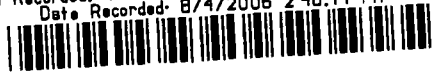


Brenda J. Castle, CMC, Deputy City Clerk
12503 East Euclid Drive, Suite 200,
Centennial, Colorado 80111

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2006-O-12

1-4
Arapahoe County Clerk & Recorder, Nancy A. Doty
Reception #: B6112728
Recording Fee: \$21.00
Receipt #: 5291920
Pages Recorded: 4
Date Recorded: 8/4/2006 2:48:44 PM



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CENTENNIAL, COLORADO APPROVING AN
ANNEXATION AND DEVELOPMENT AGREEMENT FOR
PROPERTY KNOWN AS TAGAWA AND ESTABLISHING
VESTED PROPERTY RIGHTS PURSUANT TO C.R.S.
SECTION 24-68-101, *ET SEQ.***

WHEREAS, Tagawa Rose Farms Inc. (the "Applicant") has submitted to the City of Centennial an annexation petition to seek annexation of property generally located southwest of the intersection of E. Broncos Parkway and S. Parker, as more particularly described on Exhibit A (the "Property"); and

WHEREAS, pursuant to a duly noticed public hearing held on May 22, 2006, the City Council approved the annexation of the Property to the City of Centennial; and

WHEREAS, the Applicant and City have negotiated the terms of an annexation and development agreement ("Annexation Agreement"), a copy of which is on file in the Land Use Services Department at the Citizens Service Center, Centennial, 12503 East Euclid Drive, Suite 200, Centennial, Colorado and incorporated herein by reference; and

WHEREAS, in accordance with Section 11.1.4913 of the Centennial Land Development Code and C.R.S. Section 24-68-101, *et seq.*, the Applicant wishes to pursue and obtain vested property rights through the Annexation Agreement; and

WHEREAS, public notice has been properly given of the Annexation Agreement by publication in the *Villager*, a newspaper of general circulation within the City of Centennial, by posting of said property and by mail notification of adjacent property owners in accordance with the City of Centennial Land Development Code; and

WHEREAS, in accordance with Section 11.1.4913 of the City of Centennial Land Development Code, a public hearing was held before the City of Centennial City Council at 12503 East Euclid Drive, Suite 200, on June 19, 2006, at 7:00 p.m., at which time evidence and testimony were presented to the City Council concerning said Annexation Agreement; and

WHEREAS, City Council has determined that the Annexation Agreement contains sufficient restrictions and is sufficiently well-defined to justify vesting for a seven year period; and

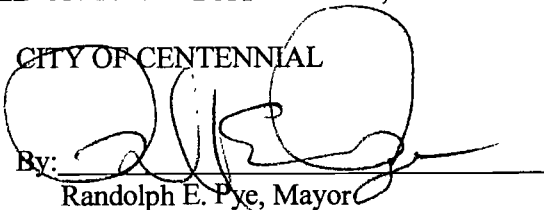
WHEREAS, City Council further finds that future off-site developed land uses, traffic and drainage conditions are sufficiently reliable for the seven year vesting period; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the Centennial Land Development Code by setting a public hearing in order to provide the applicant and the public an opportunity to present testimony and evidence regarding the annexation agreement and/or vested property rights application. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the application for vested property rights or the proposed project.

NOW, THEREFORE, BE IT ORDAINED by the City of Centennial City Council as follows:

1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.
2. The City of Centennial City Council hereby approves the Annexation Agreement dated June 19, 2006 and approves the same for purposes of vesting of property rights.
3. Approval of the Annexation Agreement creates vested property rights pursuant to C.R.S. Section 24-68-103 and Section 11.1.4913 of the Land Development Code.
4. As contemplated by Section 11.1.4913 of the Land Development Code, notice of the approval and creation of vested property rights effected by this Ordinance shall be made by publication no later than fourteen days following approval of this Ordinance ("Approval Publication").
5. The vested property rights created by this Ordinance shall be vested for a period of seven (7) years commencing on the date of the Approval Publication and terminating on the seventh anniversary of such Approval Publication.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 5th DAY OF JUNE, 2006.

CITY OF CENTENNIAL
By: 
Randolph E. Pye, Mayor

Approved as to Form:

Linda Michon
For the City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of June 5, 2006, and ordered published one time by *The Villager* newspaper on June 18, 2006.

SEAL

ATTEST:
By: Goldie Fishbein
Goldie Fishbein, City Clerk

FINALLY ADOPTED, PASSED, APPROVED AND ORDERED PUBLISHED BY TITLE AND WITH ANY AMENDMENTS, BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 19th DAY OF June, 2006, BY A VOTE OF 8 IN FAVOR, 0 AGAINST, AND 0 ABSTAINING.

CITY OF CENTENNIAL
By: Randolph E. Pye
Randolph E. Pye, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of June 19, 2006 and ordered published by title only, with amendments if any, one time by *The Villager* newspaper on June 22, 2006.

SEAL

ATTEST:
By: Goldie Fishbein
Goldie Fishbein, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 32 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SECTION 32; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 32 SOUTH 01°06'52" WEST 928.84 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED MARCH 1, 1989 IN BOOK 5641 AT PAGE 421 OF THE ARAPAHOE COUNTY RECORDS; THENCE ALONG THE SOUTH LINE OF SAID PARCEL ALSO BEING THE SOUTH LINE OF RIVER RUN II, A PLAT RECORDED APRIL 24, 2000 AT RECEPTION NO. B0047132 NORTH 89°48'52" EAST 1241.88 FEET, THENCE SOUTH 00°11'08" EAST 100 00 FEET TO THE TRUE POINT OF BEGINNING;

NORTH ALONG A LINE 100.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF RIVER RUN II NORTH 89°48'52" EAST 660.00 FEET; THENCE SOUTH 00°11'08" EAST 660.00 FEET; THENCE SOUTH 89°48'52" WEST 660.00 FEET THENCE NORTH 00°11'08" WEST 660.00 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL CONTAINING 10.000 ACRES, MORE OR LESS.