



# City Council Communication

**AGENDA DATE:** April 7, 2025

**LEGISTAR ITEM #:** Res 2025-034

**SUBMITTED BY:** Dalton Guerra  
Development

**DEPARTMENT:** Community

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Presentation
<input type="checkbox"/> Admin Business	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Other

## REQUEST

Resolution 2025-034, if approved, finds that the 270 acre property located at the northwest corner of East 96th Avenue and Picadilly Road is eligible for 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 that 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 March 3, 2025 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 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 findings as outlined in C.R.S §31-12-104 and 105 are as follows:

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.

## CITY COUNCIL COMMUNICATION CONTINUED

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.

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.

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; or

iii. is included with the territory proposed to be annexed without the written consent of the landowner or landowners.

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.

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.

g) 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.

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.

## CITY COUNCIL COMMUNICATION CONTINUED

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

If approved, Resolution 2025-34 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.

### FINANCIAL IMPACT

Contractor	N/A
Amount of Request/Contract	\$N/A
Amount Not To Exceed	\$N/A
Amount Budgeted	\$N/A
Budget Year	FYN/A
Funding Source	N/A
Additional Funds Needed	\$N/A
Funding Source (if funds needed)	N/A

### PROJECT TIMELINE

<b>Estimated Start Date</b>	<b>Estimated End Date</b>
N/A	N/A
<b>Years and Months of Contract</b>	<b>Number of Times Renewable</b>
N/A	N/A

### JUSTIFICATION

<input type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input checked="" type="checkbox"/> 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.		

### BOARDS & COMMISSIONS ASSIGNED

Board or Commission	N/A
Recommendation	N/A
Date of Recommendation	N/A

# CITY COUNCIL COMMUNICATION CONTINUED

## **PUBLIC OUTREACH**

None, other than standard referrals and standard public hearing notice requirements.

## **AVAILABLE ACTIONS**

- Available Action #1: Approve Resolution 2025-034, which finds that the 270 acre property located at the northwest corner of East 96th Avenue and Picadilly Road is eligible for annexation into Commerce City.
- Available Action #2: Do not approve Resolution 2025-034, which finds that the 270 acre property located at the northwest corner of East 96th Avenue and Picadilly Road is not eligible for annexation into Commerce City.

## **STAFF RECOMMENDATION**

Staff recommends Available Action #1 approving the resolution to find the property is eligible for annexation.