



AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

From: Kathy Marx, Senior Planner, Development Services Department

Title: Resolution No. 2016-___: **A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 2016-064 REGARDING FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS THE ALEXANDER PLACE ANNEXATION TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S.; AND ESTABLISHING A DATE, TIME AND PLACE FOR THE HEARING PRESCRIBED UNDER §31-12-108, C.R.S. TO DETERMINE IF THE PROPERTY PETITIONED FOR ANNEXATION TO THE TOWN OF CASTLE ROCK IS ELIGIBLE FOR ANNEXATION UNDER SECTION 30, ARTICLE II OF THE COLORADO CONSTITUTION AND THE MUNICIPAL ANNEXATION ACT OF 1965**
[Substantial Compliance Hearing, East Terminus of Alexander Place]

Executive Summary

Staff is seeking Town Council approval to amend and restate the Substantial Compliance Resolution modifying the eligibility hearing date set by Town Council from June 14, 2016, to September 6, 2016. The reason for the change is to comply with the statutory time frames.

This staff report is to demonstrate to Town Council that the Alexander Place Annexation Petition



Location Map

is in Substantial Compliance with the applicable requirements of the Municipal Annexation Act (Act). After the Council concurs that a conforming annexation petition has been submitted, the Act mandates that the Council set a hearing date to determine if the allegations made in the petition are supportable and that the property is eligible for annexation (Eligibility Hearing). The Eligibility Hearing will be held on September 6, 2016.

The Substantial Compliance and Eligibility Hearings determine whether a proposed annexation application may later be annexed to the Town. The Town Council, however, has no obligation to approve an annexation simply because the property is eligible for annexation. Council will determine whether it is in the Town's interest to annex the property when the annexation and zoning ordinances are considered at public hearing later this year.

Staff finds that the petition substantially complies with State requirements and recommends approval of the Substantial Compliance Resolution (**Attachment A**).

Discussion

The Property

The annexation petition known as Alexander Place was filed with the Town Clerk on May 17, 2016. The proposed annexation area is 8.36 acres. The property, addressed as 382 Alexander Place, is located east of the intersection of Alexander Place and Brewer Court. It currently is the site for one single family residence.

The Alexander Place Annexation property is located within the area of "growth and annexation" per the Intergovernmental Agreement between Douglas County and the Town of Castle Rock.

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 the 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 Alexander Place Annexation will be scheduled for September 6, 2016. **(Attachment A)**.

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 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 Annexation Petition has been signed by more than 50% of the landowners, owning more than 50% of the land, excluding right-of-way and property owned by the Town of Castle Rock. In fact, the Annexation Petition is signed by all of the property owners.
2. The petition was filed with the Town Clerk on May 17, 2016.
3. The petition contains:
 - a. An allegation that it is desirable and necessary that such territory be annexed to the Town;
 - b. An allegation that the requirements of §§ 31-12-104 and 31-12-105 C.R.S. exist or have been met;
 - c. An allegation that the signers of the petition comprise the landowners of more than fifty (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
 - d. A request that the municipality approve the annexation;
 - e. The signatures of the land owners;
 - f. The mailing address of each signer;
 - g. The legal description of the land owned by such signer;
 - h. The date of signing of each signature; and
 - i. 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.
4. Four copies of the annexation map **(Attachment C)** were 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.
5. 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.

Budget Impact

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

Staff Recommendation

The application substantially complies with the State requirements and staff recommends amending and restating an Eligibility Hearing date of September 6, 2016.

Proposed Motion

I move to approve the Resolution as amended and restated as introduced by title.

Attachments

- Attachment A: Resolution
- Exhibit A: Legal Description
- Attachment B: Annexation Petition
- Attachment C: Annexation Map