



Meeting Date: **April 16, 2024**

## **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 Petitions for Annexation Submitted by 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. (Four Corners Annexation, South Ridge Road No. 1 Annexation, South Ridge Road No. 2 Annexation, Gilbert Street-Plum Creek Parkway Annexation)**

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### **Executive Summary**

The purpose and intent of this staff report is to demonstrate to Town Council that the Four Corners, South Ridge Road No. 1, South Ridge Road No. 2 and Gilbert Street/Plum Creek Parkway Annexation Petitions are in Substantial Compliance with the State requirements under the Municipal Annexation Act of 1965 (Act), and to set the date for the Eligibility hearing as June 4, 2024 (Attachment B). The four individual annexations are being processed concurrently, and this staff report will demonstrate how each petition for annexation meets the statutory criteria for Substantial Compliance. These proposed annexations are part of a larger effort to incorporate eligible Town-owned properties.

The Colorado Revised Statutes (C.R.S.) require that petitions for annexation be considered in a public hearing before Town Council to determine if the petition is in Substantial Compliance with the applicable requirements of the Colorado Municipal Annexation Act (Act) (Attachment B).

If Town Council finds that a petition for annexation is in Substantial Compliance with the Act, the Act mandates that Council set a date for the Eligibility hearing. At the Eligibility hearing, Town Council will determine whether the allegations stated in the annexation petition are true and accurate, and if the property is eligible for annexation (Attachment

C). Upon approval of the Substantial Compliance resolution, staff requests that the Eligibility hearing for these petitions be scheduled for Tuesday, June 4, 2024.

The Substantial Compliance and Eligibility hearings only determine whether or not a petition for annexation may move forward to the Town's annexation and zoning process. It is at the annexation and zoning hearings that Town Council will decide whether or not it is in the Town's interest to annex the property.

### **Discussion**

The Properties are all either currently used as ROW or are for future ROW with associated roadway construction projects:

The Four Corners Annexation consists of eight parcels located north and west of the intersection of State Highway 86 and Founders Parkway/Ridge Road (Figure 1 and Attachment A). The parcels total 1.37 acres and abut right-of-way within the Town of Castle Rock. All of the parcels are undeveloped and zoned in unincorporated Douglas County; three parcels are zoned Estate Residential (ER), two parcels are zoned Rural Residential (RR) and the remaining three parcels are zoned Agricultural One (A1).

The South Ridge Road No. 1 Annexation consists of one parcel located approximately 225 feet south of the South Ridge Road and Enderud Boulevard roundabout, on the east side of South Ridge Road (Figure 2 and Attachment A). The parcel is .12 acres and abuts the Town of Castle Rock ROW.

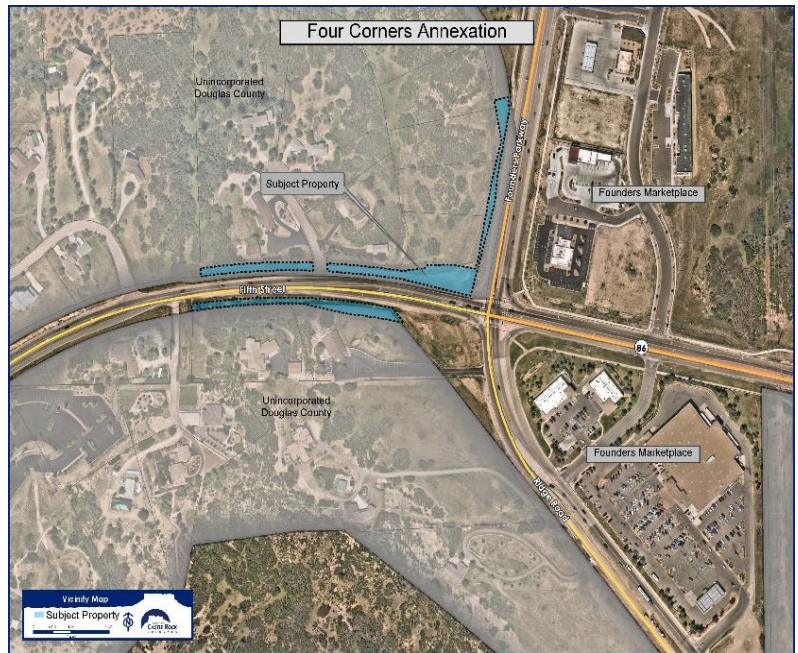


Figure 1: Four Corners Annexation Vicinity Map

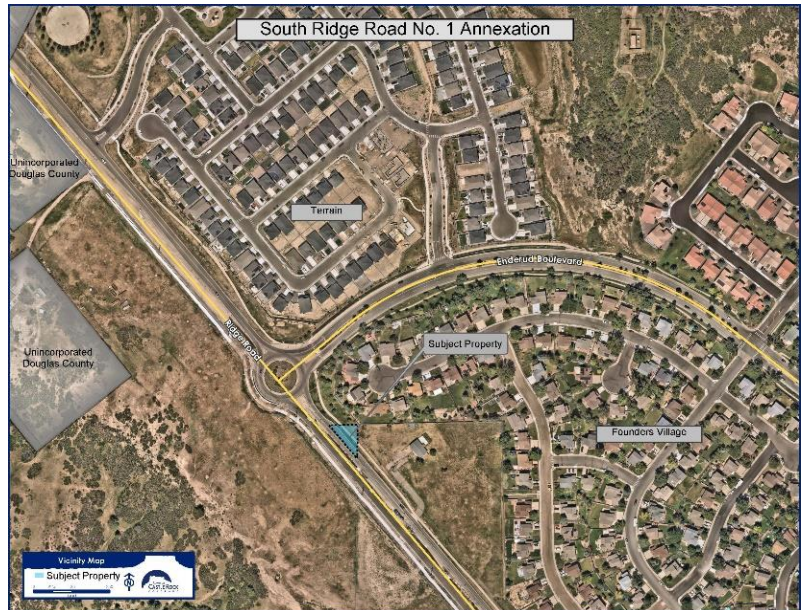


Figure 2: South Ridge Road No. 1 Annexation Vicinity Map

The parcel is undeveloped except for curb, gutter and sidewalk and is zoned A1 in unincorporated Douglas County. The South Ridge Road No. 2 Annexation consists of one parcel located approximately 220 feet north of the South Ridge Road and East Plum Creek Parkway roundabout, on the east side of South Ridge Road (Figure 3 and Attachment A). The parcel is .022 acres and abuts Town of Castle Rock ROW. The parcel is undeveloped and is zoned RR in unincorporated Douglas County.



Figure 3: South Ridge Road No. 2 Annexation Vicinity Map

The Gilbert Street/Plum Creek Parkway Annexation consists of one parcel located at the intersection of Gilbert Street/South Lake Gulch Road and Plum Creek Parkway (Figure 4 and Attachment A). The parcel is .48 acres and is within the Town of Castle Rock ROW. A roundabout is located within this parcel, which is zoned RR in unincorporated Douglas County.



Figure 4: Gilbert Street/Plum Creek Parkway Annexation Vicinity Map

#### Annexation Process:

Annexation is a three-step process. During the first two steps, Substantial Compliance and Eligibility, Town Council determines whether an annexation request meets the statutory requirements for annexation established in the Colorado Revised Statutes, specifically the Municipal Annexation Act of 1965 (Act).

The third step is when Town Council determines whether an annexation request complies with the Town's guiding documents and the Municipal Code, and if the property should be annexed to the Town. 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. 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 will determine if the statements (referred to as “allegations” in the statute) 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 the Substantial Compliance resolution is approved, the Eligibility hearing for the Four Corners, South Ridge Road No. 1, South Ridge Road No. 2 and Gilbert Street-Plum Creek Parkway Annexations will be scheduled for Tuesday, June 4, 2024.
3. Annexation and Zoning. Once an annexation petition has been found to be both substantially compliant and eligible for annexation, the request for annexation may 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 Criteria and Analysis**

Staff finds that the Four Corners, South Ridge Road No. 1, South Ridge Road No. 2 and Gilbert Street-Plum Creek Parkway Annexation Petitions comply with the requirements of the first step 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 petitions were filed with the Town Clerk on Friday, April 12, 2024.
2. The petitions contain:
  - 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 is the sole owner 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 maps were filed with the Town Clerk on Friday, April 12, 2024 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 Four Corners, South Ridge Road No. 1, South Ridge Road No. 2 and Gilbert Street-Plum Creek Parkway Annexation Petitions meet the statutory requirements and all four should be deemed sufficient.

### **Notification**

#### **Public Notice**

Public hearing notice signs were posted on the properties on Friday, March 29, 2024. 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 the Four Corners, South Ridge Road No. 1, South Ridge Road No. 2 and Gilbert Street-Plum Creek Parkway Annexation Petitions substantially comply with the State requirements, and further recommends setting an Eligibility hearing date of Tuesday, June 4, 2024.

### **Proposed Motion**

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

## **Attachments**

Attachment A: Vicinity Maps

Attachment B: Resolution

Attachment C: Annexation Petitions containing Annexation Maps