

ORDINANCE 24-11

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF A PARCEL OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE 889 SOUTH ELIZABETH STREET PROPERTY IN ELBERT COUNTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Elizabeth, Colorado, a written Petition for Annexation to and by the Town of Elizabeth, Colorado, of that property described in the attached **Exhibit A**, being contiguous unincorporated territory, situated, lying and being in the County of Elbert, State of Colorado;

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado, conducted a public hearing on August 27, 2024, as required by law to determine the eligibility for annexation of that property described in Exhibit A;

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in Exhibit A and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Elizabeth, Colorado;

WHEREAS, the Board of Trustees of the Town of Elizabeth, Colorado, by resolution, determined that the applicable parts of C.R.S. §§ 31-12-104 and 31-12-105 have been met, that an election is not required under C.R.S. § 31-12-107(2), and that no additional terms and conditions are to be imposed;

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the property described in Exhibit A be annexed to the Town; and

WHEREAS, it is in the best interest of the Town and its citizens to annex said parcel.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. The annexation to and by the Town of Elizabeth, State of Colorado, of that property described in the attached **Exhibit A**, situated, lying and being in the County of Elbert, State of Colorado, meets all requirements of law and the annexation policy of the Town of Elizabeth, and therefore, said annexation is hereby approved and made effective.

Section 2. The owner of more than fifty percent (50%) of the area of the property described in Exhibit A, exclusive of public streets and alleys, petitioned for annexation with the Board of Trustees by filing a Petition for Annexation, together with four (4) copies of the annexation map, as required by law.

Section 3. The Board of Trustees, by resolution at a properly-noticed meeting on July 9, 2024, accepted said Petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, as amended, have been met and further

determined that an election was not required under the Act and that no additional terms and conditions were to be imposed upon said annexation.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the Municipal Laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Elizabeth.

Section 5. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Elizabeth will serve the best interests of the Town of Elizabeth and the owner(s) of the territory to be annexed, the unincorporated territory described in Exhibit A, which is attached hereto and made a part hereof, is hereby annexed to the Town of Elizabeth, Colorado.

Section 6. Upon passage of this Ordinance, the Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) copies of the Annexation Map with the Clerk and Recorder of the County of Elbert, State of Colorado, and shall keep one (1) copy of the annexation map along with the original of this Annexation Ordinance in the Town Clerk's office.

Section 7. The Town Clerk shall request that the Elbert County Clerk and Recorder shall file one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs, in addition to filing one (1) certified copy of the Annexation Ordinance and one (1) copy of the Annexation Map with the Colorado Department of Revenue

Section 8. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Elbert County Clerk and Recorder.

Section 9. Effective Date. By operation of C.R.S. § 31-12-113(2), the annexation and this Ordinance will not become effective until the Town Clerk completes the filings required by statute. For the purpose of general taxation, this Ordinance shall become effective on January 1st of the next succeeding year following its passage. This Ordinance shall otherwise become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2024.

Passed by a vote of _____ for and _____ against and ordered published.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk