

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2021

Ordinance No. 21-08

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE AMENDED
AND RESTATED ANNEXATION AND DEVELOPMENT AGREEMENT WITH
RESPECT TO THE EAST SIDE PROPERTY (RIDGEGATE EAST)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 - AUTHORITY

The City of Lone Tree ("City") City Council has all the power of local self-government and home rule and all powers granted to home rule cities under the Constitution of the state of Colorado pursuant to Article I, Section 2 of the Home Rule Charter for the City.

ARTICLE 2 – FINDINGS OF FACT

- A. The City and RidgeGate Investments Inc. ("RidgeGate") are parties to that certain Amended and Restated Annexation and Development Agreement With Respect To the East Side Property dated as of November 21, 2017 and recorded in the real property records of Douglas County, Colorado on August 20, 2018 at Reception No. 2018050200 (the "Annexation Agreement").
- B. Pursuant to the terms of the Annexation Agreement, RidgeGate agreed to convey to the City 65 acres for a regional park and 58 acres for village parks.
- C. RidgeGate has subsequently agreed to convey to the City (i) an additional 15 acres for the regional park (for a total of approximately 80 acres), and (ii) a 25 acre site to be used by the City and its recreation provider for a park with athletic fields, in exchange for a reduction in the number of acres required in the Annexation Agreement for village parks from 58 acres to 27 acres.
- D. RidgeGate and the City desire to amend the Annexation Agreement to memorialize the revisions to the park dedication requirements and make other amendments the Annexation Agreement, including the extension of vested property rights as provided herein.

ARTICLE 3 – APPROVAL OF FIRST AMENDMENT TO ANNEXATION AGREEMENT

The City Council hereby approves the First Amendment to the Amended and Restated Annexation and Development Agreement With Respect to the East Side Property (RidgeGate East), a copy of which is on file with the City Clerk's office, 9220 Kimmer Drive, Lone Tree, Colorado, and authorizes the Mayor to execute the First Amendment, with such minor, non-substantive changes as the City Attorney and City Manager may recommend.

ARTICLE 4- CREATION OF VESTED PROPERTY RIGHTS

Through Ordinance No. 17-11A, the City previously approved and granted vested property rights associated with the Annexation Agreement for a term expiring on December 31, 2055. The City hereby approves the extension of such vested property rights for the same period as set forth in the Annexation Agreement to this First Amendment in accordance with Article 68, Title 24, Colorado Revised Statutes. As required by C.R.S. § 24-68-103(1)(c), a notice stating that vested property rights have been created shall be published once by the City in a newspaper of general circulation in the City not more than 14 days after the final adoption of this Ordinance.

ARTICLE 5 – EFFECTIVE DATE

This Ordinance shall take effective thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days following publication after the second reading if changes are made upon second reading.

ARTICLE 6 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

INTRODUCED, READ AND ORDERED PUBLISHED ON JUNE 1, 2021.

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON JUNE 10, 2021;
LEGAL NOTICE NO. 939272.**

**APPROVED AND ADOPTED ON SECOND READING ON JUNE 15, 2021, TO
BECOME EFFECTIVE ON JULY 10, 2021.**

CITY OF LONE TREE:

Jacqueline A. Millet
Jacqueline A. Millet, Mayor

ATTEST:

Jay Robb
Jay Robb, City Clerk



**FIRST AMENDMENT
TO AMENDED AND RESTATED
ANNEXATION AND DEVELOPMENT AGREEMENT WITH RESPECT TO
THE EAST SIDE PROPERTY (RIDGEGATE)**

This First Amendment (this "First Amendment") is entered into as of June 15, 2021, between RIDGEGATE INVESTMENTS, INC., a Delaware corporation ("RidgeGate"), and the CITY OF LONE TREE, a home rule municipal corporation and political subdivision of the State of Colorado (the "City").

Recitals

A. The City and RidgeGate are parties to that certain Amended and Restated Annexation and Development Agreement With Respect To the East Side Property dated as of November 21, 2017 and recorded in the real property records of Douglas County, Colorado on August 20, 2018 at Reception No. 2018050200 (the "Annexation Agreement").

B. Pursuant to Section 6(d)(vii) of the Annexation Agreement, RidgeGate agreed to convey to the City 65 acres for a regional park, and pursuant to Section 6(d)(viii) of the Annexation Agreement, RidgeGate agreed to convey to the City 58 acres for village parks.

C. RidgeGate has subsequently agreed to convey to the City (i) an additional 15 acres for the regional park (for a total of approximately 80 acres), and (ii) the 25 acre site depicted on Exhibit E-3 attached hereto, to be used by the City and its recreation provider for a park with athletic fields, in exchange for a reduction in the number of acres required by Section 6(d)(viii) of the Annexation Agreement for village parks from 58 acres to 27 acres.

D. RidgeGate and the City desire to amend the Annexation Agreement to provide for the foregoing and make other amendments the Annexation Agreement as provided herein.

First Amendment

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, RidgeGate and the City hereby agree as follows:

1. Amendment to Section 6(b) of Annexation Agreement. The first sentence of Section 6(b) of the Annexation Agreement is hereby amended to read as follows: "The general location of the lands to be dedicated for the East Side Property (other than the village parks) shall be as depicted on the attached Exhibit E-1 and Exhibit E-2, and the lands to be dedicated for village parks shall be in the Central and Southeast Villages and locations shall be determined by the preliminary plans for the Central and Southeast

Villages or by Site Improvement Plans for the Central Village Couplet District or Lincoln Avenue District, as such districts are identified by the Sub-Area Plan for the East Villages.”


2. Amendments to Section 6(d) of Annexation Agreement. Section 6(d)(vii) of the Annexation Agreement is hereby amended by substituting "80" in place of "65" to read as follows: "(vii) 80 acres for a regional park;" and Section 6(d)(viii) is hereby amended to read "(viii) 27 acres for village parks, and 25 acres to be used as a park with athletic fields as depicted on the attached **Exhibit E-3**;"

3. Replacement of **Exhibit E-2** to Annexation Agreement and Addition of **Exhibit E-3** to Annexation Agreement. **Exhibit E-2** attached to this First Amendment is hereby substituted in place of **Exhibit E-2** attached to the Annexation Agreement, and **Exhibit E-3** attached to this First Amendment is hereby added as **Exhibit E-3** to the Annexation Agreement.

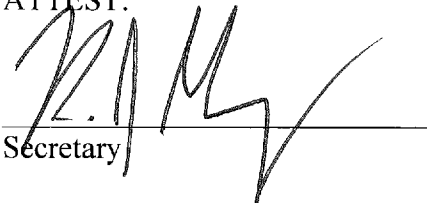
4. Except as specifically amended hereby, the Annexation Agreement is not altered or amended, and it remains in full force and effect.

EXECUTED as of the date first set forth above.

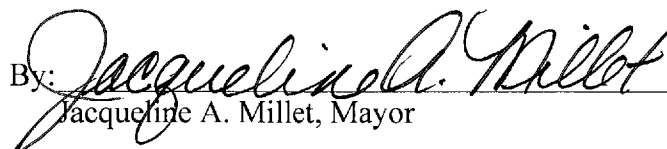
RIDGEGATE INVESTMENTS, INC.,
a Delaware corporation

By: 
Robert Asselbergs, President

ATTEST:


Secretary

CITY OF LONE TREE, COLORADO,

By: 
Jacqueline A. Millet, Mayor

ATTEST:


City Clerk

Exhibit E-2
EXHIBIT E-2
ALTERNATIVE LIBRARY SITES AND OTHER PUBLIC LAND DEDICATION SITES

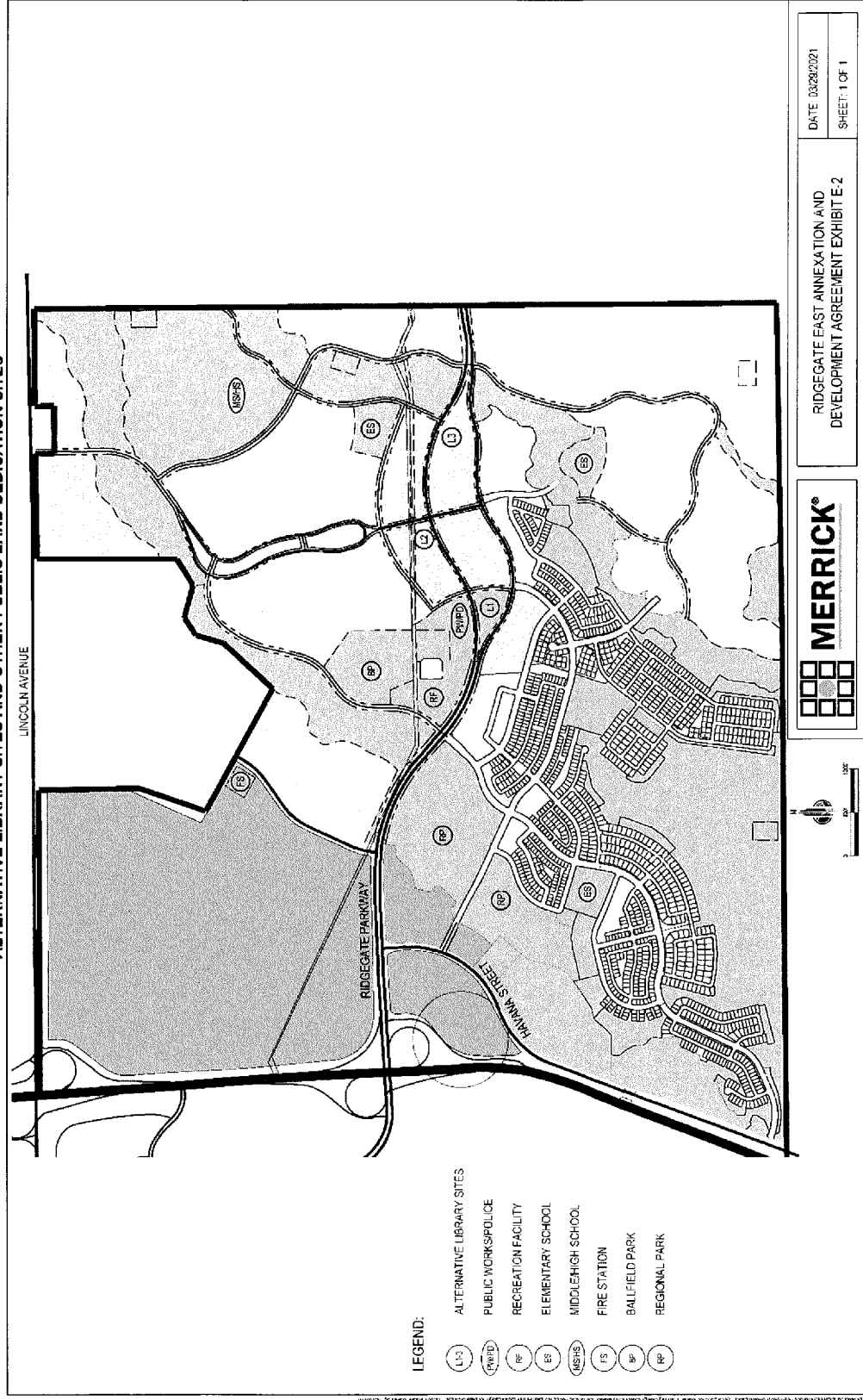


Exhibit E-3

Depiction of Athletic Field Focused Site

