

ORDINANCE NO. 55

AN ORDINANCE REGULATING THE ANNEXATION OF TERRITORY TO THE TOWN OF MEAD, WELD COUNTY, COLORADO, PROVIDING FOR ANNEXATION PROCEDURES, FOR ORDERLY GROWTH, AND FOR A SYSTEM OF EXTENDING MUNICIPAL SERVICES.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO:

SECTION I

TITLE

This Ordinance shall be known, cited and referred to as the Town of Mead Annexation Ordinance.

SECTION II

PURPOSE AND INTENT

This Ordinance is adopted for the purpose of:

1. Encouraging the orderly and natural growth of the Town of Mead, hereinafter referred to as the Town.
2. Providing an orderly system for extending municipal government, facilities, services, and utilities.
3. Distributing fairly and equitably the costs of municipal facilities, services, and utilities among those persons who benefit therefrom.

SECTION III

PROCEDURE FOR ANNEXATION

1. Petition for Annexation shall be filed with the Town Clerk and said Clerk shall refer the Petition to the Board of Trustees as a communication at the Board's next regularly scheduled meeting. The Board shall then refer the Petition to the Town of Mead Planning Commission at its next regularly scheduled meeting or at a special meeting called by the Planning Commission to consider said Petition. The Petition shall be accompanied by an annexation filing fee of FIFTY AND NO/100 (\$50.00) DOLLARS which shall be nonrefundable. Petitioner shall also agree to pay all costs incurred by the Town of Mead including but not limited to recording costs, publication costs, appraisal fees, surveys and any other reasonable expenses incurred by the Town in reviewing said Petition.

2. The Planning Commission shall review the Petition for Annexation to determine if the Petition is in substantial compliance with requirements prescribed by state law. The Planning Commission shall also consider whether the area sought to be annexed is eligible for annexation pursuant to state law. The Planning Commission shall transmit a written recommendation to the Board of Trustees of the Town, including such additional terms and conditions as it deems necessary for annexation, within SIXTY (60) days after receipt of

the Petition. The Board of Trustees shall review the Petition and recommendations of the Planning Commission and set forth its findings and conclusions in writing within THIRTY (30) days of receipt of the Petition and recommendations from the Planning Commission. If the Petition is found to be in substantial compliance with state law requirements, then the Board of Trustees shall proceed to consider the Petition in compliance with state law. If the Petition is found not to be in substantial compliance with state law, no further Board action shall be taken.

#### SECTION IV

#### TERMS AND CONDITIONS

1. Petition for Annexation: Any person desiring to annex real property in his ownership to the Town must file a Petition as set forth in this Ordinance.
2. Land annexed to the Town shall be eligible for municipal services and shall be subject to all laws, regulations and taxes of the Town.
3. Eligibility: Proof of eligibility for annexation, as defined by the Municipal Annexation Act of 1965, Colorado Revised Statutes, 1973, 31-12-101, et. seq., as amended, must be provided by the Petitioner.
4. Utilities: Cost of utility main extensions to annexing lands shall be borne by the landowner. The Town may at its discretion require oversizing of mains to serve anticipated future needs. In this event, the Town shall pay the difference between the oversizing and that required to serve adequately the area to be annexed. If utility mains have previously been extended to the annexing property, the landowner must pay any outstanding assessments due on the existing mains.
5. The owner must provide THREE (3) acre feet of water for every ONE (1) acre annexed or pay the Town an equivalent fee to purchase said water at the Town's option. In addition, the owner shall sell all remaining water rights appurtenant to his property to the Town at their fair market value, such value to be determined by a competent appraiser chosen jointly by the Petitioner and the Town.
6. The Petitioner shall pay all required fees as set forth in this Ordinance prior to any annexation.
7. Rights-of-way and Easements: The Petitioner shall deed to the Town any drainage easements deemed necessary by the Planning Commission of the Town for the protection of the Town and land to be annexed from the hazards of flood.
8. The Petitioner shall deed to the Town a minimum EIGHT (8%) per cent of the land to be annexed for public open space, or pay an equivalent fee in lieu of land, or any combination of the TWO (2) as agreed upon by the Petitioner and the Town Board. The Petitioner shall reserve all land necessary to provide streets and roads to assure adequate circulation of vehicles and pedestrians within the land to be annexed and to assure conformance with the existing street and road system of the Town. The Petitioner shall

participate in improvement of streets which abut his property when a majority of the landowners fronting on said streets requests improvements or when a street improvement is required by the Town.

#### SECTION V

##### INFORMATION REQUIRED OF THE PETITIONER

1. The Petition for Annexation shall contain the following information:

a. An allegation that it is desirable and necessary that the area subject of the Petition be annexed to the municipality;

b. An allegation that not less than ONE-SIXTH (1/6th) of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality;

c. An allegation that a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality;

d. That no land held in identical ownership, whether consisting of ONE (1) tract or parcel of real estate or TWO (2) or more contiguous tracts or parcels of real estate:

(1.) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated road, street, or other public way.

(2.) Comprising TWENTY (20) acres or more and which, together with the buildings and improvements situated thereon has an assessed value in excess of TWO HUNDRED THOUSAND AND NO/100 (\$200,000.00) DOLLARS for advalorem tax purposes for the year next preceding the annexation, is included within the territory proposed to be annexed without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the annexing municipality as they exist at time of annexation.

e. An allegation that no other annexation proceeding is pending concerning a part or all of the territory sought to be annexed under the current Petition;

f. An allegation that the signers of the Petition comprise the landowners of more than FIFTY (50%)

- per cent of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
- g. A request that the annexing municipality approve the annexation of the area proposed to be annexed;
  - h. The signatures of such landowners;
  - i. The mailing address of each such signer;
  - j. The legal description of the land owned by such signer;
  - k. The date of signing of each signature;
  - l. An affidavit of the circulator of each Petition, whether consisting of ONE (1) or more sheets, that each such signature therein is the signature of the person whose name it purports to be;
  - m. A written legal description of the boundaries of the area proposed to be annexed;
  - n. A certificate of ownership of land proposed to be annexed showing encumbrances;
  - o. The names and addresses of all property owners within THREE HUNDRED (300) feet of the area proposed for annexation;
  - p. Legal descriptions of water and ditch rights appurtenant to the properties within the area proposed for annexation;
  - q. A statement attesting to the willingness of the Petitioner to meet all terms and conditions as set forth in this Ordinance.
2. The Petitions shall be accompanied by FOUR (4) copies of an annexation map containing the following information:
- a. A written legal description of the outer boundaries of the land to be annexed;
  - b. The physical relationship of the area to be annexed to the established corporate limits of the Town;
  - c. Boundaries of special districts, if any, having jurisdiction over area within the boundaries of the land to be annexed;
  - d. The location of each ownership tract if unplatted land, and if part or all of the area has been platted, the boundaries and plat numbers of the plats or of the lots and blocks within the outer boundaries of the territory to be annexed;
  - e. The location and width of existing or proposed major street and utility easements within or adja-

cent to the area to be annexed;

f. The location and site of nearest existing utility lines;

g. Existing development within the area to be annexed and to be served by utilities;

h. Proposed zoning of the area to be annexed and exact boundaries of zoning districts if more than ONE (1) district is proposed;

i. If all or any portion of the territory proposed to be annexed has not been platted and surveyed, a certificate and seal of a registered engineer and land surveyor, State of Colorado, showing the dimensions of the boundaries and tracts, plats, lots and blocks within the area, if any, and the bearings of the boundaries of the area;

j. Date, scale, north sign.

3. The Petitioner shall also submit preliminary subdivision plats or preliminary development plans as required in the current Subdivision Ordinance of the Town of Mead, and the same shall be reviewed and approved prior to the completion of the annexation proceedings.

#### SECTION VI

#### AMENDMENTS

The regulations herein may from time to time be amended, supplemented, changed, modified, or repealed by the Board of Trustees, in accordance with the provisions of law.

#### SECTION VII

#### VALIDITY

Should any section, clause, sentence, or part of this Ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional and/or invalid, the same shall not affect the validity of the Ordinance as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

#### SECTION VIII

#### CONFLICTS

Any part of any Ordinance which is conflict herewith is hereby repealed.

#### SECTION IX

#### WHEN EFFECTIVE

This Ordinance shall be in full force and effect from and after FIVE (5) days from the date of final passage, approval, and publication.

Passed and adopted, signed and approved and ordered

published this 8<sup>th</sup> day of September, 1975.

MAYOR:

Robert A. Clark  
Robert A. Clark

ATTEST:

Virginia M. Frei  
Virginia Frei, Town Clerk

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on \_\_\_\_\_.