



Grand Lake Board of Trustees

Public Hearing (Quasi-Judicial) Resolution 13-2023; A Resolution Regarding Substantial Compliance Of A Petition For Annexation Filed By The Genette Simpkins Revocable Living Trust Regarding An 8.98 Acre Parcel Known As The “Love Tract” And Setting The Matter For A Public Hearing

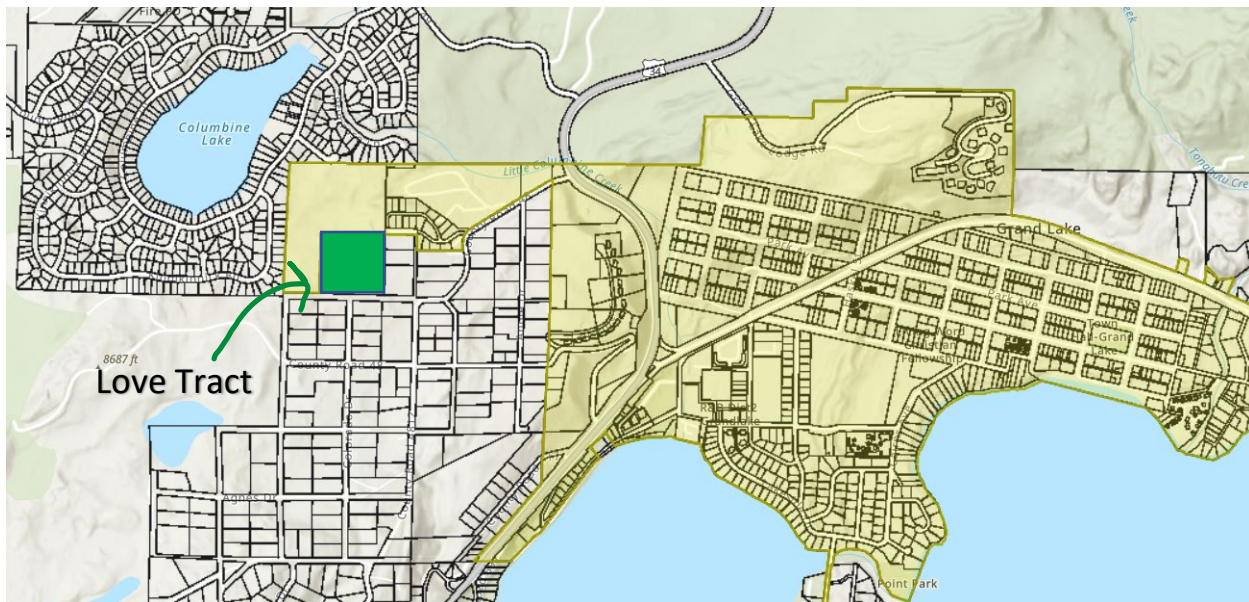
TO: Mayor Kudron and the Trustees
FROM: Kimberly White, Community Development Department
DATE: 04/24/2023

RE: Public Hearing (Quasi-Judicial) Resolution 13-2023; A Resolution Regarding Substantial Compliance Of A Petition For Annexation Filed By The Genette Simpkins Revocable Living Trust Regarding An 8.98 Acre Parcel Known As The “Love Tract” And Setting The Matter For A Public Hearing

Public Hearing Process:

The public hearing should be conducted as follows:

1. Open the Public Hearing.
2. Allow staff to present the matter.
3. Allow the applicant to address the Trustees.
4. Take all public comment.
5. Close the Public Hearing.
6. Have Trustees discuss amongst themselves.
7. Trustees makes a motion.



Purpose:

For the Board of Trustees to perform Step 1 of the annexation process discussed below. Specifically, the Board will receive and review a petition for annexation from the owner of the 8.98 Acre parcel known as the “Love” Tract and set the matter for what is referred to as an “eligibility hearing”, which is Step 2 discussed below. The Board’s function on Monday April 24, 2023 is largely administrative to

simply set the matter for the eligibility hearing. This will be accomplished by approving Resolution 13-2023.

Background:

Annexation generally involves three steps.

Step 1 – Receipt of petition and setting of eligibility hearing.

In this step, the Town receives the petition for annexation from the property owner and sets the matter for what is typically referred to as an “eligibility hearing” where the Board considers whether the property meets the requirements of the statutes C.R.S. §31-12-107. Step 1, adopting Resolution 13-2023 setting the eligibility hearing date is what the Board will be doing Monday, April 24, 2023.

Specifically, the Town received a petition for annexation from Genette Simpkins, Revocable Living Trust (the “Applicant”) for property located adjacent to the 21-acre Matthews parcel, known as the “Love Tract” Parcel **Exhibit A** (“the Property”).

Step 2 – Eligibility hearing and resolution

This is the step the Board will be undertaking at the eligibility hearing that it will set through Resolution 13-2023 for June 12th, 2023. In order for the Property to be deemed to be eligible for annexation, the Board must consider and make findings regarding the criteria set forth in **Colorado Revised Statute 31-12-105**, such as whether the Property is 1/6 contiguous to the existing Town boundaries, whether there is a commonality of interests between the Town and the Property, etc.

Step 3 – Annexation and zoning of the Property

If, at the eligibility hearing that will be held on June 12th, 2023 the Board finds the Property is eligible to be annexed and confirms that finding by adopting an eligibility resolution, then the matter will be set for hearing at which the Board will undertake the third step of the annexation process. Simply because a parcel of property is eligible to be annexed does not obligate the Board to annex the property. Annexation is a purely discretionary matter that is up to the Board to decide. Therefore the third step, which will be taken up at what is typically referred to as the “annexation hearing” is for the Board to decide (1) whether it wants to annex the Property, (2) if it does, what is the appropriate zoning for the Property (you will have received a recommendation as to zoning from the Planning Commission) and (3) what other terms and conditions does the Board wish to impose on the annexation (this is usually reflected in an annexation agreement that has been negotiated between the Town and the property owner prior to the annexation hearing).

If, at the annexation hearing, the Board decides it wishes to annex the property, then the Board will usually adopt an annexation ordinance that (1) approves annexation of the property into the Town, (2) zones the property, and (3) approves the annexation agreement. If all the necessary work has been done in advance, Steps 2 and 3 can be combined into a single hearing.

Motion:

The Board of Trustees moves to adopt Resolution 13-2023; Regarding A Petition For Annexation for the 8.98 Acres Parcel Known as the "Love Tract" and setting the matter for an eligibility hearing.

Or

Move to Deny the Resolution 13-2023 due to the following deficiencies_____