



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** November 6, 2023

**SUBJECT:** Public Hearing First Reading Ordinance 2023-257

**ACTION PROPOSED:** Consider First Reading of Ordinance 2023-257 Annexing the Property

**ATTACHMENTS:** 1. Ordinance 2023-257

**PRESENTED BY:** Matt LeCerf, Town Manager

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### AGENDA ITEM DESCRIPTION:

Enclosed for review and consideration is Ordinance 2023-257. This ordinance will allow annexation of the Crooks property, recently purchased by the Town. The property consists of roughly 1.22 acres and is an enclave in the Town, completely surrounded by property within the Town limits of Johnstown. The annexation process is slightly different from a typical annexation as described below in the Colorado Municipal League guidance on municipally owned land.

#### *Municipally-Owned Land*

The statute expressly permits annexation of unincorporated land owned by the annexing municipality, by ordinance, without notice and hearing. The property still must have the required one-sixth contiguity under Colorado Revised Statute § 31-12-104 and meet the requirements of Colorado Revised Statute § 31-12-105 and section 30(1)(c) of Article II of the Colorado Constitution (Poundstone II). The annexing ordinance must state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way.

Due to the facts that the Town is the applicant and the property exists as an enclave surrounded by the incorporated limits of Johnstown, Staff recommends supporting this annexation.

### LEGAL ADVICE:

Ordinance 2023-257 was drafted by the Town Attorney.

### FINANCIAL ADVICE:

The Community That Cares

[johnstown.colorado.gov](http://johnstown.colorado.gov)

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

Not Applicable.

**RECOMMENDED ACTION:** Staff Recommends approval of Ordinance 2022-257 upon first reading.

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**SUGGESTED MOTIONS:**

**For Approval**

I move to approve Ordinance 2023-257 as presented on first reading.

**For Denial**

I move to deny Ordinance 2023-257 as presented on first reading.

*Reviewed and Approved for Presentation,*



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Town Manager

*The Community That Cares*

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