

ARTICLE 11: ANNEXATION

11.1. 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 (“Annexation Act”), as amended, §§ 31-12-101, C.R.S., et seq. This Article, in part, provides supplemental requirements for annexation pursuant to the Annexation Act, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that Act, or any other requirements set forth in the Code. In the event of a conflict between the Act, the provisions of this Article, or any other requirements set forth in the Code; it is the express intent of the Town Council that the more restrictive provision shall control.

11.2. STATEMENT OF POLICY AND REVIEW CRITERIA

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

- 11.2.1. Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Town Council shall exercise its sole discretion in the annexation of territory to the Town.
- 11.2.2. The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the most recent Town Land Use Plan, Comprehensive Plan, and annexation plan, as amended. The land to be annexed shall not create an unreasonable burden on the physical, social, economic or environmental resources of the Town.
- 11.2.3. Certain public facilities and amenities are necessary and must be constructed and/or upgraded to Town standards as part of any territory annexed to the Town to ensure the area is served by adequate public facilities. These facilities include, but are not limited to, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall not create any additional cost or burden on the then-existing residents of the Town to provide such public facilities to any newly annexed area.
- 11.2.4. The petitioner for annexation shall be responsible for paying the Town’s full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents.
- 11.2.5. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a “gap” or a “strip” of land between property to be annexed and the adjoining property.)
- 11.2.6. All subsurface (non-tributary) water rights shall be deeded to Pagosa Area Water and Sanitation District or the Town at the time of annexation.
- 11.2.7. The Town shall have in place an annexation plan for the three mile area surrounding the Town meeting the requirements of § 31-12-105(1)(e)(I), C.R.S. The annexation plan shall be updated after each annexation or annually, whichever is less.

11.3. METHODS OF ANNEXATION

Annexations may be accomplished by one of four methods:

- 11.3.1. Filing a petition for annexation by ordinance, referred to herein as “petition for annexation by ordinance”;
- 11.3.2. Filing a petition for annexation by election, referred to herein as “petition for election”;

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- 11.3.3. Annexation by ordinance for enclaves (property completely surrounded by property within the boundaries of the Town), referred to herein as “enclave annexation”; and
- 11.3.4. Annexation of municipal owned property, referred to herein as “unilateral annexation.”
- With the exception of enclaves, all property annexed into the Town must meet the eligibility requirements set forth below. Once eligibility is established, the Town Council has the discretion to approve or deny annexation.

11.4. ELIGIBILITY FOR ANNEXATION

Property lying outside the Town boundaries shall be eligible for annexation if the Town Council determines that following criteria, and the criteria set forth in §§ 31-12-104 and 31-12-105, C.R.S., as amended, have been satisfied:

- 11.4.1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town, excluding platted streets or alleys, public or private rights-of-way, public or private transportation rights-of-way or areas, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the Town and the land proposed to be annexed. Contiguity may be established by the annexation of one or more parcels in a series.
- 11.4.2. A community of interest exists between the area proposed to be annexed and the Town; said area is urban or will be urbanized in the near future; and said area is integrated with or is capable of being integrated with the Town. The fact that the area proposed to be annexed has the contiguity with the Town required by subsection 11.4.1 shall be a basis for a finding of compliance with these requirements unless the Town Council finds that at least two of the following are shown to exist:
- A. Less than 50 percent of the adult residents of the area proposed to be annexed make use of part or all of the following types of facilities of the Town: Recreational, civic, social, religious, industrial, or commercial; and less than 25 five percent of said area's adult residents are employed in the Town. If there are no adult residents at the time of the hearing, this standard shall not apply.
 - B. One-half or more of the land in the area proposed to be annexed (including streets) is agricultural, and the landowners of such agricultural land, under oath, express an intent to devote the land to such agricultural use for a period of not less than five years.
 - C. It is not physically practicable to extend to the area proposed to be annexed those urban services that the Town provides to all of its citizens on the same terms and conditions as such services are made available to such citizens. This standard shall not apply to the extent that any portion of an area proposed to be annexed is provided or will within the reasonably near future be provided with any service by or through a special district.

The contiguity required by subsection 11.4.1 may not be established by use of any boundary of an area that was previously annexed to the Town if the area, at the time of its annexation, was not contiguous at any point with the boundary of the Town, was not otherwise in compliance with subsection 11.4.1, and was located more than three miles from the nearest boundary of the Town, nor may such contiguity be

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established by use of any boundary of territory that is subsequently annexed directly to, or which is indirectly connected through subsequent annexations to, such an area.

11.5. PROCEDURES FOR PETITIONS FOR ANNEXATION BY ORDINANCE

Annexation petitions shall be processed and considered as follows:

11.5.1. ANNEXATION PRE-APPLICATION CONFERENCE

The application process begins with a pre-application conference with Town staff to determine the feasibility of the annexation request. Following this informal meeting, the applicant shall submit a letter of intent requesting annexation, an annexation petition, a completed annexation application form, annexation maps and supporting documents.

11.5.2. ANNEXATION PETITION CERTIFICATION AND COMPLETION

The petition for annexation and all other documents submitted shall be reviewed by staff for completeness and compliance with the provisions of the Annexation Act, and the 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 Town Council for a determination of substantial compliance.

11.5.3. ANNEXATION PETITION REFERRAL TO TOWN COUNCIL

Upon the staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the Annexation Act and the Code, the Town Clerk shall refer the petition to the Town Council.

11.5.4. TOWN COUNCIL DETERMINATION OF SUBSTANTIAL COMPLIANCE

The Town Council, without undue delay, shall make an initial determination of whether the property described in the petition is eligible for annexation as evidenced by substantial compliance with the Annexation Act.

- A. If the Town Council determines that the petition is in substantial compliance with the Annexation Act, the Council shall, by the adoption of a Resolution of Intent to Annex, set the annexation (and zoning if concurrently requested) for public hearing on a specified date, time, and place, not less than 30 days nor more than 60 days from the effective date of the Resolution of Intent to Annex, pursuant to § 31-12-108, C.R.S.
- B. If the Town Council determines that the petition is not in compliance with the Annexation Act, no further action shall be taken, except that the Council's determination shall be made by resolution.

11.5.5. COMPLETION OF IMPACT REPORT

Unless waived by the Town and the Archuleta County Board of County Commissioners, petitioners for annexation of property exceeding ten acres shall, 25 days prior to the public hearing, prepare and submit to the Town in electronic form an impact report, containing all the elements established in Section 31-12-108.5, C.R.S. Within 5 days of receiving the report, the Town shall forward copies of the impact report to the Board of County Commissioners and the County Attorney.

11.5.6. PLANNING COMMISSION REVIEW AND RECOMMENDATIONS

- A. Subsequent to the Town Council's determination that the application is in substantial compliance with the Annexation Act, the Planning Commission shall

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consider the petition for annexation at a regular or special meeting to be held prior to the date of the Town Council's public hearing. If zoning of the property is requested concurrent with annexation, the Planning Commission shall hold a public hearing on the zoning of the property at the same meeting. Notice of the public hearing on zoning shall be given as set forth below.

- B. The Planning Commission, upon the conclusion of the meeting at which it considers the petition, shall make a recommendation to the Town Council to deny or approve of the petition for annexation with or without modifications and/or conditions. If zoning has been considered concurrent with the annexation request, the Planning Commission shall make a recommendation to the Town Council to deny or approve the zoning with or without modifications and/or conditions

11.5.7. TOWN COUNCIL PUBLIC HEARING AND ACTION ON THE ANNEXATION

- A. The Town Council shall hold the public hearing on the petition for annexation, and zoning if requested in conjunction with the annexation, on the date and at the time set by the Resolution of Intent to Annex. The petitioners shall present evidence in support of the petition, and zoning if applicable. Staff shall testify as to the elements required by statute for annexation. Any person may appear at the hearing and present evidence on any matter determined by the Town Council to be relevant to the annexation petition. The Town Council may continue the hearing to another date without providing additional notice if the volume of material to be reviewed cannot be presented within the time available. All proceedings at the hearing and any continuances thereof shall be recorded, but the recorder's notes need not be transcribed unless proceedings for judicial review are initiated, as provided by § 31-12-116, C.R.S. At the conclusion of the public hearing, the Town Council shall adopt a resolution containing the findings of fact and conclusions, including:
 - 1. Whether or not the requirements of § 31-12-104 and 105, C.R.S. and this Article have been met;
 - 2. Whether or not additional terms and conditions are to be imposed; and
 - 3. Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.
- B. If the Town Council finds that the area proposed for annexation does not comply with the requirements of § 31-12-104 and 105, C.R.S., the annexation proceeding shall be terminated.

11.5.8. APPROVAL CRITERIA

The Town Council may approve the petition and annex the property by ordinance if it finds:

- A. The annexation is in compliance with the requirements of § 31-12-104 and 105, C.R.S.;
- B. That an election is not required under § 31-12-107(2), C.R.S.;
- C. The petition has been signed by more than 50 percent of the land owners of the area proposed to be annexed who own more than 50 percent of the land proposed to be annexed, exclusive of public streets and alleys; and
- D. No additional terms and conditions are to be imposed. If additional conditions are imposed by the Town, see Section 11.6, below.

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SECTION 11.6 PROCEDURES FOR ANNEXATION BY ELECTION

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The zoning of the property, if requested concurrent with annexation, shall be approved by separate ordinance.

11.6. PROCEDURES FOR ANNEXATION BY ELECTION

An annexation election must be held prior to the Town Council annexing the property when the Town Council receives a petition for an annexation election, or the Town Council determines during the process of reviewing a petition for annexation by ordinance that additional terms and conditions should be imposed upon the area proposed to be annexed. Petitions for election must be signed by at least 40 qualified electors or ten percent of said electors, whichever is less, of the area proposed to be annexed. In the event Archuleta County's population exceeds 25,000 in habitants, petitions for election must be signed by at least 75 qualified electors or ten percent of said electors, whichever is less, of the area proposed to be annexed. The following process must be followed to complete an annexation by election:

- 11.6.1. The Town and the Petitioners must complete steps established in Sections 11.5.1 through 11.5.7 above.
- 11.6.2. Upon a determination by the Town Council that the requirements of §§ 31-12-104 and 105, C.R.S. have been met, and that an election is required pursuant to §§ 31-12-107(2), C.R.S., or that additional terms and conditions should be imposed, the Town will petition the District Court of Archuleta County to conduct an election.
- 11.6.3. If a majority (more than 50%) of the qualified electors and landowners who cast votes approve the annexation in accordance with § 31-12-112, C.R.S., the Town Council may, but is not required to, approve the annexation by ordinance. In the event the annexation is not approved by a majority of the qualified electors and landowners casting votes, the annexation proceeding will be terminated.
- 11.6.4. If the Town Council, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may still deny the annexation by resolution, stating the grounds for such denial.

11.7. PROCEDURES FOR ENCLAVE ANNEXATIONS

Upon receipt of a petition for annexation of an enclave entirely contained within the boundaries of the Town for three or more years, the Town and petitioner shall complete the steps established in Section 11.5.1 through 11.5.3 above, as a hearing and eligibility findings are not required for annexation of such enclaves. The Town shall also publish notice, once a week for four consecutive weeks, beginning at least 30 days prior to adoption of an ordinance annexing the enclave property. The Town Council shall adopt an ordinance annexing the enclave without complying with the steps established in Sections 11.5.4 through 11.5.7.

- 11.7.1. No part of the municipal boundary or territory surrounding such enclave consists solely of a public right-of-way, including streets and alleys, and no other municipal property is immediately adjacent to such right-of-way.
- 11.7.2. No part of the territory surrounding the enclave was annexed to the municipality since December 19, 1980, without compliance with the provisions of the state constitution governing annexations. Colo. Const. § 30, Art. II.
- 11.7.3. The population of the enclave does not exceed 100 persons and the enclave contains fewer than 50 acres.

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SECTION 11.8 POST APPROVAL ACTIONS

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11.8. POST APPROVAL ACTIONS

- 11.8.1.** After final passage of the annexation ordinance, the Town shall file one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk. The Town will file for recording with the County Clerk and Recorder three certified copies of the annexation ordinance and annexation map. The Town shall request the County Clerk and Recorder to forward one copy of the annexation map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs and one copy of the annexation map and ordinance to the Colorado Department of Revenue.
- 11.8.2.** In the event zoning was requested concurrent with the annexation, zoning shall be granted by ordinance and copies of the official zoning map amendment shall be recorded with the County Clerk and Recorder. If the property was not zoned concurrent with annexation, the Town shall zone the annexed area within ninety (90) days of the effective date of the annexation ordinance.

11.9. PUBLIC HEARING NOTICES

- 11.9.1.** Notice of the public hearing for annexation set by the Resolution of Intent to Annex shall be given in accordance with § 31-12-108, C.R.S. A copy of the Resolution of Intent to Annex, or the petition(s) as filed (exclusive of signatures), together with a notice of the date and time and place set by the Town Council for the public hearing, shall be published once a week for four consecutive weeks in a newspaper of general circulation in the area proposed to be the annexed. The first publication of such notice shall be at least 30 days prior to the date of the public hearing.
- 11.9.2.** A copy of the published notice, together with a copy of the adopted Resolution finding the Petition to be in substantial compliance with the Annexation Act and the petition as filed, shall be sent by certified mail to the County Board of County Commissioners and the County Attorney and any special district or school district having territory within the area to be annexed, at least 25 days prior to the date fixed for the public hearing.
- 11.9.3.** A copy of the published notice, together with the letter of intent provided with the application, the annexation map and the concept plan for the development of the property shall be sent by certified mail, to the owners of real property within 300 feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed, and to the mineral estate owners and their lessees of the property to be annexed. Notice provided by the Town to the owners of the minerals estate and their lessees shall not relieve the petitioner(s) of the responsibility to provide notice as required by § 24-65.5-101, C.R.S., *et seq.* In the case of a “flagpole” annexation, the Town shall also provide notice to abutting property owners as specified in § 31-12-105(e.1) and (e.3), C.R.S.
- 11.9.4.** Petitioner’s Responsibilities - Mailing and Posting Notices, Notice to Mineral Estate Owners and Lessees.
- A. The petitioner shall provide the Town with a list of addresses for all owners of real property within 300 feet of the property to be annexed. The list shall be prepared by the County Assessor, no more than 30 days prior to the date of submission of the annexation petition.

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SECTION 11.10 REIMBURSEMENT OF TOWN FOR ANNEXATION EXPENSES

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- B. The petitioner shall provide the Town with a list of addresses for all mineral interest owners and lessees of the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed, and the special districts in which the property to be annexed is located. The list is to be prepared and certified by a title insurance company licensed by the State of Colorado, no more than thirty (30) days prior to the date of submission of the annexation petition.
- C. The petitioner shall provide the Town with 20 large manila envelopes to mail notices to the effected special districts, the Board of County Commissioners and County Attorney, and referral agencies, as directed by the Town. The petitioner shall also provide a sufficient number of legal sized self-adhesive envelopes (no return address) to mail the notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.
- D. The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and Town Council) to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by § 24-65.5-101, C.R.S., *et seq.* The petitioner shall certify to the Town not less than 15 days prior to the date of the public hearing(s), the petitioner's conformance with this notice requirement.

11.10. REIMBURSEMENT OF TOWN FOR ANNEXATION EXPENSES

The petitioner shall reimburse the Town for expenses incurred for reviewing and processing the annexation petition, including, but not limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material, postage, public hearing expenses and recording fees. The Town may require petitioners to pay a reasonable administrative processing fee and execute an agreement for the payment of development review expenses in excess of the fees paid. The Town Council may, by resolution, establish the initial administration fees.

11.11. ANNEXATION PETITION AND APPLICATION SUBMITTAL REQUIREMENTS

- 11.11.1. The initial annexation petition submittal shall include one original and three copies of the forms, maps, and letters and documents described below, to be delivered to the Town Clerk with the appropriate fees. The documents shall be submitted in separate three-ring binders of suitable size to hold the material. The binders shall contain a table of contents and be tabbed accordingly.
- 11.11.2. Following staff review and notice of acceptance for referral to the Town Council, the applicant shall provide 15 copies of the annexation documents. Fifteen sets shall be bound in three-ring binders as above. All copies shall be collated into complete application packets and bound with binder clips only.
- 11.11.3. The annexation application shall include:
 - A. **Letter of Intent**
A letter of intent addressed to the Town Council serving as a cover letter to the formal petition, introducing the applicant(s) to the Town Council, requesting annexation of the petitioner's property and describing the development plans for the property.
 - B. **Annexation Application Form**
A completed, signed and dated annexation application form.
 - C. **Agreement for Payment of Development Review Expenses Incurred by the Town.**

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A signed standard form agreement for the payment of development review expenses incurred by the Town.

D. Petition for Annexation

The Town's standard form petition for annexation, which complies with § 31-12-107, C.R.S. If the Town Attorney approves use of a petition that is not on the Town's standard form, the petition shall contain the following statements:

1. An allegation that it is desirable and necessary that the area be annexed to the Town.
2. An allegation that eligibility requirements and limitations set forth above and in §§ 31-12-104 & 105, C.R.S. have been met or addressed.
3. An allegation that the petitioners comprise the land owners of more than 50 percent of the territory included in the proposed annexation area (excluding streets and alleys).
4. A request that the Town approve the annexation.
5. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
6. The dated signatures of petitioning landowners. Petition signatures must have been collected within 180 days of the date the petition is first submitted to the Town Clerk.
7. The mailing and physical address of each signer of the petition.
8. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).
9. The affidavit of each petition circulator that each petitioner's signature is valid.

E. Annexation Map

Four copies of the annexation map signed and sealed by the registered land surveyor or engineer preparing the map, or under whose supervision the annexation map was prepared and one small format copy of the annexation map (not less than 8½" x 11", nor more than 11" x 17"). The annexation map(s) shall comply with the annexation map technical standards set forth herein.

F. Concept Plan Map

Four copies of the concept plan map, and one (1) small format paper copy of the concept plan map (not less than 8½" x 11", nor more than 11" x 17") complying with the concept plan map technical standards set forth herein.

G. Title Report

Proof of ownership in the form of a current title commitment, or other legal document, whose effective date shall be less than 30 days prior to the date of submittal of the annexation petition. Ownership in the title report must match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description in the title commitment, because of road rights-of-way or other reasons, then the title policy

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must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, in addition to the title commitment naming the owner as the insured, the submittal must include, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant must also provide an electronic version (MS Word or PDF format) of the legal description matching the title commitment legal description.

H. Property Tax Statement

A copy of the prior year's property tax statement for all property to be annexed.

I. Labels and Envelopes

Mailing Labels and Envelopes for County, Special Districts, Irrigation Ditch Companies, Mineral Interest Owners, and Adjacent Property Owners.

J. Annexation Assessment Report

1. A hard copy and an electronic version of a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be adequate in length to fully 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 municipality of the proposed annexation, including an analysis of short-term and long-term municipal revenues likely to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;
- c. The school impacts including an estimate of the number of students to be generated by development of the property, capital construction required to accommodate the students, and proposals to mitigate any negative school impacts;
- d. The impacts on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community, including but not limited to: arterial and collector street improvements, intersection improvements, intersection signalization, and alternative modes of transportation such as public transit, bikeways, pedestrian walkways and trails, etc.;
- e. The impacts of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community, including but not limited to: historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.;

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- f. The impacts of the proposed development on the Town police department and proposals to mitigate any impact upon the existing police services, including but not limited to: special security needs, additional officers required, additional equipment requirements, etc.;
 - g. The impacts of the proposed development on providers of fire protection services and proposals to mitigate such impacts, including but not limited to: special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.;
 - h. The impacts of the proposed development on Town park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs, including but not limited to: additional facilities, additional recreation programs, additional personnel required, etc.;
 - i. The impacts of the proposed development on the natural environment and proposals to mitigate any negative impacts on environmentally sensitive areas, endangered species, significant habitats, etc.;
 - j. The short-term and long-term economic development potential for the property, including but not limited to: the number of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.;
 - k. The compatibility of the proposed development with the street master plan as depicted by the Town's Access Control Plan and proposals for mitigating any negative impacts;
 - l. The compatibility of the proposed development with the Town Land Use Plan or Comprehensive Plan, whichever has been most recently updated, and any plan amendments that may be necessary for the proposed development;
 - m. The compatibility of the proposed development with the Town's zoning and subdivision regulations and any deviations in setbacks, space requirements, and permitted uses that may be required; and
 - n. A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures.
2. To ensure compliance with § 31-12-108.5, C.R.S., the narrative report shall also contain:
- a. A statement setting forth the plans for extending to or otherwise providing for, within the area to be annexed, municipal services required by the Town;
 - b. A statement setting forth the method under which the property owners and/or Town plan to finance the extension of the municipal services into the area to be annexed;
 - c. A statement identifying existing special districts within the area to be annexed; and

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utilities, the dedication of water rights, the applicability of Town regulations, and any other conditions of annexation imposed at the discretion of the Town Council. If a property to be annexed has multiple ownership, more than 50 percent of the landowners who own more than 50 percent of the land proposed for annexation must sign the annexation agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate annexation agreements must be signed by each owner. The final document shall be signed by the applicant and made available to the Town Clerk not less than two weeks before the date of the public hearing on the annexation.

11.13. ANNEXATION MAP TECHNICAL STANDARDS

The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed by 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.

- 11.13.1. The annexation map shall be an original drawing on 24" x 36" sheet(s) of double matte mylar film, 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. Unless otherwise specified, text and numbers shall be large enough to be clearly legible.
- 11.13.2. Paper copies of the annexation map(s) shall be blueline or black line copies of the original. The applicant shall also provide one paper copy no larger than 11" x 17" and no smaller than 8½" x 11" of the annexation map(s).
- 11.13.3. The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one percent. Acceptable scales are 1"=50' or 1"=100', and for annexations exceeding 100 acres 1"=200'. Under special circumstances another scale may be approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identifies 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 the sheet containing the annexation map is too crowded.
- 11.13.4. The title of the annexation shall be centered at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed annexation, a general legal description stating the section, township, range, 6th P.M., town, county, state, and total acreage, as shown below. Annexation names must be original.

Example:
PINE VIEW ANNEXATION
TO THE TOWN OF PAGOSA SPRINGS, COLORADO
A Part of the E/2 of Section 23, Township _ North,
Range __West, 6th P.M., Pagosa Springs, Archuleta County, Colorado
78.05 Acres

- 11.13.5. 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 and draftsman's initials.

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- 11.13.6. 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.
- 11.13.7. 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 owner's signature block(s) and notary block(s), for each owner or mortgagee.
- 11.13.8. 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.
- 11.13.9. Immediately following the Surveyor's certificate, there shall be the Town's standard certificate blocks for the Planning Commission and Town Council.
- 11.13.10. Immediately following the Town Council's approval certificate, there shall be the Town's standard recording certificate block for the County Clerk and Recorder.
- 11.13.11. A vicinity map that depicts the area to be annexed and the area that surrounds the proposed annexation within a two-mile radius superimposed on a current *USGS Topographical Map*, at a scale no smaller than 1" = 2000', shall be placed on the left side of annexation map, or on the left side of the title sheet.
- 11.13.12. The annexation map drawing shall contain the following:
- A. The boundaries of the area to be annexed.
 - B. For all references to recorded documents, the book, page, map number, reception number, and location where publicly recorded.
 - C. All recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed, including roads adjacent, adjoining, contiguous, and/or coincident to the boundary. Provide all road names, 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.
 - D. A drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town (example: *//////////*), and a calculation of the amount of contiguity between the existing boundary and the annexation area.
 - E. The section, quarter section, and other monument corners. Display 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

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SECTION 11.14 CONCEPT PLAN MAP TECHNICAL STANDARDS

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and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.

- F. A description of all monuments, both found and set, which mark the boundaries of the property, and all control monuments used in conducting the survey.
- G. 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.
- H. The names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall also be depicted and designated as such.
- I. 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 definitively 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.
- J. All lines, names and descriptions on the annexation map that do not constitute a part of the annexation shall be 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."
- K. Accurate depiction of 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
- L. The length and bearing of all lines described in the written description.
- M. Labeled section numbers, quarter section quadrants, township and range lines.
- N. All lines, calls, arcs, etc., described in a narrative.
- O. An ellipse around each location where a detailed drawing will be provided, and designation for each detail such as "see detail A."
- P. "Point of beginning" in bold letters with an arrow.
- Q. "True point of beginning" with bold letters and arrow, when appropriate.
- R. 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.
- S. An electronic copy of the legal description in uppercase text.

11.14. CONCEPT PLAN MAP TECHNICAL STANDARDS

- 11.14.1. The concept plan map shall be prepared by or under the supervision of a qualified land planner or architect. The scale and layout of the concept plan map shall be consistent with the technical standards set forth in Section 11.13, above. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

ARTICLE 11: ANNEXATION

SECTION 11.15 AVIGATION EASEMENTS WITHIN THE AIRPORT INFLUENCE AREA

SUBSECTION 11.5.9 ZONING APPROVAL

- 11.14.2. Paper copies of the concept plan map(s) shall be blueline or black line copies of the original. The applicant shall also provide a paper copy no larger than 11" x 17" and no smaller than 8½" x 11" reductions of the concept plan map(s).
- 11.14.3. The concept plan map drawing shall contain the following:
- A. The boundary of the area to be developed.
 - B. A written legal description of the area to be developed.
 - C. 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 and maximum and minimum lot sizes of any residential development, and the maximum square footage and maximum and minimum lot sizes of commercial and industrial buildings.
 - D. Existing and proposed arterial and collector streets and their relationship to the principal land uses on the site.
 - E. Existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.
 - F. Contour lines at ten-foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate.
 - G. 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.

11.15. AVIGATION EASEMENTS WITHIN THE AIRPORT INFLUENCE AREA

Unless expressly waived by the Town Council, approvals of all annexations within the Archuleta County Airport Influence Area, as approved by the Board of County Commissioners and depicted on a map on file in the County Planning Office as of March 3, 1998 or as amended, shall be conditioned upon the property owners granting to the Town and Archuleta County an Avigation easement in a form to be approved by the Town Attorney.