



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Members of the Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: August 27, 2024
SUBJECT: Annexation – 889 S. Elizabeth Street, Elbert County

BACKGROUND

On May 16, 2024, the Town of Elizabeth received a *Petition for Annexation*, regarding the property commonly identified as 889 South Elizabeth Street, Elbert County, Colorado. The *Petition*, appearing complete, was forwarded to the Board of Trustees for action. The Board confirmed substantial compliance with both Colorado Law and the Colorado Statutes have accepted the *Petition for Annexation* under Resolution 24R30.

For purposes of Zoning, the Town is required to forward the matter to the Planning Commission for a zoning recommendation. The property is currently zoned Elbert County R-1. The applicant has sought to annex the property into the Town as Commercial Mixed Use (CMU), with the intention to maintain the current physical status until development occurs at a later date. On August 6, 2024, the Planning Commission made a favorable recommendation regarding CMU zoning. However, the Board of Trustees is not bound by the recommendation of the Planning Commission.

With zoning having been addressed by the Planning Commission, the topic of the actual annexation is then forwarded to the Board of Trustees for action. Annexation under Colorado Law is consensual. The *Petition for Annexation* requires both parties to agree to the terms and conditions set forth in an *Annexation Agreement*. The Board retains the authority to reject the *Petition*, and the Applicant retains the ability to withdraw its application any time prior to approval.

The Town Administrator and Town Attorney have been provided specific and detailed instructions as to the terms and conditions for annexation. As of the date of this memorandum, the parties have worked to bring this matter to resolution through a written agreement. However, as of the date of this memorandum, no formal *Annexation Agreement* signed by the applicant exists.

ANALYSIS

The parties continue to work towards an agreement that meets the development interests of the applicant while maintaining the conditions the Board of Trustees considers important for annexation. No Annexation Agreement exists for action by the Board.