

ORDINANCE NO. 84-1

An Ordinance Providing Rules, Regulations, and Procedures for Annexation of Property to the Town of Hudson, Colorado.

SECTION I

Purpose and Intent

This Ordinance is adopted for these purposes:

1. To encourage and promote well ordered development of the Town in accordance with the Hudson Master Plan.
2. To set forth annexation procedures in accordance with State Statutes.
3. To provide a means for the petitioner and the town to examine land use constraints and urban requirements before the land is subdivided.
4. To discourage and control urban sprawl development and other undesirable development patterns which lead to increased costs and inefficiencies in providing urban services.
5. To encourage orderly growth of the community through:
  - (a) logical extension of water and sewer systems,
  - (b) providing necessary municipal support services, utilities, and facilities.
6. To provide benefits at a cost which is equitable to the present and future residents of the community.
7. To ensure that the health, safety and welfare of present and future residents are protected.

SECTION II

Statement of Policy

It shall be the general policy of the Town of Hudson in respect to annexation:

1. To extend no municipal services to areas outside of the boundaries of the Town.
2. To annex only those lands which can be adequately provided with the necessary municipal services.
3. To annex contiguous lands where deemed appropriate, as a means of encouraging orderly growth and of providing additional living areas and areas for services for the Town.

4. To require as a condition of annexation of vacant lands the donation of public sites, to the town in an amount not to exceed 12% of the land area of the territory being annexed. The location of lands to be conveyed shall be designated by the Town of Hudson.
5. After completion of an ordinance annexing territory to the Town, the provisions of the existing regulations of the Town shall apply.

### SECTION III

#### Requirements for Eligibility

Unincorporated territory may be annexed to the Town provided the territory is eligible for annexation under the Municipal Annexation Act of 1965 as amended. The following requirements must also be met:

1. That no less than one-sixth of the perimeter of the area to be annexed is contiguous with the annexing municipality.
2. A community of interest exists between the territory proposed to be annexed and the annexing municipality.
3. The territory proposed to be annexed is urban or will be urbanized in the near future.
4. The territory is capable of being served by municipal services, and it is practical to serve the area.

### SECTION IV

#### Information Required of Petitioner

The Petition for Annexation shall contain the following information:

1. A written legal description of the boundaries of the area proposed to be annexed;
2. Certificate of ownership of land proposed to be annexed, showing encumbrances;
3. Legal description of water and ditch rights appurtenant to the properties within the area proposed for annexation;
4. A statement attesting to the willingness of the petitioner to meet all terms and conditions as set forth in this ordinance;

Hudson Annexation Ordinance

5. In order to initiate the annexation procedure, a petition shall be filed with the town clerk two (2) weeks prior to the planning and zoning commission meeting;
6. The petition shall be accompanied by five (5) copies of a map or plat of the territory proposed to be annexed, on a scale of not less than 1 inch = 50 feet, showing the following:
  - (a) legal description of the territory to be annexed;
  - (b) the physical relationship of the territory to the established corporate limits of the town;
  - (c) boundaries of special districts, if any, having jurisdiction over areas within the territory;
  - (d) proposed zoning of the area and exact boundaries of zoning districts if more than one district is proposed;
  - (e) major structures within the territory and general nature of their use;
  - (f) major streets and utility easements within the area;
7. The following information pertinent to the territory to be annexed shall also be presented with the petition;
  - (a) proof of ownership of lands within the territory, showing encumbrances;
  - (b) descriptions of water and ditch rights appurtenant to the properties within the territory;
  - (c) preliminary subdivision plats or preliminary development plans to be reviewed prior to completion of the annexation, showing:
    - (1) outer boundaries;
    - (2) existing features;
    - (3) proposed features (paved streets, etc.);
    - (4) contours;
    - (5) proposed drainage plan;
    - (6) proposed utilities plan: sewer, water, gas, and electricity;
  - (d) off-street parking (paved);
  - (e) proposed landscaping plan;
  - (f) development schedule.
8. The owner must provide three (3) acre-feet per year of water acceptable to the town for every one (1) acre annexed or pay the town an equivalent fee to purchase said water. In addition, the owner shall grant to the town the right of first refusal to purchase all remaining water rights appurtenant to his property at their fair market value, such value to be determined by a competent appraiser chosen jointly by the petitioner and the town.

9. The cost of extension of municipal government services and facilities will be that of the petitioner/developer. Such facilities include, but are not limited to, streets, bridges, curbs, gutters, sidewalks, bicycle paths, street lights, street signs, traffic control devices, storm drainage facilities; easements and all costs of obtaining easements for utilities; underground construction for electricity and telephone service; water and sewer mains and facilities, and fire hydrants. A performance bond or escrow agreement may be required to assure performance on his part.

#### SECTION V

##### Procedure

1. Petition for annexation shall be filed with the town clerk at least two (2) weeks prior to the planning commission meeting on the first Tuesday of each month, at which such petition shall be considered. The petition shall be accompanied by an annexation filing fee of one hundred dollars (\$100) plus filing fees and costs of recording and publishing, and technical review. The petitioner shall pay all costs related to annexation review before the annexation is completed.
2. The planning commission shall review the petition for annexation to determine whether requirements for eligibility for annexation are met. A finding that the area does not meet requirements pertaining to eligibility for annexation shall automatically terminate the annexation proceedings. The planning commission shall also determine the feasibility of extending municipal services to the area proposed to be annexed and shall transmit a written recommendation to the Board of Trustees of the Town, including such additional terms and conditions as it deems necessary, within sixty (60) days after receipt of the petition. The Board of Trustees shall review the petition and recommendations of the planning commission and set forth its findings and conclusions in writing within thirty (30) days of receipt of petition and recommendations from the planning commission. Upon approval of the Board, the area shall be annexed to the town upon terms and conditions set forth by the Board.

#### SECTION VI

##### Clarification of Procedures and Required Items for Submittal

1. Petition for Annexation: The town's petition for annexation must be completed on all annexations.
2. The town's Guide and Checklist pertaining to procedures and required items for submittal must be followed.

3. Appendices:

Appendix 1: A Memorandum of Agreement between the petitioner, his heirs, successors in interest and assigns, and the Town Board, is required on all annexations.

Appendix 2: A Checklist for the Town Clerk to check off each item as completed.

Appendix 3: A Checklist for the Memorandum of Agreement.

4. The regulations herein may from time to time be amended, supplemented, changed, modified, or repealed by the Board of Trustees in accordance with the provisions of the law.

5. Should any section, clause, sentence or part of this ordinance be adjudged by any court of competent jurisdiction to be unconstitutional and/or invalid, the same shall not affect the validity of the ordinance as a whole or part thereof, other than the part so declared to be unconstitutional or invalid. Any part of past ordinances which is in conflict with this ordinance is hereby repealed.

SECTION VII

1. In the opinion of the Board of Trustees of the Town of Hudson, Colorado, this Ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and general welfare, and it is passed and adopted for that purpose.

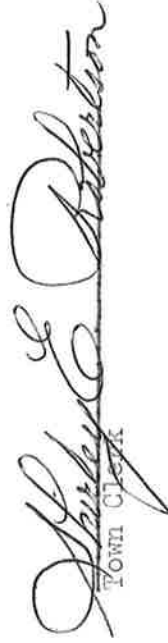
2. This Ordinance shall take effect five (5) days after its final publication.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 29th DAY OF MARCH, 1984,  
by the Board of Trustees of the Town of Hudson, Colorado.

  
MAYOR

(Seal)

ATTEST:

  
TOWN CLERK

APPENDIX 1

CHECKLIST FOR MEMORANDUM OF AGREEMENT

The petitioner shall agree to the following in a Memorandum of Agreement which is to be recorded in the Weld County Clerk and Recorder's Office.

Yes No Not  
Applicable

1. Install all utility extensions and streets to the territory proposed for annexation. The Town Engineer or an engineer of the Town's choosing shall inspect installations for location, size, sub-base, base, surface and materials used.
2. Install all water, sewer, and streets within the territory to be developed, or
3. Install all necessary improvements before a certificate of occupancy will be issued.
4. Utilize the Hudson Comprehensive Plan as a guide for zoning of land and for placement of proposed land uses.
5. Follow the Town's Subdivision, Zoning and other ordinances pertaining to land use.
6. A commitment for water dedication or payment in lieu of dedication will be required on all annexations. Deductions or payments determined by the Board based upon use of land, density of uses and size of parcel for annexation. Annexations of individual lots or small tracts may be subject to payment in lieu of dedication.
7. Additional water dedication of 3 acre-feet per acre annexed or at Board's option payment in lieu of, at fair market price may be required. NOTE: Changes in land use after annexation such as a change in zoning may be cause for the Board to request additional water dedication or payment.
8. Transfer required water shares or, at the Board's option, pay to the Town an equivalent fee to purchase said amount of water at the fair market value. Transfer or payment shall be either at the time of annexation, final approval on the subdivision, or in the case of an individual lot, prior to issuance of a building permit.
9. Dedicate land to the Town for public use. Use and acreage will be determined at the time of annexation.

APPENDIX 2

TOWN CLERK'S CHECKLIST FOR ANNEXATIONS

The following is for the Town Clerk or Board of Trustees to check each item off as it has been submitted, completed or agreed to. The boxes marked "Not Applicable" will relate to annexations where one or all of the following pertain: (1) Subject, agency, or district does not serve the territory. (2) The territory in question does not require increased service from support systems. (3) The territory is not subject to flood or geologic hazards.

The petitioner shall provide the following:

	Yes	No	Not
			Applicable

1. A completed Petition for Annexation. (Petition to be supplied by the Town)
2. A letter from the Hudson Sanitation District indicating whether any increases in plant or line size will be necessary, and if so, what additions or changes are necessary.
3. A letter from the Town of Hudson indicating whether any increases in water plant or line size will be necessary, and if so, what additions or changes are necessary.
4. A letter from the Hudson Fire Protection District, indicating the District's ability to serve the proposed development.
5. Existing land use and ownership information:
  - a. List of ownership of ditch and water rights and legal descriptions;
  - b. List of ownership and legal descriptions of utility easements;
  - c. List of ownership and descriptions of mineral rights;
  - d. List of ownership of road and railroad rights-of-way;
  - e. List of current use(s) of the land.
6. Hazard areas such as land subject to geologic hazard, swelling soils and lands subject to flooding shall be delineated on the maps of the territory proposed for annexation.

APPENDIX 2 (Continued)  
TOWN CLERK'S CHECKLIST FOR ANNEXATIONS

REVIEW PROCEDURE FOR HAZARDOUS AREAS

If the petitioner notes the existence of a hazard area, or upon examination of the proposed territory for annexation, the Planning Commission or Town Council determines that a hazard exists, professional advice should be obtained.

Yes No N/A

The Town may, at its discretion, require the petitioner to provide a report to the Town indicating the severity of the hazard and if the hazard can be mitigated, what measures should be taken. The Town will require the petitioner to use a qualified expert of the Town's choice, and the Town shall call upon the respective State agency or other qualified entity to assist them with the review. All costs incurred will be paid by the petitioner.

The purpose of the foregoing action is to allow the developer and the Town to work out any major concerns before the developer has expended a considerable sum of money and time toward development in a hazardous area, and to prevent problems for future homeowners.

Yes No N/A

The Town shall adhere to the following items:

7. Not accept any petition which included territory greater than two (2) miles distance from the Town.
8. The Town Clerk will itemize expenses before the Board passes ordinances annexing the territory.
9. Approve annexation before completing zoning for the territory.
10. Approve zoning within ninety days of annexation approval. NOTE: Zoning may be approved simultaneously with annexation approval.
11. Not issue any building permits until:
  - (a) the territory has been annexed and zoned;
  - (b) water shares (or in-lieu payment) have been transferred to the Town;
  - (c) where a subdivision is to be platted, final plat has been approved by the Board and recorded in the County Clerk and Recorder's Office.