

ARTICLE IX
Annexation

16-9-10. General.

From time to time, a property owner and the City may mutually agree that it is in both parties' mutual interest to annex land into the City's jurisdiction. The following Sections establish the procedure for annexation.

16-9-20. Procedure.

An applicant requesting annexation shall follow the stages of the land development process outlined below in addition to the procedure set forth at Section 31-12-101, *et seq.*, C.R.S.

(1) Preapplication conference. Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit a petition for annexation to the City.

(2) Application submittal. The applicant shall submit a complete application to the City Clerk which contains those materials listed in Section 16-9-30 of this Chapter.

(3) Staff review. The Administrator shall review the application to determine whether it is complete, as specified in Subsection 16-9-40 of this Chapter. The Administrator shall forward a report to the City Council, which report summarizes the application's compliance with the applicable review standards contained in Section 16-9-40 (4) below, the Colorado Municipal Annexation Act of 1965 and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies and organizations may be solicited in drafting the report.

(4) Setting hearing date. Upon receipt of the staff report from the Administrator, the City Council shall by resolution establish a date for a public hearing. The City Council shall also direct the Planning Commission to review the annexation map and all required supportive information and submit a written recommendation to the City Council.

(5) Public Notice. Upon the establishment of a public hearing date, the City Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965. In addition, notice shall be provided as specified in Section 16-2-30 of this Chapter.

(6) Action by Council. Upon the submission of documentation in accordance with this Article and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, the City Council may consider the approval of an ordinance annexing the subject property to the City.

(7) Actions Following Approval. Upon approval of the annexation ordinance and the filing and, if applicable, recordation of any documents required by the approval, the Administrator shall place the annexation on the Official Zoning Map. The annexation shall be noted on the Official Zoning Map, together with the ordinance number and date, and initials of the draftsman making the change.

16-9-30. Annexation Fees.

(a) Each petition for annexation must be accompanied by a fee intended to reimburse the City for the costs associated with the review of the annexation. The review fee is based on the actual cost of reviewing the petition for annexation. In addition, the petitioner will be required to pay the actual City

review costs including, but not limited to, the costs of outside City consultants and City legal fees. All costs related to recording the annexation documents shall also be paid by the petitioner.

(b) In addition to the review fees, additional fees are charged for park land dedication and water rights acquisition fees (or water dedications, if applicable). Some of the fees may be deferred pending the zoning and development of the annexed property. The City Council will make the final determination on required fees.

16-9-40. Application contents.

The Annexation application shall include:

(1) Letter of Intent. The applicant shall provide a letter of intent addressed to the City Council to serve as a cover letter to the formal petition, introducing the applicant(s) to the City Council, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.

(2) Annexation Application Form. The City's Annexation Application Form shall be completed, signed and dated.

(3) Cost Reimbursement Agreement. The application shall be accompanied a signed standard form Cost Reimbursement Agreement for the payment of development review expenses incurred by the City.

(4) Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107. The City's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the City Attorney before the City accepts the petition for processing. The applicant is to provide a word processing file of this document if it deviates from the City's standard form petition.

The petition shall contain the following statements:

(i) An allegation that it is desirable and necessary that the area be annexed to the municipality.

(ii) An allegation that eligibility requirements and limitations have been met or addressed respectively.

(iii) An allegation that the petitioners comprise the land owners of more than fifty (50) percent of the territory included in the proposed annexation area (excluding streets and alleys).

(iv) A request that the annexing municipality approve the annexation.

(v) If not already included, consent to the inclusion of the property into the applicable special districts as appropriate.

(vi) A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.

(vii) The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the City Clerk.

(viii) The mailing address of each signer of the petition.

(ix) The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).

(x) The affidavit of each petition circulator that each petitioner's signature is valid.

(5) Annexation Map. All annexation petitions shall provide an annexation map. The preferred scale of the map is one (1) inch equals one hundred (100) feet; the minimum allowable scale is one (1) inch equals two hundred (200) feet. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If it is necessary to draw the map on more than one (1) sheet, a sheet index shall be placed on the first sheet. The annexation map shall contain the following:

(i) Name of the annexation.

(ii) Legal description of the perimeter.

(iii) Names and addresses of the owners, subdivider, land planner and land surveyor registered in the State.

(iv) Scale of the plat and north arrow.

(v) The date the map was prepared.

(vi) Boundary lines of the proposed annexation. Distinction of the boundary that is contiguous to the City and the length of the same boundary on the map, including required showing of contiguity in feet.

(vii) Lot and block numbers if the area is already platted.

(viii) The location and dimensions of all existing and proposed streets, alleys, easements, ditches and utilities within or adjacent to the proposed annexation.

(ix) Vicinity map showing the location of the proposed annexation in relation to the City.

(x) Total acreage to be annexed.

(xi) Certificate of Dedication and Ownership, Surveyor's Certificate, City Clerk Certificate, Title Certificate, County Treasurer Certificate, Planning Commission approval, and City Council approval blocks required to appear on the final subdivision plat in the format approved by the City.

(xii) Digital copy of the plat compatible with the City GIS.