



ANNEXATION

**Community Development Department
8101 Ralston Road
Arvada, Colorado 80002**

July, 2006

ANNEXATION AND INITIAL ZONING

If the property to be developed is not within the City of Arvada, the first step in the development process is annexation. An annexation occurs when the owner of an unincorporated parcel of land petitions to have that land incorporated into the city. The requirements and procedures for annexation are set forth in the Municipal Annexation Act, Colorado of 1965 (CRS S31-12-101, et. seq., as amended) and the requirements of the City of Arvada's Land Development Code.

The first step toward annexation is to determine whether your property meets the criteria for annexation. The Community Development Department will help assist in determining whether your property meets the criteria. A pre-submittal meeting with the Community Development Department should be scheduled by calling the Department. The meeting provides you the opportunity to discuss your annexation proposal and to help you in identifying the requirements and process for your development.

If you decide to proceed with your application, please contact the Community Development Department and a planner will be assigned to you as your point of contact for the Department. The planner will prepare a checklist of what will be required of your submittal and provide you with application form and fee requirements.

Prior to a submittal of your application, you are required to schedule a neighborhood meeting to notify the neighbors of your intention. If possible, the meeting should be held within the vicinity of the proposed annexation. Written notification should be sent out at least 12 days before the meeting date. The planner will assist you in identifying who should be notified. The neighborhood meeting provides an opportunity to receive feedback from the neighbors before submitting your formal application.

The annexation petition accompanied by a request for initial zoning, must proceed through the public hearing process to reach City Council for final action. City staff will review the application to determine if the proposed annexation and zoning is in conformance with the Land Development Code, the Comprehensive Plan and other City regulations and policies. After such review, public hearings before the Planning Commission and City Council may be scheduled.

There are notification requirements for the City Council's public hearing for the annexation petition. The notice of the hearing must be published once a week for four consecutive weeks in a legal newspaper with the first publication of such notice at least thirty days prior to the date of the public hearing. Written notice requirements must also be satisfied. The request for annexation and initial zoning is first heard before the Planning Commission at a public hearing. Public notification is also required for the Planning Commission public hearing. The Planning Commission will review the proposed annexation and initial zoning and will make a recommendation to City Council, whom will make the final decisions on request for annexation and zoning.

A written Annexation Agreement will be executed between the City and the land owner and/or developer, indicating all terms, conditions and obligations of annexation as well as any additional requirements determined by City Council at the time of annexation.

All annexations will be reviewed for compliance with the following criteria.

1. The annexation is in compliance with the Municipal Annexation Act of 1965 (CRS S31-12-101, et.seq., as amended).
2. The annexation is in accordance with the Comprehensive Plan and the best interests of the City would be served by annexation of such property.
3. Upon annexation, the Applicant will convey to the City all interests in the 100-year Flood Plain and all interests in water rights attached to the property in accordance with the provisions of Section 3.23.4.B of the Code.
4. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of the Land Development Code and the City Code.
5. At the time of development of the annexed area, there will be capacity to adequately serve residents of such area with all necessary utilities and public facilities.
6. Any proposed zoning will comply with the approval criteria for rezoning.
7. Any potential adverse impacts on adjacent properties and neighborhoods will be mitigated to the maximum extent feasible.

Annexation Map Requirements

The annexation legal description must be published. Therefore to prevent delays, the applicant is required to pre-submit the legal description one week before the annexation submittal date to allow time for any changes that may be needed. On the submittal date the pre-approved legal description shall be submitted. (NOTE: The annexation boundary typically is to include all adjacent street right of way).

Annexation maps submitted for approval and recording shall conform to the requirements of the State of Colorado.

In addition to County and other City requirements, the annexation maps shall include the following:

1. Per state statutes and county requirements the annexation map shall meet the following requirements:
 - a. A top margin of at least one-inch and a left, right and bottom margin of at least one half inch. In Jefferson County the left one-third of top border shall be blank.
 - b. A three mil polyester sheet such as mylar, with non-fading black permanent ink, shall be used for recording; mylar sepia is not allowed (4mil is required by Adams County).
 - c. The contiguous boundary of the city and any other municipality shall be shown.
2. Per state statutes the annexation map must contain:
 - a. A written legal description of the boundary.
 - b. A map of the boundary. Included on the map the location of each unplatted tract and subdivided plat boundary, lot, and block shall be shown for within and adjacent to the annexation boundary.
 - c. The contiguous boundary of the city and any other municipality shall be shown.

3. The title block shall:
 - a. Contain an annexation name.
 - b. Refer to the section, township, range, principal meridian, county, and state.

4. The legal description:
 - a. Shall have a minimum closure of 1:10,000 for a meets and bounds description.
 - b. Shall tie to section monumentation on record with the State Board of Registration for Professional Engineers & Land Surveyors.
 - c. Shall contain an area statement.

5. A basis of bearings statement is required; a magnetic basis of bearings is not acceptable; assumed bearing is acceptable if defined by recorded section control monuments.

6. The map:
 - a. Shall be to scale and contain a north arrow, a statement of scale, and a bar type graphical scale.
 - b. Shall note adjacent annexation names, ordinance numbers, and reception numbers.
 - c. Shall show recorded and apparent right of ways, note the reception number, and indicate the width of the right of way.
 - d. Easements are not required; if some easements are shown all easements shall be shown.

7. A vicinity map shall show the site location, streets relative to a large area, and the city boundary.

8. The signature and seal of a Professional Land Surveyor certifying one-sixth contiguity with the City of Arvada in the following format:

Include this statement within the Surveyor's Certification for the annexation map:

The above described land is contiguous to the City of Arvada and meets the requirements set forth in Colorado revised statutes 1973, 31-12-104-(1) (a) that one-sixth or more of the perimeter to be annexed is contiguous with the annexing municipality.

Contiguity Statement:

- Total perimeter of area considered for annexation = _____
- One-sixth of total perimeter of area = _____
- Perimeter of the area contiguous with existing city limits = _____
- The total contiguous perimeter is ____%, which exceeds the 1/6 area required.

9. The City of Arvada certificate in the following format:

APPROVAL CERTIFICATE:

Approved for filing by the City of Arvada this _____ day of _____ ,
20____.

Mayor

Attest: _____
City Clerk

Ordinance Number(s) _____

10. The County Clerk and Recorder's Certificate and the City's Acceptance Certificate shall be in the following format:

(Jefferson County Clerk and Recorder's Certificate)

CLERK AND RECORDER:

Reception Number

Accepted for filing in the office of the Clerk and Recorder of Jefferson County, at
Golden Colorado on this _____ day of _____ , 20 ____ at
_____ o'clock.

By: _____
Jefferson County Clerk and Recorder

Deputy Clerk

(Adams County Clerk and Recorder's Certificate – updated March 30, 2004)

CLERK AND RECORDER:

Instrument Number

Accepted for filing in the office of the Clerk and Recorder of Adams County, at
Brighton Colorado on this _____ day of _____ , 20 ____ at
_____ o'clock.

Adams County Clerk and Recorder

By: _____
Deputy Clerk

ANNEXATION IMPACT REPORTS

For all annexations over 10 acres in size (unless waived by the County Commissioners and the City of Arvada) three (3) copies of an annexation impact report must be filed with the annexation application.

This report must include, at a minimum, the following:

1. A map or maps of the municipality and adjacent territory to show the following information:
 - a. The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
 - b. The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and
 - c. The existing and proposed land use pattern in the area to be annexed.
2. A copy of a draft or final pre-annexation agreement if available.
3. 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 on behalf of the municipality at the time of annexation.
4. A statement setting forth the method under which the municipality plans to finance the extension of municipal services into the area to be annexed.
5. A statement identifying existing districts within the area to be annexed.
6. A statement on the effect of the annexation upon the local public school district, including the estimated number of students generated and the capital construction required to educate such students.

NOTE: IF THIS REPORT IS WAIVED BY THE COUNTY, THE WAIVER FROM THE COUNTY MUST BE SUBMITTED AT THE TIME OF APPLICATION FOR CONSIDERATION BY THE CITY.

SALE OF WATER RIGHTS

ARVADA CITY CODE - SECTION 25-49 PAST ANNEXATIONS

With respect to all property annexed to the City prior to the effective date of this section after August, 1970, tributary water rights appurtenant thereto, no such property shall be permitted to be connected to public water or sewer service unless and until all such water rights have been conveyed to the City at their current market value. Provided, however, that this prohibition shall not apply with respect to water rights to which the City was given a right of first refusal prior to the effective date of this section which it declined to exercise.

ARVADA CITY CODE - SECTION 25-50 FUTURE ANNEXATION UPON PETITION OR ELECTION

With respect to all property hereafter annexed to the City upon petition or election, the annexation agreement referred to in Section 24-26 shall contain:

1. A description of the water rights appurtenant to said property, warranting merchantable title, and an agreement to convey such water rights to the City immediately upon annexation for a stated price, which price shall represent the agreed present market value of such water. Upon the approval for the lease-back of such water for a stated annual rental until the property is developed; or
2. An agreed statement that the property has had tributary water rights appurtenant after June 1, 1974, but that they were sold without offering the City a right of first refusal and that the property is not eligible to receive City water service; or
2. An agreed statement that no tributary water rights have been appurtenant since June 1, 1974, to which the City has not been offered a right of first refusal and the property is, therefore, eligible for public water service.

PETITION FOR ANNEXATION SAMPLE

NAME OF ANNEXATION: _____

APPROXIMATE LOCATION: _____

**PETITION FOR ANNEXATION OF UNINCORPORATED
TERRITORY IN THE COUNTY OF _____,
STATE OF COLORADO, TO THE CITY OF ARVADA,
STATE OF COLORADO**

TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

The undersigned in accordance with the Municipal Annexation Act of 1965, Chapter 31, Article 12, C.R.S. 1973, as amended, hereby petitions the City Council of the City of Arvada for annexation to the City of Arvada of the following described unincorporated territory located in the County of _____, State of Colorado, to wit:

LEGAL DESCRIPTION

In support of the said Petition, your Petitioner alleges that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Arvada.
2. No less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Arvada.
3. A community of interest exists between the territory proposed to be annexed and the City of Arvada.
4. The territory proposed to be annexed is urban or will be urbanized in the future.
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Arvada.
6. No land 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:
 - a. is divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
 - b. comprising twenty acres or more which, together with the buildings and improvements situated thereon, has an assessed value in excess of two-hundred thousand dollars for an ad valorem tax purpose for the year preceding the annexation is included within the territory proposed to be annexed, without the written consent of the landowner or landowners thereof.

7. No annexation proceedings have been commenced by another municipality for the annexation of part or all of the area proposed herein to be annexed to Arvada.

NOTE: AS TO ALLEGATION NO. 8, PETITIONER SHOULD INSERT ONE OF THE FOLLOWING, WHICHEVER IS APPLICABLE:

8. Annexation of the territory proposed to be annexed will not result in detachment of area from any school district and the attachment of the same to another school district.

OR

8. A resolution approving this annexation has been adopted by the board of directors of the school district to which certain area will be attached as a result of this annexation. That resolution is filed with, and accompanies, this Petition.
9. Annexation of the area proposed to be annexed will not have the effect of extending the City of Arvada's municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.
10. No portion of a platted street or alley lies within the boundaries of the area proposed to be annexed, unless the entire width of said street or alley has been included within the boundaries of the area to be annexed.

NOTE: AS TO ALLEGATION NO. 11, PETITIONER SHOULD INSERT ONE OF THE FOLLOWING, WHICHEVER IS APPLICABLE:

11. The Signer(s) of the Petition comprise(s) the landowner(s) of one hundred percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys and any land owned by the annexing municipality.

OR

11. The Signers of the Petition comprise more than fifty percent of the landowners in the area to be annexed and are the landowners of more than fifty percent of the territory included in the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality.
12. All other requirements of Section 31-12-104 and 31-12-105, C.R.S., exist or have been met.
13. The mailing address of the Signer, the legal description of the land owned by such signer, and the date of signing of such signature are all shown on this Petition.
14. Attached to this Petition is the Affidavit of Circulator of this Petition that the signature hereon is the signature of the person whose name it purports to be.

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