



AGENDA MEMORANDUM

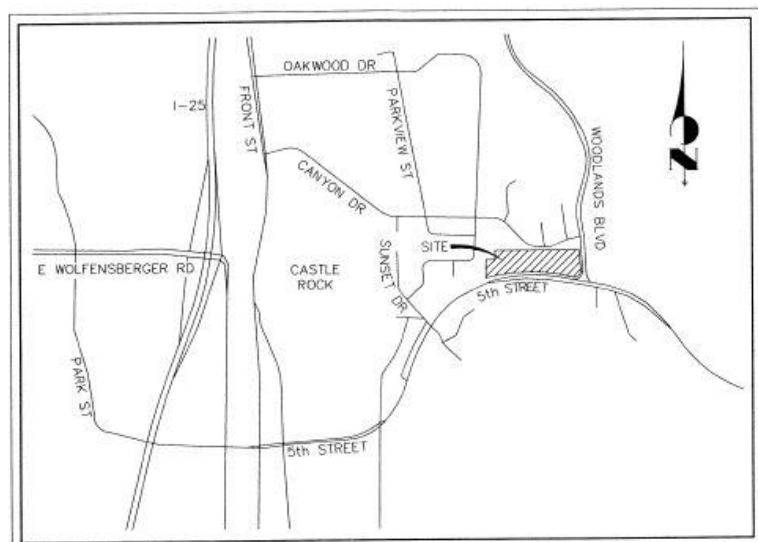
To: Honorable Mayor and Members of Town Council

From: Julie Kirkpatrick, PLA, Long Range Project Manager, Development Services Department

Title: **A Resolution Finding a Certain Petition for Annexation Known as the Calvary Chapel Castle Rock Annexation to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of §31-12-107(1) C.R.S.; and Establishing a Date, Time and Place for the Hearing prescribed under §31-12-108 C.R.S. to Determine if the Property Petitioned for Annexation to the Town of Castle Rock is Eligible for Annexation under Section 30, Article II of the Colorado Constitution and the Municipal Annexation Act of 1965**
[Substantial Compliance Hearing, northwest corner of 5th Street and Woodlands Boulevard]

Executive Summary

The purpose and intent of this staff report is to demonstrate to Town Council that the Calvary Chapel Castle Rock Annexation Petition is in Substantial Compliance with the applicable requirements of the Municipal Annexation Act (Act). After the Council concurs that a conforming annexation petition has been submitted, the Act mandates that the Council set a hearing date to determine if the allegations made in the petition are supportable and that the property is eligible for annexation (Eligibility Hearing). The Eligibility Hearing will be held on June 21, 2016.



Location Map

The Substantial Compliance and Eligibility Hearings determine whether a proposed annexation application may later be annexed to the Town. The Town Council, however, has no obligation to approve an annexation simply because the property is eligible for annexation. Council will determine whether it is in the Town's interest to annex the property when the annexation and zoning ordinances are considered at public hearing later this year.

Staff finds that the petition substantially complies with State requirements and recommends approval of the Substantial Compliance Resolution.

Discussion

The Property

The annexation petition known as Calvary Chapel Castle Rock was filed with the Town Clerk on April 7, 2016. The approximately 5-acre property is located at the northwest corner of 5th Street and Woodlands Boulevard. To the north is the residential community of the Woodlands with larger residential lots to the south of Fifth Street. To the east of Woodlands Boulevard is a church while single family detached homes are adjacent to the west. The Calvary Chapel Castle Rock Annexation property is located within the area of "growth and annexation" per the Intergovernmental Agreement (IGA) between Douglas County and the Town of Castle Rock.

Annexation Process

There are three steps required in the annexation process. The following summarizes the three steps:

1. **Substantial Compliance** – The Town must determine if the annexation petition is in the prescribed form and contains the necessary statutory allegations. In addition, a finding must be made that the petitioners constitute more than 50% of all the landowners and that the petitioners own more than 50% of the total area of the property, excluding certain public ownership. The Town must also set a date, time and place for the Eligibility Hearing.
2. **Eligibility** – After four consecutive weeks of public notice in a newspaper of general circulation, the Town will determine if the assertions in the annexation petition are supportable and that 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 this Substantial Compliance Resolution is approved, the Eligibility Hearing for the Canyons South Annexation will be scheduled for June 21, 2016 (**Attachment A**).
3. **Annexation and Zoning** – Once a request has been found to be eligible for annexation, the Town can proceed with the annexation and zoning hearings at

Planning Commission and Town Council. Substantial Compliance and Eligibility determine whether the parcel can be annexed; this final step determines whether a parcel should be annexed.

Substantial Compliance Findings

This application meets the requirements of the first step in the annexation process. Staff recommends that Town Council make a finding that this application substantially complies with Section 30 of Article II of the Colorado Constitution and with the Colorado Revised Statutes (C.R.S.) Section 31-12-107(1) given that:

1. The Annexation Petition has been signed by more than 50% of the landowners, owning more than 50% of the land, excluding right-of-way and property owned by the Town of Castle Rock. In fact, the Annexation Petition is signed by all of the property owners.
2. The petition was filed with the Town Clerk on April 21, 2016.
3. 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 Sections 31-12-104 and 31-12-105 exist or have been met;
 - c. An allegation that the signers of the petition comprise the landowners of more than fifty (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
 - d. A request that the municipality approve the annexation;
 - e. The signatures of the land owners;
 - f. The mailing address of each signer;
 - g. The legal description of the land owned by such signer;
 - h. The date of signing of each signature; and
 - i. 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.
4. Four copies of the annexation map (**Attachment B**) were filed with the Clerk, containing:
 - 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.

5. No signatures on the petition are dated more than 180 days prior to the date of filing.

Staff finds that the annexation request meets the statutory requirements and it should be deemed sufficient.

Budget Impact

The action of determining substantial compliance does not have any financial impact.

Staff Recommendation

The application substantially complies with the State requirements and staff recommends setting an Eligibility Hearing date of June 21, 2016.

Proposed Motion

I move to approve the Resolution as introduced by title.

Attachments

Attachment A: Resolution

Exhibit A: Legal Description

Attachment B: Annexation Petition and Map

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