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## **FACTS TO KNOW FOR ANNEXATION**

If the property to be developed is not incorporated into the City of Commerce City, the first step in the development process is annexation. An annexation occurs when the owner of an unincorporated parcel of land petitions to have that land incorporated into the City. The requirements and procedures for annexation are set forth in the Municipal Annexation Act, Colorado of 1965 (CRS 31-12-101, et. seq., as amended) and the requirements of the City of Commerce City Municipal Code.

In general, the proposed property must be within the Commerce City Urban Growth Boundary, and comply with the Commerce City Comprehensive Plan. At least one-sixth of the perimeter of the area proposed to be annexed must be contiguous with the existing City limits.

### **I. APPLICATION PROCESS**

- A. The annexation procedure takes approximately four to six months, depending upon when the application is filed. The first step toward annexation is to determine whether the property meets the criteria for annexation. The Community Development Department will assist in making that determination. The applicant should schedule a pre-application meeting with the Community Development Department. This meeting will provide an opportunity to discuss the annexation proposal and help identify the requirements and process for development.
- B. If proceeding with annexation, please contact the Community Development Department and a planner will be assigned to the case when a complete submittal is made. The planner will verify the prepared submittal utilizing the ***Annexation Submittal Checklist*** (see attached) and ensure the application and fee requirements are met.
- C. The ***Annexation Petition*** must proceed through the public hearing process to reach City Council for final action. City staff will review the application to determine if the proposed annexation and zoning are in conformance with statutory and City requirements. If the petition meets those requirements, a resolution is prepared. The City Council resolution proclaims that the application meets the prescribed requirements and sets the petition hearing date. After such review, public hearings before Planning Commission and City Council may be scheduled.
- D. There are notification requirements for the City Council public hearing for the annexation petition. The notice of the hearing must be published once a week for four consecutive weeks in a local newspaper, with the first publication of such notice occurring at least thirty (30) days prior to the public hearing date. These publication requirements are handled through the City Clerk's office.
- E. In accordance with CRS 31-12-115, a property must be zoned within ninety (90) days of its annexation. Therefore, in conjunction with the annexation request, a zoning request also must be considered. The zoning application is a separate request, subject to additional requirements (see ***Facts to Know for***



*Zone Changes* and *Facts to Know for Development Plans*). The request for zoning is first heard before the Planning Commission at a public hearing. Public notification is also required for the Planning Commission public hearing. The Planning Commission will review the proposed zoning and will make a recommendation to City Council, who will make the final decision on the zoning request.

- F. A written *Annexation Agreement* will be executed between the City and the landowner and/or developer. The agreement will contain all terms, conditions, and obligations of annexation, as well as any additional requirements determined by the City at the time of annexation. The applicant shall submit the executed *Annexation Agreement* prior to any application being scheduled for a public hearing.

## II. HEARING PROCESS

- A. The Planning Commission is an advisory body only and does not hear annexation cases. Annexation cases are forwarded directly to the City Council. Zoning cases will be heard by the Planning Commission and forwarded to the City Council for final approval or denial. Ideally, zoning of the property will occur concurrently with the annexation, but may occur up to ninety (90) days following the annexation.
- B. Annexation is a discretionary act and final approval of any annexation is at the judgment of the City Council.
- C. The following criteria is used by the City to determine if an area is eligible for annexation:
1. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the current boundary of the City of Commerce City;
  2. A community of interest exists between the area being proposed to be annexed and the City of Commerce City;
  3. The area sought to be annexed is urban or will be urbanized in the near future;
  4. The area sought to be annexed is integrated or is capable of being integrated into the City of Commerce City.
- D. Each City Council decision regarding annexations shall be based on compliance with the following findings of fact:
1. The annexation is in compliance with the Municipal Annexation Act of 1965 (CRS 31-12-101, et. seq., as amended);
  2. The annexation is in accordance with the Comprehensive Plan and the best interests of the City would be served by annexing the property;
  3. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of the Zoning Ordinance and the City Code;
  4. At the time of development of the annexed area, there will be capacity to adequately serve residents of such area with all necessary utilities and public facilities;



5. The entire width of any adjacent streets or alleys to be annexed is included within the annexation;
  6. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the City boundary in any one year;
  7. Any proposed zoning will comply with the approval criteria for rezoning;
  8. Any potential adverse impacts on adjacent properties and neighborhoods will be mitigated to the maximum extent feasible.
- C. A majority vote of the City Council is necessary for approval of the annexation.
- D. No new applications for annexation of property shall be accepted by the City of Commerce City if an identical annexation application has been acted upon by the City of Commerce City within one (1) year of the filing of the subsequent application, unless the City Council determines that good cause exists for accepting such subsequent application within a lesser period of time.
- E. No application for annexation, once it has been acted upon by the City Council, shall be considered again, except if a motion is approved to reconsider the vote on a request for annexation based on the submission of new evidence that could not have been presented at the previous hearing.
- F. Any person, firm, corporation, officer, or board aggrieved by any decision rendered by the City Council may appeal through the appropriate court and request judicial review thereof within thirty (30) days after such decision is rendered.
- G. The City Council is authorized to zone property and to impose reasonable conditions and requirements in conjunction with the zoning or rezoning of property. In the event the conditions imposed by the City Council are not complied with, the Council may, upon due notice, revoke such zoning.
- H. Planning Commission meetings are held the first Tuesday of each month. City Council meetings are held the first and third Mondays of each month. Typically, it will require three months for concurrent annexation and zoning cases to complete the public hearing process. Cases will not be scheduled for public hearing until all submittal requirements have been fully satisfied.
- I. About seven to ten days prior to each hearing date for zoning (Planning Commission and City Council), the property will be posted with a large placard (sign), and public hearing notices will appear in the newspaper. Additionally, affected agencies and/or owners of property located within 300 feet of the subject site are notified about the scheduled public hearings.
- J. Prior to scheduling an application for Planning Commission or City Council, the case manager must deem the submittal to be final and complete no later than three Fridays prior to the Planning Commission or City Council hearing. The case manager may determine that any remaining changes are very few in number, minor in scale, and non-technical in nature and therefore, may allow the applicant to proceed to Planning Commission or City Council.



- K. Approximately one week before the Planning Commission hearing, the applicant and/or owner will receive a copy of the Community Development project report and a copy of the Planning Commission meeting agenda. About one week prior to the City Council meeting, the applicant will receive information that summarizes the Planning Commission's recommendation and provides information about the City Council meeting.

### III. RECORDING REQUIREMENTS

After annexation approval, but prior to the annexation map being recorded with the County, please contact the City to obtain the current electronic data format requirements.

#### Adams County Clerk and Recorder's Office

*(To be filed by the City on behalf of the applicant.):*

#### A. Annexation Map:

1. ONE, 4 MIL, ORIGINAL MYLAR (18" x 24") WITH ALL SIGNATURES IN PERMANENT BLACK INK (such as Sharpie brand, Extra Fine Point, Permanent Marker). MYLARS MUST CONTAIN ORIGINAL SIGNATURES. ADAMS COUNTY WILL REFUSE TO RECORD MYLARS THAT ARE NOT SIGNED IN PERMANENT BLACK INK. (Please note - the Mylar submitted to the City shall include the notarized signature of the property owner(s) only. The notary seal must be legible. The City will gather all necessary City signatures.)

*As per Adams County's requirements, two paper copies of the annexation map also must be submitted with the Mylar.*

2. A check, *payable to Adams County Clerk & Recorder*, for \$15 per Mylar page, plus a recording fee of \$1 per *document*. (Example: the recording fee for a two-page document is \$31 -- \$15 per page, plus \$1 recording fee.)

#### B. Annexation Agreement:

A check, *payable to Adams County Clerk & Recorder*, for \$5 per page, plus a recording fee of \$1 per *document*.

*For additional information, call the Community Development Department  
at 303.289.3683*



7887 East 60<sup>th</sup> Avenue  
 Commerce City, Colorado 80022  
 Phone (303) 289-3683 / Fax (303) 289-3731  
<http://www.c3gov.com>

## *Community Development Department*

### ANNEXATION SUBMITTAL CHECKLIST

Applicant Name: \_\_\_\_\_  
 Property Owner Name: \_\_\_\_\_  
 Approximate Location of Property: \_\_\_\_\_

SUBMITTED	REQUIREMENTS
<input type="checkbox"/>	<b>Application Form and Required Fees. (1 copy)</b>
<input type="checkbox"/>	<b>Petition for Annexation (1 copy).</b> The petition shall be signed by persons comprising more than fifty (50) percent of the landowners in the area to be annexed and owning more than fifty (50) percent of the land area (when applicable).
<input type="checkbox"/>	<b>Affidavit of Circulator (if applicable for multiple ownership of property) (1 copy).</b> Signed and notarized affidavit.
<input type="checkbox"/>	<b>Copy of General Warranty Deed (1 copy),</b> with a complete legal description for the property or properties for which the application is made.
<input type="checkbox"/>	<b>Exhibit A (1 copy).</b> Typed legal description (8 ½" x 11") and on a CD-ROM (Word or WordPerfect Format) of the area of annexation as it appears on the annexation map, including the identification of the person responsible for preparing it.
<input type="checkbox"/>	<b>Annexation Information Sheet (5 copies).</b> This information sheet must be completed for staff use. Additional sheets may be attached.
<input type="checkbox"/>	<b>Annexation Impact Report (2 copies).</b> To be completed by City if annexed area is larger than 10 acres (CRS 31.12.108). If requirement is waived by County, then documentation of such must be included in the file.
<input type="checkbox"/>	<b>Narrative (5 copies).</b> Statement addressing the following: <ol style="list-style-type: none"> <li>1. Conformance with the City's Comprehensive Plan;</li> <li>2. Information on ecological or land use conditions which may be hazardous including oil and gas operations, dumps and landfills, underground storage tanks, steep slopes, wetlands, irrigation ditches, bodies of water, and flood areas.</li> <li>3. Identification of the following districts for the property to be annexed: Water, wastewater, fire, sanitation, school, etc.</li> </ol>



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SUBMITTED	REQUIREMENTS
<input type="checkbox"/>	<b>Public Agreements (5 copies).</b> Copies of all existing agreements, including proposed annexation agreement, between the applicant and governmental entities, quasi-public entities and special districts that may affect the applicant's property, addressing such things as irrigation, fire protection, and sanitation.
<input type="checkbox"/>	<b>Water Resource Agreement (1 copy).</b> If applicable, this document shall be negotiated between the applicant, the City, and South Adams County Water and Sanitation District.
<input type="checkbox"/>	<b>Private Agreements (5 copies).</b> Private agreements addressing topics subject to governmental approval, such as signage, oil and gas operations, licenses, and building permits.
<input type="checkbox"/>	<b>Annexation Map (5 copies).</b> 18" x 24" size, including the information found on the <i>Annexation Map Checklist</i> . (Note: These copies are subject to revisions; corrected copies for hearings and recording purposes will be required at the appropriate times. <u><b>Oversized plans must be folded to a standard size.</b></u> )
<input type="checkbox"/>	<b>Annexation Agreement (draft copy).</b> Subject to revisions as negotiated between the City and the applicant.

**Be sure to include all of the requested information with your application. An incomplete application will not be reviewed or scheduled for a public hearing until all information has been submitted**



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<b>CITY OF COMMERCE CITY ANNEXATION MAP CHECKLIST</b>					
	<i>DESCRIPTION</i>	<i>COMPLIES</i>		<i>COMMENTS</i>	
		<i>YES</i>	<i>NO</i>		
1.	The precise case number of the annexation (to be assigned by City), township, section, range, city, county, state, & page numbers	<input type="checkbox"/>	<input type="checkbox"/>		P
2.	Suitable scale (written and graphic)	<input type="checkbox"/>	<input type="checkbox"/>		P
3.	North arrow	<input type="checkbox"/>	<input type="checkbox"/>		P
4.	Annexed area shaded and annexed area marked "SITE" add bold arrow if needed	<input type="checkbox"/>	<input type="checkbox"/>		E
5.	Location and width dimensions of all recorded and apparent rights-of-ways	<input type="checkbox"/>	<input type="checkbox"/>		E
6.	Former City of Commerce City annexations with letters and numbers, which are contiguous with new annexations	<input type="checkbox"/>	<input type="checkbox"/>		E
7.	City limit lines of abutting cities, and name(s) of cities	<input type="checkbox"/>	<input type="checkbox"/>		E
8.	Basis of bearings statement and labeled line on plat. <b>State the basis of bearing and label on the drawing. Bearings shall be based on Commerce City Control Diagram.</b>	<input type="checkbox"/>	<input type="checkbox"/>		E
9.	Description of all monuments both found and set.	<input type="checkbox"/>	<input type="checkbox"/>		E
10.	18" x 24" sheet with 1/2" top, bottom and right-hand border, and 2" border on the left-hand side.	<input type="checkbox"/>	<input type="checkbox"/>		P
11.	Significant man made and natural features such as Interstate highways, lakes, drainageways, railroads, etc.	<input type="checkbox"/>	<input type="checkbox"/>		E
12..	All boundary lines shall have lengths to 100 <sup>th</sup> of a foot. Surveyor to provide error of closure check (within 1:20,000).	<input type="checkbox"/>	<input type="checkbox"/>		E
13.	All section, range, and township lines that are within annexation boundary or border the property within 100 feet.	<input type="checkbox"/>	<input type="checkbox"/>		E
14.	All curve data shown in chart form on the face of the plat. Radii, internal angles, points of curvature, and lengths of all arcs shown.	<input type="checkbox"/>	<input type="checkbox"/>		E
15.	Vicinity map on the cover sheet, scale of 1"=2000'. All roadways (by name) which are adjacent and within one mile from the peripheral boundaries of the platted land.	<input type="checkbox"/>	<input type="checkbox"/>		E
16.	Total area in square feet and acres.	<input type="checkbox"/>	<input type="checkbox"/>		E



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	DESCRIPTION	COMPLIES		COMMENTS	
		YES	NO		
17.	Dedication shall be worded as follows: <b>ANNEXATION DESCRIPTION:</b>  <i>(INSERT LEGAL DESCRIPTION)</i> Executed this ___ day of _____, AD 20____  _____ <b>Owner(s) Signature and Printed Name</b>  _____ <b>Mortgagee or Lien Holder(s) Signature and Printed Name</b>	<input type="checkbox"/>	<input type="checkbox"/>	Legal Description. When existing annexed boundary of City is reached, so state; at each subsequent call, so indicate; and when departing existing boundary of City, so state.	P
		<input type="checkbox"/>	<input type="checkbox"/>		E
18.	Show the outline of area to be annexed with boldest line.	<input type="checkbox"/>	<input type="checkbox"/>		E
19.	For all references show book, page, map number, etc., and place where publicly recorded for all references.	<input type="checkbox"/>	<input type="checkbox"/>		E
20.	Show contiguous and coincident boundary by the following symbol: <i>     </i>	<input type="checkbox"/>	<input type="checkbox"/>		E
21.	Include this statement within the Surveyor's Certification for the annexation map:  The above described land is contiguous to the City of Commerce City and meets the requirements set forth in CRS 31-12-104-(1)(a) that one-sixth or more of the perimeter to be annexed is contiguous with the annexing municipality.  <u>Contiguity Statement:</u> <ul style="list-style-type: none"> <li>• Total perimeter of area considered for annexation = _____</li> <li>• One-sixth of total perimeter of area = _____</li> <li>• Perimeter of the area contiguous with existing city limits = _____</li> </ul> The total contiguous perimeter is _____ %, which meets or exceeds the 1/6 area required.  Signature and printed name PLS No. ____ (seal and date) _____ Address _____	<input type="checkbox"/>	<input type="checkbox"/>		P



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 Department*

<b>CITY OF COMMERCE CITY ANNEXATION MAP CHECKLIST</b>				
	<b>DESCRIPTION</b>	<b>COMPLIES</b>		<b>COMMENTS</b>
		<b>YES</b>	<b>NO</b>	
22.	The following certificate of City Council shall be added and worded as follows: <b>CITY COUNCIL CERTIFICATE:</b> Approval by City of Commerce City, City Council this ___ day of __, A.D.___  Attest:  _____ City Clerk  _____ Mayor	<input type="checkbox"/>	<input type="checkbox"/>	P
23.	Certificate of the Clerk and Recorder shall be worded as follows: <b>ADAMS COUNTY CLERK AND RECORDER'S CERTIFICATE:</b> This map was filed for record in the office of Adams County Clerk and Recorder, in the State of Colorado, at ___M. on the ___ day of _____, A.D._____. BY: _____ Deputy County Clerk and Recorder	<input type="checkbox"/>	<input type="checkbox"/>	P
24.	In the lower right-hand corner of the cover sheet the following shall appear: <b>Reception No.</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	P
25.	Show at top of each sheet, "AN-XX-XX, ANNEXATION MAP, to the City of Commerce City, Colorado. SHEET _____ of _____" (Obtain XX-XX number from Community Development Department).	<input type="checkbox"/>	<input type="checkbox"/>	P
26.	Additional Planning Comments:			P
27.	Additional Engineering Comments:  <b>Upon final approval, in addition to the Mylars, AutoCAD files must be submitted to the City.</b>			E