

TOWN OF LARKSPUR, COLORADO
ORDINANCE NO. 3.70

**AN ORDINANCE GOVERNING PETITIONS FOR ANNEXATION OF LANDS TO THE
TOWN OF LARKSPUR, COLORADO**

WHEREAS, the Town Council has determined that it is both necessary and desirable to promote the orderly growth of the Town of Larkspur; and

WHEREAS, the Town Council desires to establish certain policies, procedures and regulations concerning the filing, processing and review of petitions for annexation of lands to the Town of Larkspur that will best promote such orderly growth.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Larkspur, Colorado as follows:

Section 1:

ANNEXATIONS

- Article 1: PURPOSE, AUTHORITY AND SCOPE
- Article 2: TERMS AND CONDITIONS
- Article 3: CONCEPT REVIEW
- Article 4: ADDITIONAL DOCUMENTS AND INFORMATION REQUIRED OF
THE PETITIONER
- Article 5: ANNEXATION AGREEMENT
- Article 6: COSTS DEPOSIT

Article 1: PURPOSE, AUTHORITY AND SCOPE

Section 1: General Purpose. This ordinance shall govern the filing and processing of all petitions for the annexation of lands to the Town of Larkspur, Colorado. The provisions herein contained are intended to be complementary and in addition to the provisions of the Colorado Municipal Annexation Act of 1965 as said Act may from time to time be amended.

Section 2: Authority. This ordinance is authorized by Section 1.03 of the Larkspur Home Rule Charter, Article XX of the Colorado Constitution, and Colorado Revised Statutes § 31-15-103.

Section 3: Scope. This ordinance shall apply to all property sought to be annexed to the Town of Larkspur by voluntary petition of landowners.

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Article 2: TERMS AND CONDITIONS

Section 1: Conditions. By petitioning for and accepting annexation of property to the Town, the petitioner shall be deemed to agree to be governed and abide by the terms and conditions herein set forth, together with any other conditions or requirements which the Larkspur Town Council may lawfully impose in a specific case.

Section 2: Eligibility. Petitioner has the burden of demonstrating that his property is eligible for annexation, as defined by the Colorado Municipal Annexation Act of 1965.

Section 3: Municipal Services. Property annexed to the Town shall be eligible for municipal services, including utilities, subject to and as provided by the annexation agreement pertaining to the annexation, Town ordinances, resolutions, rules and regulations, as now or hereafter constituted.

Section 4: Zoning. In addition to filing the annexation petition as provided herein, the petitioner may concurrently file a petition to establish zoning designations for the property proposed for annexation. Any such petition and attachments, and all proceedings taken thereon, shall conform to the requirements of Larkspur Zoning Ordinance No. 3.43, as said ordinance may from time to time be amended.

Article 3: CONCEPT REVIEW

Section 1: Request for Review. Prior to the submission of a petition for annexation, petitioner may request a concept review. Upon receipt of a request, the Town will schedule a meeting with the Town's Planning Commission and/or the Town Council, as necessary.

Section 2: Purpose of Review. The concept review is an informal opportunity for the petitioner to discuss the scope and general concept of the proposed annexation with the Planning Commission and/or the Town Council and to receive assistance in identifying issues and concerns regarding the proposed annexation that would likely be of concern to the Planning Commission, Town Council and the public prior to the submission of a petition for annexation.

Section 3: Information Required. At the concept review, petitioner should be prepared to provide general information regarding the property to be annexed, including but not limited to:

- 3.1. Existing uses of the property;
- 3.2. Land uses and densities proposed for the property following annexation and expected zoning classification(s);

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- 3.3 Major public improvements necessary to serve the property including potential access points and major streets;
- 3.4 Anticipated public utility and service demands;
- 3.5 Natural hazards and physical features;
- 3.6 Sketches, photographs, and conceptual drawings or plans that will aid in the understanding of the proposed annexation; and
- 3.7 Any other matters relevant to the annexation, development, and service needs of the property.

Section 4: Recommendation of Planning Commission. Within fifteen days of a concept review before the Planning Commission, the Commission will submit a recommendation to the Town Council regarding the proposed annexation which may include the Commission's observations, concerns and questions concerning the proposed annexation.

Section 5: Conclusion of Review. Following the conclusion of the concept review, petitioner may submit a petition for annexation to the Town Clerk in accordance with the Colorado Municipal Annexation Act of 1965 and the provisions of Article 4 of this ordinance.

**Article 4: ADDITIONAL DOCUMENTS AND INFORMATION REQUIRED OF THE
PETITIONER**

Section 1: Petition. In addition to the matters and allegations required by the Municipal Annexation Act of 1965, as amended, the petition for annexation shall contain the information set forth below:

1.1. A written legal description of the boundaries of the area proposed to be annexed. If requested by the Town, the petitioner shall include within the boundaries of such area the full width of any and all county roads designated by the Town for annexation along with the privately owned lands.

1.2 Evidence of fee ownership of each separately-owned parcel of land proposed for annexation. Such evidence shall consist of a commitment for or a title insurance policy, a written attorney title opinion, a subdivision certificate, or a written ownership and encumbrance report, all dated within 30 days before the date of submission to the Town. If a corporation, partnership, or joint venture owns the property, the petitioner shall furnish such additional information (e.g., partnership agreement, joint venture affidavit as provided by C.R.S. § 38-30-166) as may be requested by the Town in order to determine that the signatories have been authorized by that entity to execute such documents.

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1.3. Legal descriptions of water and ditch rights appurtenant to the properties within the area proposed to be annexed.

Section 2: Annexation Map. The annexation map accompanying the petition shall be in black ink or mylar and shall be prepared, stamped and signed by a professional engineer or land surveyor registered in the State of Colorado, showing the bearings and distances of the boundaries of the entire parcel proposed for annexation, and the boundaries of each ownership parcel within said property, in a form suitable for recording, together with seven copies thereof, showing the matters required by the Municipal Annexation Act of 1965, as amended, and the following additional items:

2.1. The physical relationship of the area to be annexed to the existing corporate limits of the Town;

2.2. Boundaries of special districts, if any, having jurisdiction over area within the boundaries of the land to be annexed;

2.3. The location and width of existing street and utility easements within or adjacent to the area to be annexed;

2.4. The location and site of nearest existing utility lines;

2.5. Existing development within the area to be annexed, and the current source of water, sanitary sewer and storm drainage service for such development;

2.6. Proposed zoning of the area to be annexed and exact boundaries of zoning districts if more than one district is proposed;

2.7. Date, scale, north sign.

Section 3: Development Report. For each annexation of ten acres or more, the Petitioner shall submit with the annexation petition a written report detailing the development planned or anticipated for the property proposed for annexation within the five years next following annexation. Such report also shall be required in all cases in which annexations of ten acres or less in total area are being proposed in series to achieve compliance with contiguity requirements with the intent that the annexations be completed simultaneously pursuant to the provisions of C.R.S. § 31-12-104(1)(a) and the total land area of all such serial annexations, taken together, equals or exceeds ten acres. The development report required by this section shall address and cover, without limitation, the following;

3.1 Density of residential development;

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- 3.2 Average number of square feet of floor area for each type of residential structure, and the approximate number of structures in each type or class;
- 3.3 Aggregate area expected to require irrigation water, and type and quantity of water or water rights owned by petitioner expected to be used for such irrigation;
- 3.4 Aggregate area of impervious surfaces;
- 3.5 Types of commercial and industrial uses anticipated; and
- 3.6 Any unusual or extraordinary demands uses on the property may impose upon Town utility or other services, including public streets.

Article 5: ANNEXATION AGREEMENT

Section 1: Agreement Required. As a condition of approval of an annexation, the Town will require petitioner to agree to certain terms and conditions for such annexation and execute an annexation agreement memorializing such agreement.

Section 2: Enforceability. The terms and conditions of the final annexation agreement are not effective or enforceable until approved by ordinance by the Town Council.

Article 6: COSTS DEPOSIT

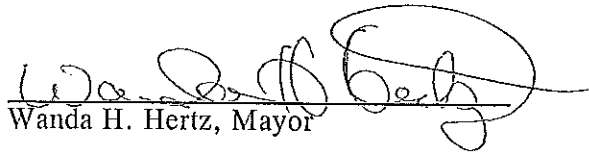
Section 1: Costs Deposit. The petition for annexation shall be accompanied by an initial costs deposit in the amount of \$1,000 for annexations of ten acres or less, \$5,000 for annexations of eleven to one hundred acres, and \$20,000 for annexations exceeding one hundred acres. Such deposit shall be used to pay the reasonable expenses and costs incurred by the Town in processing, reviewing and hearing the petition, including but not limited to the cost of publication, recording, preparation of the annexation impact report and attorney fees. Within 10 days after invoice by the Town, petitioner shall deposit such additional amounts as may be necessary to replace portions of the initial deposit that the Town has used to reimburse its reasonable expenses and costs. Any portion of the costs deposit not actually expended for purposes of processing, reviewing and hearing the petition shall be refunded to the petitioner within 30 days after all expenses have been paid.

Section 2: Deferral or Reduction of Costs Deposit. In the Larkspur Town Council's discretion, the required costs deposit may be deferred or reduced should the Council determine that a deferred or lesser deposit will be sufficient to reimburse the Town for reasonable expenses and costs associated with processing, reviewing and hearing the petition.

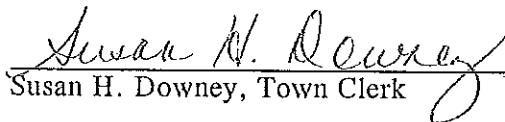
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Section 2: This ordinance shall take effect five (5) days after final passage pursuant to the provisions of Section 3.20 of the Town Charter.

Introduced as an Ordinance at a Regular Meeting of the Town Council of the Town of Larkspur, Colorado, on the 20th day of May, 1999, and passed by a vote of seven (7) for, zero(0) against and no (0) abstention(s).


Wanda H. Hertz, Mayor

ATTEST:


Susan H. Downey, Town Clerk



PETITION FOR ANNEXATION TOWN OF LARKSPUR, COLORADO

THE UNDERSIGNED PETITIONER in accordance with Title 31, Article 12, Part 1, of the Colorado Revised Statutes, as amended, and known as the Municipal Annexation Act of 1965, hereby petitions the Town of Larkspur, Colorado, for annexation to the Town of Larkspur of the unincorporated area more particularly described hereafter, and in support of said Petition, the petitioner alleges and states the following:

1. It is desirable and necessary that such area described in Exhibit 1, attached hereto and incorporated herein by reference, be annexed to the Town of Larkspur, Colorado.
2. The area sought to be annexed to the Town of Larkspur meets all the requirements of Sections 31-12-104 and 105, as amended, of the Municipal Annexation Act of 1965, in that:
 - (a) Not less than one-sixth (1/6th) of the perimeter of the area proposed to be annexed is contiguous with the Town of Larkspur, Colorado.
 - (b) A community of interest exists between the area proposed to be annexed and the Town of Larkspur, Colorado.
 - (c) The area proposed to be annexed is urban or will be urbanized in the near future.
 - (d) The area proposed to be annexed is integrated with, or is capable of being integrated with the Town of Larkspur, Colorado.
 - (e) No land within the area proposed to be annexed and which is 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, meets either of the following:
 - (1) Such separate tract or parcel is being divided by the requested annexation without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way, and to the extent a tract or parcel is so divided, this petition is intended to evidence such consent; or
 - (2) If such a separate tract or parcel comprises twenty (20) acres or more and which, together with the buildings and improvements situated thereon, such tract or parcel has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes

for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners thereof.

- (f) The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of such area to another school district.
 - (g) No annexation proceedings have been commenced for the annexation to another municipality of any part or all of the area proposed to be annexed to the Town hereunder nor is any part of said area presently a part of any incorporated city, town or city and county.
 - (h) The requirements of Sections 31-12-104 and 31-12-105, Colorado Revised Statutes, as amended, exist or have been met.
 - (i) The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Larkspur more than three miles in any direction from any point of the Town's boundary in any one year.
 - (j) In establishing the boundaries of the area proposed to be annexed, where a portion of a platted street or alley is annexed, the entire width of said street or alley is included with the area annexed.
 - (k) Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises adjoining a platted street or alley to be annexed by the Town but is not bounded on both sides by the Town.
 - (l) The area proposed to be annexed comprises [more/less] than ten (10) acres and an Impact Report as provided for in Section 31-12- 108.5, C.R.S., as amended, [is/is not] required unless waived by the board of county commissioners for Douglas County, Colorado in accordance with Section 31-12-108.5, C.R.S.
3. That accompanying this Petition are four (4) copies of the annexation map containing the following information:
- (a) a written legal description of the boundaries of the area proposed to be annexed;
 - (b) a map showing the boundary of the area proposed to be annexed, prepared by and containing the seal of a land surveyor;
 - (c) with the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is platted, then the boundaries and the plat numbers of plots or of lots and blocks are shown; and

- (d) next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town, and the contiguous boundary of any other municipality abutting the area proposed to be annexed and the dimensions thereof.
4. The undersigned Petitioner represents to the Town of Larkspur that he or she is either: (1) the owner of the property described in Exhibit 1; or (2) an authorized and legal representative of the landowner for purposes of signing this Petition. The Petitioner represents that this Petition was signed not more than 180 days prior to the date of the filing of this Petition for Annexation with the Town Clerk.
 5. The undersigned Petitioner comprises, or is the authorized and legal representative of the owner who comprises, at least fifty percent (50%) of all of the landowners of the area to be proposed to be annexed, exclusive of streets and alleys.
 6. Upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to all ordinances, resolutions, rules and regulations of the Town of Larkspur, except for general property taxes of the Town of Larkspur which shall become effective on January 1 of the next succeeding year following passage of the Annexation Ordinance.
 7. This Petition for Annexation includes the signature of all landowners proposing the annexation, or includes the signature of an authorized and legal representative(s) of all landowners, the mailing address of each landowner and Petitioner, the legal description of the land owned by each owner, and the date of signing of each signature.

THEREFORE, the Petitioner as the owner, or as the authorized and legal representative of the owner for purposes of annexation, of the property described in Exhibit 1, respectfully requests that the Town Council of the Town of Larkspur, Colorado, approve the annexation of the property described in Exhibit 1. The Petitioner and the Landowner hereby consents to the annexation of the property described in Exhibit 1.

SIGNATURE OF PETITIONER:

[check one] AS THE LANDOWNER; OR

AS THE AUTHORIZED AND LEGAL REPRESENTATIVE
OF THE LANDOWNER (Must Attach Proof of Authority)

By: _____

Print Name: _____

Mailing Address OF LANDOWNER:

Mailing Address OF PETITIONER:

Date of Signature: _____, 2000

EXHIBIT 1
PROPERTY DESCRIPTION