

ORDINANCE NO. 1979-1

TITLE AND PURPOSE: AN ORDINANCE RELATING TO THE REQUIREMENTS EXISTING WITHIN THE TOWN OF LA JARA, COLORADO, PERTAINING TO THE DEVELOPMENT OF LANDS LOCATED THEREIN AND LANDS PROPOSED TO BE ANNEXED THERETO, AND PROVIDING FOR THE ORDERLY DEVELOPMENT OF SAID LANDS.

WHEREAS, the Board of Trustees of the Town of La Jara, Colorado, adopted Ordinance No. 1978-3, otherwise known as the "Zoning Ordinance of the Town of La Jara, Colorado," which provides, among other things, the promotion of orderly land use, coordinated and sound development, higher quality in site and land planning within the incorporated limits of the Town of La Jara, and

WHEREAS, the Board of Trustees finds and determines that unincorporated areas that may in the future be annexed to the Town of La Jara should comply with the terms and provisions of said Zoning Ordinance and the Comprehensive Plan for the Town of La Jara in order to insure orderly and quality growth in the Town in a manner consistent with said Zoning Ordinance and Comprehensive Plan, and

WHEREAS, the Board of Trustees further finds and determines that any such future annexation of land to the Town of La Jara or subdivision of lands within the incorporated limits of the Town shall not be such as to create any additional costs or burdens on the then-existing residents of the Town of La Jara, and that no annexation shall be accepted until such time as the Board of Trustees shall determine that all of the then-existing statutory requirements and such terms and conditions imposed by the Board of Trustees on the area proposed to be annexed have been fulfilled;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO:

Section One. Generally.--All annexations of unincorporated territory to the Town of La Jara, Colorado, shall be done in conformance with Title 31, Article 12, Part I, Colo. Rev. Stat. (1973), as amended, otherwise known as the "Municipal Annexation Act of 1965."

Section Two. Conditions of Annexation and Development--Unincorporated territory may be annexed to the Town of La Jara and shall be developed under the following terms and conditions:

(a) Land Dedication for Public Use - The Owner shall, in addition to the dedication of land for street right-of-way, dedicate for other public use not less than 10% of the net land being proposed for annexation, or at the option of the Town, the cash value of 10% of said land. The location of said land shall be mutually agreed upon by both the Town Board of Trustees and the annexor prior to approval of the annexation. Net land shall be defined as the gross amount of land less any street right-of-way required by the Town of La Jara that would be in excess of that normally required for a residential collector street of 60 feet in total width. This land dedication shall be satisfied at the time of annexation by the applicant by delivery of a Warranty Deed for the

tract of land proposed to be dedicated, an Escrow Deed for a tract of land of comparable value which shall be traded at the time of the final planning, a certified check, or in such manner as determined by the Board of Trustees.

(b) Dedication and Acquisition of Water Rights - With respect to water and water rights, the annexor or developer shall comply with and fulfill the terms and conditions that may then be in existence and contained in and forming a part of the La Jara Subdivision Policies and Standards as then adopted by the Board of Trustees by Ordinance or Resolution and from time to time amended by the Board of Trustees, or such other additional terms and conditions as the Board of Trustees may impose upon the area proposed to be annexed.

(c) Water Tap Fees - Water tap fees shall be assessed on the basis of a schedule of fees, adopted by Ordinance, and from time to time amended by the Board of Trustees. This Ordinance may be obtained from the La Jara Town Clerk.

(d) Sewer Tap Fees - Sewer tap fees shall be assessed on the basis of a schedule of fees, adopted by Ordinance, and from time to time amended by the Board of Trustees. This Ordinance may be obtained from the La Jara Town Clerk.

(e) Street Development - It shall be the responsibility of the developer or annexor to dedicate and develop all streets other than those designated on the official thoroughfare plan as arterial streets to the standards contained in the Town's Subdivision Policies and Standards.

(f) Arterial Streets - It shall be the responsibility of the developer or annexor to dedicate the necessary arterial street right-of-way. The development of said arterial street shall be the responsibility of the Town of La Jara except, where in the opinion of the Board of Trustees, the arterial is necessary for access to the proposed development and is a newly dedicated street, in which event, the arterial shall be developed at the expense of the developer or annexor. Any right-of-way required by the Town in excess of the requirements for a residential collector street of 60 feet in width shall be deemed excess for the purpose of calculating land dedication.

(g) Water and Sewer Lines - The developer shall be required to install at his cost, all water and sewer lines. The developer shall install 8-inch water lines and 12-inch sewer lines, unless otherwise determined by the Board of Trustees. If oversized lines are requested by the Town, the Town will reimburse the developer for the difference in cost, including labor and materials and all appurtenances between an 8-inch water line and a 12-inch sewer line and the required lines and the appurtenances.

(h) Storm Drainage - It shall be the responsibility of the developer or annexor to provide for the

control of storm drainage as required by the Town's Subdivision Policies and Standards.

(i) Subdivision Policies and Standards - The developer shall comply with all subdivision policies deemed appropriate by the Board of Trustees which are contained in the La Jara Subdivision Policies and Standards.

Section Three. Required Agreement.--The requirements of this Ordinance and any additional requirements determined by the Board of Trustees of the Town of La Jara shall be contained in a written Agreement to be executed by the developer or annexor at the time of annexation.

Section Four. Promulgation of subdivision Policies and Standards.--The La Jara Planning Commission is hereby authorized and directed to draft or amend, as the case may be, and submit for adoption to the Board of Trustees of the Town of La Jara as the Board of Trustees may from time to time request, Subdivision Policies and Standards as the Board of Trustees may find advisable or necessary to insure that future development, either on lands within the present corporate limits of the Town or on lands within territories proposed for annexation to the Town, meet the Town's goals and objectives as contained in the Comprehensive Plan for the Town of La Jara, the Master Plan or Zoning Plan as the case may be. The La Jara Planning Commission is hereby further authorized and directed to make such preliminary investigations as the Planning Commission deems necessary or advisable of any proposed subdivision or annexation to insure that all subdivision, annexation, zoning, or master plan policies and standards are met, and make such reports, recommendations of approval or disapproval or approval with modification of the subdivision or annexation plan to the Board of Trustees.

Section Five. Validity.--If any part or parts of this Ordinance are for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part of or parts thereof irrespective of the fact that any one part or parts be declared invalid.

Section Six. Repeal.--Any or all Ordinances or parts of Ordinances of the Town of La Jara, Colorado, in conflict or inconsistent therewith, are hereby repealed, PROVIDED, HOWEVER, that the repeal of any Ordinance or parts of Ordinances of the Town of La Jara, Colorado, shall not revive any other section of any Ordinance or Ordinances heretofore repealed or superceded.

Section Seven. Publication.--The Town Clerk shall certify to the passage of this Ordinance, cause notice of its contents and passage to be published, and shall make not less than three copies of the La Jara Subdivision Policies and Standards then existing available for inspection by the public during regular business hours.

Section Eight. Effective date.--This Ordinance shall be in full force and effect thirty days after its final passage and publication as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO AND SIGNED THIS 9TH DAY OF JANUARY, 1979.

TOWN OF LA JARA

BY   
Ben Gallegos, Mayor

(SEAL)

ATTEST:

Patricia J. Fernandez  
Patricia J. Fernandez  
La Jara Town Clerk

Date of Publication: January 19, 1979

Effective Date: February 20, 1979