

Overview

Annexation is the legal process by which a city adds to its jurisdiction. The City of Dacono's authority to annex territory is established by Section 30, Article 11 of the Colorado Constitution and the Colorado Revised Statutes, (CRS § 31-12-10). The basic requirement for property to be annexed voluntarily is that at least one-sixth of the perimeter of the area proposed for annexation is contiguous with the City. The state Statute allows that this one-sixth contiguity may be established by the annexation of one or more parcels in a series. Annexations may be considered together and completed simultaneously.

Eligibility for Annexation

In order for land to be annexed, it must meet the following eligibility requirements:

- A 1/6 boundary contiguity must exist between municipality and property to be annexed.
- A community of interest exists between the area proposed to be annexed and the City of Dacono.
- That the area to be annexed is urban or will be urbanized in the near future.
- The area proposed to be annexed is integrated with or capable of being integrated with the City of Dacono.
- The Petitioners comprise more than fifty percent (50%) of the landowners in the area and own more than fifty percent (50%) of the area to be annexed, excluding public streets, alleys, and lands owned by the City of Dacono.
- No division of property held in "identical ownership," without landowner consent unless separated by a "dedicated street, road or other public way;" written consent is also required to annex 20 acres or more in identical ownership valued in excess of \$200,000.
- No annexation of property for which annexation proceedings have been initiated by another municipality.
- No annexation which will detach property from a school district without written consent of the district.
- No annexation to expand municipal boundaries greater than 3 miles in any one year.
- Flagpole annexations must permit the annexation of abutting property under the same or substantially similar terms and conditions.
- Petitioners consent to the inclusion into all special districts including, but not limited to, Northern Colorado Water Conservancy District, Carbon Valley Recreation District, Mountain View FPD, etc.
- Annexation shall not deny reasonable access to landowners, easement owners, or franchise owners adjoining a platted street or alley that has been annexed and is not bounded on both sides by the municipality.

In addition to the findings of fact required by State law, for property to be eligible for annexation to the City by petition, the City Council must determine that the land use plan of the property to be annexed is in full compliance with the City of Dacono Comprehensive Plan.

Submittal Requirements

Submittal requirements for annexation into the City of Dacono include:

- Annexation Petition
- Affidavit of Circulator
- Annexation Exhibit
- Word version of the legal description
- Zoning map
- Proof of inclusion into special districts (as applicable)
- Proof of ownership (title commitment dated not more than one month prior to application submittal)
- Tax certificate showing all taxing districts
- Additional information as requested
- Cost Agreement & Funds Deposit Agreement
- Application Fee

Annexation Petition and Affidavit of Circulator

Petitions seeking annexation of land to the City of Dacono shall comply in all respects with the requirements and laws of the State of Colorado. The petition for annexation and zoning must be signed by persons comprising more than 50% of the landowners in the area and owning more than 50% of the area. The petition shall contain signatures and addresses of such owners, as well as the date of signing each signature. Attached to the annexation petition shall be an affidavit executed by the petition circulator in a form prescribed by the City. The circulator's affidavit may not be executed by any landowner who signs the annexation petition.

Annexation/Zoning Map

The annexation map must show the boundary of the area proposed to be annexed, including the following:

- Name of the annexation.
- Indication of the scale and bar scale
- North arrow
- Sheet size of no larger than 24"x36"
- Vicinity map. The vicinity map should show the proposed site outlined with the existing adjacent streets within the neighborhood.
- Location of ownership tracts and platted lots.
- Name, address, and telephone number of the owner
 - OWNER
 - (insert name)
 - (insert address)
 - (insert telephone number)
- A written legal description of the boundaries of the area to be annexed, along with the acreage of the annexation.
- A written legal description of the boundaries of each of the proposed zone districts within the area to be annexed.
- The continuous boundary of the City of Dacono next to the boundary of the area proposed to be annexed.
- All existing structures on the property proposed for annexation.
- All contiguous section line county road right-of-way must be included within the annexation (i.e. the boundary of the annexation shall not be located along the centerline of a county road).
 - The requirements of the above statement also apply to State and U.S..
 - Railroad rights-of-way contiguous with annexation boundary must be included in annexation.
- Label all adjacent annexations and subdivisions, including the name of the property owners and adjacent zoning. If adjacent land is unplatted, it should be designated as such.
- Name, location, and dimensions of all existing utilities, streets, alleys, easements, rights-of-way, ditches, and watercourses within and adjacent to the annexation should be shown.
- Closure information should be provided on a separate sheet, not on the annexation map. A digital (Word) version of the legal description must be submitted.
- Surveyor's statement and certification. Certification by a registered land surveyor that the map was prepared by the surveyor or under the surveyor's responsible charge, and that the annexation conforms to the Colorado Revised Statutes pertaining to annexations.

engineering fees, and recording fees. Any amounts remaining in the cost agreement account at the completion of the project are returned to the applicant.

Annexation Agreement

As part of the annexation process, the City of Dacono shall prepare an annexation agreement. An annexation agreement is a contract to be binding upon the petitioner, his successors, and assigns, which details any obligations of the City and the Applicant. Elements of an annexation agreement may include:

- Land Use/Zoning
- Storm drainage improvement
- Right-of-way dedication
- Construction of public improvements
- Land dedication and/or reservation
- Inclusion into special districts
- Vested rights
- Other issues as may be necessary to evidence compliance with the Municipal Code

Process-Sample Summary of Steps and Timeline for a Voluntary Annexation

The following is a summary of significant statutory steps involved in a voluntary annexation. Typically, an annexation can be completed within 90-120 days after receiving a complete submittal meeting all requirements. This summary is not intended to be an exhaustive description of all applicable requirements.

1. Applicant submits to the City the executed annexation petition, legal description, annexation map, and other required application materials. City staff and consultants review application materials to determine whether all applicable requirements have been met; if so, City Council adopts a resolution finding that petition is in substantial compliance with statutes and sets a hearing date on the petition.
2. City publishes the first of four weekly notices of hearing on the petition. The notice must be published once a week for four successive weeks in a newspaper of general circulation in the area proposed to be annexed, with the first publication to be at least 30 days before the hearing (the notice consists of a copy of the resolution or the petition as filed, together with a notice of the hearing on the resolution or petition; if zoning classification has been requested in the petition, City must comply with notice requirements for zoning hearing).
3. City publishes the second of four weekly notices of hearing on the petition.
4. Community Development Director prepares or directs preparation of impact report on annexation if property exceeds 10 acres in size, to be prepared at least 25 days prior to hearing on petition; City Attorney sends copy of notice of hearing, resolution, and petition to Board of County Commissioners, County Attorney, special districts, and school districts, at least 25 days prior to hearing on petition.
5. Community Development Director files impact report with Board of County Commissioners at least 20 days prior to hearing on petition.
6. City refers zoning request to the Planning and Zoning Commission for public hearing and recommendation; planning commission meets and makes recommendation prior to the Council's hearing on the petition.
7. The City publishes the third of four weekly hearing notices on the petition.
8. City publishes the fourth of four weekly hearing notices on the petition.
9. City Council holds hearing on annexation petition, adopts annexation resolution, votes after the first reading of annexation ordinance and approves annexation agreement; then holds zoning hearing and adopts zoning ordinance on first reading.
10. If adopted after the first reading, City publishes the annexation ordinance by title and notice of public hearing on annexation ordinance.

11. City Council holds a public hearing on annexation ordinance; second reading of ordinance (and zoning ordinance, if applicable). If adopted on second reading, the annexation ordinance is published by title (and zoning ordinance, if applicable). Annexation ordinance (and zoning ordinance, if applicable) becomes effective 5 days after publication pursuant to Dacono Charter § 3-8(a).
12. City records certified copy of annexation ordinance, annexation map, and annexation agreement (and zoning ordinance, if applicable) with County Clerk and Recorder.

Approval Criteria

All annexations are reviewed for compliance with the Municipal Annexation Act of 1965 (CRS 31-12-101, et. seq., as amended). The annexation process is a discretionary legislative action of the City Council. The City of Dacono is not compelled to annex, unless otherwise required by state law, even if a petition is found to be in compliance with the Municipal Annexation Act of 1965.

