



Legislation Text

File #: ANEX-23-0025RF, **Version:** 1

A resolution adopting findings of fact and conclusion of law based thereon and determining the eligibility for the annexation of property known as Air Lane Addition No. 2 Annexation.

(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Summary:

Owner: City of Colorado Springs
Location: Along existing Air Lane north of Space Village Avenue and along existing Space Village Avenue west of Marksheffel Road.

The proposed annexation of a portion of Air Lane and Space Village Avenue is for the purpose of bringing City-owned property into the municipal limits. The parcels proposed for annexation are for right-of-way only and therefore do not require any associated entitlement applications to support the annexation request.

Background:

Please see Planning Commission Staff Report for a complete analysis of the proposed annexation.

Review Criteria:

The Conditions for Annexation Criteria as set forth in City Code Section 7.5.701 (UDC) and noted below:

- 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.*
- I. 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 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 annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met.*

In addition to the Conditions for Annexation ratified in the UDC, the City Council recently accepted “guidelines” to further aid in analyzing annexations; however, City Council has exempted city owned parcels or annexations for right-of-way only from those guidelines.

Staff finds the proposed application meets Colorado Revised Statute and is eligible for annexation.

Previous Council Action:

The City Council voted unanimously on December 12, 2023, to accept the annexation petitions. On May 28, 2024, the City Council voted unanimously to set the public hearing for this annexation.

Financial Implications:

The proposed annexation is City owned property; therefore, a Financial Impact Analysis is not required.

City Council Appointed Board/Commission/Committee Recommendation:

The City Planning Commission voted unanimously to recommend approval of the annexation at their May 8, 2024, meeting.

Proposed Motions:

Approve a resolution adopting a findings of fact and conclusion of law based thereon and determining the eligibility for the annexation of property known as Air Lane Addition No. 2, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.5.701.

Deny a resolution adopting a findings of fact and conclusion of law based thereon and determining the eligibility for the annexation of property known as Air Lane Addition No. 2, based upon the findings that the annexation does not comply with the Conditions for Annexation Criteria as set forth in City Code Section 7.5.701.

N/A