



Meeting Date: **June 3, 2025**

## **AGENDA MEMORANDUM**

**To:** Honorable Mayor and Members of Town Council

**Through:** David L. Corliss, Town Manager

**From:** Tara Vargish, PE, Director, Development Services  
Sandy Vossler, Senior Planner, Development Services

**Title:** **Resolution Finding that the Petition for Annexation Submitted by ACM Dawson Trails VIII JV LLC and the Town of Castle Rock are in Substantial Compliance with Article II, Section 30(1)(B) of the Colorado Constitution and Section 31-12-107(1), C.R.S.; and Setting a Date, Time and Place for a Hearing to Determine if the Subject Properties are Eligible for Annexation Under Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 31-12-105, C.R.S. [Territorial Road Annexation]**

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### **Executive Summary**

The purpose of this staff report is to demonstrate to Town Council that the Territorial Road Annexation Petition (Attachment C) is in Substantial Compliance with the State of Colorado requirements under the Municipal Annexation Act of 1965 (Act), and to set the date for the Eligibility hearing as July 15, 2025.

The Territorial Road Annexation consists of multiple parcels totaling 4.7 acres, located within the Territorial Road ROW and adjacent to the Dawson Trails Planned Development and Twin Oaks, a subdivision in Douglas County (Figure 1 and Attachment A).



Figure 1: Territorial Road Annexation Vicinity Map



(Attachment E). As co-petitioners, both the Town and ACM Dawson Trails, are seeking to annex and zone their respective parcels into the Town's jurisdiction.

## **Discussion**

### **Annexation Process**

Annexation is a three-step process. During the first two steps, Substantial Compliance and Eligibility, are statutory requirements of the State of Colorado under the Municipal Annexation Act of 1965 (Act).

The third step is the annexation and zoning process prescribed by the Municipal Code in compliance with the Town's Vision, Comprehensive Master Plan and other guiding documents. Substantial Compliance and Eligibility determine whether the parcel **can** be annexed; the third step determines whether a parcel **should** be annexed.

The following is a summary of the three steps required for annexation.

1. Substantial Compliance. Town Council determines if the annexation petition is in the prescribed form and contains the necessary statutory criteria. For example, in order to be compliant with the statutes, a finding must be made that the petitioners constitute more than 50% of all landowners and that the petitioners own more than 50% of the total area of the property, excluding certain public ownership. At the Substantial Compliance hearing, Town Council must also set a date, time and place for an Eligibility hearing.
2. Eligibility. After four consecutive weeks of public notice in a newspaper of general circulation, Town Council holds the Eligibility hearing to determine if the statements (referred to as "allegations" in the statute) in the annexation petition are accurate and supportable, and whether the property is eligible for annexation under the Act.

The Eligibility hearing must occur between 30 and 60 days after the Substantial Compliance hearing. If the Substantial Compliance resolution is approved, staff is requesting that the Eligibility hearing for the Territorial Road Annexation be scheduled for Tuesday, July 15, 2025.

3. Annexation and Zoning. Once an annexation petition has been found to be both substantially compliant with the State requirements and is eligible for annexation, the request for annexation may proceed with Annexation and Zoning hearings at Planning Commission and Town Council.

### **Substantial Compliance Criteria and Analysis**

Staff finds that the Territorial Road Annexation Petition complies with the requirements of Step 1 in the annexation process, as established in Section 30 of Article II of the

Colorado Constitution and with the Colorado Revised Statutes § 31-12-107(1) given that:

1. The petition was filed with the Town Clerk on Friday, May 9, 2025.
2. The petition contains:
  - a. An allegation that it is desirable and necessary that such territory be annexed to the Town;
  - b. An allegation that the requirements of Article II, Section 30 of the Colorado Constitution, §§ 31-12-104 and 31-12-105 C.R.S. exist or have been met;
  - c. An allegation that the Town of Castle Rock and ACM Dawson Trail VIII JV, LLC are the sole owners of the properties;
  - d. A request that the municipality approve the annexation;
  - e. The signatures of the land owners;
  - f. The legal description of the land owned by such signer;
  - g. The date of signing of each signature; and
  - h. The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.
3. The annexation map was filed with the Town Clerk on Friday, May 9, 2025 and contain (Attachment C):
  - a. A written legal description;
  - b. A map showing the boundary of the area proposed for annexation;
  - c. An indication of ownership tracts; and
  - d. A depiction of the contiguous boundary of the property with any municipality.
4. No signatures on the petition are dated more than 180 days prior to the date of filing with the Town Clerk.

Staff finds that the Territorial Road Annexation Petition meets the statutory requirements and should be deemed to be substantially compliant with the Act.

### **Notification**

#### **Public Notice**

Public hearing notice signs were posted on the properties on Friday, May 16, 2025. Written notice letters were sent to property owners and Homeowner Associations (HOA) within 500 feet of the properties, at least 15 days prior to the Substantial Compliance hearing.

Notice of the Town Council Substantial Compliance hearing was published on the Town's website at least 15 days prior to the hearing and information about the proposed annexations was made available on the Town's *Development Activity* interactive map.

### **Budget Impact**

The process of determining Substantial Compliance has no impact to the Town budget.

### **Recommendation**

Staff recommends that Town Council find that the Territorial Road Annexation Petition substantially complies with the State requirements, and further recommends that Council set the Eligibility hearing date for Tuesday, July 15, 2025.

### **Proposed Motion**

*"I move to approve the Resolution, as introduced by title."*

### **Attachments**

- Attachment A: Vicinity Map
- Attachment B: Resolution
- Attachment C: Territorial Road Annexation Petition
- Attachment D: Territorial Road Annexation Map