

## CHAPTER 15

### Annexation

#### Article I

#### Annexation Procedures

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## ARTICLE I

## Annexation Procedures

**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. 2-2005 §1)

**Sec. 15-1-20. 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 Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.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 Clerk to discuss any special conditions pertaining to the annexation and to obtain an annexation petition. (Ord. 2-2005 §1)

**Sec. 15-1-30. Preliminary steps.**

(a) Procedure and fees. 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 initial annexation fee of one hundred dollars (\$100.00), a minimum of ten (10) copies of the annexation map and all required supporting information. In addition to the initial application fee, the applicant shall be required to reimburse the Town for its actual attorney fees incurred during the annexation proceeding.

(1) The Town Clerk shall review all documents submitted for completeness and

accuracy and may consult with the Town Attorney as he or she determines to be necessary.

(2) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Board of Trustees, which 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 Town Clerk shall furnish to the following entities copies of the annexation map and the master plan. The Town Clerk may submit copies of the annexation map and the master plan to additional interested entities as determined by the Town Clerk in its sole discretion. Such entities shall be advised by the Town Clerk 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 companies.
- b. Franchise utility companies.

- c. Town Engineer.
- d. Fire Department.
- e. Town Water and Sewer Department.
- f. Colorado Department of Transportation.

(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 representing 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 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 Town Clerk.

(c) Master plan. All master plans shall be made with an engineer's scale, minimum scale to be one (1) inch representing 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 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 Town Clerk.

(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 representing 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. 2-2005 §1)

**Sec. 15-1-40. 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.

(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 out-falls, 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, as is more fully set forth in Section 15-1-30(d)(7) of this Chapter. (Ord. 2-2005 §1)

**Sec. 15-1-50. 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. 2-2005 §1)

**Sec. 15-1-60. Final submission.**

In the event the Board of Trustees approves an annexation ordinance, the applicant shall submit to the Town Clerk 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 annexation ordinance. (Ord. 2-2005 §1)