

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

NO. 2024-064

WHEREAS, there was presented to and filed with the City Council of the City of Commerce City, Colorado (“City”), a written petition dated May 3, 2024 by DIBC HQTS, LLC (“Annexor”) in Case AN-263-24 (“Petition”), known as the Tower Landfill annexation, seeking annexation to and by the City of contiguous unincorporated territory situated, lying and being in the County of Adams, State of Colorado, as described in the Petition, which property is generally located at the southwest corner of East 88th Avenue and E-470;

WHEREAS, public notice of such public hearing was given as required by law and said hearing was conducted in accordance with the requirements of law;

WHEREAS, pursuant to C.R.S. §31-12-110, this City Council, as the governing body of the City, is required to set forth its findings of fact and its conclusion as to the eligibility of that property described in the Petition for annexation to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

- 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.

SECTION 2. Determination of Eligibility for Annexation. The City Council reaches the following conclusions based on its findings:

- a. That property described in the Petition is eligible for annexation to the City of Commerce City and all requirements of law have been met for such annexation, including the requirements of C.R.S. §31-12-104, as amended, and C.R.S. §31-12-105, as amended.
- b. No election is required pursuant to C.R.S. §31-12-107(2) or any other law of the State of Colorado or the City of Commerce City.
- c. No additional terms or conditions are to be imposed as a part of this annexation except as may be set forth in a voluntary annexation agreement to be concluded before consideration of an ordinance annexing the property.
- d. Upon the execution of an annexation agreement acceptable to the City and the Annexor, an ordinance annexing that property described in the Petition to the City

of Commerce City shall be considered by this City Council pursuant to C.R.S. §31-12-111 and the City's Land Development Code.

RESOLVED AND PASSED THIS 5TH DAY OF AUGUST, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk