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Annexation Review Process

This guide describes the Annexation process. It should be used in conjunction with the City of Trinidad Municipal Code (See Chapter 14 Land Use Code), City of Trinidad Comprehensive Plan, and the guide to Pre-Application Review.

Purpose

Whenever a proposal is made to add territory to the City limits of the City of Trinidad, the annexation proposal shall include the specified land use and zone district designation. The proposal shall be presented to the Planning, Zoning and Variance Commission (PZVC) for review and the Commission shall prepare and submit recommendations to the City Council. The City Council shall determine if the proposal is in the best interests of the City of Trinidad and is capable of being integrated into the city limits.

Statement of Policy and Review Criteria

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

- ❖ Annexation is a discretionary act. The City Council shall exercise its sole discretion in the annexation of territory to the City.
- ❖ The area proposed to be annexed is a logical extension of the City's boundary.
- ❖ The land to be annexed and the uses proposed for the land shall conform to the goals and strategies of the Trinidad Comprehensive Plan and to the land uses depicted on the Future Land Use Plan map.
- ❖ The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City.
- ❖ All rights of way or easements required by the utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements.
- ❖ Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the City in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, 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 City shall be shown not to create any additional cost or burden on the then-existing residents of the City to provide such public facilities in any newly annexed area.
- ❖ The petitioner for annexation shall be responsible for paying the City's full cost for processing the annexation petition, from initial discussion with the City staff before submittal of the petition, through the approval and recording of the final annexation documents.
- ❖ 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.)
- ❖ All subsurface (non-tributary) water rights shall be deeded to the City at the time of annexation.

- ❖ The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present may be cause to have the item continued from the agenda of that meeting.

Eligibility for Annexation

Eligibility for annexation shall be determined by conformity with the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended and as determined by the City Council in its sole discretion.

REVIEW PROCESS

Step 1: Pre-Application Conference. A pre-application conference in accordance with Code Section 14-24 is required to determine the feasibility of the annexation request.

Step 2: Annexation Petition and Application Submittal. The applicant shall submit a complete annexation application to the Planning Division that shall include the following items:

A. Annexation Petition:

One digital copy of the forms, maps, letters and documents listed in Subsection (b) below are to be delivered to the Planning Division with the appropriate fees. The name or title of the proposed annexation on all documents and maps must be consistent.

B. Annexation Application:

1. Land Use Application Form.
2. Development Review Fee \$3,500.00.
3. Completed Annexation Review Process Public Information Guide Checklist.
4. Proof of Ownership. The applicant shall submit proof of ownership with an effective date no more than (30) thirty days prior to the date of submittal of the annexation petition. Ownership 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 of the property owned, because of road rights-of-way or other reasons, then the proof of ownership must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided, in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant is to provide a digital file of the legal description contained in the proof of ownership.
5. Letter of intent. The applicant shall provide a letter of intent addressed to the City Council to serve as a cover letter to the formal petition, introducing the applicant(s) to the City Council, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.
6. Interested Property Ownership Report. Provide a current list (not more than thirty (30) days old) of the names and addresses of mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
7. Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of Section 31-12-107, C.R.S. The City's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the City Attorney before the City accepts the petition for processing. The petition shall contain the following statements:
 - a. An allegation that it is desirable and necessary that the area be annexed to the municipality.
 - b. An allegation that eligibility requirements and limitations have been met or addressed respectively.

- c. An allegation that the petitioners comprise the landowners of more than fifty percent (50%) of the territory included in the proposed annexation area (excluding streets and alleys).
 - d. A request that the annexing municipality approve the annexation.
 - e. If not already included, consent to the inclusion of the property into any special districts as appropriate.
 - f. 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.
 - g. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the City Clerk.
 - h. The mailing address of each signer of the petition.
 - i. 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).
 - j. The affidavit of each petition circulator that each petitioner's signature is valid.
8. Annexation Map. The annexation map shall bear the stamp and license number of a Colorado registered land surveyor and provide the following information:
- a. A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-mile radius.
 - b. Show the outline of area to be annexed with boldest line.
 - c. For all references, show book, page, map number, etc., and place where publicly recorded.
 - d. Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous, and/or coincident with 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 on the annexation map.
 - e. Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City 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 City.
 - f. Show 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 and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.1'.
 - g. Provide 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.
 - h. Show 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.
 - i. Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.

- j. The ownership identity of all mineral rights shall be designated on the map.
 - k. Show 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 definitely 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. If an easement shown on the annexation map is of record, its recorded reference must be given.
 - l. All lines, names and descriptions on the annexation map which 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."
 - m. Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets on the affected property.
 - n. Show clearly the length and bearing of all lines described in the written description.
 - o. Show section numbers, quarter section quadrants, Township and range lines, and label each.
 - p. Show all lines, calls, arcs, etc., described in written description.
 - q. Circle or place an ellipse around each location where a detailed drawing will be provided, and provide designation for each detail such as "See Detail A."
 - r. Show "Point of Beginning" in bold letters with an arrow.
 - s. Show "True Point of Beginning" with bold letters and an arrow, when appropriate.
 - t. A map note shall indicate the total perimeter of the annexation boundary, the continuous length to the existing City boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
 - u. City 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 Trinidad) followed by the owner's signature block(s) and notary block(s), one (1) for each owner or mortgagee.
 - v. City's standard surveyor's certificate signed, dated and sealed by a licensed surveyor or engineer.
 - w. City's standard certificate blocks for the City Council.
 - x. City's standard recording certificate block for the County Clerk and Recorder.
9. Concept Plan Map. The concept plan map shall be prepared by a qualified land planner or architect, shall conform to the drafting standards of the annexation map and shall contain the following:
- a. Show the boundary of the area to be developed;
 - b. Written legal description of the area to be developed;
 - c. Depict 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 of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;

- d. Depict existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
 - e. Depict existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
 - f. Show 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; and
 - g. Show 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.
10. Property Tax Statement. A copy of the prior year's property tax statement for all property to be annexed.
11. Annexation Impact Report. An annexation impact report conforming to Section 31-12-108.5, C.R.S., is required for areas of ten (10) or more acres. The applicant shall provide a draft annexation impact report which will be completed in cooperation with City Staff. The final impact report shall contain the following information:
- a. A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed;
 - b. A copy of any draft or final pre-annexation agreement, if available;
 - c. A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation;
 - d. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the City);
 - e. A statement identifying existing special districts within the area to be annexed; and
 - f. A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students.
12. Trinidad Comprehensive Plan compliance. The applicant is required to provide a narrative response to the series of questions related to the conformance of the project to the goals, and strategies identified in the Comprehensive Plan.
13. Water rights. The applicant shall provide a "Water Rights Report" for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The applicant shall provide a signed warranty deed(s) for sufficient water rights to provide the domestic needs of property to be developed as a result of the annexation. In addition, the applicant shall provide a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the City.
14. Zoning of property to be annexed (optional). If zoning is requested simultaneously with annexation, the petitioner must submit a completed zoning application form, provide a zoning map for the property, a zoning amendment map amending the official zoning map and pay the application and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the City's zoning code and zoning map within ninety (90) days of the completion of the annexation process.

15. Annexation Assessment Report. The application is to be accompanied by 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 these services and facilities to accommodate the development proposed for the property being annexed.

Step 3: Annexation Petition Certification and Completion. The petition for annexation or petition for election and all other documents submitted shall be reviewed by staff for completeness and compliance with the provisions of the Annexation Act and the Municipal Code. The applicant shall be notified within a reasonable time of any deficiencies or inadequacies in the material submitted. An incomplete submission shall not be processed, nor referred to the City Council for a determination of substantial compliance.

Step 4: Annexation Petition Referral to City Council. Upon the staff's determination that the petition and supporting documentation are complete and in compliance with the provisions of the Annexation Act and the Municipal Code, the City Clerk shall refer the petition to the City Council as a communication.

Step 5: City Council Determination of Substantial Compliance. The City Council, without undue delay, shall take the appropriate steps to determine if the petition is in substantial compliance with the Annexation Act.

A. If the petition is found to be in substantial compliance with the Annexation Act, the City Council may, by the adoption of a Resolution of Substantial Compliance, set the annexation (and zoning if requested) for public hearing on a specified date, time, and place, not less than thirty (30) days nor more than sixty (60) days from the effective date of the resolution, subject to compliance with Section 31-12-108, C.R.S.

1. Notice of the public hearing for annexation set by the Resolution of Substantial Compliance shall be given in accordance with Section 31-12-108, C.R.S.

2. A copy of the published notice, together with a copy of the adopted Resolution of Substantial Compliance and the petition as filed, shall be sent as required by Section 31-12-108, C.R.S., as existing or as hereafter amended.

B. In the case of a "flagpole" annexation, the City shall also provide notice to abutting property owners as specified in Section 31-12-105 C.R.S., as amended.

C. If the petition is found to not be in substantial compliance with the Annexation Act, no further action shall be taken, except that the determination shall be made by resolution adopted by the City Council.

Step 6: Refer Application. Upon acceptance of the annexation petition by the City Council, the annexation map and concept plan map shall be referred to the entities listed below:

1. City Public Works Department.
2. City Public Utilities Department.
3. Purgatoire River Water Conservancy District.
4. Colorado Department of Transportation.
5. Trinidad School District No. 1.
6. Entities Holding Franchises.
7. Las Animas County Planning, as specified in any approved intergovernmental agreement.
8. Any municipalities with which the City has an IGA, as appropriate.
9. Additional interested entities as determined by the Director.

Step 7: Planning, Zoning, and Variance Commission Study. At the next regularly scheduled Planning, Zoning and Variance Commission meeting, the annexation application shall be referred to the PZVC for study.

Step 8: City Council Public Hearing and Action on the Annexation.

A. The City 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 Substantial

Compliance. At the conclusion of the public hearing, the City Council shall adopt a resolution containing the findings of fact and conclusions, including:

1. Whether or not the requirements of Sections 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 City Council finds that the area proposed for annexation does not comply with the requirements of Sections 31-12-10 and 105, C.R.S., the annexation proceeding will be terminated.

1. If the City Council finds the following:
 - a. The annexation is in compliance with the requirements of Sections 31-12-104 and 105, C.R.S.;
 - b. That an election is not required under Section 31-12-107(2), C.R.S.;
 - c. No additional terms and conditions are to be imposed;
2. The Council may annex the land by ordinance without election. The zoning of the property, if requested with annexation, shall be approved by separate ordinance. If the petition is for an annexation election, or the City Council determines that additional terms and conditions should be imposed upon the area proposed to be annexed, which are not agreed to voluntarily and in writing by the landowners, the Council shall make appropriate findings by resolution and order an election to be conducted in accordance with Section 31-12-112, C.R.S.
3. If the annexation is approved by the eligible electors in accordance with Section 31-12-112, C.R.S., the City Council may by ordinance annex the land. In the event the annexation is not approved by the eligible electors or the vote is tied, the annexation proceeding will be terminated.
4. If the City Council, in its sole discretion, finds that the annexation is not in the best interest of the City, it may deny the petition by resolution.

POST APPROVAL ACTIONS

A. Within ten (10) days of the effective date of the annexation ordinance, the applicant shall submit to the City Clerk one (1) Mylar of the annexation map and concept plan map. The City Clerk shall file the annexation map and concept plan map for recording with the Las Animas Clerk and Recorder.

B. In the event that zoning was requested with the annexation and approved by the City, the zoning ordinance and copies of the official zoning map amendment shall be recorded with the Las Animas Clerk and Recorder in the manner provided by Article 4 of the Trinidad Land Use Code. In the event that zoning was not requested with annexation, the City shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by Article 4 of the Trinidad Zoning Code.

ANNEXATION AGREEMENT

A draft annexation agreement shall be provided to the applicant by the City not less than four (4) weeks prior to the annexation public hearing before the City Council. If a property to be annexed is under multiple ownership, all of the owners must sign the final negotiated annexation agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate annexation agreements are to be signed by each owner. The final document is to be signed by the applicant and made available to the Director not less than fifteen (15) days prior to the date of the public hearing.