

Annexation Applicant's Guide



Town of Bennett
207 Muegge Way
Bennett, Colorado 80102
(303) 644-3249
www.townofbennett.org

(Revised, January 2021)

Town of Bennett Annexation Process

Purpose

This guide contains the basic procedures and requirements for all annexations to the Town using the petition method to ensure that petitions are processed in an orderly manner, that municipal services are or can be made adequate and available to the property, and that all statutory requirements relating to annexation per Section 31-12-101, et seq., C.R.S., are fulfilled.

Process

The Annexation process consists of the following basic steps. Once the annexation application is submitted and found to be complete, an annexation calendar will be established by the Town. The process and timeline are set by state statute.

Step 1 – Pre-Application

The applicant completes the Pre-Application process, in which the proposed annexation is reviewed by the Town’s Development Review Committee (DRC). The DRC will make recommendations to the applicant on how the formal application might be structured to enhance chances the project will ultimately be approved by the Town Board of Trustees. The DRC will highlight issues of particular concern and refer the applicant to the applicable Town standards and regulations.

Step 2 – Applicant Submits Formal Application

Applicant submits to the Town the executed annexation petition, legal description, four copies of annexation map, and related annexation application materials, including complete and current title commitment; applicant submits zoning application if zoning requested at the time of annexation.

Step 3 – Staff Reviews Application for Completeness

Town checks boundary description for accuracy and contiguity purposes; Town identifies school district(s) and special district(s) serving the property; Town checks ownership of property.

Step 4 – Substantial Compliance Resolution by Town Board

Town Board adopts resolution finding that petition is in substantial compliance with statutes, and sets hearing date on petition. (Annexation hearing must be set for between 30-60 days after passage of substantial compliance resolution).

Step 5 – Preparation of Impact Report

Town begins preparing or directs preparation of impact report on annexation if property exceeds 10 acres in size. Must be prepared at least 25 days prior to hearing on petition. Impact report, shall at a minimum, include the information set forth in C.R.S. § 31-12-108.5(1)(a)-(f).

Step 6 – Negotiation of Annexation Agreement

Town and Owner begin negotiations of annexation agreement.

Step 7 – Publication of Hearings

Town publishes first of four weekly notices of hearing on petition; the notice must be published once a week for

four successive weeks in a newspaper of general circulation in the area proposed to be annexed, with the first publication to be at least 30 days before the hearing (the notice consists of a copy of the resolution, or the petition as filed, together with a notice of the hearing on the resolution or petition; if zoning classification has been requested in petition, zoning hearing must be held and notice of zoning hearing must be included in the notice).

Step 8 – Finalize Impact Report and File with Board of County Commissioners

If property exceeds 10 acres in size, impact report must be prepared at least 25 days prior to hearing on petition and filed with the Board of County Commissioners, within 5 days of preparation. The Town recommends the applicant prepare the impact report prior to application.

Step 9 – Mailing to County Commissioners, County Attorney and Special Districts

Town mails (by registered mail) copy of published notice of annexation hearing, substantial compliance resolution, and annexation petition to Board of County Commissioners, County Attorney, special districts having territory in the area (Fire District, etc.), and school districts, at least 25 days prior to hearing on petition.

Step 10 - Applicant Mails Zoning Notice and Town Posts Property

Applicant to mail zoning notice (return receipt requested) of public hearings to all property owners within 300 feet of the subject property. BMC § 16-1-340 (at least 15 days prior to Planning Commission and Town Board hearings). Town posts property at least 15 days prior to Planning Commission and Town Board hearings, applicant to post property.

Step 11 – Planning Commission Hearing

Planning Commission public hearing on initial zoning request, if initial zoning request is made at time of annexation.

Step 12 – Town Board of Trustees Hearing

Town Board conducts public hearing on annexation and zoning and, if desired at close of hearing, passes resolution of eligibility, adopts annexation and zoning ordinances, and passes resolution approving annexation agreement.

Publication, Effective Date and Recording

The Town publishes the annexation ordinance and zoning ordinance. Annexation and zoning ordinances effective, 30 days after publication, if passed as non-emergency matters. The Town Clerk will record the annexation agreement, annexation ordinance, zoning ordinance and annexation map in County Clerk and Recorder's Office.

Annexation Submittal Requirements

(Town of Bennett | Revised January 4, 2021)

The following elements constitute an acceptable application for Annexation. An application is not considered submitted until all items are included in the application. (Note that depending on the size, scale and complexity of a proposal, some of the requirements below may be waived by Town Staff.)

APPLICATION DOCUMENTS												
Required if Checked	Submitted by Applicant	Project Name: _____ Case No.: _____										
X		Land Use Application Form (must be signed by Property Owner)										
X		Application Fees (see below)										
X		Cost Agreement										
X		Funds Deposit Agreement										
X		Title Commitment (current within 30 days of application)										
APPLICATION FEES												
X		1. Engineering: <5 acres \$2,400; 5-25 acres \$3,000; >25 acres \$3,600 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>2. Attorney: <5 acres \$3,500; 5-25 acres \$3,500; >25 acres \$4,000</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>3. Traffic Engineer: <5 acres \$2,200; 5-25 acres \$2,200; >25 acres \$2,200</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>4. Other: e.g. Water Engineer Review, Special Utility Review, Landscape Arch. Review: \$215</td> <td style="text-align: right;">\$</td> </tr> <tr> <td style="text-align: right;">Subtotal</td> <td style="text-align: right;">\$</td> </tr> </table>		\$	2. Attorney: <5 acres \$3,500; 5-25 acres \$3,500; >25 acres \$4,000	\$	3. Traffic Engineer: <5 acres \$2,200; 5-25 acres \$2,200; >25 acres \$2,200	\$	4. Other: e.g. Water Engineer Review, Special Utility Review, Landscape Arch. Review: \$215	\$	Subtotal	\$
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Subtotal	\$											
X		5. Administrative Fee: 20% of Project Total <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: right;">\$</td> </tr> </table>		\$								
	\$											
X		(Additional fees may be required, depending on the number of resubmittals or changes by applicant, or if a Subdivision Agreement, Development Agreement or Construction Document Review is required.) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: right;">Total</td> </tr> </table>		Total								
	Total											
X		Recording fees will also be required when the final documents are recorded with Adams or Arapahoe County. (See below)										
ANNEXATION APPLICATION SHALL INCLUDE:												
X		1. Letter of Intent. The applicant shall provide a letter of intent addressed to the Board of Trustees to serve as a cover letter to the formal petition, introducing the applicant(s) to the Board of Trustees, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.										
X		2. Annexation Application. The Town's Land Use Application Form shall be completed, signed and dated.										
X		3. Agreement for Payment of Development Review Expenses Incurred by the Town. The application shall be accompanied by signed standard Cost Agreement and Funds Deposit Agreement for the payment of development review expenses incurred by the Town.										
X		4. Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107. The Town's standard form petition shall be used. Any deviation from the standard form petition will require review and approval by the Town Attorney before the Town accepts the petition for processing. The applicant is to provide a word processing file of this document if it deviates from the Town's standard form petition. <ol style="list-style-type: none"> a. The petition shall contain the following statements: b. An allegation that it is desirable and necessary that the area be annexed to the municipality. c. An allegation that eligibility requirements and limitations have been met or addressed respectively. d. An allegation that the petitioners comprise the land owners of more than fifty (50) percent of the territory included in the proposed annexation area (excluding streets and alleys). e. A request that the annexing municipality approve the annexation. f. If not already included, consent to the inclusion of the property into the (insert names of any applicable special districts) as appropriate. 										

X		<ul style="list-style-type: none"> g. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments. h. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the Town. i. The mailing address of each signer of the petition. j. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds). k. The affidavit of each petition circulator that each petitioner’s signature is valid.
X		<p>5. Annexation Map. Four (4) paper copies and one electronic copy of the annexation map are to be provided with the initial submittal. The annexation map shall be signed and sealed by the registered land surveyor or engineer preparing the map, or under whose supervision the annexation map was prepared. (See description of Annexation Map Technical Standards attached.) In addition, provide one (1) small format paper copy (not less than 8½" x 11", nor more than 11" x 17"). Provide one (1) “Annexation Map Land Surveying Standards Checklist” completed by the Surveyor (attach to the “original” application packet).</p>
X		<p>6. Title Commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than (30) thirty days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.</p>
X		<p>7. Property Tax Statement. A copy of the prior year’s property tax statement for all property to be annexed.</p>
X		<p>8. Mailing List and Envelopes for County, Special Districts, Irrigation Ditch Companies, Mineral Interest Owners and Adjacent Property Owners.</p>
X		<p>9. Annexation Impact Report. A draft annexation impact report conforming to C.R.S § 31-12-108.5 is required for areas of ten (10) or more acres. The impact report shall contain the following information:</p> <ul style="list-style-type: none"> a. A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed; b. A copy of any draft or final pre-annexation agreement, if available; c. A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation; d. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the Town); e. A statement identifying existing special districts within the area to be annexed; and f. A statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.
X		<p>10. Town of Bennett Comprehensive Plan Narrative. The applicant is required to provide a narrative response describing how the proposed annexation conforms to the goals, policies and strategies identified in the Comprehensive Plan.</p>
X		<p>11. Water Rights. The applicant shall provide a “Water Rights Report” for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-</p>

X	tributary and not non-tributary groundwater). The applicant shall provide a signed warranty deed(s) for sufficient water rights to provide the domestic needs of property to be developed as a result of the annexation as provided in Sec. 13-4-10 of the Bennett Municipal Code. In addition the applicant shall provide a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the Town.
X	12. Zoning of Property to Be Annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed Land Use Application Form, along with the required submittal documents for zoning. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the Town's Zoning Code and Zoning Map within ninety (90) days of the completion of the annexation process.

ANNEXATION MAP TECHNICAL STANDARDS

X	See Attached Annexation Map Technical Standards
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ANNEXATION AGREEMENT

X	See Attached Annexation Agreement Standard Form (staff can provide an MS Word Document upon request)
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RECORDING FEES – Please verify with appropriate County Clerk & Recorder's Office

X	<p><u>Adams County Recording Fees</u> \$13.00 for the first page and \$10.00 for each additional page per document Accept only 18" x 24" Original Mylar http://www.adcogov.org/recording</p> <p><u>Arapahoe County Recording Fees</u> \$13 for first page and \$10.00 for each additional page Accepts only 24 x 36" Original Mylar https://www.arapahoegov.com/313/Recording</p>
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Town of Bennett Annexation Map Technical Standards

1. The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.
2. The annexation map shall be an original drawing on 18" x 24" (if in Adams County) or 24" x 36" (if in Arapahoe County) flat, spliceless, tapeless and creaseless sheet(s) of double matte mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or an acceptable "fix-line" photographic reproduction (emulsion down), or a computer generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (½) inch on three sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.
3. Paper copies of the annexation map(s) shall be black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the annexation map(s). An electronic copy should be provided as a PDF file.
4. The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one (1) percent. Acceptable scales are 1"=50' or 1"=100' and for annexations exceeding one hundred (100) acres, 1"=200'. In special instances another scale may be approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identify each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.
5. The title shall be centered at the top of the sheet along the long dimension of each sheet shall include the name of the proposed annexation. A general legal description stating the section, township, range, 6th P.M., Town, County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names.

Example:

CREEK VIEW ANNEXATION
TO THE TOWN OF BENNETT, COLORADO
A PARCEL OF LAND LOCATED IN SECTION ____, TOWNSHIP ____, SOUTH, RANGE ____ WEST OF THE ____ TH P.M
COUNTY OF (ADAMS OR ARAPAHOE), STATE OF COLORADO
78.05 Acres

6. There shall be a title block in the lower right-hand corner, or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer, and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials, and the electronic drawing file name (matching the AutoCAD drawing file provided to the Town).
7. Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall

include a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.

8. Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be the Town's standard statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
9. Immediately following the ownership certificate, there shall be the Town's standard Surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer. Immediately following the Surveyor's certificate, there shall be the Town's standard certificate block for the Town Board of Trustees.
10. Immediately following the Board of Trustee's approval certificate, there shall be the Town's standard recording certificate block for the (Adams or Arapahoe) County Clerk and Recorder.
11. A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-(2) mile radius superimposed on a current USGS Topographical Map, maintaining the same scale shall be placed on the left side of annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.
12. The annexation map drawing shall contain the following:
 - a. Show the outline of area to be annexed with boldest line.
 - b. For all references, show book, page, map number, etc., and place where publicly recorded.
 - c. Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous, and/or coincident with boundary. Provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the Annexation Map.
 - d. Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town (example: ///////////////).
 - e. Show section, quarter section, and other monument corners. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
 - f. Provided a description of all monuments, both found and set, which mark the boundaries of

the property and of all control monuments used in conducting the survey.

- g. Show the location of each ownership tract in unplatted land, and if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.
 - h. Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.
 - i. The ownership identity of all mineral rights shall be designated on the map.
 - j. Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitively locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.
 - k. All lines, names and descriptions on the annexation map which do not constitute a part of the annexation shall be depicted in dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."
 - l. Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
 - m. Show clearly the length and bearing of all lines described in the written description.
 - n. Show section numbers, quarter section quadrants, township and range lines, and label each.
 - o. Show all lines, calls, arcs, etc., described in written description.
 - p. Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as "See Detail A."
 - q. Show "Point of Beginning" in bold letters with an arrow.
 - r. Show "True Point of Beginning" with bold letters and arrow, when appropriate.
 - s. A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing Town/City boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
13. An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.
14. An AutoCAD™ drawing file of the annexation map(s) and title sheets and all fonts used, shall be provided by acceptable electronic transfer. Large drawing files are to be compressed or conveyed via a file-sharing service. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files of each revision to the annexation map shall be provided at the time the revision is submitted to the Town.
15. An electronic MS Word file of the legal description shall be provided. Text must be in uppercase.