



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Honorable Mayor and Board of Trustees
FROM: Zach Higgins, AICP Community Development Director
DATE: July 09, 2024
SUBJECT: Resolution 24R30, Substantial Compliance regarding Annexation of 889 S Elizabeth Street

SUMMARY

The owner of unincorporated territory located at 889 South Elizabeth Street has submitted a petition for annexation to be included in the incorporated boundaries of the Town of Elizabeth. Resolution 24R30 accepts the petition for annexation and establishes August 27, 2024, as the date for the public hearing.

Resolution 24R30 also memorializes that the Board of Trustees has examined the annexation petition for 889 South Elizabeth Street and the provided exhibits for completion and compliance with the adopted procedures and regulations. Staff and the Town's consultants have reviewed the documentation and feel that those parameters have been met to proceed with 24R30.

STAFF RECOMMENDATION

Staff recommends the Board of Trustees approve Resolution 24R30, a Resolution accepting the petition for annexation and establishing August 27, 2024, as the date of public hearing on the requested annexation of a parcel of unincorporated territory located in the County of Elbert (889 South Elizabeth Street Annexation).

ATTACHMENT(S)

Resolution 24R30
Annexation Petition
Narrative
Annexation Exhibit

RESOLUTION 24R30

A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING AUGUST 27, 2024, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF A PARCEL OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF ELBERT (889 SOUTH ELIZABETH STREET ANNEXATION)

WHEREAS, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, has filed a petition for annexation of a certain unincorporated property to the Town (the "Petition"), which territory is more particularly described in **Exhibit A**, attached to the Petition;

WHEREAS, C.R.S. § 31-12-108 requires that the Town accept the Petition and establish a date, time and place that the Board of Trustees will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

WHEREAS the Board of Trustees, at its regular meeting on July 9, 2024, reviewed the Petition and various documents submitted in support of the Petition;

WHEREAS, the Board of Trustees has examined the record in this case and the various exhibits; has considered the request, and the recommendations of the staff and consultants; and based upon the record which has been made concerning the request, has arrived at its decision; and

WHEREAS, it has been found and determined that the applicant has complied with all of the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The Petition is hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

Section 2. That a public hearing to consider the Petition is scheduled for August 27, 2024, at 7:00 p.m., at the Town Hall of the Town of Elizabeth, which is located at 151 S. Banner Street, Elizabeth, Colorado, 80107, to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105, or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

Section 3. Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Elbert County, may appear at such hearing and present evidence upon any matter to be determined by the Board of Trustees.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2024, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

RECEIVED
MAY 16 2024
Town of Elizabeth

PETITION FOR ANNEXATION

TO: THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO

RE: PROPERTY KNOWN AS: 889 SOUTH ELIZABETH STREET

The undersigned landowners, in accordance with the provisions of Title 31, Article 12, Part 1, C.R.S., known as the Municipal Annexation Act of 1965, as amended, hereby petition the Board of Trustees of the Town of Elizabeth, Colorado for annexation to the Town of Elizabeth of the following described unincorporated area situate and being in the County of Elbert, and State of Colorado:

(See **Exhibit A** attached hereto and incorporated herein by reference)

In support of their Petition, Petitioners state as follows:

1. That it is desirable and necessary that such area be annexed to the Town of Elizabeth, Colorado

2. That the area sought to be annexed meets the requirements of C.R.S. §§ 31-12-104 and 105, in that:

a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Elizabeth, Colorado, disregarding for contiguity purposes, as allowed by C.R.S. § 31-12-104(1)(a), the existence of any platted street or alley, any public right-of-way, any public or private transportation right-of-way or area, public lands (except county-owned open space), or any lakes, reservoirs, streams, or other natural or artificial waters located between the Town and the land proposed to be annexed. The contiguity required by C.R.S. § 31-12-104(1)(a) has not been established by use of any boundary of an area which was previously annexed to the Town of Elizabeth where the area, at the time of its annexation, was not contiguous at any point with the boundary of the Town of Elizabeth, and was not otherwise in compliance with C.R.S. § 31-12-104(1)(a), and was located more than three (3) miles from the nearest boundary of the Town of Elizabeth, nor was the contiguity required by C.R.S. § 31-12-104(1)(a) established by use of any boundary of territory which was subsequently annexed directly to, or which was indirectly connected through subsequent annexations of such an area.

b. The proposed annexation will not create any disconnected municipal satellites.

c. A community of interest exists between the area proposed to be annexed and the Town of Elizabeth, Colorado.

d. The area proposed to be annexed is urban or will be urbanized in the near future and said area is integrated or is capable of being integrated with the Town of Elizabeth, Colorado.

e. No land held in identical ownership, whether consisting of one (1) tract or parcel of real estate or two (2) or more contiguous tracts or parcels of real estate:

i. is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road, or other public way.

ii. comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners.

f. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.

g. The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of same to another school district.

h. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Elizabeth more than three (3) miles in any direction from any point of the Town's boundary in any one year.

i. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

j. Reasonable access will not be denied to landowners, owners of easements or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the Town of Elizabeth.

3. That attached hereto and incorporated herein by reference are four (4) prints of the annexation map, containing the following information:

a. A written legal description of the boundaries of the area proposed to be annexed.

- b. A map showing the boundary of the area proposed to be annexed.
 - c. Within the annexation boundary map, a showing of the location of each ownership tract of unplatted land, and, with respect to any area which is platted, the boundaries and the plat numbers of plots or lots and blocks.
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
4. That Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
 5. That all Petitioners signed this Petition for Annexation no more than one hundred eighty (180) days prior to the date of the filing of this Petition for Annexation.
 6. That this Petition for Annexation satisfies the requirements of Article II, Section 30 of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Elizabeth.
 7. That no election has been held within the last twelve (12) months for annexation of the area described in Exhibit A to the Town of Elizabeth.
 8. That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the ordinances, resolutions, rules and regulations of the Town of Elizabeth, except for general property taxes which shall become effective on January 1 of the next succeeding year following passage of the Annexation Ordinance.
 9. That, by the date that is ninety (90) days after the effective date of the Annexation Ordinance, Petitioners will request that zoning be granted.
 10. That this Petition, and the annexation of the property described in Exhibit A hereto, is specifically conditioned on the negotiation and execution by Petitioners and the Town of a mutually acceptable annexation agreement.
 11. That Petitioners reserve the right to withdraw this Petition at any time prior to the adoption of an annexation ordinance.

Therefore, the undersigned Petitioners respectfully request that the Board of Trustees of the Town of Elizabeth, Colorado approve the annexation of the area described in Exhibit A to the Town of Elizabeth.

Whenever from the context it appears appropriate, each term stated in either the singular

or plural will include the other, and pronouns stated in either the masculine, eminent or the neuter gender will include each of the other genders.

Dan / 5/14/24
Name Date
TURN 2 DEVELOPMENT LLC
MANAGING MEMBER

PO Box 2586, Elizabeth CO 80107
Mailing Address

Name Date

Mailing Address

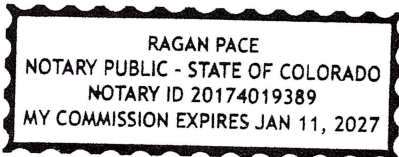
STATE OF COLORADO)
)
COUNTY OF DENVER) ss.

Subscribed, sworn to, and acknowledged before me this 4 day of May, 2024, by

Witness my hand and official seal.

My Commission expires:

[SEAL]

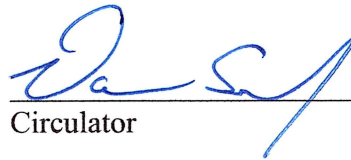


Ragan Pace
Notary Public

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

That he was the circulator of the foregoing Petition for Annexation of lands to the Town of Elizabeth, Colorado, consisting of SIX (6) pages including this page, and that each signature thereon was witnessed by the affiant and is the true signature of the person whose name it purports to be.



Circulator

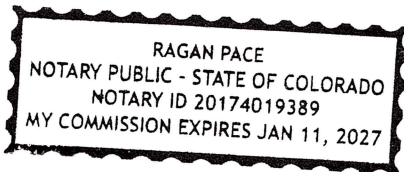
STATE OF COLORADO)
) ss.
COUNTY OF Denver)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 14 day of May, 2024, by Ragan Pace.

Witness my hand and official seal.

My Commission expires:

[SEAL]





Notary Public

EXHIBIT A

889 SOUTH ELIZABETH STREET ANNEXATION

LEGAL DESCRIPTION:

A Tract of land situated in the Southeast quarter of the Northeast quarter of Section 13, Township 8 South, Range 65 West of the 6th P.M., County of Elbert, State of Colorado, more particularly described as follows:
Commencing at the Southeast corner of said Southeast quarter of the Northeast quarter thence North 89°21'41"
West along the South line of said Southeast quarter of the Northeast quarter a distance of 370.75 feet to the West
right of way line of Elizabeth Street and to the True Point of Beginning;
Thence North 89°21'41" West along South line a distance of 269.92 feet;
Thence North 2°10'53" West a distance of 315.98 feet;
Thence South 89°21'41" East, a distance of 282.18 feet to the West right of way line of Elizabeth Street;
Thence South 0°02'29" West along said West right of way line a distance of 315.62 feet to the Point of Beginning.



P.O. Box 2586
Elizabeth, CO 80107
303-881-5005

March 1, 2024

Dear Town of Elizabeth:

Please accept this annexation and zoning application for the property located at 889 South Elizabeth Street. The land use application involves the annexation of a 2-acre property located in the middle of the Town of Elizabeth. The application also involves zoning the property to Commercial Mixed Use (CMU) at annexation. We believe this proposal makes a lot of sense and are pleased to be working with you on this initial step in the development process.

The subject property is zoned Elbert County R-1 and consists of two residences as well as outbuildings. The property is located at the intersection of two major collectors, County Road 136 and South Elizabeth Street. The property is surrounded by apartments zoned CMU to the north, vacant land zoned Regional Commercial to the northeast, unincorporated, enclaved, residential property to the east, Planned Unit Development residential lots to the south, and Agricultural property to the west.

The subject property is enclaved, as it is surrounded by the corporate limits of the Town of Elizabeth on all sides. That said, the property has 100% contiguity, exceeding the 1/6 minimum contiguity outlined in Colorado Revised Statutes.

The proposed zoning of CMU is consistent with the Town of Elizabeth Comprehensive Plan which outlines mixed use as the recommended future land use designation. Additionally, the comprehensive plan states that "development of new projects in Elizabeth should focus on areas closer to the Town's core as a priority, and avoid the 'urban sprawl' of Elizabeth into the surrounding countryside". Consistent with what's stated in the comprehensive plan, we believe that incorporating this parcel into the Town limits and zoning the property for mixed use is both compatible with the surrounding land area and more sustainable from a future tax and infrastructure standpoint.

Existing well and septic would be abandoned upon development of the subject property, and the property is anticipated to be served by Town of Elizabeth water and sewer. Water and sewer connections both exist within range of the property due to the property being located within the middle of the Town's corporate limits.

While there is no set development plan or timeline at this time, we anticipate moving forward with platting the lot within the Town of Elizabeth once the property is annexed and zoned. Based on the community feedback received, future development is anticipated to involve a childcare facility or similar, compatible use.

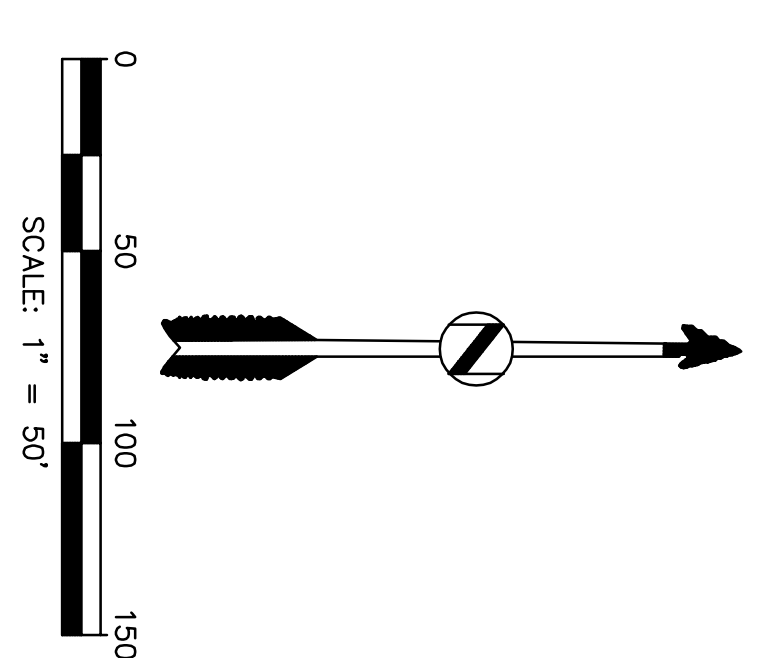
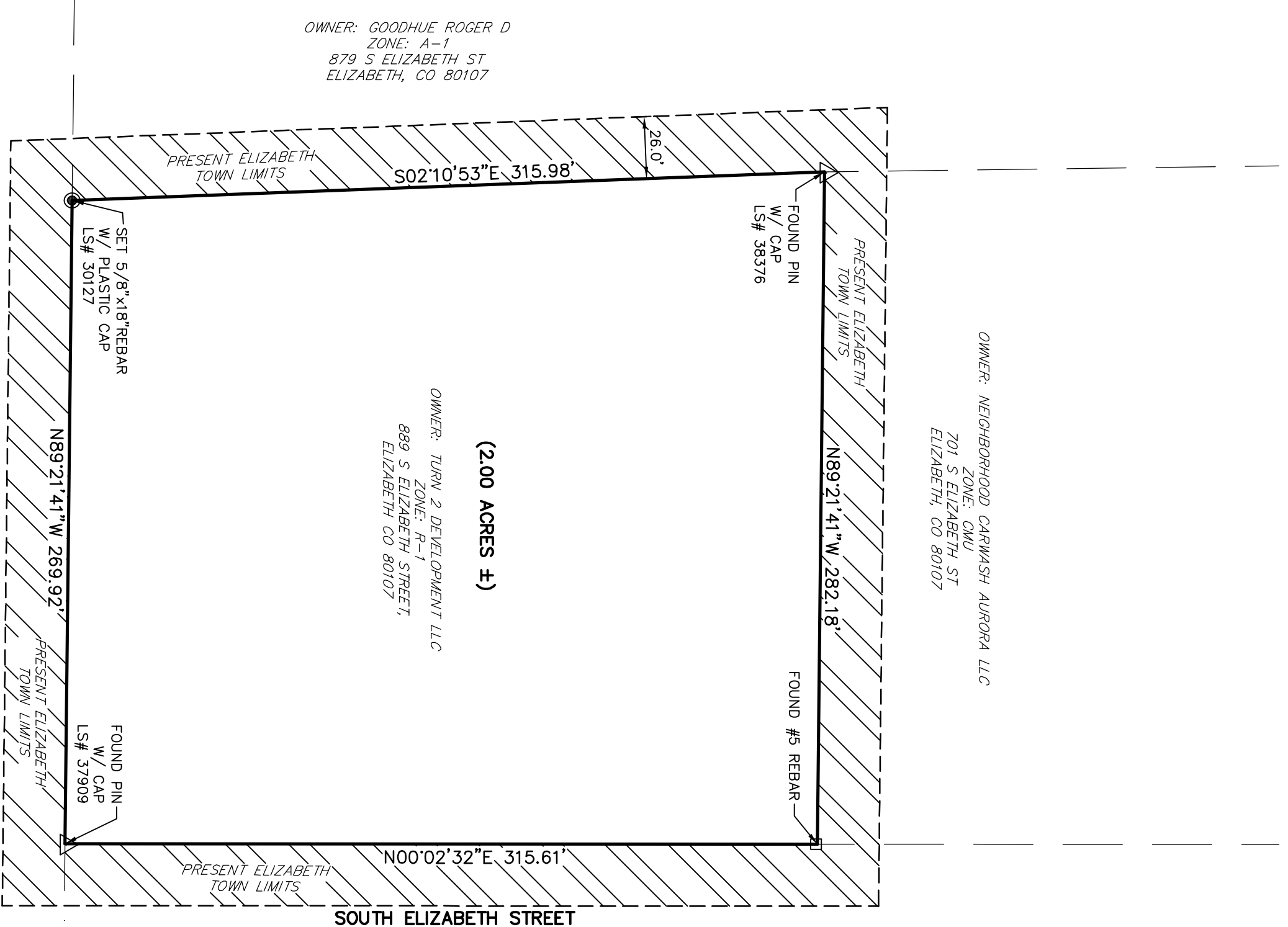
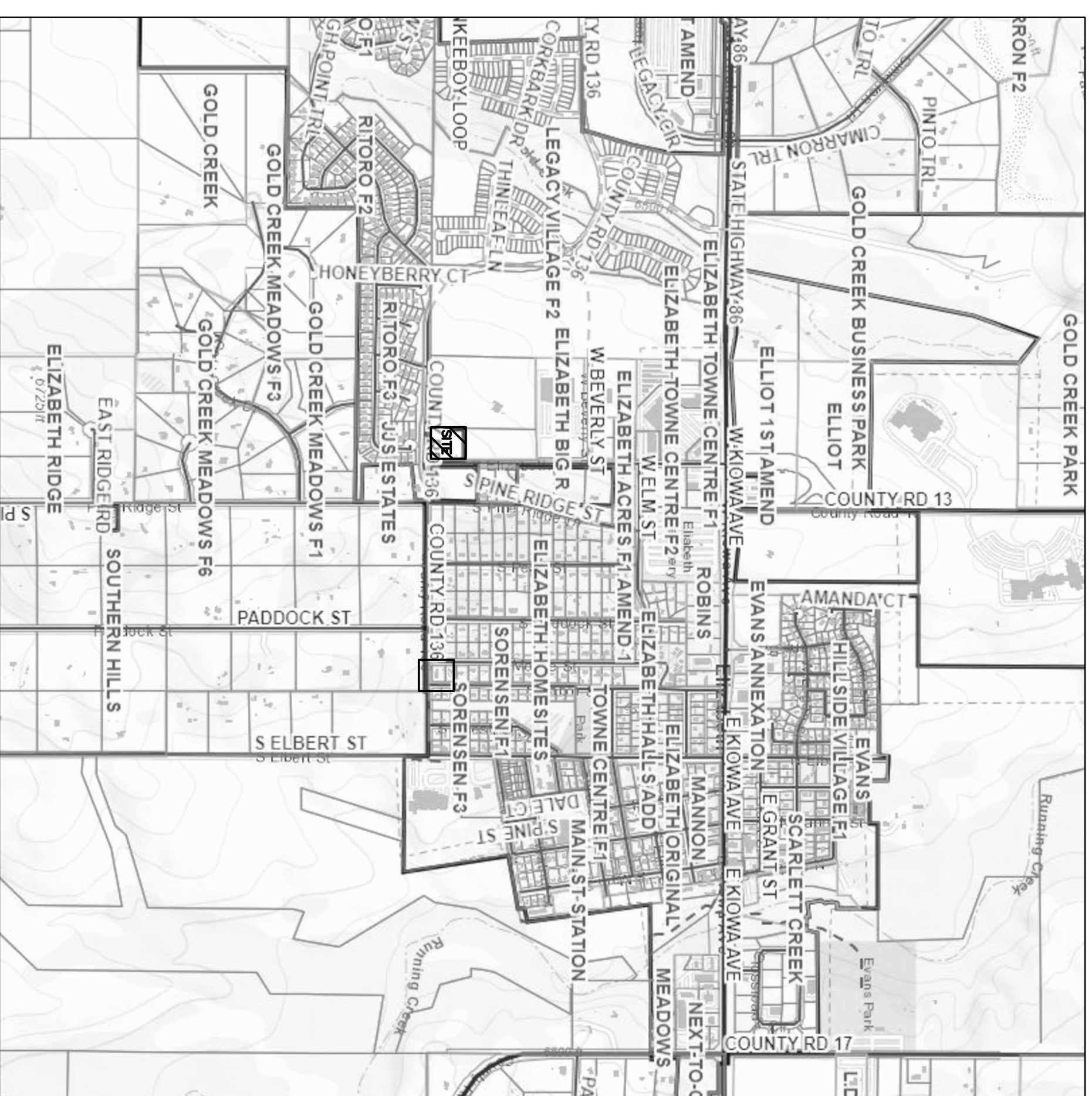
We believe that the application meets all applicable Town of Elizabeth criteria and standards. We received good community feedback at our public meeting when discussing bringing this property in, and we find that it is most logical for this enclaved property to be brought into the Town of Elizabeth which will serve to support its tax base. We appreciate your thoughtful review and consideration of approval of our application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darren Spradling", with a stylized flourish at the end.

Darren Spradling

889 SOUTH ELIZABETH STREET ANNEXATION TO THE TOWN OF ELIZABETH PART OF SECTION 13, T. 8 S, R. 65 W, 6TH P.M. COUNTY OF ELBERT, STATE OF COLORADO



OWNERS:
TURN 2
DEVELOPMENT LLC
889 S ELIZABETH
STREET
ELIZABETH
CO ORADO, 80107
303-646-2559

PROPERTY DESCRIPTION:
A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST, COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N89°21'41\"/>

BOUNDARY CONTIGUOUS WITH THE TOWN OF ELIZABETH:
1183.69 FEET = PERIMETER CONTIGUOUS TO ELIZABETH TOWN LIMITS
1183.69 FEET = TOTAL PERIMETER OF LAND TO BE ANNEXED
% CONTIGUOUS = 1183.69/1183.69 x 100
= 100%

SURVEYOR'S STATEMENT:
I, KEITH WESTFALL, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF THE SURVEY DATA AND INFORMATION I FURNISH CERTIFY THAT THE MAP CONFORMS TO COLORADO STATUTES PERTAINING TO ANNEXATIONS

COUNTY CLERK AND RECORDERS CERTIFICATE:
THIS ANNEXATION MAP WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDERS OF ELBERT COUNTY, COLORADO AT _____ M, THIS _____ DAY OF _____ 20____
RECEPTION NUMBER _____

CLERK AND RECORDER _____
DEPUTY _____

STATEMENT:
LINEAL UNITS ARE IN FEET.
DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

BASIS OF BEARINGS:
CONSIDERING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SEC 13 TO HAVE AN ASSUMED BEARING OF N89°21'41\"/>

_____ DATE _____
Keith Westfall, Colorado PLS #30127
For and on behalf of
High Prairie Survey Co.

- NOTES:**
- 1) THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY. THIS MAP IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT"
 - 2) THE SUBJECT PROPERTY CONTAINS AN AREA OF 2.00 ACRES, MORE OR LESS
 - 3) IMPROVEMENTS NOT SHOWN

High Prairie Survey Co.		OIL AND GAS SURVEYING CONSTRUCTION STAKING	
LAND SURVEYING		SCALE 1" = 50'	
303-621-8672 FAX 303-621-7749		DATE 07/10/2023	
P.O. BOX 384		DRAWN BY	
KIOWA, COLORADO 80117		CRR	
CLIENT	JOB NUMBER	SHEET	JOB NUMBER
TURN 2 DEVELOPMENT	23127-ANX	1 OF 1	23127-ANX