

**LANDOWNER PETITIONED
ANNEXATION PROCEDURE**

1. Petitioner(s) or their representative(s) shall hold a pre-annexation conference with Public Works Department staff to:
 - Discuss Colorado Constitution requirements (Form 1)
 - Discuss eligibility; CRS 31-12-104 (Form 2)
 - Discuss limitations; CRS 31-12-105 (Form 3)
 - Discuss annexation agreement considerations
 - Discuss feasibility; timelines, and application of other requirements.
2. The petitioner(s) shall file with the City Planner the completed annexation petition along with four (4) copies of an annexation map.
3. The petitioner(s) shall also submit a map amendment application and, if required, a subdivision application to the Public Works Department.
4. If required, the City of Sterling shall cause to be prepared an Annexation Impact Report (AIR) concerning the proposed annexation at least twenty-five (25) days before the annexation hearing date and shall file one copy with the County Commissioners within five (5) days thereafter.
5. The City Clerk shall refer the petition to the City Council as a communication. The City Council, without undue delay, shall then take appropriate steps to determine if the petition so filed is substantially in compliance with CRS 31-12-107(1).
6. If it is not in substantial compliance, no further action shall be taken, except the City Council shall make such determination by a resolution.

OR

If it is in substantial compliance, the City Council shall make such determination by resolution and as a part of the resolution shall establish a date, time, and place that the City Council will hold a hearing to determine if the proposed annexation complies with CRS 31-12-104 and 31-12-105.

7. The City Clerk shall give notice as follows: A copy of the resolution or the petition as filed (exclusive of the signatures) together with a notice that, on the given date and at the given time and place set by the City Council, the City Council shall hold a hearing upon said resolution of the City of Sterling or upon the petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of CRS 31-12-104 and 31-12-105 and is considered eligible for annexation. Said notice shall be published once a week for four successive weeks in some newspaper of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty days prior to the date of the hearing. (NOTE: The resolution finding substantial compliance of the petition and setting the date for the hearing shall be used as the required notice)
8. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed, and the certificate of the owner, editor, or manager of the newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held as provided in said notice.

9. A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the City Clerk to the Board of County Commissioners and to the County Attorney of the county wherein the territory is located and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such hearing.
10. The annexation petition and map shall be considered by the Planning Commission at their next regularly scheduled meeting. The Planning Commission shall then make their recommendation to City Council on the proposed annexation and annexation agreement and shall initiate zoning and, if required, subdivision proceedings.
11. The City Council shall then hold the public hearing on the proposed annexation in which all proceedings at the hearing and any continuances thereof shall be recorded. Upon the completion of the hearing, the City Council, by resolution, shall set forth as findings of fact and its conclusion based thereon with reference to the following matters:
 - whether or not the requirements of the applicable parts of CRS 31-12-104 have been met; (See Form 2)
 - whether or not the requirements of the applicable parts of CRS 31-12-105 have been met; (See Form 3)
 - whether or not an election is required under CRS 31-12-107(2); and
 - whether or not additional terms and conditions are to be imposed.
12. If the resolution of the City Council adopted pursuant to CRS 31-12-110 determines that the applicable parts of CRS 31-12-104 and 31-12-105 have been met, and further determines that an election is not required under CRS 31-12-107(2), and does not determine that additional terms and conditions are to be imposed, the City Council may thereupon annex the area proposed to be annexed by ordinance.

OR

If the resolution of the City Council adopted pursuant to CRS 31-12-110 determines that the applicable parts of CRS 31-12-104 and 31-12-105 have been met, and further determines that an election is required under CRS 31-12-107(2) or determines that additional terms and conditions are to be imposed, an election shall be called.

13. The City Planner shall file one copy of the annexation map with the original of the annexation ordinance in the office of the Clerk of the City of Sterling.
14. The City Planner shall file for recording two certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the County Clerk and Recorder of each county affected.
15. The City Planner shall instruct the County Clerk and Recorder to file one certified copy of such annexation ordinance and map with the Division of Local Government of the Department of Local Affairs.
16. No annexation shall be effective until the requirements of number 14 above are met.
17. If the requirements of 13, 14, and 15 above are met, the area shall be annexed upon the effective date of the annexing ordinance.