

NWC at E. 96th Avenue & Picadilly Road Annexation

Annexation Eligibility Hearing

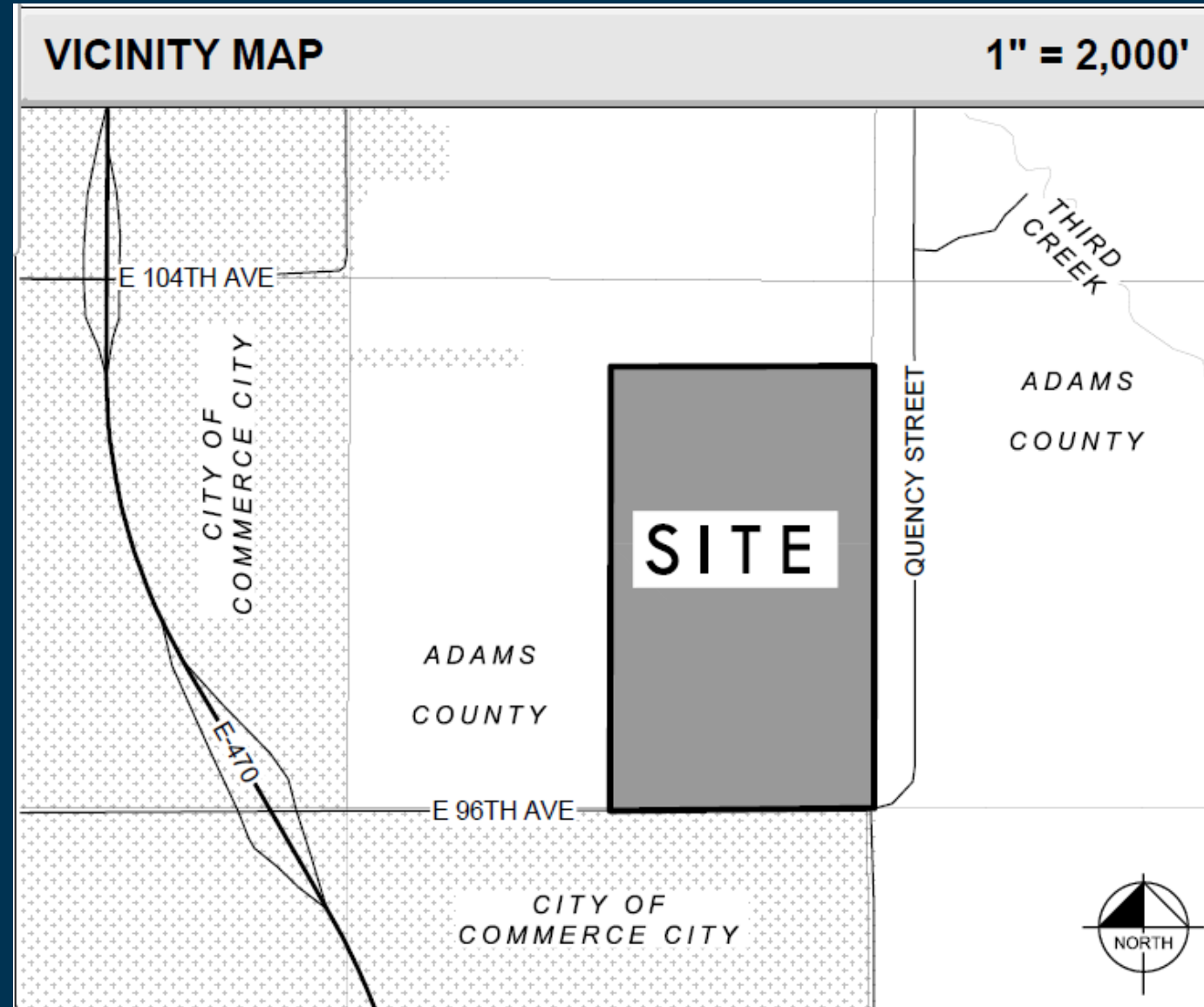
Introductions

**Otten Johnson Robinson
Neff & Ragonetti, P.C.**

Andréa Horvath

Land Use Attorney

Property Vicinity Map



Purpose of Annexation Eligibility Hearing

- Required by the Annexation Act (C.R.S. § 31-12-108)
- Factual determination as to whether:
 - the property meets the eligibility requirements for annexation
 - an annexation election is required
 - additional terms and conditions are to be imposed on the annexation
- The hearing does NOT address whether City Council desires to annex the property to the City; such evaluation and decision will occur at a later City Council meeting and public hearing

State Constitution Annexation Eligibility Requirement

- **Colorado Constitution, Article II, Section 30(b)** requires that an annexation petition be signed by persons comprising more than 50% of the landowners in the area owning more than 50% of the land area (excluding public streets and alleys and any land owned by the City).
 - ✓ *The petition is signed by persons comprising 100% of the landowners owning 100% of the land proposed for annexation.*

Statutory Eligibility Requirements - C.R.S. § 31-12-104

- **At least one-sixth (16.67%) of the perimeter of the property is contiguous with the City**
 - ✓ **18.69% of the perimeter of the subject property is contiguous with the City**
- Contiguity does not utilize a part of the boundary of an area that was invalidly annexed with respect to contiguity or with respect to extending the boundary of the City more than three miles in any year
 - ✓ Contiguity is not established by any such boundary
- A community of interest exists between the subject property and the City
 - ✓ Meeting the contiguity requirement is a statutory basis for finding of such compliance
- The subject property is or will become urbanized in the near future
 - ✓ Meeting the contiguity requirement is a statutory basis for finding of such compliance
 - ✓ Further, the City Future Land Use Map identifies the property as within the “DIA Technology” Land Use Category for future development
- The subject property is integrated or capable of being integrated with the City
 - ✓ Meeting the contiguity requirement is a statutory basis for finding of such compliance
 - ✓ Further, the property is within the Municipal Service Area (MSA) of the City Growth Boundary

Statutory Eligibility Limitations - C.R.S. § 31-12-105

- ✓ No portion of the property which is 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, has been divided into separate parts or parcels without the written consent of the landowner.
- ✓ No portion of the property which is 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, comprising twenty acres or more, having an assessed value in excess of \$200,000.00 has been included within the area proposed to be annexed without the written consent of the landowner.
- ✓ No annexation proceedings have been commenced by another municipality for annexation of any part of the property.
- ✓ Annexation of the property will not result in the detachment of area from any school district.
- ✓ Annexation of the property will not have the effect of extending the boundary of the City more than three miles in any direction from any point of the boundary of the City in any one year.
- ✓ If a portion of a platted street or alley is annexed, its entire width is annexed.

Satisfaction of Eligibility Requirements for Annexation

In accordance with the Annexation Act (C.R.S. § 31-12-108), eligibility determination based on finding that annexation of the property:

- ✓ **Complies with Colorado Constitution, Art. II, Section 30(b)**
- ✓ **Complies with statutory eligibility requirements of C.R.S. § 31-12-104**
- ✓ **Complies with statutory eligibility limitations of C.R.S. § 31-12-105**

Thank you. Questions?