

CHAPTER 4

Community Development

Article III	Annexations	
	Sec. 4-3-1	Statement of policy
	Sec. 4-3-2	Annexations procedure

ARTICLE III

Annexations

Sec. 4-3-1. Statement of policy.

It shall be the general policy of the Town in respect to annexation:

(1) To annex contiguous land for positive reasons, equitable to the Town, and not as a matter of right to a petitioner.

(2) To annex contiguous lands, where deemed appropriate, as a means of encouraging orderly growth and of providing additional living areas and areas for services for the Town.

(3) To consider in any annexation the short-term and long-term costs and benefits to the area proposed to be annexed and the short-term and long-term costs and benefits to the Town.

(4) To require, as a condition of annexation of vacant lands, the dedication of lands for public sites within the land area of the territory being annexed. The location of the lands to be dedicated shall be designated by the Town after conferring with any other public agency which might have an interest in such sites. If the Town determines that there is no requirement for land for a public purpose within the area being annexed, then the Town may require the annexor to pay to the Town a sum of money in lieu thereof. The amount, nature and location of such sites shall be determined pursuant to the procedures set forth in Section 4-5-16.

(5) To require, as a condition of annexation, dedication to the Town of water rights, or a cash equivalent (if approved by the Town Council), sufficient to serve the land proposed to be annexed according to existing or proposed uses and densities. If site development of land is approved, the annexor must furnish to the Town such additional rights as found necessary by the Town. The Town shall determine the quantity and quality of water rights required. The Town shall make its determination based on those factors commonly used by competent water engineers in making such determinations in the State, including, among others, the following:

a. The relative priority of the water right to other appropriative rights in the same stream, creek, river, lake or other water source as well as to the controlling water rights on the Colorado River. (Note: In no case will water rights junior to the Green Mountain Reservoir be accepted.)

b. The adequacy of physical water supply at the existing location of a particular water right.

c. The seasonal fluctuation of the appropriative right sought to be dedicated as well as its historic patterns of use. (Note: Specifically, historic consumptive use will be the most important parameter evaluated.)

d. The status of the appropriative right, as determined by the State Water Engineer, the Water Court for Division Five or other state official or agency under the Water Rights Determination and Administrative Act of 1969.

e. The quantity of flow in terms of cubic feet per second or other standard of measurement.

f. The estimated requirements of the area proposed to be annexed in terms of equivalent residential units or other standard of measurement.

(6) To require evidence of the financial capability of the annexor to complete public and other improvements, including adequate guaranties and security. (Ord. 2003-20 §2)

Sec. 4-3-2. Annexation procedure.

All petitions for annexation to the Town shall comply with the requirements of the Colorado Revised Statutes governing the municipal annexation of lands. Upon receipt of a complete petition for annexation, the same shall be forwarded to the Council. The Council shall take one of the following actions:

(1) Adopt a resolution finding the petition to be in substantial compliance with Section 31-12-107(1), C.R.S. and setting a public hearing thereon pursuant to Section 31-12-108, C.R.S.; or

(2) Table the petition for a period of time not to exceed one hundred eighty (180) days; or

(3) Adopt a resolution finding the petition not to be in substantial compliance with the requirements of Section 31-12-107(1), C.R.S. and terminating annexation proceedings. (Ord. 2003-20 §2)