

Annexation



Facts to Know

RELATED FACTS TO KNOW:

Pre-Application Meeting, Neighborhood Meeting, Development Plan, General Improvement District, Land Use Plan Amendments, Planned Unit Development, and Zoning.

INTRODUCTION:

If the property to be developed is not incorporated into the City of Commerce City, the first step in the development process is annexation. Generally, an annexation occurs when the owner of an unincorporated parcel of land petitions to have that land incorporated into the city. The requirements and procedures for annexation are set forth in the Municipal Annexation Act, Colorado of 1965 (CRS 31-12-101, et. seq., as amended) and the requirements of the City of Commerce City Land Development Code.

In general, the proposed property must be within the Commerce City Urban Growth Boundary and comply with the Commerce City Comprehensive Plan. At least one-sixth of the perimeter of the area proposed to be annexed must be contiguous with the existing city limits.

GENERAL TIMEFRAME:

- ❑ The length of time to process an annexation request can vary depending on the complexity of the request, or if there are unique circumstances. However, annexations can generally be processed in the following timeframe:
 - ➔ Typical Annexations: 8 to 12 months
 - ➔ Annexations in Conjunction with large-scale PUDs: May take much longer, depending on the complexity of the project.
- ❑ In order to maximize or efficiently process an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted** and that any subsequent submittals adequately address all comments that were provided.
- ❑ In accordance with CRS 31-12-115, a property must be zoned within ninety (90) days of its annexation. Therefore, in conjunction with the annexation request, a zoning request also must be considered. The zoning application is a separate request, subject to additional requirements (see ***Facts to Know for Zone Changes*** and ***Facts to Know for Development Plans***). The request for zoning is first heard before the Planning Commission at a public hearing. Public notification also is required for the Planning Commission public hearing. The Planning Commission will review the proposed zoning and will make a recommendation to City Council, which will make the final decision on the zoning request.

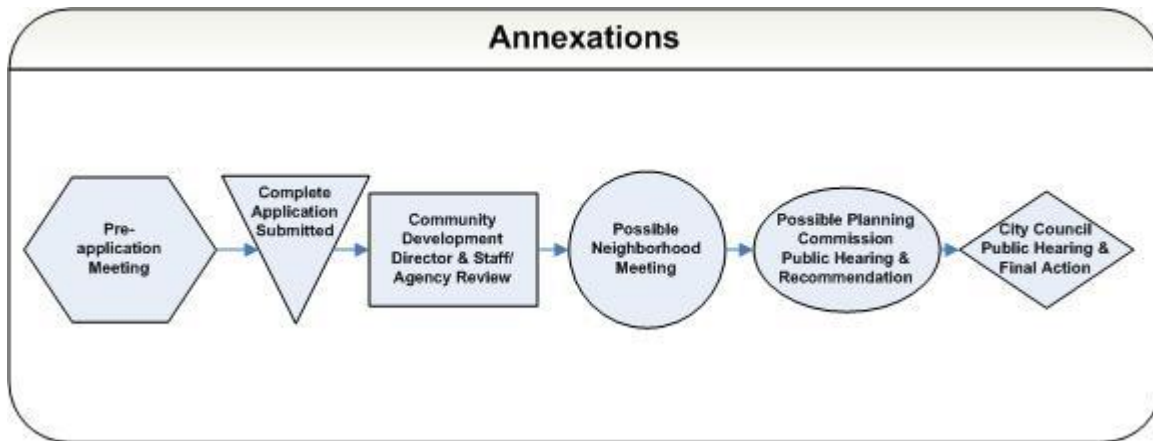
No building permit may be submitted for review until all land use applications have been approved.

GENERAL NOTES:

Prior to submitting an annexation for review, a Pre-Application meeting with staff should be scheduled to discuss the application and any additional requirements.

- If proceeding with annexation, please contact the Community Development Department and a planner will be assigned to the case when a complete submittal is made. The planner will verify the prepared submittal using the **Annexation Submittal Checklist** (see attached) and ensure that the application and fee requirements are met.
- The **Annexation Petition** and related application must proceed through the applicable review processes before City Council takes final action. City staff will review the application to determine if the proposed annexation and zoning are in conformance with statutory and city requirements. The City will determine if the petition substantially meets statutory requirements and will schedule a public hearing before City Council on the eligibility of the property for annexation will be scheduled within 30 to 60 days.
- There are notification requirements for the City Council public hearing for the annexation petition. The notice of the hearing must be published once a week for four consecutive weeks in a local newspaper, with the first publication of such notice occurring at least thirty (30) days prior to the public hearing date. These publication requirements are handled through the City Clerk's office.
- A written **Pre-Annexation Agreement** must be agreed to between the city and the landowner before the City Council will take action to annex the property. The agreement will contain all terms, conditions, and obligations of annexation, as well as any additional requirements determined by the city at the time of annexation. The applicant may execute and submit the city's standard **Pre-Annexation Agreement**.
- Occasionally, the city may require a neighborhood meeting when it appears that an application may have impacts on the surrounding area.
- Depending on the size of the property, the city may be required to prepare and publish an annexation impact report prior to any public hearing.
- Depending on the location of the property, the applicant may also need to join one of the city's General Improvement Districts (GIDs). If applicable, city staff will help to explain the process and associated fees with this concurrent request.

ANNEXATION REVIEW FLOWCHART:



REVIEW PROCESS:

- A request for an annexation usually is initiated by the property owner or a qualified representative, subsequent to a pre-application meeting with staff.
- A complete application is submitted for city review.
 - ➔ At the time of submittal, staff will determine if the application is complete (**incomplete applications will not be accepted and will be returned without review**).
 - ➔ The city will refer the application out to various departments within the city and outside organizations for review and comment.
 - ➔ After a review period of approximately **six (6) weeks**, the case will be discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the application either will be approved, or the applicant will receive a comment letter identifying necessary revisions and questions to be answered.
 - ➔ The applicant will address these revisions and resubmit to the city for an additional review cycle of approximately **five (5) weeks**. An additional **Four (4) week** cycle might be required if supplementary information is required by the city. This process will continue until all comments are resolved and the application is ready for the public hearing process.
- The Planning Commission is an advisory body only and does not hear annexation cases. Annexation cases are forwarded directly to the City Council. Zoning cases will be heard by the Planning Commission and forwarded to the City Council for final approval or denial. Ideally, zoning of the property will occur concurrently with the annexation, but may occur up to ninety (90) days following the annexation.
- Annexation is a discretionary act and final approval of any annexation is at the judgment of the City Council.

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- ❑ The following are some of the criteria used by the city to determine if an area is eligible for annexation, as defined by Colorado law (C.R.S. 31-12-104 and 31-12-105):
 - ➔ Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is “contiguous” with the current boundary of the City of Commerce City;
 - ➔ A community of interest exists between the area being proposed to be annexed and the City of Commerce City;
 - ➔ The area sought to be annexed is urban or will be urbanized in the near future;
 - ➔ The area sought to be annexed is integrated or is capable of being integrated into the City of Commerce City.
- ❑ The City Council considers land use cases on the 1st Monday of every month in the City Council Chambers, 7887 East 60th Avenue. Meetings begin at 6 p.m.

ANNEXATION APPROVAL CRITERIA:

- ❑ The following are some of the criteria used by the city to determine if an annexation should be approved, as defined by the city’s Land Development Code (Sec. 21-3440):
 - ➔ The annexation is in compliance with applicable state laws and the city’s Land Development Code;
 - ➔ The annexation is consistent with the comprehensive plan, and the best interests of the city would be served by annexation of such property;
 - ➔ The property is within the Municipal Service Area (MSA) of the Commerce City Growth Boundary as stated in the comprehensive plan. No property outside of the MSA or Growth Boundary shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property and provided a land use plan for the area proposed to be annexed is submitted together with the annexation application;
 - ➔ The property is capable of being integrated into the city in compliance with all applicable provisions of the city’s Land Development Code;
 - ➔ At the time any development of the area proposed to be annexed is completed, there is a reasonable likelihood that capacity will exist to adequately serve residents or users of such area with all necessary utilities, municipal services and facilities; and
 - ➔ The annexation boundaries are configured such that the annexation will not limit the city’s ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed.

RECORDING REQUIREMENTS:

After annexation approval, but prior to the annexation map being recorded with the County, please contact the city to

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obtain the current electronic data format requirements.

Adams County Clerk and Recorder's Office

(To be filed by the city on behalf of the applicant.):

A. Annexation Map:

1. ONE, 4 MIL, ORIGINAL MYLAR (18" x 24") WITH ALL SIGNATURES IN PERMANENT BLACK INK (such as Sharpie brand, Extra Fine Point, Permanent Marker). MYLARS MUST CONTAIN ORIGINAL SIGNATURES. ADAMS COUNTY WILL REFUSE TO RECORD MYLARS THAT ARE NOT SIGNED IN PERMANENT BLACK INK. (Please note - the Mylar submitted to the city shall include the notarized signature of the property owner(s) only. The notary seal must be legible. The city will gather all necessary city signatures.)
2. A check, ***payable to Adams County Clerk & Recorder***, for \$15 per Mylar page, plus a recording fee of \$1 per *document*. (Example: the recording fee for a two-page document is \$31 -- \$15 per page, plus \$1 recording fee.)

B. Annexation Agreement:

A check, ***payable to Adams County Clerk & Recorder***, for \$5 per page, plus a recording fee of \$1 per *document*.

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SUBMITTAL REQUIREMENTS:

Upon request, staff may provide examples of previously approved annexation applications to clarify the quality and type of submittals that are expected.

ANNEXATION SUBMITTAL CHECKLIST

Applicant Name: _____

Property Owner Name: _____

Approximate Location of Property: _____

| SUBMITTED | REQUIREMENTS |
|--------------------------|---|
| <input type="checkbox"/> | Application Form and Required Fees (1 copy). |
| <input type="checkbox"/> | Petition for Annexation (1 copy). The petition shall be signed by persons (or authorized representative of any entity) comprising more than fifty (50) percent of the landowners in the area to be annexed and owning more than fifty (50) percent of the land area (when applicable). |
| <input type="checkbox"/> | Affidavit of Circulator (if applicable for multiple ownership of property) (1 copy). Signed and notarized affidavit. |
| <input type="checkbox"/> | Copy of General Warranty Deed (1 copy), with a complete legal description for the property or properties comprising the area proposed to be annexed. |
| <input type="checkbox"/> | Exhibit A (1 copy). Typed legal description (8 ½" x 11") and on a thumb drive (Word or WordPerfect Format) of the area of annexation as it appears on the annexation map, including the identification of the person responsible for preparing it. |
| <input type="checkbox"/> | Annexation Information Sheet (7 copies). This information sheet must be completed for staff use. Additional sheets may be attached. |
| <input type="checkbox"/> | Annexation Impact Report (3 copies). For annexations greater than 10 acres, this report shall be submitted by the applicant (with city assistance) at the time of the 2 nd resubmittal. Please see the Annexation Impact Report Requirement Sheet for help in filling this out. |
| <input type="checkbox"/> | Narrative (7 copies). Statement addressing the following: <ol style="list-style-type: none"> 1. Conformance with the city's Comprehensive Plan; 2. Information on ecological or land use conditions which may be hazardous including oil and gas operations, dumps and landfills, underground storage tanks, steep slopes, wetlands, irrigation ditches, bodies of water, and flood areas. 3. Identification of the following districts for the property to be annexed: Water, wastewater, fire, sanitation, school, etc. |

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| SUBMITTED | REQUIREMENTS |
|--------------------------|---|
| <input type="checkbox"/> | Public Agreements (7 copies). Copies of all existing agreements, between the applicant and governmental entities, quasi-public entities and special districts that may affect the applicant’s property, addressing such things as irrigation, fire protection, and sanitation. |
| <input type="checkbox"/> | Water Resource Agreement (1 copy). If applicable, this document shall be negotiated between the applicant, the city, and South Adams County Water and Sanitation District. |
| <input type="checkbox"/> | Private Agreements (7 copies). Private agreements addressing topics subject to governmental approval such as signage, oil and gas operations, licenses, pipelines, other easements, and building permits. |
| <input type="checkbox"/> | Annexation Map (7 copies). 18” x 24” size, including the information found on the <i>Annexation Map Checklist</i> . (Note: These copies are subject to revisions; corrected copies for hearings and recording purposes will be required at the appropriate times. <u>Oversized plans must be folded to a standard size.</u>) |
| <input type="checkbox"/> | Pre-annexation Agreement (draft copy). Subject to revisions as negotiated between the city and the applicant. (Note: The City Council may not annex any property without an annexation agreement). |

Be sure to include all of the requested information with your application. An incomplete application may not be reviewed or scheduled for a public hearing until all information has been submitted. An annexation may not proceed until all information has been submitted.

Case #: _____

| CITY OF COMMERCE CITY ANNEXATION MAP CHECKLIST | | | | | |
|---|--|--------------------------|--------------------------|---|---|
| | DESCRIPTION | COMPLIES | | COMMENTS | |
| | | YES | NO | | |
| 1. | The precise case number of the annexation (to be assigned by city), township, section, range, city, county, state, & page numbers | <input type="checkbox"/> | <input type="checkbox"/> | | P |
| 2. | Suitable scale (written and graphic) | <input type="checkbox"/> | <input type="checkbox"/> | | P |
| 3. | North arrow | <input type="checkbox"/> | <input type="checkbox"/> | | P |
| 4. | Annexed area shaded and annexed area marked "SITE" add bold arrow if needed | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 5. | Location and width dimensions of all recorded and apparent rights-of-ways | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 6. | Former City of Commerce City annexations with letters and numbers, which are contiguous with new annexations | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 7. | City limit lines of abutting cities, and name(s) of cities | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 8. | Basis of bearings statement and labeled line on plat. State the basis of bearing and label on the drawing. Bearings shall be based on Commerce City Control Diagram. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 9. | Description of all monuments both found and set. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 10. | 18" x 24" sheet with 1/2" top, bottom and right-hand border, and 2" border on the left-hand side. | <input type="checkbox"/> | <input type="checkbox"/> | | P |
| 11. | Significant man-made and natural features such as interstate highways, lakes, drainageways, railroads, etc. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 12. | All boundary lines shall have lengths to 100 th of a foot. Surveyor to provide error of closure check (within 1:20,000). | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 13. | All section, range, and township lines that are within annexation boundary or border the property within 100 feet. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 14. | All curve data shown in chart form on the face of the plat. Radii, internal angles, points of curvature, and lengths of all arcs shown. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 15. | Vicinity map on the cover sheet, scale of 1"=2000'. All roadways (by name) which are adjacent and within one mile from the peripheral boundaries of the platted land. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 16. | Total area in square feet and acres. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 17. | Dedication shall be worded as follows: ANNEXATION DESCRIPTION: (INSERT LEGAL DESCRIPTION) Executed this ___ day of ____, AD 20 ____ _____ Owner(s)' Signature and Printed Name _____ Mortgagee or Lien Holder(s) Signature and Printed Name | <input type="checkbox"/> | <input type="checkbox"/> | | P |
| | | <input type="checkbox"/> | <input type="checkbox"/> | Legal Description. When existing annexed boundary of city is reached, so state; at each subsequent call, so indicate; and when departing existing boundary of city, so state. | E |
| 18. | Show the outline of area to be annexed with boldest line. | <input type="checkbox"/> | <input type="checkbox"/> | | E |
| 19. | For all references show book, page, map number, etc., and place where publicly recorded for all references. | <input type="checkbox"/> | <input type="checkbox"/> | | E |

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|---|---|--------------------------|--------------------------|----------|
| | DESCRIPTION | COMPLIES | | COMMENTS |
| | | YES | NO | |
| 20. | Show contiguous and coincident boundary by the following symbol: ////////////// | <input type="checkbox"/> | <input type="checkbox"/> | E |
| 21. | <p>Include this statement within the Surveyor's Certification for the annexation map:</p> <p>The above described land is contiguous to the City of Commerce City and meets the requirements set forth in CRS 31-12-104-(1)(a) that one-sixth or more of the perimeter to be annexed is contiguous with the annexing municipality.</p> <p>Contiguity Statement:</p> <ul style="list-style-type: none"> Total perimeter of area considered for annexation = _____ One-sixth of total perimeter of area = _____ Perimeter of the area contiguous with existing city limits = _____ <p>The total contiguous perimeter is _____ %, which meets or exceeds the 1/6 area required.</p> <p>Signature and printed name _____</p> <p>PLS No. ____ (seal and date) _____</p> <p>Address _____</p> | <input type="checkbox"/> | <input type="checkbox"/> | P |
| 22. | <p>The following certificate of City Council shall be added and worded as follows:</p> <p>CITY COUNCIL CERTIFICATE: Approval by City of Commerce City, City Council this ___ day of __, A.D. __.</p> <p>Attest:</p> <p>_____</p> <p>City Clerk</p> <p>_____</p> <p>Mayor</p> | <input type="checkbox"/> | <input type="checkbox"/> | P |

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| CITY OF COMMERCE CITY ANNEXATION MAP CHECKLIST | | | | |
|---|---|--------------------------|--------------------------|----------|
| | DESCRIPTION | COMPLIES | | COMMENTS |
| | | YES | NO | |
| 23. | Certificate of the Clerk and Recorder shall be worded as follows: ADAMS COUNTY CLERK AND RECORDER'S CERTIFICATE: This map was filed for record in the office of Adams County Clerk and Recorder, in the State of Colorado, at __M. on the __ day of _____, A.D.____. BY: _____ Deputy County Clerk and Recorder | <input type="checkbox"/> | <input type="checkbox"/> | P |
| 24. | In the lower right-hand corner of the cover sheet the following shall appear: Reception No. _____ | <input type="checkbox"/> | <input type="checkbox"/> | P |
| 25. | Show at top of each sheet, "AN-XX-XX, ANNEXATION MAP, to the City of Commerce City, Colorado. SHEET _____ of _____" (Obtain XX-XX number from Community Development Department). | <input type="checkbox"/> | <input type="checkbox"/> | P |
| 26. | Additional Planning Comments: | | | P |
| 27. | Additional Engineering Comments Upon final approval, in addition to the Mylars, AutoCAD files must be submitted to the city. | | | P |