



Legislation Details (With Text)

File #: 16-405 **Version:** 1 **Name:**

Type: Resolution **Status:** Mayor's Office

File created: 5/13/2016 **In control:** City Council

On agenda: 5/24/2016 **Final action:** 5/24/2016

Title: A resolution directing the City Clerk to provide notice that the Colorado Springs City Council will consider annexation of the area known as Mohl Hollow consisting of 1.26 acres pursuant to C.R.S. 31-12-106(1) on June 28, 2016.

(Legislative)

Presenter:
Meggan Herington, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Sponsors:

Indexes:

Code sections:

Attachments: 1. Mohl-ClerkGiveNoticeRES-2016-05-06, 2. Exhibit A to Reso-Legal Description, 3. Mohl Enclave Map, 4. Mohl Vicinity Map, 5. PUBLIC NOTICE Mohl Hollow, 6. CRS 31-12-106, 7. CRS 31-12-108, 8. Resolution 52-16.pdf

Date	Ver.	Action By	Action	Result
5/24/2016	1	City Council	adopted	Pass

A resolution directing the City Clerk to provide notice that the Colorado Springs City Council will consider annexation of the area known as Mohl Hollow consisting of 1.26 acres pursuant to C.R.S. 31-12-106(1) on June 28, 2016.

(Legislative)

Presenter:

Meggan Herington, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Summary:

Owner: 6473 Vincent Drive, LLC
Location: Southeast corner of Vincent Drive and Dublin Boulevard

This is a request to approve a resolution directing the City Clerk to provide notice that the City Council will consider annexation of the area known as Mohl Hollow at its June 28, 2016 meeting. The annexation area is 1.26 acres and located at the Southeast corner of Vincent Drive and Dublin Boulevard. See the attached map titled Enclave Map for specific location.

Previous Council Action:

N/A

Background:

The Colorado Municipal Annexation Act of 1965 provides that a municipality may annex an enclave by ordinance without a petition or hearing if the following conditions are met: (1) the property must be and have been entirely contained within the boundaries of the municipality (be an enclave) for a period of not less than 3 years; (2) no part of the municipal boundary surrounding the property may consist of public right-of-way that is not immediately adjacent to the City on the side of the right of way opposite the property; (3) if any of the City territory surrounding the property was annexed after December 19, 1980 such annexation must have complied with section 30 of Article II of the state constitution; and (4) if the population of the enclave exceeds 100 people and contains more than 50 acres, the municipality must comply with 31-12-106(1.1)(b).

Prior to considering an annexation of an enclave under 31-12-106(1), the City must give notice in accord with 31-12-108(2). Section 31-12-108(2) provides that the City Clerk must publish notice of the proposed annexation once a week for 4 successive weeks. The first publication must be at least 30 days prior to the date City Council will consider the annexation.

The annexation can be advertised on the following dates: May 28, 2016, June 4, 2016, June 11, 2016 and June 18, 2016 to adhere to the statutory requirements for the June 28, 2016 City Council meeting. The proposed resolution directs the City Clerk to publish notice of the proposed annexation in accordance with 31-12-108(2). Approving the resolution does not obligate the City Council to approve the annexation in the future.

Financial Implications:

N/A

Board/Commission Recommendation:

The City Planning Commission will make a recommendation to City Council at their meeting on May 19, 2016. The findings of that hearing will be presented to Council at the June 28, 2016 City Council.

Stakeholder Process:

N/A

Alternatives:

City Council can approve or deny the resolution directing the City Clerk to publish notice. If the resolution is not approved, the annexation cannot be considered under 31-12-106(1).

Proposed Motion:

Move to approve the resolution directing the City Clerk to give notice that the City Council will consider the Mohl Hollow annexation on June 28, 2016.

N/A