

- e. There is a need to sell water and process wastewater for revenues to meet the costs of owning and operating the City's water and wastewater system, and the need to ensure that land use and development outside of the corporate limits of the City is compatible with land use within the City and will not have an adverse impact on the City and its facilities, public and private.
- f. There is no obligation imposed by general law upon the City to permit any of the City's water to be used outside its boundaries. Neither is there an obligation under general law to reserve water for undeveloped land presently within the City's boundaries.

B. Comply with State Laws

Annexation, consolidation, or disconnection of territory to or from the City shall be in accord with article II of the Colorado Constitution and the Municipal Annexation Act of 1965 as it exists now or may later be amended

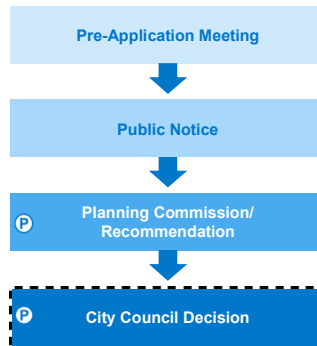
C. Conditions for Annexation

1. To assist the City Council in its decision, each proposal for annexation shall be studied to determine whether:
 - a. The area proposed to be annexed is a logical extension of the City's boundary;
 - b. 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;
 - c. There is a projected available water surplus at the time of request;
 - d. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;
 - e. The annexation can be effected at the time the utilities are extended or at some time in the future;
 - f. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;
 - g. 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;
 - h. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.
2. After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this [Subdivision Zoning](#) Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for

- (3) Dedication of easements including, but not limited to, utility, including telephone and drainage easements as required by the Subdivision-Zoning Code.
- (4) Provision for necessary drainage facilities or the payment of drainage fees and arterial roadway bridge fees 8.
- (5) The City shall require, as a condition of service without annexation, the transfer of title to all groundwater underlying the land proposed to be served with water and wastewater services. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse such service without annexation or require payment commensurate with the value of such groundwater as a condition of service without annexation. The value of such groundwater shall be determined by the Utilities, based on market conditions as presently exist.

- 5. Whether the annexation agreement referred to in subsection D3 of this section can be legally enforced under section 30 of article II of the Colorado Constitution and the Municipal Annexation Act of 1965 as modified by section 30 of article II of the Constitution.

Amendment to UDC Text



P Indicates public hearing required

7.5.702 Amendment to UDC Text

A. Purpose

The purpose of this Section is to establish standards and provide a mechanism for the City to review and decide on an application to amend the text of this UDC.

B. Applicability

- 1. This Section applies to all applications to amend the text of the UDC.
- 2. Specific types of applications may have additional standards, criteria, or requirements, as provided for in this UDC.

C. Amendment to UDC Text Process

1. Application Submission

Only a City department, enterprise, appointed board of the City, or City Council may submit an application to amend the text of the UDC.

2. Planning Commission

- a. The Planning Commission shall review the application at a public hearing and shall forward its recommendation to City Council based on the approval criteria in Subsection D below. The Planning Commission may recommend approval, approval with conditions, denial, or may decide not to make a recommendation on the proposed amendment.
- b. If the application relates to Section 7.2.608 (HP-O: Historic Preservation Overlay), the Historic Preservation Board shall review the application transmit its recommendation to approve, approve with conditions, or deny the text change to the Planning Commission.