

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) ***

TITLE 31. GOVERNMENT - MUNICIPAL
ANNEXATION - CONSOLIDATION - DISCONNECTION
ARTICLE 12. ANNEXATION - CONSOLIDATION - DISCONNECTION
PART 1. MUNICIPAL ANNEXATION ACT OF 1965

C.R.S. 31-12-106 (2015)

31-12-106. Annexation of enclaves, partly surrounded land, and municipally owned land

(1) Annexation of enclaves. When any unincorporated area is entirely contained within the boundaries of a municipality, the governing body may by ordinance annex such territory to the municipality in accordance with [section 30 \(1\) \(c\) of article II of the state constitution](#), but without complying with [section 31-12-104](#), [31-12-105](#), [31-12-108](#), or [31-12-109](#), if said area has been so surrounded for a period of not less than three years; except that notice of the proposed annexation ordinance shall be given by publication as provided by [section 31-12-108 \(2\)](#) for notices of annexation petitions, and resolutions initiating annexation proceedings, but no public hearing on the proposed annexation ordinance shall be required, and the first publication of notice shall be at least thirty days prior to the adoption of the ordinance.

(1.1) Exception to annexation of enclaves. (a) No enclave may be annexed pursuant to subsection (1) of this section if:

(I) Any part of the municipal boundary or territory surrounding such enclave consists at the time of the annexation of the enclave of public rights-of-way, including streets and alleys, that are not immediately adjacent to the municipality on the side of the right-of-way opposite to the enclave; or

(II) Any part of the territory surrounding the enclave was annexed to the municipality since December 19, 1980, without compliance with [section 30 of article II of the state constitution](#).

(b) In the case of an enclave the population of which exceeds one hundred persons according to the most recent United States census and that contains more than fifty acres, the enclave shall not be annexed pursuant to subsection (1) of this section unless the governing body of the annexing municipality has:

(I) Created an annexation transition committee composed of nine members, five of whom shall reside, operate a business, or own real property within the enclave, two of whom shall represent the annexing municipality, and two of whom shall represent one or more counties in which the enclave is situated; and

(II) Published notice of the creation and existence of the committee, together with its regular mail, electronic mail, or telephonic contact information, in the same manner as provided by [section 31-12-108 \(2\)](#) for notices of annexation petitions and resolutions initiating annexation proceedings.

(c) The duties of the annexation transition committee required by paragraph (b) of this subsection (1.1) shall be to:

(I) Serve as a means of communication between or among the annexing municipality, one or more counties within which the enclave is situated, and the persons who reside, operate a business, or own real property within the enclave regarding any public meetings on the proposed annexation; and

(II) Provide a mechanism by which persons who reside, operate a business, or own real property within the enclave may communicate, whether by electronic mail, telephonic communication, regular mail, or public meetings, with the annexing municipality or any counties within which the enclave is situated regarding the proposed annexation.

(2) (Deleted by amendment, L. 97, p. 995, § 2, effective May 27, 1997.)

(3) Annexation of unincorporated municipally owned land. When the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with [section 30 \(1\) \(c\) of article II of the state constitution](#) and [sections 31-12-104 \(1\) \(a\)](#) and [31-12-105](#), the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in [sections 31-12-108](#) and [31-12-109](#). The annexing ordinance shall state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way.

(4) Additional terms and conditions on the annexation. Additional terms or conditions may be imposed by the governing body in accordance with [section 31-12-112](#).

(5) Any municipality that has entered into an intergovernmental agreement, any portion of which addresses issues pertaining to the annexation of enclaves shall, promptly upon execution of the agreement, record the agreement with the clerk and recorder of any county within which any land area addressed in the agreement is situated.