

CHAPTER 15

Annexations

Article I

Annexation Procedures

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ARTICLE I

Annexation Procedures

Sec. 15-1. Purpose.

The purpose of this Chapter is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended. (Ord. 435 §1, 1996)

Sec. 15-2. Responsibilities of applicant.

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, as amended, all applicants shall have the following responsibilities:

(1) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.

(2) The applicant shall consult with the Planning Department to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

(3) The applicant shall be responsible for all actual costs of the Town for review of annexation petitions and all related documents, negotiation of an annexation agreement, if any, and all costs including publication. The applicant shall deposit one thousand dollars (\$1,000.00) with the Town for this purpose upon submission of the annexation petition. If the Town's actual costs exceed such amount, the applicant shall pay any additional amounts. If all of the deposit is not used by the Town, it shall pay to the applicant the unused portion. (Ord. 435 §1, 1996)

Sec. 15-3. Preliminary steps.

(a) Procedure. At least fifteen (15) days prior to the presentation of any annexation petition to the Board of Trustees, the applicant shall submit to the Town the annexation petition, the annexation fee as set forth in Section 4-151, a minimum of fifteen (15) copies of the master plan and the annexation map and a minimum of five (5) copies of all required supportive information.

(1) The Planning Department shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Planning Department shall submit the annexation petition to the Town Clerk.

(2) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Board of Trustees who shall thereafter establish a date for a public hearing. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965, as amended, and shall specifically direct copies of the annexation petition and the resolution initiating the annexation procedure by certified mail to the Clerk of the Board of County Commissioners and to the County Attorney of the county wherein the territory is located. Copies of the annexation petition and the resolution initiating the annexation procedure shall also be sent by certified mail to any school

district or special district having territory within the annexed area. These copies shall be sent at least twenty-five (25) days prior to the public hearing.

(3) Upon acceptance of the annexation petition by the Board of Trustees, the Planning Department shall furnish to the following entities copies of the annexation map and the master plan. The Planning Department may submit copies of the annexation map and the master plan to additional interested entities as determined by the Planning Department in its sole discretion. Such entities shall be advised by the Planning Department of the scheduled hearing date and shall further be notified that any objections to the annexation and master plan must be submitted to the Town in writing no later than seven (7) days after receipt of the annexation map and master plan:

- a. Telephone company.
- b. Franchise utility companies.
- c. Town Engineer.
- d. Fire Protection District.
- e. Public Works Department.
- f. State Highway Department.

(4) The Planning Commission shall review the annexation map, master plan and zoning request at a public hearing and shall submit a written recommendation to the Board of Trustees.

(b) Annexation map. All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The annexation map shall contain the following information:

- (1) The date of preparation, the scale and a symbol designating true north.
- (2) The name of the annexation.
- (3) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
- (4) The legal description.
- (5) Distinction of the boundary that is contiguous to the Town and the length of same.
- (6) Lot and block numbers if the area is already platted.
- (7) Existing and proposed easements and rights-of-way.
- (8) Existing and requested zoning and acreage of each requested zone.
- (9) Ownership of all parcels within and adjacent to the annexation.

(10) Appropriate certification blocks as directed by the Planning Department.

(c) Master plan. All master plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches. The master plan shall contain the following information:

(1) The date of preparation, the scale and a symbol designating true north.

(2) The name of the annexation.

(3) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.

(4) Existing and proposed easements and rights-of-way.

(5) Block numbers and lot numbers with approximate dimensions.

(6) Proposed gross and net residential density.

(7) Existing watercourses with adequate easements for flood control.

(8) Designation of all public sites to be reserved and dedicated.

(9) Existing two-foot contours.

(10) Appropriate certification blocks as directed by the Planning Department.

(d) Supportive information. The following supportive information shall be submitted with the annexation map and master plan:

(1) Soils description and limitation.

(2) Preliminary utility plan.

(3) Mailing addresses of all property owners within three hundred (300) feet of the annexation.

(4) Affidavit concerning the amount and historical use of all water rights owned.

(5) Vicinity map with a radius of one and one-half (1½) miles, at a minimum scale of one (1) inch represents two thousand (2,000) feet.

(6) Statement on community need for proposed annexation and zoning.

(7) For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students. (Ord. 435 §1, 1996)

Sec. 15-4. Annexation impact report.

(a) For all annexations in excess of ten (10) acres, the Town shall prepare an impact report regarding the proposed annexation not less than twenty-five (25) days before the date of the annexation hearing. One (1) copy of the impact report shall be filed with the Board of County Commissioners governing the area proposed to be annexed within five (5) days thereafter. The preparation and filing of the annexation impact report may be waived upon approval of the Board of County Commissioners governing the area proposed to be annexed.

(b) The annexation impact report shall include the following:

(1) A map or maps of the Town and adjacent territory showing the following information:

a. The present and proposed boundaries of the Town in the vicinity of the proposed annexation.

b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.

c. The existing and proposed land use pattern in the areas to be annexed.

(2) A copy of any draft or final pre-annexation agreement, if available.

(3) A statement of the Town's plans for extending or providing for municipal services within the area to be annexed.

(4) A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.

(5) A statement identifying all existing districts within the area to be annexed.

(6) A statement of the effect of the annexation upon the school district governing the area to be annexed, as is more fully set forth in Section 15-3(d)(7) of this Chapter. (Ord. 435 §1, 1996)

Sec. 15-5. Consideration of annexation ordinance.

Upon the submission of documentation in accordance with this Chapter and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, as amended, the Board of Trustees may consider the approval of an ordinance annexing the subject property to the Town. In the event the Board of Trustees considers and disapproves such ordinance, no similar request may be heard for a period of one (1) year from the date of denial. (Ord. 435 §1, 1996; Ord. 444 §1, 1997; Ord. 661 §1, 2008)

Sec. 15-6. Final submission.

In the event the Board of Trustees approves an annexation ordinance, the applicant shall submit to the Planning Department two (2) Mylars of the final annexation map and two (2) Mylars of the master

plan within ten (10) days of the effective date of the ordinance, for the Town Clerk to record at the County Clerk and Recorder's office. (Ord. 435 §1, 1996; Ord. 725 §8, 2013)

Secs. 15-7—15-20. Reserved.