

CHAPTER 15 Annexation

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Sec. 15-1-10. 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. 06-01 §1, 2006)

Sec. 15-1-20. Introduction and policy statement.

- (a) The Town is a residential community. The Town is surrounded by unincorporated Summit County. Annexation requests, therefore, are possible along any contiguous Town boundary.
- (b) The Town is a unique town. It is located in an alpine valley, bounded on the east by the Continental Divide, on the west by the Ten Mile Range, on the south by Hoosier Pass and County lands, and to the north by the internationally known Town of Breckenridge and Summit County. The purpose of this plan is to provide criteria for annexation to the Town with the intent of benefiting the Town, ensuring the quality of development and maintaining the quality of life within the Town. The Town encourages parties desiring to become part of the community. The Town recognizes that annexation in itself is not a means of growth control and that any applicant may have development rights under the regulations of the County. Given that development is possible adjacent to the Town boundaries without annexation, the Town may desire annexation to control development through the Town's subdivision and development policies. The Town's plan is to remain solely a residential community.

(Prior code 6-9-1)

Sec. 15-1-30. Existing conditions.

- (a) Incorporation; residential development. The Town was incorporated in 1964. The Town began as a community of second-home owners, but has developed into a family residential area of primarily owner-occupied single-family homes. The Town includes homes of varied sizes and price ranges. The fire mitigation plan enforced throughout the County is not enforced in the Town.
- (b) Access and access easements. The only north-south thoroughfare is State Highway 9. All residential subdivisions within the Town must use this route for access. Any areas to be annexed must also use this highway. Many of the easements serving subdivisions within the Town are not owned by the Town but by the residents of the subdivisions, based on the dedication language contained in the original plats for the subdivisions. In many cases, the Town does not have control of these access easements.
- (c) Recreation. The Blue River runs through the Town from south to north. The river is dammed to form the Goose Pasture Tarn in which Town property owners have recreational privileges. There are two (2) river crossings within the Town limits, both of which are via culverts. Other than the Goose Pasture Tarn, the Town has no parks, squares or playgrounds.
- (d) Town utilities. The Town does not operate a water or sewer system and has no plans to do so in the future. The Town does not supply any other utilities. Wherever possible, the Town does encourage underground utilities.

(Prior code 6-9-2)

Sec. 15-1-40. Areas for possible concentration.

Although the Town is surrounded by unincorporated Summit County, much of the land is administered by the Forest Service of the United States. It is the intent of the Town to only consider annexation requests for property which is located within three (3) miles of the boundaries of the Town existing at the time the petition for annexation is filed.

(Prior code 6-9-3)

Sec. 15-1-50. Eligibility and criteria.

With the exception of annexations initiated by or on behalf of the Town, the Town will consider lands for annexation based on their status at the time of filing the petition for annexation and may look to criteria as guidelines for each category of land as follows:

- (1) Undeveloped land: Benefit/impact to the Town as a result of annexation.
 - a. Revenue to the Town.
 - b. The Town's ability to provide services.
 - c. The Town's cost of services.
 - d. The geographic location of the proposed site in relation to the Town as well as other adjacent property and its ownership.
 - e. The extent to which the parcel already is using or would use (if developed) Town services or property, e.g., roads for access, snowplowing and Tarn privileges.
 - f. The need to exercise control over density, zoning, architecture and environmental concerns so as to blend the subject property into adjacent Town lands.
 - g. Such other criteria as the Town may consider.
- (2) Developed land: Benefit/impact to the Town as a result of annexation.

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- a. Revenue to the Town.
- b. The Town's ability to provide services.
- c. The Town's cost of services.
- d. The geographic location of the proposed site in relation to the Town as well as other adjacent property and its ownership.
- e. The extent to which the parcel already is or would use Town services or property, e.g., roads for access, snowplowing and Tarn privileges.
- f. The need to exercise control over density, zoning, architecture and environmental concerns so as to blend the subject property into adjacent Town lands.
- g. The condition of existing infrastructures, e.g., roads, bridges and drainage ways.
- h. Such other criteria as the Town may consider.

(Prior code 6-9-4)

Sec. 15-1-60. Limitation of services.

Petitioners are cautioned that annexation is not an offering of any services as an obligation of the Town.

(Prior code 6-9-5)

Sec. 15-1-70. 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 Town staff to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

(Ord. 06-01 §1, 2006)

Sec. 15-1-80. Fees.

- (a) Payment of costs. The petitioner desiring to be annexed is required to pay any costs incurred by the Town in reviewing annexation and related matters. In order to assure payment of Town costs, the petitioner must comply with Section 16-2-30 of this Code by depositing with the Town the sum of two thousand dollars (\$2,000.00) at the time of filing the petition for annexation.
- (b) Tracking of account balance. The petitioner will be required to keep a constant balance above all costs incurred by the Town in a minimum amount of five hundred dollars (\$500.00). When the annexation process, which for this purpose, includes all related administrative review processes, is terminated by the petitioner or the Town for any reason, any money in excess of expenses incurred by the Town will be promptly refunded to the petitioner without interest.

(Prior code 6-9-6A, B)

Sec. 15-1-90. Annexation procedures.

- (a) Filing of petition; legal assessment. Completed annexation petitions, together with required fees, shall be filed with the Town Clerk who shall then refer the petition to the Board of Trustees as a communication. The Board of Trustees shall then, without undue delay, refer the petition to the Town Attorney, who shall advise the Board of the legal sufficiency of the petition. If the petition is found to be inaccurate or incomplete, the Town Attorney shall so advise the petitioner or his or her representative. If the petition is complete and correct, the petition and all accompanying documents shall be referred to the Board of Trustees for its review.
- (b) Compliance with provisions. All petitions for annexation to the Town shall comply with the requirements of the general state statutes and the provisions of this Code related to the annexation of land. The required map or plat shall be drawn on an original Mylar at a scale sufficient to clearly show the required details of the annexation.

(Prior code 6-9-6C, D)

Sec. 15-1-100. Annexation impact report.

- (a) When required, the Board of Trustees will prepare and adopt an annexation 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 preannexation 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.

(Prior code 6-9-6E; Ord. 06-01 §1, 2006)

Sec. 15-1-110. Performance bond.

Before final passage of an ordinance accomplishing any annexation, the petitioner shall deposit with the Town such bond, monies and/or executed agreements as shall, in the opinion of the Board of Trustees, be adequate to ensure the performance of commitments agreed to should the annexation be completed.

(Prior code 6-9-6F)

Sec. 15-1-120. Litigation; reimbursement of costs.

In the event of any litigation, hearing, dispute or other action, which requires the Town to retain legal counsel, and which arises between the Town and the petitioner or annexee and which concerns any aspect of the annexation, the petitioner or annexee shall be required to reimburse the Town for all its costs and legal fees involved in prosecuting or defending such matter if the Town is the prevailing party.

(Prior code 6-9-6G)

Sec. 15-1-130. Authority of Board; creation of rights.

Nothing in this annexation plan shall limit the authority or discretion allowed to the Board of Trustees to determine at any time during the proceedings that it desires not to proceed with any annexation. In particular, this plan does not create any rights in any petitioner for annexation which did not, or do not exist independent of the existence of this plan.

(Prior code 6-9-6H)