

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 6, SERIES 2024**

**AN ORDINANCE ADOPTING PROCEDURES FOR DISCONNECTION OF LAND
FROM THE TOWN OF TIMNATH**

WHEREAS, the Town of Timnath (the “**Town**”) is a home rule municipality operating under the Timnath Home Rule Charter, adopted on November 7, 2006 and amended on November 3, 2015, April 5, 2022, November 8, 2022, and June 27, 2023, and (the “**Charter**”), and the Town’s Municipal Code (the “**Code**”). Pursuant to the Charter, the Code, and the authority given home rule municipalities by the Colorado Constitution, the Town may adopt and amend ordinances; and

WHEREAS, neither the Town’s Code nor Land Use Code currently contain processes or procedures that allow for the disconnection of property, to remove property from the boundaries of the Town; and

WHEREAS, state statutes on disconnection, contained in Sections 31-12-501 through 31-12-707, C.R.S., do not apply to home rule municipalities; and

WHEREAS, the Town Council would like to adopt an Ordinance to amend the Town Land Use Code to add a process for such disconnection; and

WHEREAS, the Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and/or property and that this Ordinance is necessary for the protection of public convenience and welfare.

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

1. The Timnath Land Use Code is hereby amended to change the name of Article 10 from “Annexation” to “Annexation and Disconnection”.
2. The Timnath Land Use Code is hereby amended to add new Section 10.10, which will read in its entirety as follows:

10.10 Disconnection

10.10.1 Application. When the owner of a tract of land within and adjacent to the boundary of the Town desires to have said tract disconnect from the Town, the fee owner or owners of one hundred percent of said tract may apply to the Town Council for the enactment of an ordinance disconnecting such tract of land from the Town. The

application shall set forth a legal description of said tract, shall state that consent to disconnection is given by the fee owner or owners of said tract, and shall be acknowledged by the fee owner or owners in the same manner as required for conveyance of land. The application shall also include a title commitment or proof of ownership and a fee equal to the Annexation Application Fee adopted by the Town Council. The applicant shall provide notice and a copy of the application to the Board of County Commissioners in the County in which the tract of land is located, and to the board of directors of any affected special district.

10.10.2 Meetings with County or Affected Special Districts. Not more than thirty days after receiving the notice required by subsection 10.10.1, either the Board of County Commissioners or the board of directors of any affected special district may request a meeting with the owner and the Town Council, or its appointee, to discuss and address any negative impacts on the County or the special district that would result from the disconnection. If such meeting is requested, the owner and the Town Council or its appointee shall meet with either the Board of County Commissioners, or its appointee, or the board of any affected special district, or its appointee, not more than thirty days after the meeting was requested. Failure by either the Board of County Commissioners or the board of any affected special district to request a meeting constitutes an acknowledgment by the particular board that the disconnection will not adversely affect the County or an affected special district, as applicable.

10.10.2.1 As used in 10.10.1 and 10.10.2, “affected special district” means any special district in which the tract of land that is the subject of the disconnection application is located or that by its service plan or pursuant to an intergovernmental agreement is or will be expected to provide service to the tract of land that is the subject of the disconnection application. For purposes of Section 10.10.2, “negative impact” includes any change in the level or extent of services being provided to the tract of land by the County or special district.

10.10.3 Consideration and Ordinance. On receipt of such application, the Town Council shall give due consideration to the disconnection application at a public hearing, and, if the Town Council is of the opinion that the best interests of the Town will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection. The ordinance shall indicate whether the property will continue to be subject to Town property taxes for the purposes of paying outstanding indebtedness, pursuant to Sec. 10.10.6 of this Land Use Code. The Town Clerk shall thereafter file with the County Clerk and Recorder of the County in which the tract

is located two certified copies of the ordinance. The County Clerk and Recorder shall file the second certified copy with the Division of Local Government, as provided by section 24-32-109, C.R.S.

10.10.4 Effective Date. If an ordinance effecting a disconnection is enacted, it is immediately effective upon the required filing with the County Clerk and Recorder.

10.10.5 Taxes.

10.10.5.1 After the effective date of annexation, the land so disconnected shall not be subject to any property tax levied by the Town for general operating purposes. However, the land shall continue to be subject to the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the Town Council while such land was within the limits of the Town and which remains unpaid and for the payment of which said land could be lawfully taxed.

10.10.5.2 When the Town Council levies a tax upon property within Town limits for the purpose of paying such indebtedness or any part thereof or interest thereon, the Town Council may levy a tax at the same rate and for the same purpose on the land so disconnected. The County Treasurer shall pay over to the Town all moneys collected by the Treasurer on account of such tax, to be applied only to the payment of such indebtedness.

10.10.5.3 In the event that the owner of any land so disconnected chooses to pay off and discharge a portion of such indebtedness equal in amount to the same proportion of the indebtedness which the valuation for assessment of the land that was disconnected bears to the entire valuation for assessment of all the property subject to taxation for the payment of such indebtedness, calculated according to the last assessment previous to such payment, said disconnected land shall be exempted from further taxation to pay such indebtedness. Upon such payment being made, the canceled bonds or other evidences of payment of such portion of said indebtedness must be deposited with the Treasurer of the Town, and a certificate shall be given by the Treasurer stating that such payment has been made.

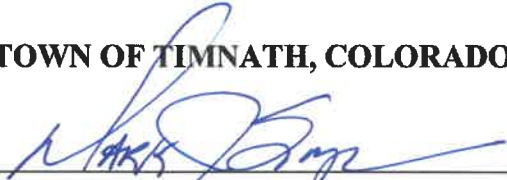
10.10.6 Vested Property Rights. On the effective date of the disconnection of a particular tract of land, any vested property rights affecting the tract of land that have been established pursuant to article 68 of title 24 of the Colorado Revised Statutes, or

pursuant to the Municipal Code, this Land Use Code or the Town of Timnath Charter, prior to such date that are possessed by the owner of the tract of land shall be expired or relinquished.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JANUARY 23, 2024, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6 P.M. ON FEBRUARY 13, 2024 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 23 DAY OF JANUARY, 2024.

MOVED, SECONDED, AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 23, 2024.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST: 

Milissa Peters-Garcia, CMC
Town Clerk

