



City Council Communication

AGENDA DATE: August 3, 2026 **LEGISTAR ITEM #:** RES 2026-070

PRESENTER: Nic Berry, City Planner **DEPARTMENT:** Community Development

☐ Ordinance	☒ Resolution	☐ Public Hearing
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REQUEST

Resolution 2026-070, if approved, finds that the approximately 2.15 acre property located at the northeast corner of East 81st Place and Quebec Street, is eligible for the annexation into Commerce City.

BACKGROUND

The purpose for this Resolution is to set forth the findings of fact and its conclusion as to the eligibility of the property described in the annexation petition for annexation to the City of Commerce City. This is the second of three steps in the annexation process. The first step, Substantial Compliance, occurred on June 15, 2026 and determined whether or not the annexation petition met the content and submittal requirements enumerated in the Colorado Revised Statutes.

This second step, the Eligibility Hearing, is to determine whether or not the proposed annexation meets the statutory requirements specified in C.R.S. §31-12-104 and §31-12-105 and is eligible to be annexed into Commerce City. This resolution does not officially annex the property into the City, which is the third step in the annexation process. This will occur at a later date.

The following criteria as specified in C.R.S. §31-12-104 and 105 must be met to be eligible for annexation into Commerce City:

- a) 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 total perimeter of the site is 1,522.16 feet and 851.93 feet is contiguous with the City of Commerce City, which

CITY COUNCIL COMMUNICATION CONTINUED

equates to over 55% of the site meaning the annexation meets the one-sixth continuity requirement.

- b) 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 subject property is located within the City's Urban Growth Boundary which delineates expansion of the City of Commerce City and development.

- c) 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 site is bordered by City of Commerce City roadways and adjacent to South Adams County Water & Sanitation District (SACWSD) water and sanitary lines. The applicant is aware that they must submit an application for inclusion into the SACWSD. 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.

- d) 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; unless it has the written consent of the landowners.

Analysis:

The three parcels totaling 2.15 acres, proposed for annexation are all owned by the same ownership group.

CITY COUNCIL COMMUNICATION CONTINUED

- e) 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 have been commenced for the subject property.

- f) 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 subject site is within the Adams 14 School District. 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.

- g) The petitions for annexation of the 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 the C.R.S. §31-12-105, as amended.

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) 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 site is directly bordered by the Commerce City to the south and north. Additionally, there are properties within the City to the east and west of this property. Therefore, this annexation request would not extend of the boundary of the City.

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

Analysis: There are no streets or alleys eligible for annexation with this proposal. As a part of the annexation agreement and future public improvement agreement there will be right-of-way dedication and improvement.

CITY COUNCIL COMMUNICATION CONTINUED

If approved, Resolution 2026-070 will find that the property meets state statute requirements and is thus eligible to be annexed into the City.

The annexation hearing will be scheduled at a later date in concert with the initial zoning hearing.

JUSTIFICATION

☐ Council Goal	☐ Strategic Plan	☐ Work Plan	☒ Legal
Citation	C.R.S. §31-12-104 requires the governing body of the municipality to conduct a public hearing to determine if a property is eligible for annexation.		

PUBLIC OUTREACH

This project is in the early stages and will be required to have neighborhood meeting and other public notices as it progresses through the process.

AVAILABLE ACTIONS

- Available Action #1: Approve Resolution 2026-070, which finds that the 2.15-acre property located at the northeast corner of East 81st Place and Quebec Street is eligible for annexation into the City of Commerce City.
- Available Action #2: Do not approve Resolution 2026-070, which finds that the 2.15-acre property located at the northeast corner of East 81st Place and Quebec Street is eligible for annexation into the City of Commerce City.
- Available Action #3: Continue Resolution 2026-070 to a date certain.

STAFF RECOMMENDATION

Staff reviewed the annexation request according to C.R.S. § 31-12-104 and C.R.S. § 31-12-105 and finds that the property is eligible to be annexed into the City of Commerce City and thus recommends approval of Resolution 2026-070.

CITY COUNCIL COMMUNICATION CONTINUED