

## Chapter 14.02

### ANNEXATION

#### Sections:

- 14.02.010 General.
- 14.02.020 Application Requirements.
- 14.02.030 Annexation Agreement
- 14.02.040 Annexation Map Requirements
- 14.02.050 Conceptual Plan Map Requirements

14.02.010 General. The process of adding property to the Town of De Beque is referred to as annexation. The detailed requirements for annexations and power for this section is found in the Colorado Revised Statutes (specifically Section 31-12-101 *et seq.*, C.R.S.).

14.02.020 Application Requirements. The applicant shall submit one (1) original and three (3) copies of the application materials below in order for the Town Staff to conduct a completeness review. The documents are to be submitted in separate three-ring binders of suitable size to hold the material. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. The remaining copies may be photocopies of the original. The binders shall contain a table of contents and be tabbed accordingly. Pockets are to be provided in the binder for the folded maps that are submitted.

Following staff completeness review and notice of acceptance for referral to the Board of Trustees, the applicant shall provide an additional seventeen (17) copies of the annexation documents. Fourteen (14) sets shall be bound in three-ring binders as above. The remaining three (3) sets are to be three hole-punched, collated into complete application packets and bound with binder clips only.

The name or title of the proposed annexation on all documents and maps must be consistent. All letter size (8 ½" x 11") documents to be filed with the County Clerk and Recorder Office must have one (1) inch margins, or they will be rejected for filing.

A. The Annexation application shall include:

1. Letter of Intent. The applicant shall provide a letter of intent addressed to the Board of Trustees to serve as a cover letter to the formal petition, introducing the applicant(s) to the Board of Trustees, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.
2. Annexation Application Form. The Town's Annexation Application Form shall be completed, signed and dated.

3. Agreement for Payment of Development Review Expenses Incurred by the Town. The application shall be accompanied a signed form Agreement for the Payment of Development Review Expenses Incurred by the Town.
4. Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107.

The petition shall contain the following statements:

- a. An allegation that it is desirable and necessary that the area be annexed to the municipality.
  - b. An allegation that eligibility requirements and limitations have been met or addressed respectively.
  - c. An allegation that the petitioners comprise the land owners of more than fifty (50) percent of the territory included in the proposed annexation area (excluding streets and alleys).
  - d. A request that the annexing municipality approve the annexation.
  - e. If not already included, consent to the inclusion of the property into the applicable special districts as appropriate.
  - f. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
  - g. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the Town Clerk.
  - h. The mailing address of each signer of the petition.
  - i. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).
  - j. The affidavit of each petition circulator that each petitioner's signature is valid.
5. Annexation Map. Four (4) 24" x 36" paper copies of the annexation map are to be provided with the submittal. The remaining required copies may be reduced to 11" x 17". The annexation map shall be signed and sealed by the registered land surveyor or engineer preparing the map, or under whose supervision the annexation map was prepared. The annexation map(s) shall comply with the technical drawing requirements contained in this Chapter. In addition, the

applicant must provide one (1) “Annexation Map Land Surveying Standards Checklist” completed by the Surveyor (attach to the “original” application packet).

6. Concept Plan Map. Four (4) 24” x 36’ paper copies of the concept plan map are to be provided with the initial submittal. The remaining required copies may be reduced to 11” x 17”. The concept plan map(s) shall comply with the technical drawing requirements contained in this Chapter.
7. Title Commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than (30) thirty days prior to the date of submittal of the annexation petition. Ownership **must** match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.
8. Property Tax Statement. A copy of the prior year’s property tax statement for all property to be annexed.
9. Mailing List and Envelopes. The Applicant is to provide a mailing address list and envelopes for any county in which all or a part of the property sought to be annexed is located, together with addresses and envelopes for all special districts, irrigation ditch companies, mineral interest owners and adjacent property owners that will receive notice of the application or who are or may provide service to the property.
10. Annexation Impact Report. A draft annexation impact report conforming to C.R.S § 31-12-108.5 **is required for areas of ten (10) or more acres.** The applicant is to provide a word processing file of this document. The applicant is to provide an AutoCAD™ drawing file (release 12 or higher) of the required “existing conditions” map. An inaccurate, incomplete or poorly drawn “existing conditions” map shall be rejected.

The impact report shall contain the following information:

- a. A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage

ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed;

- b. A copy of any draft or final pre-annexation agreement, if available;
  - c. A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation;
  - d. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the Town);
  - e. A statement identifying existing special districts within the area to be annexed; and
  - f. A statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.
11. De Beque Comprehensive Plan Compliance Report. A completed report explaining how the proposed annexation is in substantial compliance with the De Beque Comprehensive Plan shall be submitted. The applicant is required to provide a narrative which explains how the proposed annexation and accompanying development application conforms to the goals, policies and strategies identified in the Comprehensive Plan.
12. Water Rights. The applicant shall provide a “Water Rights Report” for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The applicant shall provide draft warranty deed(s) for sufficient water rights to provide the domestic needs of property to be developed and for the transfer of all subsurface (non-tributary) water rights to the Town.
13. Zoning of Property to Be Annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed Zoning Application form, provide a Zoning Map for the property, a zoning amendment map amending the official zoning map and pay the application and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the Town’s Zoning Code and Zoning Map within ninety (90) days of the completion of the annexation process.

14. Annexation Assessment Report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be adequate to fully explain the needs, concepts and proposed solutions for each of the following:
- a. An assessment of the community needs for the proposed annexation and land use;
  - b. The economic impact to the municipality of the proposed annexation. This is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;
  - c. The school impact including an estimated of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts;
  - d. The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);
  - e. The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);
  - f. The impact of the proposed development on the De Beque\_Marshal's Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
  - g. The impact of the proposed development on the De Beque Fire Protection District and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);
  - h. The impact of the proposed development on the Town of De Beque park facilities and recreation programs and proposals to mitigate any impact

upon the existing facilities and programs (additional facilities, additional recreation programs, additional personnel required, etc.);

- i. The impact of the proposed development on the natural environment of De Beque and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
- j. The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);
- k. The compatibility of the proposed development with the town transportation system including, but not limited to, street systems, pedestrian/bicycle/trail systems, existing and projected traffic volumes, the De Beque Master Road Plan and plans for mitigating any negative impacts;
- l. The compatibility of the proposed development with the De Beque Comprehensive Plan and any plan amendments that may be necessary for the proposed development;
- m. A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.

15. Referral and Comments From Review Agencies. The application shall be referred to relevant review agencies identified by the town. Review agencies shall have 21 days to review and comment on the application(s).

14.02.030 Annexation Agreement. A draft Annexation Agreement shall be provided to the applicant by De Beque not less than three (3) weeks prior to the annexation public hearing before the Board of Trustees. This document outlines the responsibilities of the applicant and the Town regarding the provision and extension of streets and utilities, the dedication of water rights and the applicability of Town regulations. If a property to be annexed has multiple ownerships, all of the owners must sign the Annexation Agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate Annexation Agreements are to be signed by each owner. The final document is to be signed by the applicant and made available to the Town Clerk not less than two (2) weeks before the date of the public hearing on the annexation.

14.02.040 Annexation Map Requirements. The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible and reproducible document.

Inaccurate, incomplete or poorly drawn maps shall be rejected.

1. The annexation map shall be an original drawing on 24" x 36" flat, spliceless, tapeless and creaseless sheet(s) of double matte mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or an acceptable "fix-line" photographic reproduction (emulsion down), or a computer generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (½) inch on three sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.
2. Paper copies of the annexation map(s) shall be black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the annexation map(s).
3. The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one (1) percent. Acceptable scales are 1"=50' or 1"=100' and for annexations exceeding one hundred (100) acres, 1"=200'. In special instances another scale may be approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identify each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.
4. The title shall be centered at the top of the sheet along the long dimension of each sheet shall include the name of the proposed annexation. A general legal description stating the section, township, range, 6th P.M., Town, County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names.

**Example:**

MOUNTAIN VIEW ANNEXATION  
TO THE TOWN OF DE BEQUE, COLORADO  
A Part of the E/2 of Section 23, Township \_ North,  
Range \_\_ West, \_\_ th P.M., Town of De Beque, Colorado  
28.05 Acres

5. There shall be a title block in the lower right-hand corner, or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer, and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project

identification numbers, revision dates, draftsman's initials, and the electronic drawing file name (matching the AutoCAD drawing file provided to the Town).

6. Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall include a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.
7. Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be the Town's standard statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
8. Immediately following the ownership certificate, there shall be the Town's standard Surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.
9. Immediately following the Surveyor's certificate, there shall be the Town's standard certificate blocks for the Planning Commission and Board of Trustees.
10. Immediately following the Board of Trustee's approval certificate, there shall be the Town's standard recording certificate block for the County Clerk and Recorder.
11. A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-(2) mile radius superimposed on a current USGS Topographical Map, maintaining the same scale shall be placed on the left side of annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.
12. The annexation map drawing shall contain the following:
  - a. Show the outline of area to be annexed with boldest line.
  - b. For all references, show book, page, map number, etc., and place where publicly recorded.
  - c. Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous, and/or coincident with boundary. Provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or



recorded, the date and recording information shall be shown on the Annexation Map.

- d. Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town (example: ////////// ).
- e. Show section, quarter section, and other monument corners. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- f. Provided a description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey.
- g. Show the location of each ownership tract in unplatted land, and if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.
- h. Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.
- i. The ownership identity of all mineral rights shall be designated on the map.
- j. Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitely locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly

labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.

- k. All lines, names and descriptions on the annexation map which do not constitute a part of the annexation shall be depicted in dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."
  - l. Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
  - m. Show clearly the length and bearing of all lines described in the written description.
  - n. Show section numbers, quarter section quadrants, township and range lines, and label each.
  - o. Show all lines, calls, arcs, etc., described in written description.
  - p. Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as " See Detail A."
  - q. Show "Point of Beginning" in bold letters with an arrow.
  - r. Show "True Point of Beginning" with bold letters and arrow, when appropriate.
  - s. A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing Town\_boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
13. An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.
14. An AutoCAD™ drawing file (release 12 or higher) of the annexation map(s) and title sheets and all fonts used, shall be provided on PC compatible CDs or DVDs, or by other town approved method electronic data storage. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the annexation map shall be provided at the time the revision is submitted to the Town.

15. A word processing file of the legal description shall be provided on PC compatible CDs or DVDs, or by other town approved method electronic data storage. Text must be in uppercase.

14.02.050 Conceptual Plan Map Requirements. The concept plan map shall be prepared by or under the supervision of a qualified land planner or architect. The concept plan map shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

1. Paper copies of the concept plan map(s) shall be blue-line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the concept plan map(s).
2. The concept plan map drawing shall contain the following:
  - a. Show the boundary of the area to be developed;
  - b. Provide a written legal description of the area to be developed;
  - c. Within the concept plan, show the general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;
  - d. Within the concept plan, show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
  - e. Within the concept plan, show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
  - f. Within the concept plan, show contour lines at ten (10) foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate; and
  - g. Within the concept plan, show significant natural or manmade features on the site and contiguous to the property, including but not limited to, bluffs, tree galleries, lakes and ponds, irrigation ditches watercourses and wetlands.
  - h. An AutoCAD™ drawing file (release 12 or higher) of the concept plan map(s) and title sheets and all fonts used, shall be provided on PC

compatible CDs or DVDs, or by other town approved method electronic data storage. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the concept plan map shall be provided at the time the revision is submitted to the Town.

(Amended Ord. 446 §2, 2014)