



## Legislation Text

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### *Department of Community Development*

Reference: Magpie Annexation Substantial Compliance

**To: Mayor Gregory Mills and Members of City Council**

**Through: Michael Martinez, City Manager**

**Marv Falconburg, AICP, Deputy City Manager**

**Holly Prather, AICP, Community Development Director**

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**Date Prepared: June 6, 2022**

### **PURPOSE**

In order to proceed with the annexation of this property, the City Council must find that the Annexation Petition is in compliance with the Colorado Statutes and consider a resolution to approve said Petition. If the resolution is adopted, a date, time, and place for a public hearing must be set, at least thirty (30) days and no more than sixty (60) days after the effective date of the Resolution, to determine if the request for annexation meets the requirements of the Colorado Revised Statutes ("C.R.S.").

### **STRATEGIC FOCUS AREAS**

- Recognizable and Well-Planned Community

### **BACKGROUND**

An Annexation Petition, requesting annexation of an approximate 95.105-acre parcel, to be known as the Magpie Annexation (the "Property"), was submitted to the City of Brighton. The Annexation Petition is signed by Roger Allgeier representing Magpie Run Properties, LLC, Betty Mathis representing herself, Stacey Wenzel Steel representing herself, David Wenzel representing himself, Connie Surabian representing herself, and Lazarus Surabian representing himself as the owners of 100% of the Property (the "Owners"). Madison Jones with Lovett Industrial is acting as the applicant (the "Applicant") on behalf of the Owners. The Property is generally located to the north of East 152<sup>nd</sup> Avenue and east of Burlington Northern Santa Fe Railroad right-of-way and is currently zoned A-3 (Agricultural - 3) through Adams County. In relation to contiguity, State of Colorado law mandates that properties proposing to annex into the city must be contiguous with city boundaries. In this instance, contiguity as a percentage is 16.67%. The property is currently 22.80% contiguous with the existing Brighton city limits.

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### **APPLICANT REQUEST**

Subject to review by the City Council, the applicant is proposing a condition within the Annexation Petition (see page 3, #14 of the attached Annexation Petition). This condition proposes that in the event the City does not grant the proposed zoning of I-1 (light industrial) for the Property, the petition may be withdrawn.

### **PROCESS**

The City Council must determine whether the Annexation Petition complies with Section 31-12-107(1), of the C.R.S. If Council determines that the Petition is in substantial compliance with the statutory provisions, the following procedure applies:

1. Council passes a Resolution finding substantial compliance and setting a public hearing (thirty to sixty days) to decide if the annexation meets the statutory requirements (a draft Resolution is attached).
2. Staff prepares and publishes a Notice of Public Hearing.
3. City holds a public hearing.

#### **REQUIREMENTS OF AN ANNEXATION PETITION**

A petition for annexation must include the following:

1. Petition filed with the City Clerk.
2. An allegation that it is desirable and necessary that such area be annexed to the municipality.
3. An allegation that the requirements of Sections 31-12-104 and 105 C.R.S. exist or have been met.
4. An allegation that the signers of the Petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys.
5. A request that the City approve the annexation of the area proposed for annexation.
6. The signature of the landowners.
7. The mailing address of each signer.
8. The legal description of the land owned by each signer.
9. The date of signing of each signature.
10. An affidavit of each circulator of such Petition that each signature therein is the signature of the person whose name it purports to be.
11. The following must be attached to the Petition:
  - a. A written legal description of the boundaries of the area proposed to be annexed.
  - b. A map showing the boundary of the area proposed to be annexed.
  - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land.
  - d. Next to the boundary of the area proposed for annexation, a drawing of the contiguous boundary of the City and the contiguous boundary of any municipality abutting the area proposed to be annexed.

#### **PUBLIC NOTICE AND COMMENT**

Publication and notification of the future public hearing, should it be deemed appropriate by the City Council, will be provided to all applicable entities as required by C.R.S. Section 31-12-108.

### **STAFF RECOMMENDATION**

City staff finds that the attached Annexation Petition meets the requirements outlined in Section 31-12-107(1) of the Colorado Revised Statutes, as amended, for substantial compliance and that August 16, 2022 is an appropriate date for the public hearing on the annexation. Additionally, this proposed annexation complies with the *Be Brighton Comprehensive Plan* as the Property is within the city's growth boundary and there is adequate infrastructure to serve the Property. A draft resolution has been attached for the Council's consideration.

### **OPTIONS FOR COUNCIL CONSIDERATION**

The City Council has the following two options before it:

- 1.) Approve via Resolution the Petition for Annexation and set the date for the public hearing; or
- 2.) Deny the Petition for Annexation with specific findings to justify the denial.

### **ATTACHMENTS**

- Draft Resolution of Substantial Compliance
- Applicant's Annexation Petition
- Applicant's Annexation Map
- City Staff's Aerial Map