



Agenda Item Summary

MEETING DATE: April 29, 2024

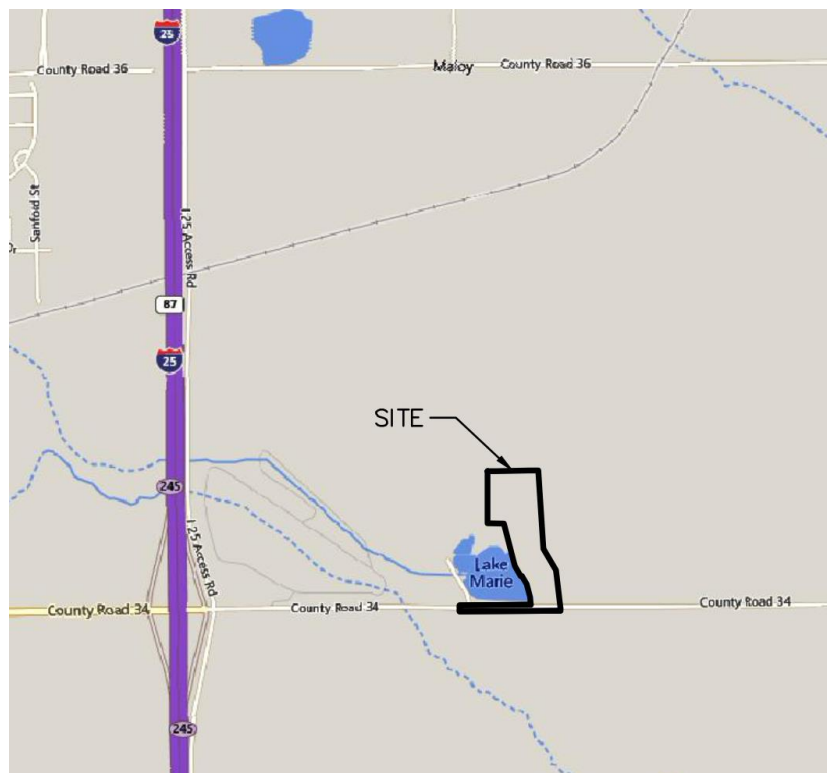
SUBJECT: **Resolution No. 37-R-2024** – A Resolution of the Town of Mead, Colorado, Accepting an Annexation Petition, Making Certain Findings of Fact, Finding Substantial Compliance for Such Petition, and Setting a Public Hearing for Property Known as the AMK Annexation

PRESENTED BY: Jason Bradford, Community Development Director

SUMMARY

A Petition for Annexation (“**Petition**”) requesting the annexation of 13.521 acres located north of Weld County Road (“**WCR**”) 34 and east of I-25, as more fully described in the Petition and as shown below (“**Property**”), was formally submitted to the Town Clerk on or about April 22, 2024.

Resolution No. 37-R-2024 (the “**Resolution**”): (1) determines that the Petition for Annexation is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S §§ 31-12-101 et seq., as amended (“**Act**”); and 2) schedules a public hearing (“**Eligibility Hearing**”) for **Monday, June 10, 2024 at 6:00 p.m.** at Mead Town Hall, at which hearing the Board will consider whether the Property is eligible for annexation to the Town of Mead.



The petitioner identified in the Petition is AMK Properties, LLC, a Colorado limited liability company (“Petitioner”).

The Petitioner owns 100% of the Property, excluding public streets and alleys.

The requested annexation of the Property constitutes a voluntary application under the Act, and the “Substantial Compliance” determination is the first of three major procedural steps required by the Act to process the application. As part of the Substantial Compliance determination, the Board of Trustees is required to set the date, time, and place for a public hearing regarding the eligibility of the Property for annexation. The Eligibility Hearing must occur between thirty (30) and sixty (60) days after the effective date of the Substantial Compliance resolution.

If the Board adopts the Resolution in the form presented, the Eligibility Hearing will be scheduled for **Monday, June 10, 2024 at 6:00 p.m.**, which falls within the required time period. Action on the Resolution does not annex the Property, nor does it signify the Board of Trustees’ approval or disapproval of this annexation.

Staff believes that the Petition substantially complies with the requirements of the Act, specifically C.R.S. § 31-12-107(1), given that:

1. The Petition has been signed by one hundred percent (100%) of the landowners owning one hundred percent (100%) of the Property, exclusive of public streets and alleys.
2. The signatures on the Petition are dated within one hundred and eighty (180) days of the date on which the Petition was filed with the Town Clerk, satisfying the requirement of C.R.S. § 31-12-107(1)(e).
3. The Petition contains:
 - a. An allegation that it is desirable and necessary that the Property described in the Petition be annexed.
 - b. An allegation that the requirements of C.R.S. § 31-12-104 and § 31-12-105 exist or are met.
 - c. An allegation that the signer(s) of the Petition, together with owner(s) submitting other valid petitions for annexation to the Town, comprise more than fifty (50%) percent of the landowners of the area proposed to be annexed and own more than fifty (50%) of the area proposed to be annexed, exclusive of public streets and alleys and any land owned by the Town of Mead.
 - d. A request that the Town approve the annexation of the Property.
 - e. The signature of the landowner(s) that executed the petition.
 - f. The mailing address of the landowner(s).
 - g. A legal description of the property proposed for annexation, and a legal description of the specific real property owned by the landowner(s) that executed the petition.
 - h. The date that the landowner(s) executed the petition.
 - i. The affidavit of the Petition circulator; stating that the signature of the landowner(s) therein is the signature of the person whose name it purports to be.
4. That four (4) copies of the annexation maps corresponding to the Property have been submitted to the Town with the Petition, and that the annexation maps contain the following information:
 - a. A written legal description of the boundaries of the property proposed to be annexed.
 - b. The boundary of the property proposed to be annexed.
 - c. Within the map, the boundaries and the plat numbers of plots or of lots and blocks.

- d. Next to the boundary of the property proposed to be annexed is drawn the contiguous boundary of the Town of Mead.

If the Board of Trustees approves the Resolution (scheduling the Eligibility Hearing), the next steps will be as follows.

1. Staff will commence with satisfying all notice requirements of the Act and the *Mead Municipal Code* (“MMC”).
2. After notice is provided as required, the Board of Trustees will hold the Eligibility Hearing to determine if the requested annexation meets the applicable provisions of the Act and the Colorado Constitution and is therefore eligible for annexation into the Town.
3. Once the Property has been deemed eligible for annexation, the final major step in the process is a legislative determination of the Board of Trustees as to whether it wishes to formally annex the Property into the Town and assign appropriate zoning.

FINANCIAL CONSIDERATIONS

Approving the Resolution in the form presented will not have any direct fiscal impact on the Town as the Resolution only states that the Petition meets statutory content requirements for an annexation petition and sets the date for the Eligibility Hearing.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends that the Board of Trustees adopt the proposed Resolution in the form provided, thereby determining that the Petition is in substantial compliance with applicable provisions of the Act, specifically C.R.S. § 31-12-107(1), and scheduling the Eligibility Hearing for June 10, 2024.

A motion to approve the April 29, 2024 consent agenda will approve Resolution No. 37-R-2024. If the Board desires to remove the Resolution from the consent agenda for questions and additional discussion, staff recommends the following motion for approval:

Suggested motion:

“I move to approve Resolution No. 37-R-2024, a Resolution of the Town of Mead, Colorado, accepting an annexation petition, making certain findings of fact, finding substantial compliance for such petition, and setting a public hearing for property known as the AMK annexation.”

ATTACHMENTS

Resolution No. 37-R-2024