

CHAPTER 15

Annexations

ARTICLE I Annexation Procedures

<u>Section 15-1</u>	Purpose
<u>Section 15-2</u>	Responsibilities of applicant
<u>Section 15-3</u>	Preliminary steps
<u>Section 15-4</u>	Annexation impact report
<u>Section 15-5</u>	Consideration of annexation ordinance
<u>Section 15-6</u>	Final Submission
<u>Section 15-7-10</u>	Reserved

ARTICLE I

Annexation Procedures

Sec. 15-1. 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.

Sec. 15-2. 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 Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.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 Planning and Zoning Committee to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

Sec. 15-3. Preliminary steps.

(a) Procedure. 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 an original and Fifteen (15) copies of the annexation petition, the annexation fee, the master plan fee, a minimum of Fifteen (15) copies of the master plan and the annexation map and the appropriate number of copies of all required supportive information as set forth in this Section. Such annexation fee shall be established by ordinance of the Board of Trustees.

(1) The Planning and Zoning Committee shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Planning and Zoning Committee Department shall submit the annexation petition to the Town Clerk.

(2) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Board of Trustees who 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 Planning and Zoning Committee shall furnish to the following entities copies of the annexation map and the master plan. The Planning and Zoning Committee may submit copies of the annexation map and the master

plan to additional interested entities as determined by the Planning and Zoning Committee Department in its sole discretion. Such entities shall

be advised by the Planning and Zoning Committee 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. Charter Communications.
- b. Atmos Company of Colorado.
- c. Town Engineer or designee.
- d. Florence Fire Protection District.
- e. Town Water.
- f. Colorado Department of Transportation.
- g. Black Hills Energy
- h. Fremont County RE-2 School District.

(4) The Planning and Zoning Committee shall submit the annexation map, master plan and zoning request to the Town Board. The Board shall review the annexation map, master plan and zoning request at a public hearing; and the Board of Trustees shall submit a written recommendation.

(a) Annexation map. All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twenty-four by thirty-six (24 x 36) inches. The annexation map shall contain the following information:

- The date of preparation, the scale and a symbol designating true north.
- The name of the annexation.
- The names, addresses, phone numbers and fax numbers of the applicant and the firm or person responsible for preparing the annexation map.
- The legal description (section, township, range).
- Distinction of the boundary that is contiguous to the Town and the length of same.
- Lot and block numbers if the area is already platted.
- Existing and proposed easements and rights-of-way.
- Existing and requested zoning and acreage of each requested zone.
- Ownership of all parcels within and adjacent to the annexation.

- Appropriate certification blocks as directed by the Planning and Zoning Committee Department.
- Vicinity map.
- Revisions block. An information block entitled "Revisions" shall be included on all annexation maps, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the annexation map.

(b) Master plan. The applicant shall submit to the Planning and Zoning Committee Department the master plan fee, as established by ordinance of the Board of Trustees, along with the requirements provided in Subsection (a) above. All master plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twentyfour by thirty-six (24 x 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, phone numbers and fax numbers of the applicant and the firm or person responsible for preparing the master plan.
- (4) Existing and proposed easements and rights-of-way.
- (5) On each land-use-specific section of the plan identify, if appropriate:
 - a. Projected acreage, minimum lot size and gross and net residential densities;
 - b. Projected acreage designated for parks, open space and other public and semi-public uses;
 - c. Projected acreage for industrial and commercial uses; and
 - d. All of these projected acreages must equal the total acreage of the parcel shown in the Land Use Legend in Subsection (6)d below.
- (6) Land Use Legend showing if appropriate:
 - a. Proposed gross and net residential densities;
 - b. Proposed acreage designated for each specific land use – parks, commercial, industrial, residential, other public and semi-public uses, streets, etc.;
 - c. Proposed zoning classifications; and
 - d. Total acreage of the parcel.
- (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 Planning and Zoning Committee.
- (11) Vicinity map.
- (12) Revisions block. An information block entitled "Revisions" shall be included on all master plans, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the master plan.

(c) Supportive information. The following supportive information shall be submitted with the annexation map and master plan:

(1) A Town application form, provided by the Planning and Zoning Committee Department, with original signature of the property owner or the owner's authorized representative plus Fifteen (15) copies of application form. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

(2) Fifteen (15) copies of a Town general application overview form provided by the Planning and Zoning Committee .

(3) One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Three (3) copies of soils description and limitation.

(6) Three (3) copies of preliminary utility plan. Such utility plan shall include the size and location of all existing utility lines and facilities and the approximate size and location of all proposed utility lines and facilities. A table with estimates of peak hour and maximum day water and wastewater demands shall be included on the utility plan.

(7) Three (3) copies of preliminary drainage plan showing flow patterns, including off-site contributions; detention and retention areas; and discharge areas.

(8) One (1) paper copy of mailing addresses of all property owners within three hundred (300) feet of the annexation, one (1) copy of these mailing addresses on self-adhesive labels and a copy of the most recent zoning map (at a minimum scale of 1" = 400' without further reductions) indicating all such surrounding property owners, with each property being indexed with the list of mailing addresses.

(9) One (1) original copy of an affidavit concerning the amount and historical use of all water rights owned within the last three (3) years, and three (3) copies of such affidavit.

(10) Fifteen (15) copies of a statement on community need for proposed annexation and zoning.

(11) 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. Fifteen (15) copies of the school district statement shall be included in the application materials.

Sec. 15-4. Annexation impact report.

- b. For all annexations in excess of ten (10) acres, the Town shall prepare an impact report regarding the proposed annexation no 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.
- c. 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 pre-annexation 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 15-3(c)(11) of this Chapter.

Sec. 15-5. 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.

Sec. 15-6. Final submission.

Upon final approval of the Board of Trustees, the applicant shall submit to the Planning and Zoning Committee four (4) translucent original Mylars of final annexation maps and one (1) translucent original Mylar of the master plan within ten (10) days of the effective date of the ordinance. ~~Reproduction~~ Mylars, dark colored or tinted Mylars and sepias will not be accepted. One (1) original of the maps, master plan, and the annexation ordinance shall be recorded by the Town with the Town Clerk. Three (3) originals of the maps and three (3) certified copy of the annexation ordinance shall be filed for recording with the Fremont County Clerk and Recorder.

Secs. 15-7--15-10. Reserved.