

CHAPTER 16 – TIMNATH LAND USE CODE

ARTICLE 13 – ANNEXATION

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13.1. Purpose

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the *Colorado Municipal Annexation Act of 1965*, as amended (the "Act"). This Article, in part, provides supplemental requirements for annexation pursuant to the Act, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that Act, or any requirements set forth in other portions of the Town Municipal Code. In the event of a conflict between the Act, the provisions of this Article or any requirements set forth in other portions of the Town Municipal Code, it is the expressed intent of the Board that the more stringent provision shall control.

13.2. Statement of Policy and Review Criteria

It shall be the general policy of the Town with respect to annexations, the annexation application, and the consideration of annexation petitions that:

- A.** The Town shall have the sole discretion in the annexation of territory to the Town and the Town is under no obligation to approve any annexation petition.
- B.** The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Town of Timnath Comprehensive Plan and to the land uses depicted on the Proposed Land Use Map, as amended.
- C.** Certain public facilities, land, and amenities are necessary and must be constructed and dedicated as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These include, but are not limited to, easements, arterial streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.
- D.** The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation applications and petition, from initial discussion with Town staff before submittal of the application, through the effective date of the annexation, and recording of the final annexation documents.
- E.** Annexation shall not divide tracts of land in such a way as to prevent annexation of adjoining parcels. (For example, leaving an unincorporated gap or a strip of land between property to be annexed and the adjoining property.)
- F.** All subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.

- G. The property owner shall have complied with the Annexation Application requirements of this Article prior to submitting an annexation petition.
- H. Zoning of property being annexed shall occur concurrently with annexation.
- I. The property owner and the developer, if any, shall enter into an annexation agreement with the Town to address the matters described in this Article and any variations to the application of this Code for development of the property to be annexed.

13.3. Annexation Process Summary

The Annexation process is as follows:

- A. Pre-application conference.
- B. Annexation Application.
- C. Evaluation by the Town of the feasibility of annexation.
- D. Negotiation of an annexation agreement.
- E. Annexation Petition.
- F. Resolution of Substantial Compliance and public hearing set.
- G. Annexation Impact Report prepared by the Town, if required.
- H. Planning Commission review and recommendation, public hearing on Zoning.
- I. Board Annexation Hearing and consideration of Annexation Agreement and Zoning, and final decision on annexation ordinance.

13.4. Pre-Application Conference

Annexation Pre-Application Conference. The application process begins with a pre-application conference among the property owner, the Mayor and designated Town staff members to review procedures and requirements, to discuss the intended use of the property, and to identify issues that are apparent at that time and relevant to the annexation. Following this informal meeting, the applicant may submit the Annexation Application as described in this Article, the completed Annexation Application form, maps and supporting documents.

13.5. Annexation Application

- A. Annexation Application. Following the Pre-application Conference, property owners wishing to proceed with the Annexation process shall submit an Annexation Application as defined in this Article to the Town prior to submitting a petition for annexation. Such application provides an opportunity for the Town to evaluate with the applicant the impacts on the Town of annexing the property identified in the application and to negotiate an Annexation Agreement. The Annexation Application shall include the following:
 - 1. The name, street address, e-mail address, and phone number of the applicant on a completed application form supplied by the Town;

2. A written legal description and map of the property and its surroundings;
3. Requested zoning classification for the property;
4. Known hazards, if any, that may be present due to the topography, geology, or hydrology of the property, and any environmental issues;
5. Annexation Assessment Report. Using information available at this stage of the development process, 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 possible need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more paragraphs in length, and adequate to 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 Town of the proposed annexation. This is to include an analysis of short-term and long-term revenues to the Town to be generated by the development, short-term and long-term expenses of the Town 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 source of water, both potable and nonpotable, and sanitary sewer systems anticipated to serve the property, including a description of any regional facilities that must be constructed or upgraded to serve the development on the property;
 - e. 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.);
 - f. 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.);

- g.** The impact of the proposed development on law enforcement in Timnath and proposals to mitigate any impact upon the existing law enforcement services (special security needs, additional officers required, additional equipment requirements, etc.);
- h.** The impact of the proposed development on the Poudre Fire Protection Authority 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.);
- i.** The impact of the proposed development on the Town park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs;
- j.** The impact of the proposed development on the environment of the Town and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
- k.** 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.);
- l.** The compatibility of the proposed development with the street master plan as depicted by the *Transportation Map* contained in the Town Comprehensive Plan and proposals for mitigating any negative impact;
- m.** The compatibility of the proposed development with the Town Comprehensive Plan and any plan amendments that may be necessary for the proposed development;
- n.** The compatibility of the proposed development with the Town Land Use Code and any deviations in setbacks, space requirements, and permitted uses that may be required for the proposed development; and
- o.** 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.

6. A development concept map, describing the desired use of the property after annexation;
 7. An outline of any known terms proposed for the Annexation Agreement;
 8. Any other subjects pertinent to the property requiring inclusion in the annexation agreement between the Town and the applicant;
 9. Application Fee as provided in Chapter 4 of this Code; and
 10. Authorization from the owners of private property within the property being annexed that the applicant has the right to negotiate an annexation agreement and submit an annexation to the Town or a statement that the annexation will be subject to an election.
- B.** Deposit for Professional and Administrative Costs. At the time of filing an Annexation Application, the applicant shall make a deposit pursuant to Article 1 of this Code in the amount of two thousand dollars (\$2,000), sign a statement agreeing to replenish the deposit by the amount withdrawn each month, and agree to pay all additional reasonable costs incurred by the Town pursuant to Article 1 of this Code. Any amount not expended will be refunded after the Annexation process is completed, however, in no case shall the amount of refund exceed 50% of the initial deposit fee.
- C.** Town Evaluation of Annexation Application. Town Staff shall analyze the feasibility of annexing the proposed property, such analysis 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 the following: compliance with the Town's Comprehensive Plan, codes and policies; sources of revenue from the property; the Town's costs to serve development proposed for the property; and any other related matters.
- D.** Annexation Agreement. The Town Staff and the property owner(s) shall negotiate an Annexation Agreement, addressing the items of concern in the Town Staff evaluation, issues of concern to the owner of the property being annexed, and other applicable requirements of this Code. The draft agreement acceptable to the property owner shall accompany any annexation petition filed with the Town. Annexation Agreements shall not override processes subsequent to Annexation for which public hearings are required.
- E.** Board Review. The Town Staff shall submit its evaluation of the Annexation Application and a draft Annexation Agreement to the Board for its review and comment at a meeting of the Board as soon as reasonably possible following completion of negotiations on the draft Annexation Agreement. Comments received from the Board shall guide revisions to the Annexation Agreement to be submitted for consideration with the Petition.

13.6. Annexation Petitions

A. Following review and comment by the Board of the Annexation Application and the draft Annexation Agreement, the owner may prepare and submit to the Town Clerk an Annexation Petition with the required one (1) original and three (3) copies of all required forms, maps, documents and fees. 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 Board, the applicant shall provide twenty (20) copies of the following annexation document, unless fewer copies of selected documents are required by Town Staff. The Annexation Petition shall be accompanied by:

1. Cover Letter. A cover letter addressed to the Board, introducing the applicant(s) to the Board, requesting annexation of the petitioner's property and describing in general terms the development plans for the property, if it is annexed.
2. Petition for Annexation. A Petition for Annexation, in a form acceptable to the Town Attorney and complying with the requirements of the Act. The Town may provide a standard form petition. The Petition shall be signed by 100% of the owners of the private property described in the Petition.
3. Annexation Map. Four (4) paper copies of the annexation map. 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 Article 1 of this Code and the Annexation Map Technical Standards listed in this Article.
4. Concept Plan Map. Four (4) paper copies of the concept plan map. The concept plan map(s) shall comply with the technical drawing requirements contained in Article 1 of this Code and the Concept Plan Map Technical Standards listed in this Article.
5. Title Commitment. If the legal description of the property of the title commitment does not match the legal description shown on the annexation map, the title company shall certify the ownership of all property not within the title commitment but included on the annexation map.
6. Property Tax Statement. A copy of the prior year's property tax statement for all property to be annexed.
7. Public Hearing Notification Envelopes. In addition, the applicant shall provide such envelopes for the Larimer County Commissioners, County Attorney, and Poudre Valley School District.
8. Surrounding and Interested Property Ownership Report.

9. Statement of conformance to the Comprehensive Plan. A narrative of how the project conforms to the goals, policies and strategies identified in the Comprehensive Plan.
 10. Water Rights. 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 to the Town a signed warranty deed(s) for sufficient water rights as defined by the Town Engineer and in a form acceptable to the Town Attorney to provide the domestic needs of property to be developed as a result of the annexation. In addition the applicant shall provide to the Town a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the Town. The timing and form of required water rights dedication may be modified in the Annexation Agreement.
 11. Petition for Zoning of Property to Be Annexed. The petitioner must submit a completed Rezoning Petition form, a Zoning Map for the property, a zoning amendment map amending the official zoning map, and the application and recording fees.
 14. Fees. Annexation Petition Filing and Application Fees as provided in this Code.
- B.** Upon receipt of the Annexation Petitions and accompanying documents, the Petition shall be processed and considered as follows:
1. Annexation Petition Certification and Completion. The petition for Annexation, Annexation Agreement, Zoning Petition, and all other documents submitted shall be reviewed by Staff for completeness and compliance with the provisions of the Act and of this Code. The applicant shall be notified within a reasonable time of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed, nor referred to the Board for a determination of substantial compliance.
 2. Annexation Petition Referral to Board. Upon the staff’s determination that the petition and supporting documentation are complete and in compliance with provisions of the Act, and of this Code, the Town Clerk shall refer the Petition and the Annexation Agreement to the Board.
 3. Board Determination of Substantial Compliance. The Board shall consider at a regular or special meeting whether the petition is in substantial compliance with applicable provisions of the Act.

- a. If the petition is found to be in substantial compliance with the Act, the Board may, by the adoption of a Resolution of Substantial Compliance, set the annexation and zoning for public hearing as provided in the Act.
 - b. If the petition is found to not be in compliance with the Act, no further action shall be taken, except that such findings shall be made by resolution of the Board.
4. Notice of Public Hearing. After adoption by the Board of a Resolution of Substantial Compliance, the Town Clerk shall provide notice of the public hearing as provided in the Act and this Code.
5. Annexation Impact Report. The Town shall prepare an Annexation Impact Report for annexations in excess of ten acres in size, unless such report is specifically waived by Larimer County.
6. Planning Commission Review and Recommendations.
 - a. The Planning Commission shall consider the petition for annexation at a regular or special meeting to be held prior to the date of the public hearing before the Board. The Planning Commission shall give notice and hold a public hearing on the zoning of the property as provided by this Code.
 - b. The Planning Commission, upon the conclusion of the meeting at which they consider the annexation petition, shall by resolution recommend approval of the petition for annexation with or without conditions, or recommend denial.
 - c. The Planning Commission shall conduct a Public Hearing and consider the zoning petition according to the procedures set forth in this Code.
7. Board Public Hearing and Action on the Annexation and Zoning. The Board shall hold a public hearing on the petition for annexation and zoning. The petitioners shall present evidence in support of the petition for annexation and zoning. 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 any matter related to the annexation petition as determined by the Board. The Board may continue the hearing to another date without additional notice as provided by the Act. At the conclusion of the public hearing, the Board shall adopt a resolution containing the findings of fact and conclusions, including:
 - a. Whether or not the requirements of the Act and this Code have been met;
 - b. Whether or not the Annexation Agreement is acceptable to the Town;
 - c. Whether or not additional terms and conditions are to be imposed; and

- d. Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.
- e. If the Board is not going to proceed to annex the property, either because the petition does not comply with the Act or this Code, or for any other reason, the Board shall terminate the proceedings and deny the petition.

8. Findings.

If the Board finds that:

- i. The annexation is in compliance with the requirements of the Act and this Code;
- ii. That an election is not required under the Act; and
- iii. No additional terms and conditions are to be imposed;

The Board may annex the land and approve the Annexation Agreement by ordinance without election. The zoning of the property shall be considered by separate ordinance.

9. Zoning. The Board may consider and act upon the Zoning petition as provided in this Code.

13.7. Annexation Map Technical Standards

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.

- A.** 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.
- B.** Paper copies of the annexation 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 annexation map(s).

- C. 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.
- D. 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 of Timnath, Larimer 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:

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

- E. 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).
- F. 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.
- G. 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.
- H. 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.

- I.** Immediately following the Surveyor's certificate, there shall be the Town's standard certificate blocks for the Planning Commission and Board.
- J.** Immediately following the Board's approval certificate, there shall be the Town's standard recording certificate block for the Larimer County Clerk and Recorder.
- K.** All certificate blocks shall be used or adapted from the Timnath Subdivision Regulations, or as otherwise provided by the Town.
- L.** A vicinity map that depicts the area to be annexed lands within a two-(2) mile radius superimposed on a current *USGS Topographical Map*, 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.
- M.** The annexation map drawing shall contain the following:
 - 1.** the outline of area to be annexed with boldest line.
 - 2.** book, page, map number, etc., and place where all references are publicly recorded.
 - 3.** all recorded and apparent rights-of-way lines and names of roads both within and adjacent to the boundary, including 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.
 - 4.** the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
 - 5.** section, quarter section, and other monument corners 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.

6. 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.
7. 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. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
8. 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.
9. 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 definitively 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.
10. lines, names and descriptions on the annexation map which do not constitute a part of the annexation, 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."
11. 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
12. length and bearing of all lines described in the written description.
13. section numbers, quarter section quadrants, township and range lines, and label each.
14. all lines, calls, arcs, etc., described in written description.
15. ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as "See Detail A."

- 16. "Point of Beginning" in bold letters with an arrow.
 - 17. Show "True Point of Beginning" with bold letters and arrow, when appropriate.
 - 18. a map note indicating 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.
- N.** An AutoCAD™ drawing file (release 12 or higher) of the annexation map(s) and title sheets and all fonts used, shall be provided on IBM formatted compact disks, or by other electronic transfer acceptable to the Town. 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.
- O.** A word processing file of the legal description shall be provided on an IBM formatted 3 1/2" computer diskette, or by other acceptable electronic transfer. Text must be in uppercase.

13.8. Concept Plan Map Technical Standards

The concept plan map shall be a neat, clear, permanent, legible and reproducible document.

- A.** Paper copies of the concept plan map(s) shall be blueline 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).
- B.** The concept plan map drawing shall contain the following:
 - 1. the boundary of the area to be developed;
 - 2. a written legal description of the area to be developed;
 - 3. 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;

4. existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
 5. existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
 6. 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
 7. 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.
- C. 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 IBM formatted compact or zip disk, or by other acceptable electronic transfer.

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 or B 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.

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.