



# Commerce City

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## Council Communication

File Number: Res 2022-54

Agenda Date: 6/6/2022

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Resolution

A RESOLUTION DETERMINING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO OF THE PROPERTY GENERALLY LOCATED AT 7001 COLORADO BLVD, ADAMS COUNTY, COLORADO IN CASE AN-265-22 KNOWN AS THE 7001 COLORADO BOULEVARD ANNEXATION

### Summary & Background

The resolution sets forth the findings of fact and its conclusion as to the eligibility of that property described in attached Exhibit "A" for annexation to the City of Commerce City.

### Approval Criteria

Resolution 2022-54 outlines the criteria used when establishing the eligibility of land for annexation. Criteria a. states the City Council "[t]he recitals to this resolution are adopted as findings of fact," and has not been included below.

**Criteria b:** A plan for the area was adopted by the City Council pursuant to C.R.S. §31-12-105(1)(e).

**Analysis:** The area proposed for annexation is less than three miles from the existing boundaries of the City. It is also identified in the Future Land Use Plan as an area yet to be annexed into the City.

*Staff finds this application meets this criterion.*

**Criteria c:** Not less than one-sixth of the perimeter of the area proposed to be annexed as described in the Petition is contiguous with the existing boundaries of the City of Commerce City as required by law.

**Analysis:** The area proposed to be annexed shares 52% of its perimeter with the existing boundaries of the City.

*Staff finds this application meets this criterion.*

**Criteria d:** A community of interest exists between the area proposed to be annexed as described in the Petition and the City of Commerce City and the area is urbanized or will be urbanized in the near future.

**Analysis:** The area proposed for annexation is identified in the Future Land Use Plan is urbanized. It is also identified in the Station Area Master Plan as a location for high-density residential development.

*Staff finds this application meets this criterion.*

**Criteria e:** The area proposed to be annexed as described in the Petition is integrated or is capable of being integrated with the City of Commerce City.

**Analysis:** The area proposed for annexation is adjacent to the City boundaries on the east property line and is capable of being integrated with the City.

*Staff finds this application meets this criterion.*

**Criteria f:** No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

- i. is divided into separate tracts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
- ii. comprises 20 acres or more and which together with the buildings and improvements situated thereon, has an assessed value in excess of \$200,000 for ad valorem tax purposes for the year preceding the annexation; or
- iii. is included with the territory proposed to be annexed without the written consent of the landowner or landowners.

**Analysis:** The area proposed for annexation is less than 20 acres, is being annexed with the written consent of the owner, and will not be divided in to separate parcels.

*Staff finds this application meets this criterion.*

**Criteria g:** No annexation proceedings have been effectively commenced for the annexation of part or all of that territory proposed to be annexed, as described in the Petition, to another municipality.

**Analysis:** No other annexation proceedings by another municipality are underway for the area proposed for annexation.

*Staff finds this application meets this criterion.*

**Criteria h:** The proposed annexation of that real estate described in the Petition will not result in the detachment of area from any school district and attachment of the same to another school district.

**Analysis:** The proposed area for annexation is currently within the Adams 14 School District and will remain so should City Council approve the annexation request.

*Staff finds this application meets this criterion.*

**Criteria i:** The petitions for annexation of that real estate described in the Petition meet the requirements of law and are in proper order for annexation of the property proposed to be annexed including the requirements of C.R.S. §31-12-105, as amended.

**Analysis:** The petition for this annexation meets the requirements of the law and is in proper order for annexation of the area proposed for annexation.

*Staff finds this application meets this criterion.*

**Criteria j:** The proposed annexation will not have the effect of extending a

**municipal boundary more than three miles in any direction from any point of the City boundary in any one year.**

**Analysis:** The area proposed for annexation is adjacent to the existing City boundary and will not have the effect of extending the City boundary more than three miles in any direction.

*Staff finds this application **meets this criterion.***

**Criteria k: The entire width of any street or alley to be annexed is included within the annexation.**

**Analysis:** The inclusion of the north side of E. 70th Avenue, adjacent to the subject property, in the annexation places the full-width of that portion of the E. 70th Avenue right-of-way within the City boundaries.

*Staff finds this application **meets this criterion.***

**Staff Responsible (Department Head):** Jim Tolbert, Community Development

**Staff Presenting:** Anita Riley, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** Approval of resolution, this property is eligible for annexation.

**Suggested Motion:** I move to approve Resolution #2022-54