

SEC of East 104th Avenue and Brighton Road Annexation – Eligibility Hearing

Res 2025-087

Presented by: Nathan Chavez, Planner II

November 17, 2025



Annexation Procedure

- Annexation is governed by the Municipal Annexation Act of 1965 (CRS Title 31, Article 12)
- Substantial Compliance
 - Determines if petition meets submittal and content requirements
- **Annexation Eligibility**
 - **Requires a public hearing**
 - **Determines if land meets minimum state statute qualifications to be annexed into a municipality**
- Annexation Ordinance
 - Determines whether land should be annexed into the municipality

Status of Annexation

Approved by City Council on October 6, 2025:

- Resolution of Substantial Compliance (Res. 2025-086)

Under consideration tonight:

- **Resolution of Eligibility for Annexation (No. 2025-087)**

Future City Council consideration:

- Annexation Ordinance
- Annexation Zone Change Ordinance

Aerial



Annexation Eligibility Criteria

C.R.S §31-12-104 and 105

- a) Minimum 1/6th contiguity with existing city boundary
 - Total perimeter of site is 5,836.64 feet
 - Contiguous portion is 2,475.15 feet
 - This is slightly more than 1/2 which exceeds 1/6th minimum
- b) A community of interest exists in that the proposed area is urbanized or will be urbanized in the near future
 - Analysis: The subject property is located within the City's Urban Growth Boundary which is delineates expansion of the City of Commerce City and development.
- c) The area is capable of being integrated into the City
 - Analysis: The site is bordered by City of Commerce City roadways, adjacent to South Adams County Water & Sanitation District water and sanitary lines, within the South Adams County Fire Department jurisdiction, and within the City of Commerce City general service area for water access. There are no comments from the Development Review Team indicating that the area proposed to be annexed cannot be integrated into the City of Commerce City.

Annexation Eligibility Criteria, continued

C.R.S §31-12-104 and 105

- d) No land held in identical ownership...
 - Is divided into separate tracts or parcels without written consent of the landowner(s)
 - Not applicable - only one landowner
 - Comprises 20 acres or more and with buildings and improvements value in excess of \$200,000 ad valorem tax purposes must have written consent from the landowners
 - Only one owner so this application includes written consent.
- e) No other annexation proceedings have commenced on the properties
 - Analysis: The closest municipality, Thornton, Colorado does meet the 1/6th contiguity to the subject site and therefore it is not possible for another annexation proceeding of the site or part of the site to exist.
- f) Will not result in the detachment of area from any school district and attachment of the same to another district
 - Analysis: The subject site is within the 27J and Adams 14 school districts. There is currently no anticipated student generation based on the Zone District mentioned by the applicant. Because of this there has not been any proposal to detach from any school district.

Annexation Eligibility Criteria, continued i

C.R.S §31-12-104 and 105

g) Petition meets the requirements of the law

- Analysis: The petition includes all the required items per C.R.S. §31-12-105 as amended and was reviewed by the Development Review Team and City Attorney's Office for appropriate compliance.

h) Does not extend the municipal boundary more than 3 miles in any direction in any one year

- Analysis: The site is directly bordered by the City of Commerce City to the north and west meaning the City of Commerce City boundary will not extend further out that already exists.

i) The entire width of any street or alley to be annexed is included with the annexation.

- Analysis: There are no streets or alleys eligible for annexation with this proposal. Both East 104th Avenue and Brighton Road, which border the site already are within the City of Commerce City's jurisdiction.

Staff Recommendation

Staff recommends approval of Resolution 2025-087 adopting the annexation eligibility findings as outlined in C.R.S. §31-12-104 and §31-12-105

Staff is available to answer questions

