



## Grand Lake Board of Trustees

### Public Hearing (Quasi-Judicial) Resolution 21-2023; A Resolution of The Board of Trustees of The Town of Grand Lake Setting Forth Findings of Fact and Determinations Regarding the 8.98 Acres Parcel Known as the "Love Tract" Annexation

TO: Mayor Kudron and the Trustees

FROM: Kimberly White, Community Development Department

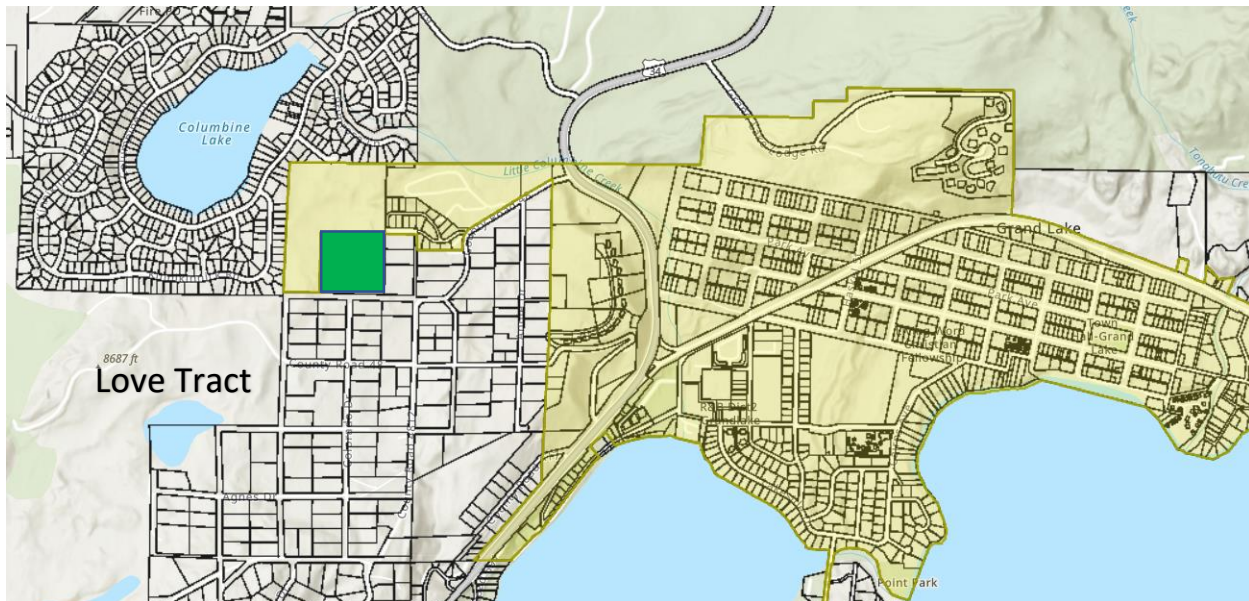
DATE: 06/26/2023

RE: Public Hearing (Quasi-Judicial) Resolution 21-2023; A Resolution of The Board of Trustees of The Town of Grand Lake Setting Forth Findings of Fact and Determinations Regarding the 8.98 Acres Parcel Known as the "Love Tract" Annexation

#### 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 Board.
4. Take all public comment.
5. Close the Public Hearing.
6. Have The Board discuss amongst themselves.
7. Board makes a motion.



#### Purpose:

Review a petition for annexation from the owner of the 8.98 Acre parcel known as the "Love" Tract. If the parcel is found to meet the requirements stated below, the Trustees will adopt a Resolution 21-2023, a Resolution setting forth the findings of fact for said annexation.

Colorado Revised Statute 31-12-108 states that a public hearing before the Board of Trustees is required to determine findings of fact and conclusions as to the eligibility of the property for annexation to the Town of Grand Lake, Colorado.

**Background:**

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”).

Annexation generally involves the following three steps:

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

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 did on 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 – Current Step**

This is the step the Board will be undertaking at the eligibility hearing that it will set through Resolution 13-2023 for June 26th, 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 26th, 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.

**Analysis:**

Staff properly noticed the Public Hearing in the local newspaper once per week for four consecutive weeks and attached the Middle Park Times affidavit below. Per C.R.S. § 31-12-105(1)(e.3), Neighboring properties were noticed of pending annexation and right to petition for annexation. A copy of the published notice, together with a copy of the resolution and petition as filed, was sent on May 30<sup>th</sup>, 2023 by registered mail to the board of county commissioners, county attorney, and to the fire, sanitation, and school districts.

**Colorado Revised Statute §31-12-104 and 105 and Findings to be made by the Board of Trustees:**

(Staff comments in blue)

1. The Property boundary is contiguous with existing Town of Grand Lake boundaries for a distance of not less than one-sixth of the perimeter of the area proposed to be annexed. **This is shown on the annexation map (Exhibit A)**
2. A community of interest exists between the area proposed to be annexed and the Town of Grand Lake, Colorado. **The applicant has initiated the request for annexation.**
3. The area proposed to be annexed is urban or will be urbanized in the near future. **The proposed use is residential estates and is currently zoned “residential” in the County.**
4. The area proposed to be annexed is integrated or is capable of being integrated with the Town of Grand Lake, Colorado. **Pursuant to C.R.S. § 31-12-104(1)(b), the fact that the area proposed to be annexed has the contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.**
5. As a result of the proposed annexation, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts of real estate, would be divided into separate tracts 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. **Only one tract of land is proposed to be annexed in it’s entirety and would not result in a bisection of adjacent properties.**
6. As a result of the proposed annexation, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, would be included without the written consent of the landowners. **This does not apply to this situation as it is only 8.98 acres and is only one tract.**
7. No annexation proceedings have been commenced for the annexation to another municipality of part or all of that territory proposed to be annexed. **No other municipality is proposing to annex this property.**
8. The proposed annexation of the real estate will not result in the detachment of area from any school district and the attachment of the same to another school district. **The property will remain in the same school district.**
9. The petition for annexation of the real estate meets the requirements of law and is in proper order for annexation for the property proposed to be annexed. **The attached petition meets the requirements set forth.**
10. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year, or to the extent the proposed annexation extends beyond such three (3) mile limit, confining the annexation to such three (3) mile limit would have the effect of dividing a parcel of property held in identical ownership and at least fifty (50%) percent of the said property is within the three (3) mile limit. **The property is within the three-mile plan boundary (Exhibit C).**
11. The entire width of any public street or alley to be annexed is included within the proposed annexation. **There are no partial widths being created with this proposed annexation.**

12. The proposed annexation would not result in denial of reasonable access to landowners, owners of easements, or owners of franchises to use the Town's public ways. [Access to the property is outlined on the attached annexation map \(Exhibit A\) and will not be altered.](#)
13. The petition was signed by owners of 100% of the property to be annexed exclusive of streets and alleys. [The petition was signed by 100% of the owners \(Exhibit B\)](#)

**Motion:**

The Board of Trustees moves to adopt Resolution 21-2023; Setting Forth Findings of Fact and Determinations Regarding the 8.98 Acres Parcel Known as the "Love Tract" Annexation.

Or

Move to Deny the Resolution 21-2023 due to the following deficiencies\_\_\_\_\_