

CITY OF RIFLE ANNEXATION APPLICATION INFORMATION & CHECKLIST

The process of incorporating land to the City of Rifle City limits or corporate boundary is referred to as an annexation. In order to be eligible for annexation, a community of interest must exist between the area proposed to be annexed and the annexing municipality. That is, the property must be urban or will be urbanized in the near future and the area that said area is integrated with or is capable of being integrated with the annexing municipality. Not less than one-sixth of the perimeter of the area proposed to be annexed must be contiguous with the annexing municipality. Detailed requirements for annexations are found in the Colorado Revised Statutes (Section 31-12-101 et seq., C.R.S.).

The annexing municipality will determine whether the proposed annexation has met all state and local requirements and is eligible for annexation. Eligibility for annexation, however, does not insure that an annexation will be approved. The City of Rifle may approve or deny an annexation at the City's discretion. The City may also impose a variety of requirements on an annexation as conditions of approval or in a pre-annexation agreement. As a general rule and except in extraordinary circumstances, Annexation Petitions should be accompanied by a Conceptual Site Plan and a request for zoning.

The annexation process can be complex. A property owner considering an annexation petition may wish to consult an attorney familiar with Colorado municipal annexation law. While the City staff will cooperate with the landowner in the process of complying with the law, the City cannot be bound by any representations made by staff regarding the status of or requirements of this law.

The first step in the annexation process is the adoption of a Resolution for Substantial Compliance by the City Council. The Resolution of Substantial Compliance states that the petition for annexation is in substantial compliance with State statutes and that the area is eligible for annexation. If a Resolution for Substantial Compliance is approved by City Council, the next step is bringing the annexation proposal in front of the Planning Commission so that they may make a recommendation to the City Council. At this time the Conceptual Site Plan and zoning request are also heard before the Planning Commission. If the Annexation, Conceptual Site Plan and zoning request are supported by the Planning Commission, the annexation and zoning request are taken before the City Council for adoption by ordinance. Prior to the City recording an Annexation Map, an Annexation Agreement shall be drafted and signed and the applicant shall be responsible for paying all fees. In their review, the Commission and Council will consider the following criteria:

1. Conformance of the proposal with the City of Rifle Municipal Code;
2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;
3. The desirability for the proposed use in the specific area of the City;
4. The potential for adverse environmental effects that might result from the proposed use;
5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;
6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area; and
7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to §10.110.110 of these regulations, if applicable.

Annexation of a property must be approved via ordinance before the City may approve a request for zoning and/or subdivision. The conceptual Site Plan remains valid for one (1) year, in which time the applicants must bring a subdivision application before the Planning Commission. If the requested zoning is unknown at this point the land in question could be designated (DR) Developing Resource for the annexation process and rezoned later. The DR zoning district is intended to allow a deferral of the annexation fees and dedications until a later time when the property will be rezoned and developed further. When land is zoned DR, the property owners must agree to meet all city requirements for dedications and fees whenever the property is rezoned. Any fee changes or dedication requirements

imposed generally after annexation of the parcel shall be applied to the parcel zoned DR at the time of rezoning.

_____Applicant shall pick up or obtain Annexation Application Information & Checklist off City Website and read completely before submitting application

_____Applicant shall schedule and attend a pre-application meeting with the Planning Department, Public Works Director and/or consulting engineer. At this meeting Planning Staff shall determine applicable steps for the applicant for the Annexation Petition

_____Applicant shall fill out Land Use Application completely with all necessary attachments (pages 4-5) and submit with fee and deposit at least **60 days** prior to a regular Planning Commission meeting. In addition, applicant shall complete a petition for annexation and any specific requirements for the petition as directed by Planning Staff during the Pre-Application meeting. Please note Title 16 permits staff 90 days referral for all complete applications. Updated fee sheets are available from the Planning Administrator or on the City webpage www.rifleco.org

_____ Applicant shall schedule and attend a meeting with Planning Staff to review Annexation application for completeness

_____ Planning Staff shall draft a Resolution of Substantial Compliance report and forward it to the City Clerk. Planning Staff, in conjunction with the City Attorney shall set the public hearing time and date on the City Council Agenda

_____City Clerk shall place Public Notice in local newspaper (Citizen Telegram) prior to the public hearing and notify County Commissioners and County Attorney by registered mail, as well as school districts and others having territory within annexed area

_____ Resolution of substantial compliance will be approved or denied. If approved the first and second reading dates for City Council will be established

_____ Upon approval of Substantial Compliance Resolution, applicant shall pick up Public Notice sign and pay \$75 deposit. The sign shall be placed on subject property where it is easily seen by the general public at least 10 days prior to public hearing

_____Applicant shall place Public Notice in local newspaper (Citizen Telegram) at least 10 days prior to the public hearing (fill out outline on page 8 and submit to newspaper)

_____Notice must be given to property owners within 200' of the proposed annexation via certified mail at least 10 days prior to the public hearing (copies of completed outline on page 8 should be mailed to property owners)

_____Planning Staff shall review proposed Annexation application and additional requirements may be determined at this time. Staff will send out referrals to relevant agencies that might be affected by the proposed Annexation. Referral comments are due within 15 days and will be made public record at the public hearing

_____Planning Staff will verify that public notice requirements are met 10 days prior to the public hearing by checking newspaper and certified mail receipt

_____Planning Staff will write a staff report for the proposed Annexation to the Planning Director and a copy of this report will be sent to the applicant and the Planning Commission prior to the public hearing

_____ Applicant shall attend and present their project to Planning Commission at the public hearing and be prepared to answer questions

_____ Planning Commission shall determine whether the application for Annexation is approved, approved with conditions, or denied

_____ Either concurrently with the Annexation application or within 90 days of annexation, a zoning recommendation from the Planning Commission must take place (note that public notice requirements do not need to be met for zoning recommendation)

_____ City Attorney shall draft an Annexation Agreement for City Council and applicant review

_____ Applicant shall attend and present their project at the City Council 1st Reading

_____ At 2nd Reading, City Council shall make a resolution to approve, approve with conditions, or deny the application and will assign the appropriate Zone District (it is not necessary for the applicant to be present) If approved the applicant is able to proceed to recording Mylar copies

_____ Following 2nd reading, finalization of the Annexation Agreement is completed

_____ The resolution shall be filed by the City Clerk and the City Council shall authorize the mayor to sign the Mylar, the Annexation Agreement and any associated documents to be recorded

_____ Planning Staff shall submit paper copy of the Annexation Map for review by GIS Staff

_____ GIS staff reviews and redlines plat copy & submits to Planning Staff

_____ Planning staff reviews plat copy and GIS changes, scans redlines and files hard copy

_____ Planning staff notifies applicant of changes to be made if any to the drawing & supplies applicant with a digital copy of redline

_____ Upon approval of paper copies, applicant shall obtain all non-city signatures on one (1) Mylar copy and submit to the Planning Administrator

_____ The applicant shall submit an electronic copy of the final Annexation Mylar to the GIS Department

_____ Applicant shall pay all remaining fees associated with the Annexation Agreement and document recording

_____ Planning Administrator shall obtain City signatures required on Annexation Mylar, and file the Mylar as required by state statute

_____ Planning Administrator shall obtain a conforming copy of the Annexation Mylar from Garfield County

_____ Planning Administrator shall scan Conforming Copy Mylar to City records, archive hard copy in City files, and archive digital application to file

_____ Planning Administrator shall email PDF copy of Annexation Mylar to GIS Department to initiate updates to the City Corporate Boundary layer and other relevant data associated with the filing of the Annexation Map

Please submit the following for a complete application (electronic submission via flash drive or CD is preferred for most items except as noted below as PAPER COPY with original signatures):

1. An application form filled out completely and signed with original signatures (PAPER COPY)
2. Petition for Annexation signed by landowners of at least 50% of the area eligible for annexation (PAPER COPY)
3. Petition for Inclusion to special districts (if deemed necessary) (PAPER COPY)
4. Affidavit of Circulator for petitions (PAPER COPY)
5. A legal description of the property
6. A title commitment or title policy for the subject property that is no more than ninety (90) days old
7. The names and addresses of all property owners within 200 feet of any portion of the property
8. The names and addresses of any owners of mineral rights for the property
9. Radiation Hazard Report
10. A statement of the purpose of the application including a brief description of the proposal and the reasons and justification for the request

11. A Paper **Annexation Map**. The scale of the Annexation Map shall be one inch equals fifty feet (1" = 50'). The Annexation Map shall meet the minimum standards for land survey and subdivision plats as required by the laws of the State of Colorado. All Annexation Maps shall include the following:

- A title block including the annexation name and section, township, range information
- A full and complete legal description of the boundaries of the area proposed to be annexed
- A vicinity map scale 1" = 2000', north arrow, and graphic scale
- 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
- Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed
- Certificates and Signature Blocks (see examples provided on page 7):
 - Surveyor's Certificate & Notes, including the date of the survey and basis of bearing
 - Certificates of Ownership and lien holder(s) consent to annexation
 - The City of Rifle Council Certificate of Approval and Acceptance
 - Title Insurance company indicating that all lands shown are free and clear of liens claims or encumbrances
 - Garfield County Clerk & Recorder's Certificate
 - Board of County Commissioner's approval if applicable
 - Plat Notes if applicable
- Please **DO NOT** include drainage, fencing, wells, or any other improvements other than streets

- ___ 12. A **Conceptual Site Plan** including the following checked selections:
- ___ Architectural elevations showing the proposed use as it will appear upon completion of construction or placement, indicating the pitch of the roof, the details of soffits, siding material and placement of other details necessary to accurately depict the finished appearance of the proposed use
 - ___ Placement of the proposed use on the lot, indicating manmade and natural features on the lot and adjacent to the lot on which the proposed use will be located
 - ___ Engineering detail showing the foundation or supports upon which the proposed use will be placed and the methods of connection for water supply, waste disposal and other utilities
 - ___ The location of all existing and proposed buildings, utilities and other improvements on the property. A building envelope may be shown for proposed buildings to allow minor adjustments.
 - ___ The location and number of parking spaces for off-street parking and loading areas
 - ___ A traffic circulation plan showing the direction of traffic flows and indicating the locations of entries and exits of parking lots and the relationships of parking lots to entrances and exits of any buildings
 - ___ The location of service and refuse collection areas
 - ___ The location of all signs indicating the size, shape and height of each sign
 - ___ The area and location of open space and recreation areas
 - ___ The location and type of outdoor lighting
 - ___ The location of existing and proposed fences, landscaping features and other methods of visual screening (The proposed landscaping plan shall indicate the method of maintenance of the landscaping, as well as a list of type, size and quantity of plant materials and the general location of the landscaping)
 - ___ Additional photos, if applicable
13. A statement of the purpose of the application including a brief description of the proposal and the reasons and justification for the request

OTHER SUBMITTALS

A. One (1) Mylar copy of the Annexation Map (After Council Approval ONLY)

B. One (1) CD/DVD Disk Geographic Information Systems (GIS) Update Submittal

Prior to the City's execution and recordation of a Final Plat, the applicant shall submit to the City of Rifle's GIS Department for review and approval an electronic copy of the Final Plat. Electronic submittals may be provided on CD/DVD Disk or via email and should be provided in an ESRI compatible file or a .DWG AutoCad file. All electronic drawings shall be directly tied to the City's established coordinate system UTM Zone 13N, NAD 83, shall be converted to Grid coordinates and shall reference at least one of the City's established control points. Copies of the City's control points can be found on the City web page at www.rifleco.org

Qualifications of Preparers of Maps and Reports

All maps and reports must bear suitable evidence of the professional qualifications of the person responsible for the preparation of the map or report. Maps containing information pertaining to water supply, sanitation, wastewater treatment, utilities, drainage, soils, grading, roads, structures, or any other engineering information must be certified by a Professional Engineer licensed in the State of Colorado. All required documents containing land survey descriptions and topographic maps must be certified by a Professional Land Surveyor licensed in the State of Colorado. All data submitted regarding environmental

studies and other disciplines, not currently requiring registration by the State of Colorado, must be accompanied by a resume of such qualifications sufficient to demonstrate the author's degree of expertise and experience. Geology maps and reports must be prepared and certified by a qualified geologist. Additional professional qualifications may be specified in other sections of these regulations.

PUBLIC NOTICE

You are hereby notified that the City of Rifle Planning Commission (or Board of Adjustment) will conduct a Public Hearing to consider the following application. The Public Hearing will be held on _____ (date) at 7:00 p.m. in Council Chambers at Rifle City Hall, 202 Railroad Avenue.

Applicant:

Request:

Legal Address:

Common Description or Address:

For more information, contact the Rifle Planning and Development Department at 202 Railroad Ave., Rifle, CO 81650 (970) 625-6224.

(1) Petition for annexation:

- (a) The landowners of more than fifty percent of the area, excluding public streets and alleys, meeting the requirements of sections 31-12-104 and 31-12-105 may petition the governing body of any municipality for the annexation of such territory.
- (b) The petition shall be filed with the clerk.
- (c) The petition shall contain 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 the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
 - (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.
- (d) Accompanying the petition shall be four copies of an annexation map containing the following information:
 - (I) A written legal description of the boundaries of the area proposed to be annexed;
 - (II) A map showing the boundary of the area proposed to be annexed;
 - (III) 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;
 - (IV) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
- (e) No signature on the petition is valid if it is dated more than one hundred eighty days prior to the date of filing the petition for annexation with the clerk. All petitions which substantially comply with the requirements set forth in paragraphs (b) to (d) of this subsection (1) shall be deemed sufficient. No person signing a petition for annexation shall be permitted to withdraw his signature from the petition after the petition has been filed with the clerk, except as such right of withdrawal is otherwise set forth in the petition.
- (f) The clerk shall refer the petition to the governing body as a communication. The governing body, without undue delay, shall then take appropriate steps to determine if the petition so filed is substantially in compliance with this subsection (1).
- (g) If the petition is found to be in substantial compliance with this subsection (1), the procedure outlined in sections 31-12-108 to 31-12-110 shall then be followed. If it is not in substantial compliance, no further action shall be taken; except that the governing body shall make such determination by a resolution and except that when the petition is signed by the owners of one hundred percent of the area proposed to be annexed, exclusive of streets and alleys, the governing body may by ordinance annex such area to the municipality without election, as provided in section 31-12-111, unless additional terms and conditions are to be imposed. The ordinance annexing such area shall include a statement that the owners of one hundred

percent of the area have petitioned for such annexation.

(2) Petition for annexation election:

(a) The qualified electors may petition the governing body of any municipality to commence proceedings for the holding of an annexation election in the area proposed to be annexed. This petition shall meet the standards described in paragraphs (c) and (d) of this subsection (2) and either:

- (I) Shall be signed by at least seventy-five qualified electors or ten percent of said electors, whichever is less, if such area is located in a county of more than twenty-five thousand inhabitants; or
- (II) Shall be signed by at least forty qualified electors or ten percent of said electors, whichever is less, if such area is located in a county of twenty-five thousand inhabitants or less.

(b) The petition shall be filed with the clerk.

(c) The petition for annexation election shall comply with the provisions of paragraph (c) of subsection (1) of this section; except that:

- (I) Rather than an allegation of any certain percentage of land owned, it shall contain an allegation that the signers of the petition are qualified electors resident in and landowners of the area proposed to be annexed; and
- (II) The petition shall request the annexing municipality to commence proceedings for the holding of an annexation election.

(d) The requirements and procedures provided for in paragraphs (e) and (f) of subsection (1) of this section shall be met and followed in a proceeding under this subsection (2).

(e) If the petition is found to be in substantial compliance with this subsection (2), the procedure outlined in sections 31-12-108 to 31-12-110 shall then be followed. If the petition for an annexation election is not found to be in substantial compliance, no further action shall be taken; except that the governing body shall make such determination by resolution. If the petition for an annexation election is found to be in substantial compliance with this section, the governing body may pass a resolution of intent to annex the land proposed for annexation, subject to the procedure outlined in sections 31-12-108 to 31-12-110 and subject thereafter to an annexation election to be held in accordance with section 31-12-112.

(3) Procedures alternative. The procedures set forth in subsections (1) and (2) of this section are alternative to each other and to any procedure set forth in section 31-12-106; except that a petition for annexation election filed pursuant to subsection (2) of this section shall take precedence over an annexation petition involving the same territory and filed pursuant to subsection (1) of this section if such petition for annexation election is filed at least ten days prior to the hearing date set for the annexation petition filed pursuant to subsection (1) of this section.

(4) Additional terms and conditions on the annexation. Additional terms and conditions may be imposed by the governing body in accordance with section 31-12-112.

(5) If a petition is filed pursuant to subsection (1) or (2) of this section and the territory sought to be annexed meets the specifications of section 31-12-106 (1), the governing body of the municipality with which the petition is filed shall thereupon initiate annexation proceedings pursuant to the appropriate provisions of section 31-12-106 (1). In the event that any governing body fails to initiate such annexation proceedings within a period of one year from the time that such petition is filed, annexation may be effected by an action in the nature of mandamus to the district court of the county where the land to be annexed is located, and the petitioner's court costs and attorney's fees incident to such action shall be borne by the municipality.

(6) No proceedings for annexation to a municipality may be initiated in any area which is the same or substantially the same area in which an election for annexation to the same municipality has been held within the preceding twelve months.

(7) For the purpose of determining the compliance with the petition requirements in this section, a signature by any landowner shall be sufficient so long as any other owner in fee of an undivided interest in the same area of land does not object in writing to the governing body of the annexing municipality within fourteen days after the filing of the petition for annexation or annexation election. The entire area of the land signed for shall be computed as petitioning for annexation if such signing landowner has become liable for taxes in the last preceding calendar year or is exempt by law from payment of taxes. One who is purchasing land under a written contract duly recorded shall be deemed the owner of the land which is subject to the contract if he has paid the taxes thereon for the next preceding tax year. The signers for an area owned by a corporation, whether profit or nonprofit, shall be the same persons as those authorized to convey land for such corporation.

(8) No power of attorney providing the consent of a landowner to be annexed by a municipality pursuant to this section shall be valid for a term of more than five years, and no such power of attorney executed before May 27, 1997, shall be valid for a term of more than five years after May 27, 1997.

PETITION FOR ANNEXATION

TO: THE CITY CLERK AND THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO

The undersigned, in compliance with the "Municipal Annexation Act of 1965," C.R.S. §31-12-101 et seq., as amended, hereby petition(s) the City Council of the City of Rifle, Colorado, for annexation to the City of Rifle, the following described unincorporated territory located in the County of Garfield, State of Colorado, and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference. In support of said Petition for Annexation, the undersigned submits the attached annexation map, and states and alleges as follows:

1. It is desirable and necessary that the property described in Exhibit A be annexed to the City of Rifle, Colorado.
2. The requirements of C.R.S. §§31.12-104 and 31-12-105, as amended, exist and have been met as follows:
 - a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Rifle, Colorado.
 - b. A community of interest exists between the City and the area proposed to be annexed to the City of Rifle, Colorado.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated or is capable of being integrated with the City of Rifle, Colorado.
 - e. In establishing the boundaries of the area proposed to be annexed, no real property 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, will be divided into separate parts or parcels without the written consent of the landowners.
 - f. In establishing the boundaries of the area proposed to be annexed, no real property 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 \$200,000.00 for ad valorem tax purposes for the year next preceding the annexation) shall be included without the written consent of the landowners.
 - g. The property proposed for annexation is not presently part of any incorporated city or town, nor have annexation proceedings been commenced for the annexation of part of all of such property to another municipality.
 - h. The proposed annexation will not result in the detachment of real property from any school district and the attachment of same to another school district.
 - i. The proposed annexation will not have the effect of extending the municipal boundary more than three (3) miles in any direction in one (1) year.
3. The undersigned is the owner of 100 percent of the real property proposed to be annexed, and hereby consents to the establishment of the boundaries of this property as shown on the annexation plat submitted herewith.

4. No election for annexation to the City of Rifle, Colorado, has been initiated for the real property to be annexed hereunder within the preceding twelve (12) months.

5. The mailing address of the Petitioner is as follows:

WHEREFORE, the undersigned requests that the City approve the annexation of the territory to be annexed.

Name (printed)

Address

Phone

Fax

Signature

Type of Identification

County of _____)

SS

State of _____)

Sworn to and subscribed before me this _____ day of _____, _____.
(fill in month) (fill in year)

By _____
(name printed)

Witness my hand and official seal.

Notary Public

My Commission expires _____

AFFIDAVIT OF CIRCULATOR

The undersigned, being duly sworn, states as follows:

1. He/She is over 21 years of age;
2. He/She was the circulator of the Petition attached hereto; and
3. Each signature thereon is the signature of the person that it purports to be.

Name (printed)

Address

Phone

Fax

Signature

Type of Identification

County of _____)

SS

State of _____)

Sworn to and subscribed before me this _____ day of _____, _____.
(fill in month) (fill in year)

By _____
(name printed)

Witness my hand and official seal.

Notary Public

My Commission expires _____