



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: September 24, 2024
SUBJECT: **UPDATED MEMO Annexation – 889 S. Elizabeth Street, Elbert County**

BACKGROUND

The Town received a *Petition for Annexation* for 889 South Elizabeth Street, Elbert County, Colorado. The Board accepted the *Petition*, under Resolution 24R30. Staff was provided with instructions for the negotiation of an *Annexation Agreement*.

On August 27, 2024, a Public Hearing was held. During the hearing, the Applicant agreed to the twenty-two (22) broad categories of approved uses. The Applicant has now rejected that term. The Applicant agreed to the payment of \$50,000 for future costs associated with the abandonment of the water well. During the Public Hearing, this offer was withdrawn. The Applicant now has proposed payment to \$25,000.

On September 10, 2024, the Town Attorney received a “final” *Annexation Agreement* which does not conform to the Board’s terms for annexation. The Agreement is presented as a “take-it or leave-it” offer for approval.

STAFF RECOMMENDATION

The Board of Trustees retains absolute authority over annexation. The Board may direct improvements to the property prior to annexation; may set the terms of annexation; and may decline to annex with or without specific reason. The applicant may withdraw the application any time prior to approval.

The Town Attorney does not approve the Annexation Agreement to form as it fails to comply with the terms required by the Board of Trustees. The Town Attorney recommends the matter proceed to an up/down vote and annexation be denied for failure to reach an Agreement.