



Meeting Date: September 5, 2023

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 Department

Title: **A Resolution Finding That the Petition for Annexation Submitted by the Town of Castle Rock is 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 the Hearing Prescribed Under Section 31-12-108, C.R.S. to Determine if the Subject Property is Eligible for Annexation under Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 And 31-12-105, C.R.S. (Crowfoot Valley Road Annexation)**

Executive Summary

The Town of Castle Rock is seeking to annex four Town-owned parcels that comprise a portion of the Crowfoot Valley Road right-of-way (ROW) located east of the Crowfoot Valley Road/Tower Road intersection and west of the Crowfoot Valley Road/Macanta Boulevard intersection (Attachment A). This proposed annexation is part of a larger effort to incorporate eligible Town-owned property into the Town Boundaries.

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

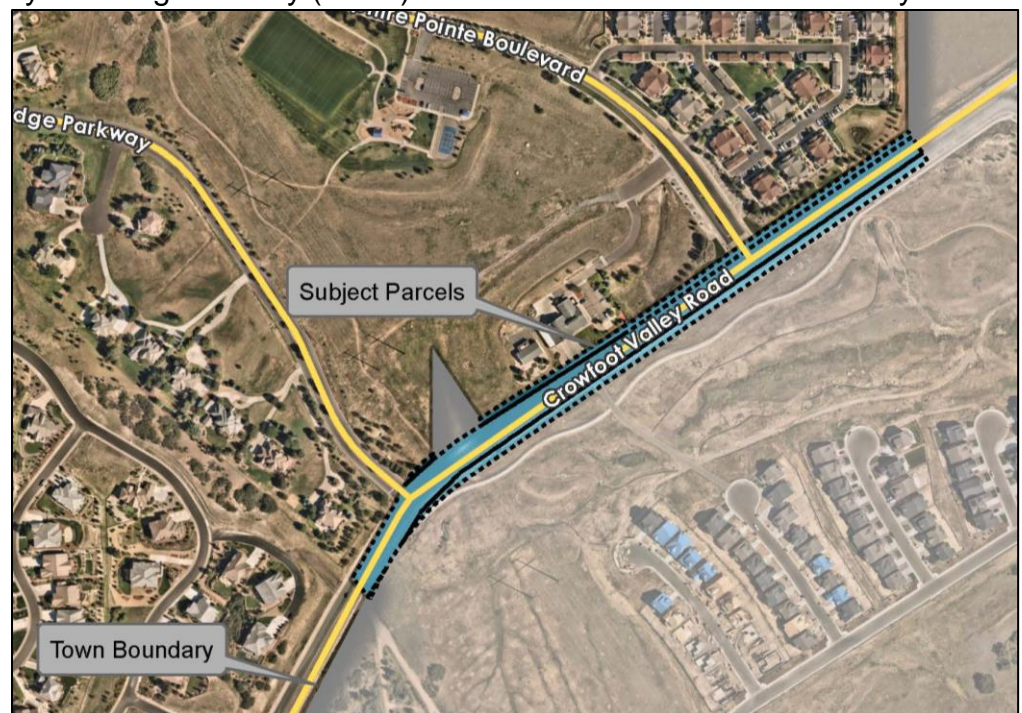


Figure 1: Vicinity Map

with the applicable requirements of the Colorado Municipal Annexation Act (Act) (Attachment B).

Once Town Council concurs that the petition for annexation is in Substantial Compliance with the Act, the Act mandates that Council set a date for the Eligibility Hearing. Town Council will determine at the Eligibility Hearing whether the allegations stated in the annexation petition are true and accurate, and if the property is eligible for annexation (Attachment C and D). Upon approval of the Substantial Compliance resolution, the Eligibility Hearing for this petition will be scheduled for Tuesday, October 17, 2023.

Please note that 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 Town's Annexation and Zoning hearings that Town Council determines whether or not it is in the Town's interest to annex the property.

Discussion

The Property

The property proposed for annexation consists of four parcels totaling 5.31 acres. The parcels are located within the Crowfoot Valley Road ROW between Tower Road and Macanta Boulevard. The property abuts the Town of Castle Rock to the north, and Douglas County to the south. The use on the property will remain public ROW. The purpose for annexing the property is to incorporate it into the Town boundaries and to bring it under Town jurisdiction.

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 an 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 Crowfoot Valley Road Annexation will be scheduled for Tuesday, October 17, 2023 (Attachment B).
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 Annexation Petition and 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.) § 31-12-107(1) given that:

1. The legal description of the land which Landowners request to be annexed to the municipality is attached hereto as Exhibit A (the "Property.")
2. It is desirable and necessary that the above-described Property be annexed to the Town.
3. The requirements of Article II, Section 30 of the Colorado Constitution have been met.
4. The following requirements of C.R.S. § 31-12-104 exist or have been met:
 - a. Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the Town.
 - b. A community of interest exists between the Property and the Town. The Property is urban or will be urbanized in the near future. Further, the Property is integrated with the Town.
5. None of the limitations provided in C.R.S. § 31-12-105 are applicable and the requirements of that statute have been met because of the following:
 - a. The annexation of the Property will not result in the Property being divided into separate parts or parcels under identical ownership.
 - b. No land area within the Property held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising 20 acres or more, which together with the buildings and improvements situated thereon, has an assessed value in excess of \$200,000 for an ad valorem tax purpose for the year preceding the annexation is included within the Property proposed to be annexed, without the written consent of the landowner or landowners thereof.
 - c. No annexation proceedings have been commenced for annexation of any part of the Property by any other municipality.
 - d. The entire width of all streets or alleys within the area to be annexed are included in the annexation.

- e. The annexation of the Property will not result in the detachment of any area from any school district or the attachment of same to another school district.
 - f. Annexation by the Town of the Property will not have the effect of, and will not result in, the denial of reasonable access to landowners, owners of an easement, or owners of a franchise adjoining a platted street or alley in the unincorporated area adjacent to the Property.
- 6. The annexation of the Property will not have the effect of extending a boundary of the Town more than three miles in any direction from any point of the Town boundary in the past 12 months.
 - 7. The Landowner comprises the owner of more than 50% of the area of the Property, exclusive of public streets and alleys, and comprises more than 50% of the landowners of the Property.
 - 8. The landowners request that the Town approve the annexation of the property.
 - 9. An annexation map (Attachment D) was 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.
 - 10. 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.

Notification

Public Notice

Public hearing notice signs were posted on the property on August 21, 2023. Written notice letters were sent to property owners and Homeowner Associations (HOA) within 500 feet of the property, at least 15 days prior to the public hearings.

Town staff published notice of the Town Council Substantial Compliance Hearing on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

Budget Impact

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

Staff Recommendation

The annexation petition and application substantially comply with the State requirements and staff recommends setting an Eligibility Hearing date of Tuesday, October 17, 2023.

Proposed Motion

Option 1: Approval

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

Option 2: Approval with Conditions

"I move to approve the Resolution, with the following conditions:" (list conditions)

Option 3: Continue item to next hearing (need more information to make decision)

"I move to continue this item to the Town Council meeting on [date], at [time]."

Attachments

Attachment A: Vicinity Map

Attachment B: Resolution

Attachment C: Crowfoot Valley Road Annexation Petition

Attachment D: Crowfoot Valley Road Annexation Map