

CHAPTER 15

Annexation

Article I

Annexation Procedures

- Sec. 15-1-10 Purpose
- Sec. 15-1-20 Conditions
- Sec. 15-1-30 Municipal services
- Sec. 15-1-40 Eligibility
- Sec. 15-1-50 Zoning
- Sec. 15-1-60 Order of hearing; permission to withdraw annexation petition
- Sec. 15-1-70 Petition and attachments
- Sec. 15-1-80 Annexation map
- Sec. 15-1-90 Impact report
- Sec. 15-1-100 Filing
- Sec. 15-1-110 Application fee and cost reimbursement

Appendix

- Appendix 15-A Sample Petition for Annexation

ARTICLE I

Annexation Procedures

Sec. 15-1-10. Purpose.

This Chapter shall govern the filing and processing of all petitions for the annexation of lands to the Town. The provisions herein contained are intended to be complementary and in addition to the provisions of the *Colorado Municipal Annexation Act of 1965* as said statute may from time to time be amended. (Prior code 14-1-1)

Sec. 15-1-20. Conditions.

By petitioning for and accepting annexation of property to the Town, the petitioner shall be deemed to agree to be governed and abide by the terms and conditions herein set forth, together with any other conditions or requirements which the Board of Trustees may lawfully impose in a specific case. (Prior code 14-2-1)

Sec. 15-1-30. Municipal services.

Property annexed to the Town shall be eligible for municipal services, including utilities, subject to and as provided by the annexation agreement pertaining to the annexation, Town ordinances, Codes, rules and regulations, as now or hereafter constituted. (Prior code 14-2-2)

Sec. 15-1-40. Eligibility.

The petitioner has the burden of demonstrating that his or her property is eligible for annexation, as defined by state law. (Prior code 14-2-3; Ord. 532, 2001)

Sec. 15-1-50. Zoning.

In addition to filing the annexation petition as provided herein, the petitioner may concurrently file a petition to establish zoning designations for the property proposed for annexation. Any such petition and attachments, and all proceedings taken thereon, shall conform to the requirements of Chapter 16 of this Code. (Prior code 14-2-4; Ord. 532, 2001)

Sec. 15-1-60. Order of hearing; permission to withdraw annexation petition.

If the petitioner files a petition pursuant to Section 15-1-50 above, the Board of Trustees shall hold the public hearing required for consideration of zoning prior to the public hearing required for consideration of annexation. If, at the conclusion of the hearing on zoning, the petitioner moves to withdraw his or her annexation petition, the Board of Trustees shall permit him or her to do so. (Prior code 14-2-5)

Sec. 15-1-70. Petition and attachments.

The petition shall contain all of the matters and allegations required by the *Municipal Annexation Act of 1965*. Additionally, the petitioner shall file the documents listed below with the petition.

(1) Evidence of fee ownership of each separately owned parcel of land proposed for annexation. Such evidence shall consist of a commitment for or a title insurance policy, an attorney's written title opinion, a subdivision certificate or a written ownership and encumbrance report, effective as of a date not later than thirty (30) days before the date of filing. Copies of deeds and tax notices ARE NOT sufficient. If a corporation, partnership or joint venture owns the property, the petitioner shall furnish such additional information (i.e., partnership agreement, joint venture affidavit as provided by Section 38-30-166, C.R.S., etc.) as may be requested by the Town in order to determine that the signatories have been authorized by that entity to execute such documents.

(2) Legal descriptions of water and ditch rights appurtenant to the properties within the area proposed to be annexed, identified to each ownership parcel.

(3) Evidence that the property is within the established Town three-mile planning area or evidence that the Town is willing to extend the Town boundaries beyond the established three-mile planning area as specified in Section 31-12-105(1)(e), C.R.S. (Prior code 14-3-1; Ord. 532, 2001; Ord. 549 §2, 2003)

Sec. 15-1-80. Annexation map.

The petition shall be accompanied by a black ink or Mylar annexation map of the lands proposed to be annexed, prepared, stamped and signed by a professional engineer or land surveyor registered in the State, showing the bearings and distances of the boundaries of the entire parcel proposed for annexation and the boundaries of each ownership parcel within said property, in a form suitable for recording, together with five (5) copies thereof, showing the matters required by the *Municipal Annexation Act of 1965*, as amended, and the following additional items:

(1) The physical relationship of the area to be annexed to the existing corporate limits of the Town;

(2) Boundaries of special districts, if any, having jurisdiction over area within the boundaries of the land to be annexed;

(3) The location and width of existing street and utility easements within or adjacent to the area to be annexed;

(4) The location and site of nearest existing utility lines;

(5) Existing development within the area to be annexed, and the current source of water, sanitary sewer and storm drainage service for such development;

(6) Proposed zoning of the area to be annexed and exact boundaries of zoning districts if more than one (1) district is proposed; and

(7) Date, scale and north sign. (Prior code 14-3-2; Ord. 532, 2001)

Sec. 15-1-90. Impact report.

(a) For each annexation of five (5) acres or more, the petitioner shall submit with the annexation petition a written report, including maps, detailing the development planned or anticipated for the property proposed for annexation within the five (5) years next following annexation. The impact reports required by this Section shall meet all of the requirements imposed for annexation impact reports by Section 31-12-108.5, C.R.S.

(b) The above and foregoing report shall be required in all cases in which annexations of ten (10) acres or less in total area are being proposed in series to achieve compliance with contiguity requirements with the intent that the annexations be completed simultaneously pursuant to the provisions of Section 31-12-104(l)(a), C.R.S., and the total land area of all such serial annexations, taken together, equals or exceeds ten (10) acres. (Prior code 14-3-3; Ord. 532, 2001; Ord. 549 §3, 2003)

Sec. 15-1-100. Filing.

The petition for annexation and all required information and materials shall be filed with the Town Clerk at least fifteen (15) days prior to the meeting of the Planning Commission or the Board of Trustees at which the petition shall be considered. (Prior code 14-4-1)

Sec. 15-1-110. Application fee and cost reimbursement.

(a) All annexation petitions submitted to the Town are subject to a nonrefundable fee as set forth in Appendix A to this Code, as the same may be amended from time to time by resolution of the Board of Trustees. This application fee partially offsets the Town's expenses incurred during the application process, including but not limited to review and processing a petition for annexation, legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, planning fees, engineering fees and legal services in reviewing the annexation, consultant fees and other staff costs incurred by the Town which are incurred as a result of, or which are otherwise related to, the annexation petition submission and its subsequent review. In addition to such fee, the petitioner shall enter into a cost reimbursement agreement to reimburse all of the Town's actual costs of reviewing and processing any application filed pursuant to this Chapter, including but not limited to review of or preparation of an annexation impact report, plans, maps and the preparation of an annexation agreement. A sample cost reimbursement agreement is set forth in Appendix B to this Code and may be administratively amended from time to time. No annexation petition (or related documents) shall be processed unless the Town has received the applicable fee and a signed cost reimbursement agreement.

(b) As used in this Section, *actual costs* shall include all direct and indirect costs incurred by the Town to review and process an application and all related documents, including but not limited to publication, mailing, recording, engineering, legal, Town personnel and contract staff expense, supplies, material, equipment and overhead expenses.

(c) The Town shall furnish a detailed accounting of all charges made to process an annexation petition (and related documents) within ten (10) days after the end of each month in which such charges are made. The petitioner shall pay the invoiced amount within thirty (30) days of the date of

the invoice. The Town need not perform or continue any review or processing services for the petitioner if payment is not received within thirty (30) days after the date of the invoice.

(d) The petitioner may request the Town Manager to reconsider the charge of one (1) or more expenses by filing a written request therefor with the Town Manager not later than ten (10) days after the date of notice of the charged expense(s). The written request shall identify the expense questioned and state the reasons that the charge should be deleted or modified. The Town Manager shall promptly reconsider the questioned charges and respond in writing to either: (1) affirm the charge; (2) delete the charge as inappropriate or unwarranted; or (3) modify or reduce the charge, in all cases stating the reasons for the action taken. The petitioner may appeal the Town Manager's decision to the Board of Trustees by delivering a written appeal to the Town Clerk within ten (10) days after the date of the Town Manager's decision. Unless the Board of Trustees desires to hear the petitioner in person, such appeal shall be considered by the Board of Trustees as an administrative matter, based solely upon the written record. Following its review of the matter, the Board of Trustees shall issue its written decision to either: (1) affirm the charge; (2) delete the charge as inappropriate or unwarranted; or (3) modify or reduce the charge, in all cases stating the reasons for the action taken. The Board of Trustees' decision, or any decision of the Town Manager, not requested for reconsideration or appealed within the time provided herein shall be the final order of the Town. The costs of processing a timely request for reconsideration or appeal shall not be charged as a review cost within the meaning of this Section. (Ord. 646 §1, 2010)

APPENDIX 15-A
SAMPLE PETITION FOR ANNEXATION

TO: THE HONORABLE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF
PLATTEVILLE, COLORADO

The undersigned (called "Petitioner" herein, whether singular or plural), being the owner of more than fifty percent (50%) of the area herein proposed to be annexed to the Town of Platteville, and comprising more than fifty (50%) percent of the landowners in said area, exclusive of public streets and alleys, such property being more fully described on Exhibit A attached hereto and incorporated herein by reference, to be known as _____ Annexation to the Town of Platteville, respectfully alleges and states as follows:

1. The area proposed to be annexed is unincorporated and not embraced within any Town or incorporated town.
2. It is desirable and necessary that such area be annexed to the Town of Platteville.
3. The requirements of Sections 4 and 5 of the Municipal Annexation Act of 1965 (§§31-12-104 and 31-12-105, C.R.S.) exist or have been met in the following particulars:
 - a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Platteville.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Platteville; said area is urban or will be urbanized in the near future; and said area is integrated with or is capable of being integrated with the Town of Platteville.
 - c. No Petition for Annexation of the area described herein or any part thereof is pending or has been made to any other municipality.
4. The landowners of more than fifty percent (50%) of the property included in the area proposed to be annexed (exclusive of public streets and alleys) have joined in and have signed this Petition.
5. After annexation to the Town of Platteville, the area shall be subject to all the laws, ordinances, rules, regulations and taxes of the Town of Platteville.
6. The Petitioner desires the zoning classifications set forth upon the Annexation Map filed herewith [and designated in the zoning petition filed herewith].
7. The Petitioner agrees to reimburse the Town for all costs and expenses incurred by the Town in reviewing and processing this Petition, as provided by and pursuant to the provisions of Sections 15-1-110 and 17-6-120 of the Town's Municipal Code.

WHEREFORE, the Petitioner requests that the Town of Platteville approve this Petition and annex the area described herein to the Town.

[SEAL]

AFFIDAVIT OF CIRCULATOR [If appropriate]

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The undersigned, being of lawful age and first duly sworn, deposes and states that [he] [she] was the circulator of the above and foregoing Petition for Annexation, and states that each signature therein is the signature for the person whose name it purports to be.

Subscribed and sworn to before me this ____ day of _____, 20__, by
_____.

My commission expires: _____

Witness my hand and official seal.

Notary Public

(Ord. 532, 2001)