



Town of Blue River

Staff Report Turner Annexation Petition Substantial Compliance Report Submitted By: Michelle Eddy, Town Manager

Substantial Compliance Resolution

The Substantial Compliance Resolution accepts an annexation petition for property referred to as the Turner Annexation and finds that the petition is in compliance with the requirements for petitions set forth in the Annexation Act. Additionally, the Substantial Compliance Resolution sets a public hearing for the Turner Annexation for February 16, 2021.

Approval of this resolution does not approve the annexation or signify Board of Trustee approval or disapproval of this annexation. The finding of Substantial Compliance contained within the Substantial Compliance Resolution is an administrative step required by the Annexation Act in order to formally initiate annexation proceedings. The Resolution establishes the date, time and place at which a public hearing on the eligibility of the Property for annexation will be conducted (the "Eligibility Hearing") to be held February 16, 2021.

Annexation Process

There are three (3) major procedural steps required for a voluntary annexation. The first two steps, Substantial Compliance and the Eligibility Hearing, are procedural in that Board of Trustees' role is to determine whether, or not the petition and the property meets specific requirements of the Annexation Act. The third step involves a public hearing and a legislative and discretionary determination of the Board of Trustees as to whether the Town wishes to annex the Property. The following is a summary of the three steps:

1. **Substantial Compliance** – Board of Trustees must determine if the Petition meets the requirements set forth in C.R.S. § 31-12-107(1). As part of the Substantial Compliance determination, the Board Of Trustees is required to set the date and time of the Eligibility Hearing. No public hearing is required to approve the Substantial Compliance Resolution.
2. **Eligibility Hearing** – After public notice in accordance with the requirements of the Annexation Act, the Board Of Trustees must determine if the requested property meets the applicable provisions of the Annexation Act and the Colorado Constitution, and is therefore eligible for annexation into the Town. The Eligibility Hearing must occur between thirty (30) and sixty (60) days after the effective date of the Substantial Compliance Resolution.
3. **Annexation and Zoning** – Once the Property has been deemed eligible for annexation, the Board Of Trustees may proceed with annexation and zoning hearings. Whereas the Substantial Compliance and Eligibility Hearing steps determine whether the Property *qualifies for annexation*; the Annexation step determines whether the Property

should be annexed. State law also allows a municipality to concurrently, consider the initial zoning of the property at the time of annexation and, therefore, the annexation decision is often coupled with the separate decision regarding the property's initial zoning upon its annexation. Currently, it is anticipated that the Board Of Trustees will take action on this third step of Board of Trustees Annexation and Zoning immediately following the conclusion of the Eligibility Hearing on February 16, 2021.

The Substantial Compliance Resolution is step one.

The Board Of Trustees is asked to determine that the Petition substantially complies with the requirements of the Annexation Act; specifically C.R.S. § 31-12-107(1), given that:

1. The Petition has been signed by more than fifty percent (50%) of the landowners owning more than fifty percent (50%) of the Property.
2. The signatures on the Petition are dated within one hundred and eighty (180) days of the date on which the Petition was filed with the Town Clerk, satisfying the requirement of C.R.S. § 31-12-107(1)(e).
3. The Petition contains:
 - a. An allegation that it is desirable and necessary that the Property described in the Petition be annexed.
 - b. An allegation that the requirements of C.R.S. § 31-12-104 and § 31-12-105 exist or are met.
 - c. An allegation that the signer(s) of the Petition for annexation to the Town comprise more than fifty (50%) percent of the landowners of the area proposed to be annexed and own more than fifty (50%) of the area proposed to be annexed, exclusive of public streets and alleys and any land owned by the Town of Blue River.
 - d. A request that the Town approve the annexation of the Property.
 - e. The signature of the landowner(s) that executed the petition.
 - f. The mailing address of the landowner(s).
 - g. A legal description of the Property proposed for annexation, and a legal description of the specific real property owned by the landowner that executed the petition.
 - h. The date that the landowner(s) executed the petition.
 - i. The affidavit of the petition circulator; stating that the signature of the landowner(s) therein is the signature of the person whose name it purports to be.
4. That four (4) copies of the annexation map corresponding to the Property have been submitted to the Town with the Petition, and that the annexation map contains the following information:
 - (a) A written legal description of the boundaries of the Property proposed to be annexed.
 - (b) A map showing the boundary of the Property proposed to be annexed.
 - (c) Within the map, the boundaries and the plat numbers of plots or of lots and blocks.
 - (d) Next to the boundary of the Property proposed to be annexed is drawn the contiguous boundary of the Town of Blue River.

The Staff has evaluated the petition and it meets the requirements of the Annexation Act. Staff recommends approval of the Resolution 2020-11.