



City Council Communication

AGENDA DATE: June 16, 2025

LEGISTAR ITEM #: Res 2025-050

PRESENTER: Kathleen Taylor, Senior Planner
Community Development

DEPARTMENT:

☐ Ordinance

☒ Resolution

☒ Public Hearing

REQUEST

Resolution 2025-050, if approved, finds that the approximately 312 acre property addressed 20231 East 112th Avenue, located generally at the northeast corner of East 112th Avenue and Himalaya 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 May 5, 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 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.

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; unless it has the written consent of the 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 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.
- 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 2025-50 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

<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.		

PUBLIC OUTREACH

Notice of the public hearing was posted in the Denver Post on the following dates: May 17, May 24, May 31 and June 7, 2025. Notice of the hearing was also posted online on the city's website.

AVAILABLE ACTIONS

- Available Action #1: Approve Resolution 2025-050, which finds that the 312 acre property located at the northeast corner of East 112th Avenue and Himalaya Road is eligible for annexation into Commerce City.
- Available Action #2: Do not approve Resolution 2025-050, which finds that the 312 acre property located at the northeast corner of East 112th Avenue and Himalaya Road is not eligible for annexation into Commerce City.

STAFF RECOMMENDATION

Staff has reviewed the annexation request according to C.R.S. §31-12-104 and 105 and has found that the property is eligible to be annexed into the city, and thus recommends approval of Resolution 2025-050.