

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2007-O-02**

**AN ORDINANCE OF THE CITY OF CENTENNIAL,  
COLORADO APPROVING INITIAL ZONING FOR  
CERTAIN LAND KNOWN AS THE TAGAWA NO. 2  
ANNEXATION PROPERTY BY REZONING SUCH LAND  
FROM ARAPAHOE COUNTY MIXED USE PLANNED  
UNIT DEVELOPMENT (MU-PUD, COMMERCIAL) TO  
CITY OF CENTENNIAL A-1 (AGRICULTURAL),  
INCORPORATING SAID PROPERTY WITHIN THE  
SCOPE OF THE ANNEXATION AND DEVELOPMENT  
AGREEMENT BETWEEN TAGAWA ROSE FARMS, INC.  
AND THE CITY OF CENTENNIAL DATED JUNE 19, 2006,  
AND AMENDING THE OFFICIAL ZONING MAP OF THE  
CITY OF CENTENNIAL, COLORADO**

WHEREAS, the applicant, Tagawa Rose Farms, Inc. ("Applicant") has submitted to the City of Centennial an annexation petition to seek annexation of property consisting of .686 acres located adjacent to E. Broncos Parkway, as more particularly described on Exhibit A (the "Property"); and

WHEREAS, pursuant to a duly noticed public hearing held on December 18, 2006, the City Council approved by ordinance the annexation of the Property to the City of Centennial; and

WHEREAS, annexation of this Property follows from the City's previous annexation of the larger ten acre parcel to the south comprising the Tagawa Garden Center and Florist; and

WHEREAS, in accordance with § 31-12-115 of the Municipal Annexation Act, C.R.S., zoning of the Property must be accomplished within ninety (90) days after the effective date of the annexation ordinance; and

WHEREAS, the Applicant seeks City of Centennial A-1 (agricultural) zoning of the Property consistent with the City's A-1 zoning of the ten acre parcel to the south; and

WHEREAS, a public hearing was held before the City of Centennial City Council at 12503 East Euclid Drive, Suite 200, on the 21<sup>st</sup> day of February, 2007, at 7:00 p.m., at which time evidence and testimony were presented to the City Council concerning said zoning request; and

WHEREAS, the administrative record for this case includes, but is not limited to, the City of Centennial Land Development Code, City of Centennial Comprehensive Plan, and all

other applicable ordinances, resolutions and regulations, together with all City of Centennial Land Use application processing policies that relate to the subject matter of the public hearing, any and all submittals of the Applicant, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the Planning and Engineering case managers pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S. as amended, City Council has determined that the proposed initial zoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City Comprehensive Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria of the City of Centennial Land Development Code; 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 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 or the proposed project.

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

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. The City of Centennial City Council hereby grants and approves zoning of the Property to City of Centennial A-1 (Agricultural) and, in accordance with Section 5.1 (D) of the Annexation and Development Agreement between the City and Tagawa Rose Farms, Inc. dated June 19, 2006 ("Agreement"), hereby includes said Property within the definition of "Property" under the terms of the Agreement thus extending the terms and conditions of the Agreement to the Property.

Section 3. The Zoning Map of the City of Centennial shall be and the same is hereby amended to conform to and reflect said initial zoning.

Section 4. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

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 5<sup>TH</sup> DAY OF FEBRUARY, 2007.

CITY OF CENTENNIAL

By: 

Randolph E. Pye, Mayor

Approved as to Form:



For 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 February 5, 2007, and ordered to be published one time by *The Villager* newspaper at least thirty days before its adoption, on February 8, 2007.

ATTEST:

SEAL

By: 

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 2<sup>nd</sup> DAY OF February, 2007, BY A VOTE OF 8 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

CITY OF CENTENNIAL

By: 

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 February 21, 2007, and ordered published by title only, with amendments if any, one time by *The Villager* newspaper on March 1, 2007.

ATTEST:

SEAL

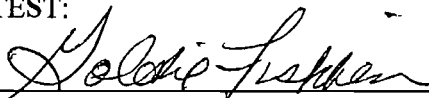
By:   
Goldie Fishbein, City Clerk

EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SECTION 32, WHENCE THE CENTER ONE-QUARTER CORNER OF SAID SECTION 32 BEARS SOUTH 01°06'52" WEST A DISTANCE OF 2645.34 FEET SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION; 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 ARAPAHOE COUNTY RECORDS, THENCE ALONG THE SOUTH LINE OF SAID PARCEL NORTH 89°48'52" EAST 1205.92 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AND THE TRUE POINT OF BEGINNING:

THENCE ALONG THE BOUNDARY OF THE CITY OF CENTENNIAL, ALSO BEING THE SOUTHEASTERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 5641 AT PAGE 421 THE FOLLOWING 3 COURSES: 1) NORTH 00°21'06" WEST 12.13 FEET; 2) NORTH 87°12'22" WEST 36.96 FEET, 3) ALONG THE ARC OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 129.98 FEET, A CENTRAL ANGLE OF 33°59'13" AND A CHORD WHICH BEARS NORTH 70°13'07" WEST 75.98 FEET), A DISTANCE OF 77.10 FEET TO THE SOUTHERLY BOUNDARY OF TRACT A AS PLATTED IN RIVER RUN II, A PLAT RECORDED APRIL 24, 2000 AT RECEPTION NO. B0047132 OF ARAPAHOE COUNTY RECORDS; THENCE ALONG SAID SOUTHERLY BOUNDARY OF TRACT A THE FOLLOWING 2 COURSES. 1) NORTH 89°48'52" EAST 227.03 FEET; 2) NORTH 00°11'08" WEST 39.41 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF E. BRONCOS PARKWAY AS PLATTED IN RIVER RUN II; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF E. BRONCOS PARKWAY AND THE WESTERLY RIGHT-OF-WAY LINE OF S. CHEROKEE TRAIL AS PLATTED IN RIVER RUN II, THE FOLLOWING 2 COURSES. 1) ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 810.00 FEET, A CENTRAL ANGLE OF 34°51'33" AND A CHORD WHICH BEARS SOUTH 87°27'18" EAST 485.24), A DISTANCE OF 492.81; 2) ALONG THE ARC OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 86°56'46" AND A CHORD WHICH BEARS SOUTH 61°24'42" EAST 41.28), A DISTANCE OF 45.52; 3) SOUTH 17°56'19" EAST 38.24 FEET TO THE BOUNDARY OF THE CITY OF CENTENNIAL, ALSO BEING THE SOUTH LINE OF RIVER RUN II, A PLAT RECORDED APRIL 24, 2000 AT RECEPTION NO. B0047132; THENCE ALONG SAID BOUNDARY OF THE CITY OF CENTENNIAL AND SAID SOUTH LINE SOUTH 89°48'52" WEST 651.21 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 0.686 ACRES, MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

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**WITHDRAWN – LATER PASSED AS 2007-O-02**

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2006-O-22**

**AN ORDINANCE APPROVING INITIAL ZONING FOR CERTAIN LAND KNOWN AS  
THE TAGAWA PROPERTY NO. 2 BY REZONING SUCH LAND FROM ARAPAHOE  
COUNTY A-1 (AGRICULTURAL) TO CITY OF CENTENNIAL A-1 (AGRICULTURAL)  
AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CENTENNIAL,  
COLORADO**