTIAL COMPLIANCE WITH APPLICABLE STATUTORY CRITERIA, AND AUTHORIZING FURTHER PROCEEDINGS NECESSARY FOR CONSIDERATION OF THE PROPOSED ANNEXATION BY SCHEDULING THE AUBURN RIDGE ANNEXATION ELIGIBILITY HEARING DATE AS OCTOBER 23, 2012

WHEREAS, on July 12, 2012, a Petition for Annexation of certain real property denominated as the Auburn Ridge Annexation was filed with the Town Clerk of the Town of Castle Rock, Colorado, which Petition for Annexation is attached as Exhibit 1;

WHEREAS, pursuant to C.R.S. 31-12-107(1) the Town Council, without undue delay, is required to determine if the Petition is in substantial compliance with C.R.S. 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;

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

1. Substantial Compliance. The Petition for Annexation of Auburn Ridge to the Town of Castle Rock, Colorado is accepted as filed with the Town Clerk on July 12, 2012, and is found to be in substantial compliance with the requirements of C.R.S. 31-12-107(1) in that:
 - a. the signers of the 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;
 - b. the Petition contains the allegations and information required by statute; and
 - c. the Petition is accompanied by four copies of an annexation map containing the information required by statute.
2. Public Hearing. A public hearing to determine if the proposed annexation complies with C.R.S. 31-12-104 and C.R.S. 31-12-105, or such parts thereof, as may be required to establish eligibility for annexation, shall be held at a regular meeting of the Town Council on October 23, 2012 at the hour of 6:00 p.m. or as soon thereafter as possible, at the Castle Rock Town Hall, 100 N. Wilcox Street, Castle Rock, CO 80104.
3. Notice. Pursuant to C.R.S. 31-12-108, the Town Clerk shall cause notice to be published in some newspaper of general circulation once a week for four successive weeks, the first publication to be at least thirty (30) days prior to the date of the Eligibility hearing. The Town Clerk shall further send by registered mail to the Douglas County Board of County Commissioners, the Douglas County Attorney, and to any special district or school district having territory within the area to be annexed, a copy of the published notice together with a copy of the Petition and this Resolution at least twenty five (25) days prior to the date fixed for such hearing.
4. Procedure. Any person may appear at such hearing and present evidence upon any matter to be determined by the Town Council of the Town of Castle Rock. The hearing shall be conducted in

accordance with the provisions of Section 31-12-109, C.R.S., and upon completion of the hearing, the Town Council shall set forth its findings of fact and conclusions by resolution in accordance with C.R.S. 31-12-110.

PASSED, APPROVED, AND ADOPTED this 11th day of September, 2012 by the Town Council of the Town of Castle Rock, Colorado on first and final reading by a vote of 7 for, and 0 against.

PETITION FOR ANNEXATION AUBURN RIDGE ANNEXATION

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

The undersigned Landowner (hereinafter Petitioner or Signer), 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 petitions the Mayor and Town Council of the Town of Castle Rock, Colorado, for annexation to the Town of Castle Rock, Colorado, of the unincorporated territory situate and being in the County of Douglas and State of Colorado, described on Exhibit A attached hereto and made a part hereof. Petitioner further states to the Mayor and Town Council of Castle Rock, Colorado, as follows:

1. It is desirable and necessary that such territory 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 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 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 therein 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 of Castle Rock, Colorado, as they exist at the time of annexation.
 - f. No annexation proceedings have been commenced for the annexation of part or all of the territory proposed to be annexed to another municipality.
 - g. The territory proposed to be annexed by the Town of Castle Rock, Colorado, or substantially this 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 a 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, 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. 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. The mailing address of each Signer, the legal description of the land owned by each Signer, and the date of signing of each signature are all shown on this Petition for Annexation.

m. 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 Castle Rock Town Clerk.

3. The Signers 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. Attached hereto and incorporated herein by reference are four (4) prints of the annexation map containing a written legal description of the boundaries of the area proposed to be annexed 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.

5. Upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the Municipal Laws of the State of Colorado, pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Castle Rock, Colorado, except for general property taxes of the Town of Castle Rock, Colorado, which shall become effective on January 1 of the next succeeding year following passage of the Annexation Ordinance.

Therefore your Petitioner respectfully requests that the Town Council of the Town of Castle Rock, Colorado, approve the annexation of the area proposed to be annexed.

THE BROWN FAMILY, REVOCABLE LIVING TRUST
Owner of 100% of the land described in Exhibit A

Exhibit A - Legal Description

A portion of the South 1/2, Section 3, Township 8 South, Range 67 West of the Sixth Principal Meridian, in the County of Douglas, State of Colorado, more particularly described as follows:

Beginning at the NW corner of Castle Highlands Filing No. 2, 4th Amendment;

Thence along the boundary line of Lot 2, Block 7, Castle Highlands Filing No. 2, 4th Amendment through the following two courses:

- 1) S2°33'19"W, 265.49 feet;
- 2) S89°57'19"W, 284.24 feet;

Thence N48°07'22"E, 397.65 feet to the Point of Beginning.

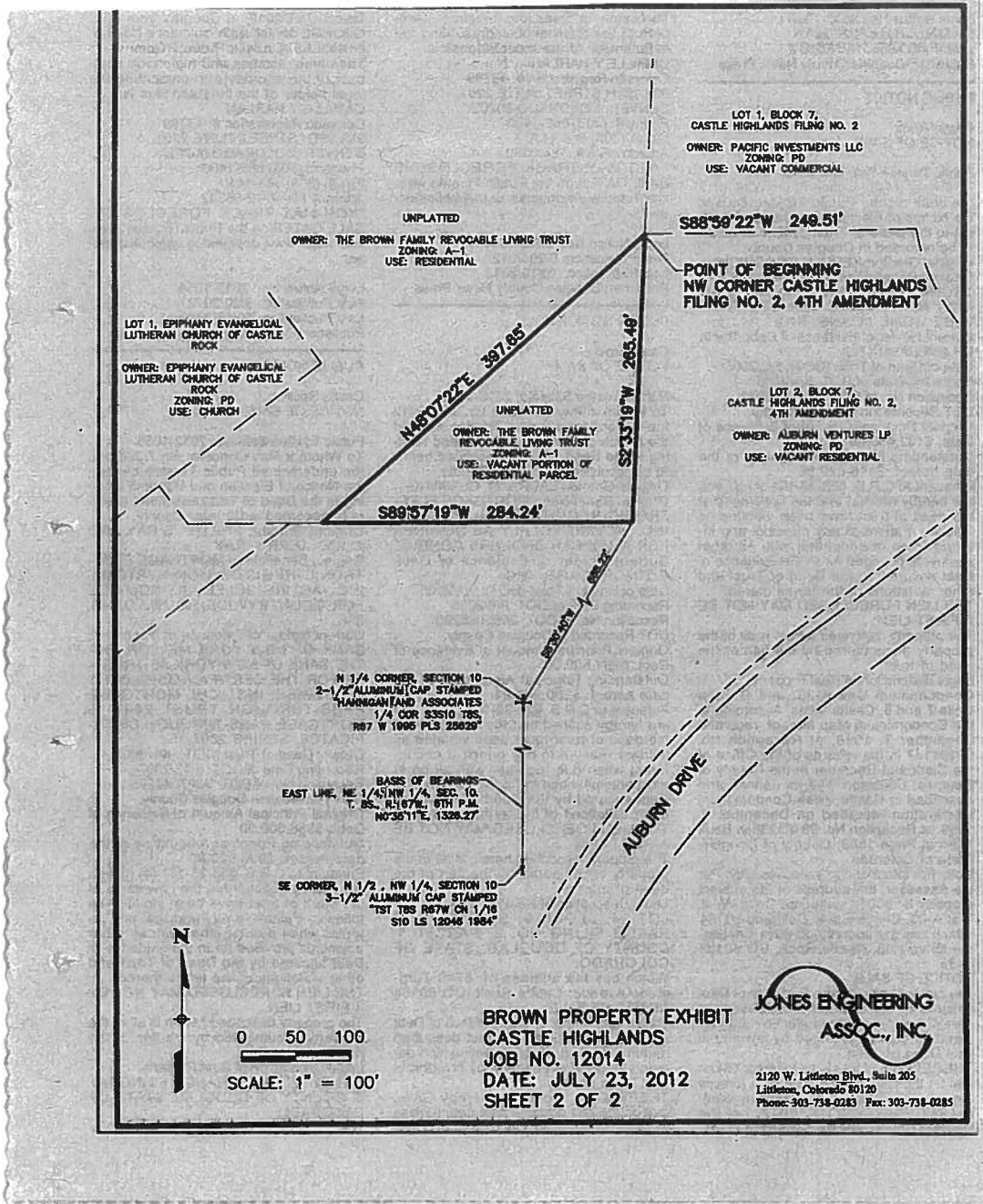
Said parcel as described contains an area of 37,693 square feet or 0.87 acres, more or less.

Prepared and Posted by:
Sally Misare, Town Clerk
Sandy Vossler, Planner II

Legal Notice No.: 926232
First Publication: September 20, 2012
Last Publication: October 11, 2012
Publisher: Douglas County News-Press

Auburn Ridge Annexation

Copy of Published Notice (Page 2 of 2)



RESOLUTION NO. 2012 - 52:

**A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 2012 – 42,
A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL
PROPERTY DENOMINATED AS THE AUBURN RIDGE ANNEXATION; FINDING
THAT THE ANNEXATION PETITION IS IN SUBSTANTIAL COMPLIANCE WITH
APPLICABLE STATUTORY CRITERIA; AND AUTHORIZING FURTHER
PROCEEDINGS NECESSARY FOR CONSIDERATION OF THE PROPOSED
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HEARING DATE AS OCTOBER 23, 2012**

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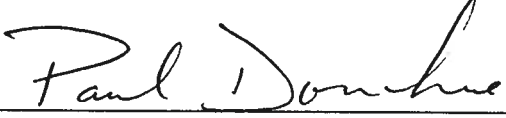
PASSED, APPROVED, AND ADOPTED this 11th day of September, 2012 by the Town Council of the Town of Castle Rock, Colorado on first and final reading by a vote of seven (7) for, and zero (0) against.

ATTEST:



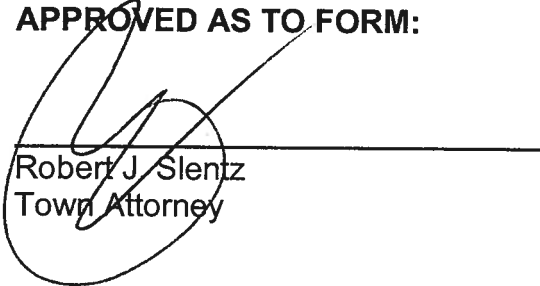
Sally Misare
Town Clerk

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

Exhibit 1

PETITION FOR ANNEXATION
AUBURN RIDGE ANNEXATION

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

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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 of Castle Rock, Colorado, as they exist at the time of annexation.

f. No annexation proceedings have been commenced for the annexation of part or all of the territory proposed to be annexed to another municipality.

g. The territory proposed to be annexed by the Town of Castle Rock, Colorado, or substantially this 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 a 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, 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. 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.

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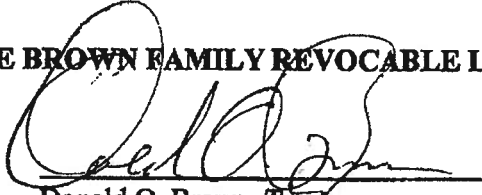
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5. Upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Castle Rock, Colorado, except for general property taxes of the Town of Castle Rock, Colorado, which shall become effective on January 1 of the next succeeding year following passage of the Annexation Ordinance.

Therefore your Petitioner respectfully requests that the Town Council of the Town of Castle Rock, Colorado, approve the annexation of the area proposed to be annexed.

THE BROWN FAMILY REVOCABLE LIVING TRUST

By:



Donald O. Brown, Trustee
6386 Perry Park Blvd.
Larkspur, CO 80118-9732

Date:

28 June 2012

By:



Joyce A. Brown, Trustee
6386 Perry Park Blvd.
Larkspur, CO 80118-9732

Date:

June 29, 2012

Owner of 100 % of the
Land described in Exhibit A

AFFIDAVIT OF CIRCULATOR

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

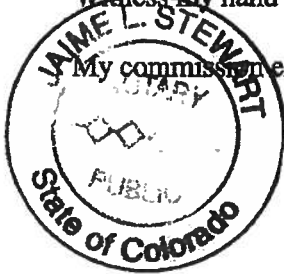
That he/she was the circulator of the foregoing Petition for annexation of lands to the Town of Castle Rock, Colorado, consisting of nine (9) pages, including this page and Exhibit A, and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.

Danell J. Hubbels
Circulator

STATE OF Colorado
) ss.
COUNTY OF Douglas

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 29th day of June, 2012, by Danell J. Hubbels.

Witness my hand and official seal.



My commission expires: 10/21/2012

Jaime L. Stewart
Notary Public

Exhibit A

Legal Description

EXHIBIT A

Legal Description

A portion of the South ½, Section 3, Township 8 South, Range 67 West of the Sixth Principal Meridian, in the County of Douglas, State of Colorado, more particularly described as follows:

Beginning at the NW corner of Castle Highlands Filing No. 2, 4th Amendment;

Thence along the boundary line of Lot 2, Block 7, Castle Highlands Filing No. 2, 4th Amendment through the following two courses:

- 1) S2°33'19"W, 265.49 feet;
- 2) S89°57'19"W, 284.24 feet;

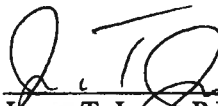
Thence N48°07'22"E, 397.65 feet to the Point of Beginning.

Said parcel as described contains an area of 37,693 square feet or 0.87 acres, more or less.

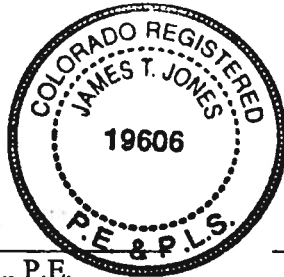
Basis of Bearings

The east line, NW 1/4, Section 10 bears N0°35'11"E per the final plat for Castle Highlands Filing No. 2, 4th Amendment. It is monumented at the North 1/4 Corner, Section 10 by a 2-1/2" aluminum cap stamped "Hannigan and Associates 1/4 cor S3S10 T8S, R67W 1995 PLS 25629" and at the SE Corner, N 1/2, NW1/4, Section 10 by a 3-1/2" aluminum cap stamped "TST T8S R67W CN 1/16 S10 LS 12046 1984".

Certification



James T. Jones, P.L.S., P.E.
For and on behalf of
Jones Engineering Associates, Inc.
2120 W. Littleton Blvd., Suite 205
Littleton, Colorado 80120



9/6/12

Date

LOT 1, BLOCK 7,
CASTLE HIGHLANDS FILING NO. 2
OWNER: PACIFIC INVESTMENTS LLC
ZONING: PD
USE: VACANT COMMERCIAL

UNPLATTED
OWNER: THE BROWN FAMILY REVOCABLE LIVING TRUST
ZONING: A-1
USE: RESIDENTIAL

S88°59'22"W 249.51'

POINT OF BEGINNING
NW CORNER CASTLE HIGHLANDS
FILING NO. 2, 4TH AMENDMENT

LOT 1, EPIPHANY EVANGELICAL
LUTHERAN CHURCH OF CASTLE
ROCK

OWNER: EPIPHANY EVANGELICAL
LUTHERAN CHURCH OF CASTLE
ROCK
ZONING: PD
USE: CHURCH

N48°07'22"E 397.65'

UNPLATTED
OWNER: THE BROWN FAMILY
REVOCABLE LIVING TRUST
ZONING: A-1
USE: VACANT PORTION OF
RESIDENTIAL PARCEL

S2°33'19"W 265.49'

LOT 2, BLOCK 7,
CASTLE HIGHLANDS FILING NO. 2,
4TH AMENDMENT

OWNER: AUBURN VENTURES LP
ZONING: PD
USE: VACANT RESIDENTIAL

S89°57'19"W 284.24'

S5°30'40"W 698.22'

N 1/4 CORNER, SECTION 10
2-1/2" ALUMINUM CAP STAMPED
"HANNIGAN AND ASSOCIATES
1/4 COR S3S10 T8S,
R67 W 1995 PLS 25829"

BASIS OF BEARINGS
EAST LINE, NE 1/4, NW 1/4, SEC. 10,
T. 8S., R. 67W., 6TH P.M.
N0°35'11"E, 1326.27'

SE CORNER, N 1/2, NW 1/4, SECTION 10
3-1/2" ALUMINUM CAP STAMPED
"TST T8S R67W CN 1/16
S10 LS 12046 1984"

AUBURN DRIVE



0 50 100

SCALE: 1" = 100'

BROWN PROPERTY EXHIBIT
CASTLE HIGHLANDS
JOB NO. 12014
DATE: JULY 23, 2012
SHEET 2 OF 2

JONES ENGINEERING
ASSOC., INC.

2120 W. Littleton Blvd., Suite 205
Littleton, Colorado 80120
Phone: 303-738-0283 Fax: 303-738-0285