

**TOWN OF TIMNATH**

**ORDINANCE NO. 26, SERIES 2008**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO, AMENDING CHAPTER 16, ARTICLE 13 OF THE TIMNATH MUNICIPAL CODE TO INCLUDE A NEW SECTION 16.13.9 CONCERNING MINOR ANNEXATIONS**

**WHEREAS**, Chapter 16, Article 13 of the Timnath Municipal Code (“Code”) addresses procedures for annexation, as the timeline for the same is dictated by state statute; and

**WHEREAS**, the Town Council (“Council”) of the Town of Timnath (“Town”) is desirous of enacting simplified annexation procedures for those property owners whose proposed annexation: consists of a parcel of 10 acres or less; contains no more than one single family dwelling (with a maximum of one additional mother-in-law apartment); is zoned R-1; and will not alter the uses existing on the property at the time of annexation.

THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

**Section 1.** Chapter 16, Article 13 of the Timnath Municipal Code (“Code”) is hereby amended by the addition of the following section 16.13.9 which shall read as follows:

**13.9 MINOR ANNEXATION**

A. Definition: An annexation to the Town of Timnath of a parcel of 10 acres or less and upon which will be permitted no more than one single family dwelling unit with a maximum of one additional mother-in-law apartment. The zoning upon annexation of the parcel shall be R-1 and only for the current existing use(s).

B. Pre-application conference. The application process begins with a pre-application conference between the property owner and Town Staff to review procedures and requirements, and to identify relevant issues.

C. Petition Phase

1. Upon completion of the Preapplication Conference, the owner may proceed to submit an annexation petition. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. Following staff review and notice of acceptance for referral to the Council, the applicant shall provide 20 copies of the selected documents as directed by staff. The annexation petition submission shall include:

- a. Petition for annexation. One (1) original and four (4) copies of a petition for annexation, in a form acceptable to the Town Attorney and complying with the requirements of the Municipal Annexation Act, C.R.S. § 31-12-101 et seq. (the “Act”). The petition shall be signed by 100% of the owners of the property, exclusive of streets and alleys, described in the petition.

- b. Annexation Map. One (1) original and twenty (20) paper copies of the area to be annexed. The map must be reproducible at standard paper sizes. See, Subsection D for map technical standards.
- c. Title commitment showing legal description of the property to be annexed is owned by the petitioners.
- d. Property tax statement. A copy of the prior year's property tax statement for the property to be annexed.
- e. Water rights. A "Water Rights Report" detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. As a condition of annexation, the owner shall provide to the Town a signed standard form warranty deed for the transfer of all non-tributary water rights to the Town.
- f. The name, street address, e-mail address, and phone number of the applicant on a completed Land Use application form supplied by the Town;
- g. A vicinity map showing the property and its surroundings;
- h. Water and sewer service. Using available information, a report identifying the source of water, both potable and nonpotable (if any), and sanitary sewer systems anticipated to serving the property; and
- i. Application fee of \$500.00.

2. Annexation agreement. Town staff and the property owner(s) shall negotiate an annexation agreement, if necessary. Items for discussion include, but are not limited to, future improvement of substandard roads, encroachment of buildings on current or future right-of-way, right-of-way dedications, easements for wet and dry utilities, etc.

3. Upon receipt of the annexation petition submission, the petition shall be processed and considered as follows:

- a. Resolution finding substantial compliance. Once determined by staff to be complete, the petition shall be referred to the Council, which shall consider whether it is in substantial compliance with the requirements of C.R.S. § 31-12-107(1). If the Council so finds, it shall adopt a resolution of substantial compliance and setting public hearing. If Council finds the petition is not in substantial compliance, it shall adopt a resolution so stating and terminating annexation proceedings.
- b. Notice of public hearing. As a part of the resolution finding substantial compliance, the Council shall set a date, time and place of a public hearing on the petition. The Town Clerk shall provide notice of the public hearing as provided in C.R.S. § 31-12-108(2). Notice shall also be provided to:
  - All current and potential utility providers for the property, including water, sewer, electric, gas, telephone and cable;

- Property owners within 300 feet of the property being annexed; and

The notice may be combined with any notice of proposed zoning for the property.

- c. Council public hearing. The owners shall present evidence in support of the petition for annexation. Staff shall testify as to the elements required by statute to be present for annexation and any comments received from governmental entities affected by the annexation. Any person may appear at the hearing and present evidence on the annexation petition. Council may continue the hearing to another date without additional notice, as provided by the Act.
- d. Considerations for the Council. The Council shall consider, among other things, the feasibility of annexing the property, including but not limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, law enforcement and fire protection. The analysis shall also consider compliance with the Town's Comprehensive Plan, Codes and policies and the Town's costs to serve the property.
- e. Council Action. At the conclusion of the public hearing, the Council shall consider a resolution making findings that:
  - The annexation is in compliance with the requirements of the Act and this Code;
  - That an election is not required under the Act; and
  - No additional terms and conditions are to be imposed.

In the event the resolution is adopted, Council may annex the property and approve the annexation agreement by ordinance without election. If the Council elects not to approve the annexation, it shall act by resolution to terminate annexation proceedings.

#### D. Annexation map technical standards

The Annexation map shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected. The following technical standards apply:

1. A cover sheet shall refer to the Annexation Ordinance by number and date of adoption.
2. An original drawing on flat, spliceless, tapeless and creaseless sheet(s), using only permanent black ink.
3. Paper copies shall be blue line or black line copies of the original.
4. The scale used shall best convey the detailed survey.
5. Drafting error to less than one (1) percent.

6. A general legal description stating the section, township, range, 6th P.M., Town of Timnath, Larimer County, Colorado, shall be included in the name. On the title page under the general legal description, include the total acreage.

**Example:**

NEW ANNEXATION  
TO THE TOWN OF TIMNATH, COLORADO  
A Part of the E/2 of Section 23, Township \_ North,  
Range \_\_ West, \_\_ th P.M., Town of Timnath, Colorado  
xx.xx Acres

7. The name, address and telephone number of the person preparing the map.
8. A statement of ownership containing a written legal description of the land annexed followed by the owner's signature and a notary.
9. The outline of area to be annexed.
10. Adjacent and contained public streets, roads and rights of way.
11. Section numbers, quarter section quadrants, township and range lines.
12. The total perimeter of the annexation parcel boundary showing the portion of that boundary which is at least one-sixth (1/6) contiguous with an existing Town boundary.

**Section 2. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

**Section 3. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.


**Section 4. Effective Date.** This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON MARCH 19, 2008, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 5TH DAY OF MARCH, 2008.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 19TH DAY OF MARCH, 2008.

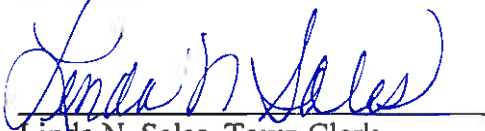
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TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Linda N. Salas, Town Clerk