



PLANNING COMMISSION STAFF MEMORANDUM

DATE: January 13, 2025
TO: Mayor and the Board of Trustees
FROM: Steve Kudron, Town Manager
Angela Snyder, Contract Staff - Planning Department
SUBJECT: Resolution 10-2025 - Consideration to Affirm that the Annexation Petition for 120 County Road 663 is in compliance with Title 31, Article 12, C.R.S.

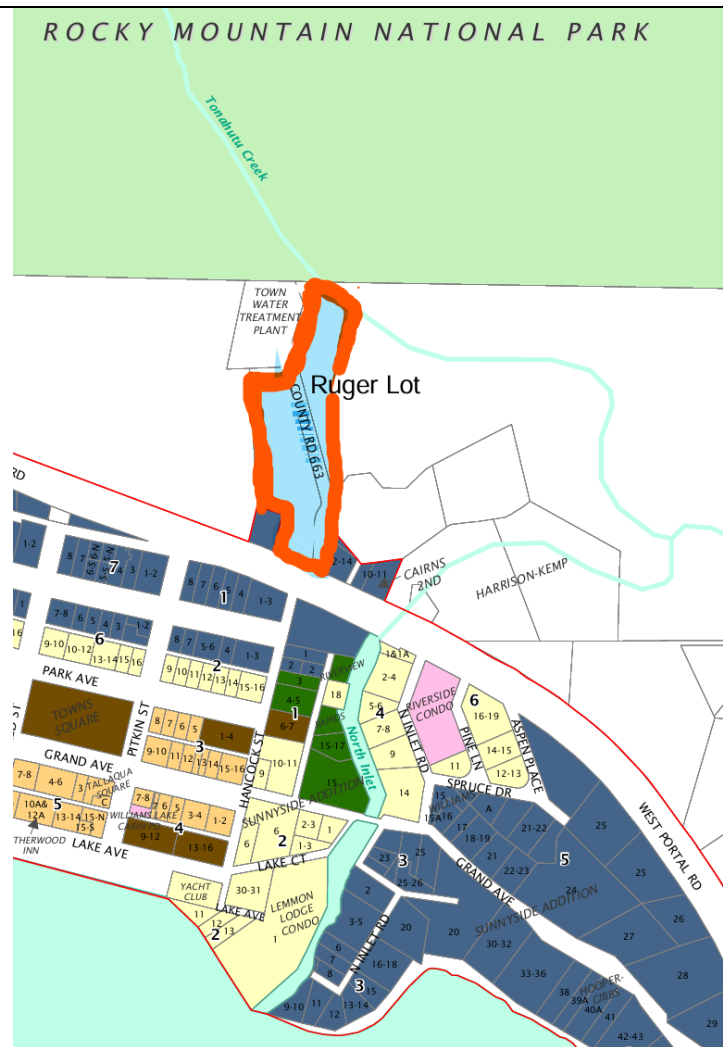
Overview

- **Property Owner and Applicant:**
Michael P Ruger Trust & Linda Ashley Randall Trust c/o Michael Ruger and Linda Randall.
- **Location:** 120 County Road 663 (aka Summerland Park Road)
- **Size:** 4.88 acres
- **Proposed Zoning:** RE, Residential Estate
- **Attachments:**
 - Annexation Petition
 - Draft Annexation Plat
 - Resolution

The property proposed to be annexed is adjacent to town limits, specifically the Cairns addition.

Michael Ruger, manager of Michael P Ruger Trust, and Linda Randall, manager of Linda Ashley Randall Trust, filed the petition for annexation of the "Ruger Property" on January 24, 2025.

The property is within the Grand Lake Three Mile Plan, as required by Colorado Revised Statutes.



Note, this agenda item is the first step in consideration of an annexation. It is not a public hearing nor an opportunity to determine in favor or against the annexation. The purpose of the Resolution is to confirm that the property proposed to be annexed complies with the requirements in Title 31, Article 12, of the Colorado Revised Statutes, and is **eligible** for annexation and, if so, to set a hearing date.

If the petition is found to be in substantial compliance, the procedure outlined in Sections 31-12-108 to 31-12-110, C.R.S. will be followed. Staff will begin an official review of the annexation and initial zoning request. Affected tax districts, Grand County, other referral agencies, and surrounding property owners



will be contacted for comment. The Planning Commission will hold a public hearing to review only the proposed zoning and provide recommendation to the Board of Trustees. The Board of Trustees will then hold a public hearing to consider both the proposed annexation and the initial zoning request.

Staff Analysis

Staff finds that the proposed petition for annexation is in compliance with the provisions of 31-12-104 and 31-12-107, C.R.S, also known as the eligibility criteria of the Municipal Annexation Act of 1965. The following criteria are simplified from the state statute.

1. *That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.*

Approximately 23% of the perimeter is contiguous with the Town of Grand Lake, more than the required 16.7% or 1/6.

2. *That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the contiguity with the annexing municipality required by paragraph (a) of this subsection (1) shall be a basis for a finding of compliance*

The property has Town of Grand Lake sewer and water lines running through it. The Town of Grand Lake already maintains County Road 633, as it is the road to the water treatment plant. The property is capable of being integrated with the Town, and, in fact, is already integrated.

3. *The signatures of the petition comprise fifty percent (50%) or more of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election.*

The signatures of the petition comprise 100% of the landowners of the property considered for annexation.

4. *The petition is accompanied by an annexation map containing the following information: a written legal description of the boundaries of the area proposed to be annexed; a map showing the boundary of the area proposed to be annexed; within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks.;*

The annexation plat submitted with the application meets the requirements.

5. *The petition contains the following:*
 - (I) *An allegation that it is desirable and necessary that such area be annexed to the municipality;*
 - (II) *An allegation that the requirements of sections 31-12-104 and 31-12-105 exist or have been met;*
 - (III) *An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing*



- municipality;*
- (IV) A request that the annexing municipality approve the annexation of the area proposed to be annexed;*
- (V) The signatures of such landowners;*
- (VI) The mailing address of each such signer;*
- (VII) The legal description of the land owned by such signer;*
- (VIII) The date of signing of each signature; and*
- (IX) The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.*

The annexation petition meets the requirements of Title 31, Article 12.

Board of Trustees Consideration

Under Municipal Code Section 12-9-7(C)(2) - Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved or by changes in community policy.

Sample Board of Trustees Motions

Approval

I move to approve Resolution 10-2025, a resolution affirming the annexation petition received for 120 County Road 663 is in compliance with Title 31, Article 12, C.R.S. and move to set March 24, 2025 as the date for the annexation hearing.

Denial *(establishing findings of fact based on specific code sections and requirements)*

I move to approve Resolution 02-2025, a resolution finding the annexation petition received for 120 County Road 663 is NOT in compliance with Title 31, Article 12, C.R.S., based on the following findings of fact:

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