

## **CHAPTER 15**

### **Annexations**

#### **Article I**

#### **Annexation Procedures**

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## ARTICLE I

### Annexation Procedures

#### Sec. 15-1. Title.

The ordinance codified in this Chapter shall be known, cited and referred to as the LaSalle Annexation Ordinance. (Prior code 2.16.010)

#### Sec. 15-2. Purpose.

This Chapter is adopted for the purpose of:

- (1) Promoting the orderly and harmonious growth of the Town through an interrelated development sequence of annexation, zoning and subdivision;
- (2) Providing an orderly system for extending Town government, facilities, services and utilities; and
- (3) Distributing fairly and equitably any costs of Town facilities, services and utilities among persons who benefit therefrom. (Prior code 2.16.020)

#### Sec. 15-3. Definitions.

For the purposes of this Chapter, the following words shall be defined as follows:

- (1) *Dedication* means a grant by the owner of a right to use the land by the public, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.
- (2) *Developer* means any person, including the owner or agent for the owner, who is developing, promoting, selling or leasing subdivided land.
- (3) *Easement* means a grant or reservation of the right to use a parcel of land for a specific purpose or purposes.
- (4) *Enclave* means an unincorporated area of land entirely contained within the outer boundaries of the Town.
- (5) *Final plat* means maps, drawings or charts upon which the subdivider presents proposals for the physical development of a subdivision which is submitted to the Town in final form, including all information required in Chapter 17, Article X.
- (6) *Reservation* means a legal obligation to keep property free from development for a stated period of time which does not involve a transfer of property rights.
- (7) *Right-of-way* means the dedicated width between property lines of a street.

(8) *Subdivide* and any form of the verb *subdivide* means either:

a. To change the ownership of a unit of land so that the ownership of a portion of the unit, in a geographical sense, is different from the ownership of the remaining portion or portions of the unit, if one (1) or more of the portions is less than ten (10) acres in size; or

b. To record in the real estate records of the County a map or plat showing the division of a unit of land into one (1) or more portions, if any such portion is less than ten (10) acres; or

c. To construct two (2) or more single-family dwellings on a single unit of land owned by one (1) person or by one (1) group of co-owners; for the purpose of this subdivision the term *single unit of land* means an unsubdivided parcel of land.

(9) *Subdivision* means a unit or parcel of land which has been subdivided, as that term is defined in Subsection (8) of this Section, in compliance with the requirements of Chapter 17. (Prior code 2.16.030)

**Sec. 15-4. Authority.**

No annexation of land within the legal boundaries of the Town and all land within three (3) miles of the corporate limits of the Town which is not located in another municipality shall be approved by the Planning and Zoning Commission and the Board of Trustees unless it conforms to the provisions of this Chapter. (Prior code 2.16.040)

**Sec. 15-5. Compliance with state law.**

All petitions for annexation shall be in compliance with and meet the requirements of the Colorado Municipal Annexation Act of 1965, as from time to time amended, and in effect and applicable at the time the petition for annexation is filed. (Prior code 2.16.050)

**Sec. 15-6. Procedure for annexation.**

(a) The petition for annexation or an annexation election as specified in Section 31-12-107, C.R.S., shall be filed with the Town Clerk at least thirty (30) days prior to the regular Planning Commission meeting at which the petition shall be considered.

(b) The Town Clerk shall review the petition to determine that it is in substantial compliance with Sections 31-12-104, 31-12-105 and 31-12-107, C.R.S., prior to submission of the petition and a written recommendation of such a determination to the Planning Commission for review.

(c) If the Town Clerk determines that the petition is not in substantial compliance, the Town Administrator shall return the petition to the petitioner and annexation proceedings shall terminate until the resubmittal of an acceptable petition.

(d) Within thirty (30) days after receipt of the petition and written recommendation from the Town Clerk, the Planning Commission shall review the petition to determine whether Sections 31-12-104, 31-12-105 and 31-12-107, C.R.S., have been met.

(e) If the Planning and Zoning Commission determines that the requirements have been met, it shall determine the feasibility of extending Town services and make a decision on the advisability of annexation.

(f) The Planning and Zoning Commission shall transmit within thirty (30) days a written recommendation to the Board of Trustees of its findings and any additional terms and conditions it deems necessary.

(g) The Board of Trustees shall review the petition and the written recommendations of the Planning Commission at the next regular meeting of the Board of Trustees.

(h) Before or at the following regular meeting of the Board of Trustees after the review, the Board of Trustees shall determine if the requirements have been met and what procedures are to be followed.

(i) If the Board of Trustees determines that the area does not meet the requirements of eligibility, annexation proceedings shall terminate.

(j) If the Board of Trustees finds that eligibility has been met, and if a public hearing is required, it shall resolve and direct the Town Clerk to proceed with the legal notice of such in compliance with Sections 31-12-108 and 31-12-109, C.R.S.

(k) Within fifteen (15) days after the public hearing, the Board of Trustees shall notify the petitioner in writing of its findings, including whether or not additional terms and conditions are to be imposed.

(l) If an election is required under the provisions of Section 31-12-107(2), C.R.S., or if any additional terms and conditions are imposed, the Board of Trustees shall pass a resolution of intent to annex and an election shall be called as provided in Section 31-12-112, C.R.S.

(m) If a majority of votes cast at the election favor annexation, the Board of Trustees may annex said area by ordinance and impose any terms and conditions as approved at the election.

(n) The Town Clerk shall, within fifteen (15) days of determination by the Board of Trustees to annex said area, make the filings as required by Section 31-12-113, C.R.S. (Prior code 2.16.060)

**Sec. 15-7. Terms and conditions.**

(a) The costs of utility service extensions and streets to the annexing lands shall be borne by the petitioner. If utility mains have previously been extended, the landowner must pay his or her prorated share for the existing mains.

(b) The Town may, at its discretion, require oversizing mains to service anticipated future needs. In this event, the Town shall pay the difference between the oversizing and that required to adequately serve the area to be annexed.

(c) A performance bond, certified check, letter of credit or escrow agreement shall be required to assure performance as deemed necessary by the Board of Trustees.

(d) By the time of submitting the final plat to the Planning and Zoning Commissions for approval, the developer shall have agreed in writing to provide at his or her expense all improvements, dedications and fees as required in Chapter 17, Article X. Nothing in this Chapter shall prevent the Town from requiring any additional dedications or requirements at the time of annexation or subdivision. (Prior code 2.16.070)

**Sec. 15-8. Fees.**

(a) The petition shall be accompanied by a nonrefundable annexation filing fee of twenty-five dollars (\$25.00), payable to the Town Clerk.

(b) The petitioner shall agree in writing to pay, prior to final approval of annexation by the Board of Trustees, all publication costs, recording fees, appraisal fees and any other reasonable expenses incurred by the Town in reviewing the petition.

(c) Prior to approval of the final plat by the Board of Trustees, the developer shall deed all dedications and easements and pay all fees required in Chapter 17, Article X, as amended by resolution from time to time by the Board of Trustees.

(d) All fees may be amended by resolution from time to time by the Board of Trustees. (Prior code 2.16.080)

**Sec. 15-9. Water dedication.**

(a) At the time of annexation:

(1) The petitioner shall agree in writing to dedicate to the Town a minimum of three (3) acre feet of water of a quality acceptable to the Town for every acre of land annexed, or at the Board of Trustee's option, pay to the Town an equivalent fee to purchase said amount of water at the fair market value at the time of annexation. The actual payment for such may be deferred, but full payment shall be made prior to the approval by the Board of Trustees of the final plat during subdivision proceedings.

(2) The petitioner shall grant to the Town the right of first refusal to purchase all remaining water rights appurtenant to the property at the fair market value to be determined by an appraisal acceptable to the Town.

(b) At the time of subdivision, an additional water dedication or, at the Board of Trustees' option, payment in lieu of at the fair market price at time of approval by the Board of Trustees of the final plat may be required by the Board of Trustees if the proposed use exceeds the three (3) acre feet water per acre of land.

(1) If a residential development, the additional water dedication by according to the following formula:

a. Step 1. Determine the average daily consumption per capita for Town residents in the preceding year. (The Board of Trustees may reduce the average daily consumption per capita

figure an appropriate amount because water meters and other water saving devices are to be installed.)

b. Step 2. Multiply the average daily consumption per capita by the average occupancy factor as found in the Master Plan.

Low density residential	3.0 per unit
Medium density residential	2.8 per unit
High density residential	2.6 per unit

c. Step 3. Multiply answer from Step 2 by the average density factor (to be determined by the actual development proposal).

d. Step 4. Multiply the answer from Step 3 by the number of acres to determine the water use demand per acre.

e. Step 5. From this figure, subtract the three (3) acre feet of water dedicated to the Town at the time of annexation. The answer is the additional amount of water the developer must dedicate to the Town prior to the approval of the final plat.

(2) If an industrial development for which water is an essential element in the manufacturing process, the developer must negotiate with the Town to determine the additional water dedication, if any, to be required. The developer shall dedicate an amount consistent with the amount of water to be used. (Ord. 4-1978, App. A)

**Sec. 15-10. Information required on petition.**

Information required on the petition for annexation shall include:

(1) A statement that the petitioner has read the LaSalle Annexation Ordinance and will comply with all its provisions;

(2) The petition, in addition to the requirements found in Section 31-12-107, C.R.S., shall contain:

a. Boundaries of special districts, if any, having jurisdiction over the area to be annexed;

b. The location of rights-of-way and utility easements within the area to be annexed;

c. Identification of water and ditch rights appurtenant to the property;

d. Certificates of ownership and evidence that the land is owned in fee simple, clear of all liens and encumbrances except for the current year's property taxes;

e. Names and street and mailing addresses of all property owners within three hundred (300) feet of the land proposed to be annexed; and

f. Proposed zoning of the area to be annexed.

(3) Five (5) copies of the annexation map are required. The annexation map, in addition to the requirements found in Section 31-12-107, C.R.S., shall include a certificate and seal of a registered land surveyor in the State attesting to the accuracy of the annexation map. (Prior code 2.16.090)

**Sec. 15-11. Amendments.**

The regulations in this Chapter may from time to time be amended, supplemented, changed, modified or repealed by the Board of Trustees in accordance with the provisions of the law. (Prior code 2.16.100)

**Secs. 15-12--15-30. Reserved.**