



Legislation Text

File #: 18-0073, **Version:** 1

A Resolution finding a petition for annexation of the area known as The Sands Addition Nos. 1-4 Annexation consisting of 140.61 acres to be in substantial compliance with Section 31-12-107(1), C.R.S. and setting a hearing date of May 22, 2018 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Summary:

Applicant: Thomas and Thomas
Owners: Lorson South Land Corp. and Babcock Land Corp.
Location: northeast corner of Constitution Avenue and Marksheffel Road

This is a request to approve a resolution finding the Sands Addition Nos. 1-4 Annexation petition to be in substantial compliance with C.R.S. Section 31-12-107, setting a public hearing date of May 22, 2018 to consider the annexation, and directing the City Clerk to provide notice of the hearing in accordance with C.R.S. Section 31-12-108. The annexation area is 140.61 acres and located northeast of Constitution Avenue and Marksheffel Road.

Previous Council Action:

On May 23, 2017, City Council accepted the original petition for annexation. CRS does not establish a sunset or an expiration of the "acceptance of petition for annexation". Staff believes there is some discretion implied to home rule cities. However, in this case, there have been no changes to the City's annexation policy or physical circumstances that would nullify the 2015 "acceptance" of the petition.

Background:

The Colorado Municipal Annexation Act of 1965 (the "Act") provisions require that once a petition has been reviewed and is found to be in substantial compliance with the requirements of C.R.S. 31-12-107(1), the City Council must set a hearing to consider the annexation and publish notice of the annexation hearing for four (4) weeks prior to the public hearing. In addition, the hearing date must be no less than thirty (30) days or more than sixty (60) days after the effective date of the resolution setting the hearing. City staff has reviewed The Sands Addition Nos. 1-4 Annexation Petition and has found it to be in substantial compliance with C.R.S. Section 31-12-107(1). City staff recommends that City Council find the petition to be in substantial compliance, set a hearing date on the petition, and direct the Clerk to give notice in accord with C.R.S. Section 31-12-108, as required by the Act. The notice of the annexation hearing can be published on the following dates: April 14, 2018; April 21, 2018; April 28, 2018; and May 4, 2018 to adhere to the statute requirements for the May 22, 2018

City Council meeting. Approving the resolution and setting a public hearing for the proposed annexation does not obligate the City Council to approve the annexation in the future.

Financial Implications:

Not applicable at this time. A fiscal impact analysis has been prepared and will be provided to the City Council with the annexation hearing information packet.

Board/Commission Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

City Council can approve, modify or deny the resolution finding the petition to be in substantial compliance, setting the hearing date and directing the Clerk to give notice of the public hearing for the annexation. If the resolution is not approved and the hearing is not scheduled, the annexation cannot be considered.

Proposed Motion:

Move to approve the resolution finding the petition for annexation to be in substantial compliance with C.R.S. Section 31-12-107(1), setting the hearing date of May 22, 2018 for consideration of The Sands Addition Nos. 1-4 Annexation, and directing the Clerk to provide notice in accord with C.R.S. Section 31-12-108.

N/A