



Council Communication File Number: Res 2024-064

Agenda Date: 8/5/2024

Version: 1

Status: Agenda Ready

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 THE SOUTHWEST CORNER OF EAST 88TH AVENUE AND E-470 IN CASE AN-263-24 KNOWN AS THE TOWER LANDFILL ANNEXATION.

Summary & Background

The purpose for this Resolution is to set 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. This is the second step in the annexation process. The applicant is requesting approval for the annexation of approximately 110 acres, located generally at the southwest corner of East 88th Avenue and E-470. The property to be annexed is owned by DIBC HQTS, LLC. A vicinity map has been included for the specific location. The property is currently zoned Adams County Agriculture-3 (A-3) and is requested to be rezoned to Commerce City Planned Unit Development (PUD) via annexation zoning case Z-705-99-00-09-24, which is being processed concurrently.

This resolution is to determine the eligibility of the property to be annexed. This resolution does not officially annex the property into the City. The Annexation Ordinance (AN-263-24) is the application that will determine if the property will be annexed into the City based on the approval criteria set forth in Section 21-3340 of the LDC.

Findings

The recitals to this resolution are adopted as findings of fact. Additionally, City Council makes the following findings of fact:

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

- e) 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.

- f) 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.

- g) 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.

- h) 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.

- i) 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.

- j) The entire width of any street or alley to be annexed is included within the annexation.

Staff Responsible (Department Head): Jeff Brasel, Deputy Director Community Development

Staff Presenting: Dalton Guerra, Senior Planner

Financial Impact: N/A

Funding Source: N/A

Actions:

Approve the resolution to find that the property is eligible for annexation;