

RESOLUTION NO. 10  
(Series of 2009)

A RESOLUTION ADOPTING A THREE-MILE  
ANNEXATION PLAN FOR THE TOWN OF FAIRPLAY

WHEREAS, C.R.S. § 31-12-105(1)(e)(I) requires that, prior to completing any annexation the Town have in place a plan for that area a plan that generally describes the proposed location of various public improvements and land uses; and

WHEREAS, the Town has prepared the attached plan conforming to the requirements of C.R.S. § 31-12-105(1)(e)(I).

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY; THAT:

1. Annexation Plan Adopted. The Annexation Plan for the Town of Fairplay attached hereto as **Exhibit A** is hereby adopted and approved by the Board of Trustees.
2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.
3. Severability. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.
4. Effective Date. This Resolution shall become effective immediately.

RESOLVED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Fairplay on the 15 day of June, 2009 upon the motion of Board Member Boyce, the second of Board Member Lane, and by a vote of     in favor and     against.

(unanimous)



*Fred Boyce*  
Fred Boyce, Mayor

ATTEST:

*Tina Darrah*  
Tina Darrah, Town Clerk

# TOWN OF FAIRPLAY ANNEXATION PLAN

*Annual Update: June 2009*

## SECTION 1 – INTRODUCTION

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The term “annexation” is used to define a process by which the boundaries of a city or town are extended to encompass more land. Residents of a newly annexed area become citizens of the city or town and share in the benefits and responsibilities that accompany that citizenship.

The Colorado Revised Statutes (CRS 31-12-101) provide the authority for land to be added to cities or towns and includes a requirement that each city or town adopt, and annually update, an Annexation Plan that defines a three-mile area into which a town may expand.

### **1.1 PURPOSE OF THE ANNEXATION PLAN**

The Town of Fairplay is required by CRS 31-12-105(1)(e) to adopt an Annexation Plan prior to completing any annexation within an area which extends three miles in any direction from any point of the municipal boundary. The Fairplay Annexation Plan has been prepared and updated to meet those requirements, which include the official three-mile annexation area, policies, procedures and processing guides. It is also intended to serve the needs of applicants seeking annexation to the Town, and to provide information to the public on the annexation process.

### **1.2 ADOPTION**

The Fairplay Annexation Plan is to be adopted and updated annually, or as necessary, upon recommendation of the Fairplay Planning Commission and by formal resolution of the Town of Fairplay Board of Trustees. The Annexation Plan is not an ordinance but is an official planning document that reflects the growth and annexation policies of the Town of Fairplay.

### **1.3 ANNEXATION IMPACT REPORT**

- 1) CRS 31-12-108.5 requires that an annexation impact report be prepared by an applicant for any annexation greater than 10 acres in size. The Board of County Commissioners has the authority to waive this requirement. If the report is not waived, it must be filed with the Board of County Commissioners within 20 days of the annexation hearing.

## SECTION 2 – FAIRPLAY ANNEXATION PLAN

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### 2.1 STUDY AREA

The Annexation Plan study area includes the Town of Fairplay (Map 1) and the three-mile wide planning area jurisdiction surrounding the Town (Map 2). In accordance with CRS 31-12-105 (1) (e), prior to completion of any annexation within the three-mile area, the Town shall have in place a plan for that area, which generally describes the proposed land uses and other characteristics of the area. The Annexation Plan shall be updated at least once annually.

Within this three-mile zone lies the Pike National Forest and unincorporated Park County. Territory subject to the Annexation Plan includes land in and adjacent to Pike National Forest, and privately owned land in unincorporated Park County, which is also subject to development review by the Park County Planning Department.

### 2.2 LAND USE

Land uses and activity areas have been identified in the Fairplay Comprehensive Plan and designated on the potential urban growth areas map:

- Urban Development
- Non-Urban Development
- Conservation

### 2.3 PLAN COMPONENTS

- A. Streets** -- Fairplay is located at the junction of Colorado Highway 9 and U.S. Highway 285. This is a point where traffic is channeled in all directions: northeast toward Como, Jefferson, Bailey and Denver; northwest toward Alma, Breckenridge and Dillon; south toward Buena Vista and Salida; and southeast toward Hartsel, Guffey, Lake George, Woodland Park and Colorado Springs. Local streets, other than those having business and service access locations, do not carry a significant amount of traffic. The remaining road network within the Town limits and in unincorporated Park County consists of a mix of paved and unpaved streets, and forest service roads. There are no major road construction plans or plans for extensions of existing roads at this time.
- B. Subways** -- No subways exist or are planned for this area.
- C. Bridges** -- Other than present roadway and river overpass bridges, there are no proposed plans to build or demolish any bridges for this area.
- D. Waterways** -- There is one primary waterway in the Fairplay area, the Middle Fork of the South Platte River, and several smaller waterways. No changes are proposed in any of the waterways.
- E. Waterfronts** -- No waterfronts exist or are planned for this area.
- F. Parkways, Playgrounds, Squares, Parks and Open Spaces**

- The Fairplay Beach, a public access area to the South Platte River is accessible on the west bank of the river. The public may access the small lake impoundment and the river.
  - Minor parks and playgrounds and open spaces of less than 5 acres will be located as part of specific residential development proposals.
  - Larger open space tracts consist of common public areas and extensive national forest lands. No new open spaces are proposed.
- G. **Aviation Fields** -- There is one unused private landing strip south-southeast of Fairplay, roughly parallel to Colorado Highway 9. No improvements are planned for this landing strip at this time. There is, however, a proposal for the Central Colorado Regional Airport to be located approximately six miles southeast of Fairplay on top of the bench above Fourmile Creek. Land for this proposal is owned and/or controlled by Bureau of Land Management and State of Colorado. The Airport would be private.
- H. **Other Public Ways** -- A bicycle trail exists along the right-of-way of Highway 9 between Fairplay and Alma.
- I. **Grounds** -- There is a cemetery located about one-fourth mile east of town, accessed from the north along Route 285. There is no expansion planned at this time.
- J. **Public Utilities**
- **Water** -- Water is provided by the Town of Fairplay. Fairplay's water supply consists of four wells, which provide approximately 220,000 gallons per day. Peak output is estimated at 445 gallons per minute. The distribution system consists of old four and six inch steel pipes. Most of these pipes have extensive leakage, resulting in lower than standard fire protection flows. An application is pending with State of Colorado Department of Local Affairs, Energy Mineral Impact Assistance Program, for funding rehabilitation and expansion of the system to provide adequate flows for general usage, fire protection, and conservation of potable water usage. The proposed upgrading would replace the steel pipes with adequate ductile iron pipes.
  - **Sewage Treatment** -- Sewage treatment is provided by the Fairplay Sanitation District. The wastewater treatment facility, located on County Road 16 about a half-mile east of Highway 285, has a capacity of 0.4 million gallons per day. The plant averages 100,000 to 150,000 gallons per day. There are two aerated lagoons, a polishing pond, chlorination and de-chlorination facilities. Effluent is discharged into the Middle Fork of the South Platte River. The District serves the entire town of Fairplay, plus areas southwest and southeast of Highway 285/Highway 9 junction. There are 304 service taps, six miles of 8" lines, and 1 lift station. The District has one part-time operator with a "C" certification plus a "D" certified operator for backup.
  - **Electrical Service** -- Public Service Company of Colorado and Intermountain Rural Electric Association provide electric service in the Fairplay/Alma area.
  - **Gas Service** -- Gas for heating and cooking is provided by Ferrell Gas, Comfort Gas, Bison and Monarch Propane in Fairplay.

- **Communications** -- Telephone is provided by Qwest. Cable television service is provided by the Fairplay Cable System. Several cellular phone towers in the area provide cell coverage.

#### **K. Districts**

- **Fire** -- Fire protection is provided by the Northwest Fire Protection District. Equipment and personnel are located on Highway 285, south of Fairplay.
- **Schools** – Park County School District Re-2 encompasses the three-mile planning area. Current enrollment (May 2009) is 650 students in South Park High, Silverheels Middle, and Edith Teter Elementary Schools.

### **2.4 POTENTIAL URBAN GROWTH AREA**

The potential urban growth areas are identified in the Fairplay Comprehensive Plan and by Park County as areas where increased development and growth are expected to occur. The potential urban growth areas are contained in four major areas: 1) along the Route 285 corridor to the north and south of existing Town limits; 2) along the Route 9 corridor to the northwest of existing Town limits; 3) the general area north of Fairplay; and 4) the general area southwest of Fairplay.

The Potential Urban Growth Area Map (Map 2) illustrates the capacity within the Three-Mile Study Area for future development. The maximum extent of the Town boundary may be modified by the limitations imposed by publicly owned or managed lands such as the Pike National Forest. Although privately owned land in the Pike National Forest can be developed, it is subject to review by the Park County Planning Department. Significant natural resources should be conserved and protected from development during annexation proceedings.

The urban growth areas map represents future urban land use, non-urban land use, and conservation land use on land located both inside and outside the municipal boundaries of Fairplay. Any development proposed for annexation should conform to the goals and polices of the Fairplay Comprehensive Plan.

## **SECTION 3 – ANNEXATION PROCEDURES**

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The following procedures are provided for use by anyone seeking annexation to the Town of Fairplay. Some of these procedures are defined by State Statute and reference thereto may be necessary. The complete Annexation Application packet is contained in Appendix A.

### **3.1 VOLUNTARY ANNEXATION PROCEDURES**

This section of the report deals with the most common type of annexation, voluntary annexation, where 100% of the property owners of an area petition to be annexed to the Town.

- **Step One: Pre-Application Meeting** - The petitioner(s) should review this document thoroughly to grasp the intent of the Town of Fairplay in considering annexation requests, to become familiar with applicable State Statutes, and to become aware of pertinent planning documents. Because of the significant relationship between annexations and development standards within the Town, it is recommended that the Town of Fairplay Comprehensive Plan, Zoning Ordinance and Subdivision Regulations be reviewed as well. It is highly recommended that the petitioner(s) for annexation meet with the Town Clerk, Town Planner, Public Works Director and Planning Commission on a preliminary basis to discuss annexation procedures and requirements and for detailed explanations of the previously mentioned documents. At this time, the applicant should be prepared to discuss plans for the development of the property, including proposed land uses, zoning, subdivision, and timing of development. The Town Staff will identify issues associated with the proposed annexation area such as land uses, streets, utilities, drainage, and districts (i.e., sanitation, school).
- **Step Two: Preparation of Annexation Petition and Supporting Materials** - Applicant will prepare the annexation petition on forms provided by the Town, including 1) a request to annex land to the Town of Fairplay, with signatures of all property owners; 2) an annexation agreement following an acceptable Town format; 3) a zoning application, including any proposed development plan; and 4) the annexation plat, prepared by an Engineer or Registered Land Surveyor.
- **Step Three: Submission of Annexation Request** - Applicant will then submit the annexation petition, plat, and supporting materials to the Town Clerk. Concurrently, the zoning application and development plans are also filed with the Town Clerk. All applicable filing fees are paid at this time.
- **Step Four: Distribution of Annexation Materials** - Submitted materials are reviewed by the Town Clerk and Town Planner for completeness and, if found substantially so, are placed on the Town Board of Trustees agenda. The Town Attorney will review the application for conformity with the legal requirements for annexation. The Board of Trustees, at a regular meeting, will determine if the petition for annexation is in substantial compliance with the State Statutes. If the annexation petition is found to be valid, the Board of Trustees may pass a resolution finding compliance and/or establishing date, time, and place for public hearings to consider the proposed annexation. The hearing shall be held not less than 30 days, nor more than 60 days after the effective date of said resolution. The Board of Trustees will also refer the application and zoning proposals to the Fairplay Planning Commission for hearings and recommendations. If the annexation petition is found to be not in compliance with the statutory requirements, the Board of Trustees must confirm such a determination by resolution, and the annexation process is terminated.
- **Step Five: Agency Review** - Upon acceptance by the Town Board of Trustees and/or passage of a resolution for public hearings, the proposed annexation petition, plat, annexation agreement (see Appendix B for example of content), zoning proposals and development plans are distributed to appropriate referral agencies for review and comment.

- **Step Six: Publication of Notice** - The Town Clerk publishes notice of the date, time and place of the public hearings by the Town Board of Trustees to consider the proposed annexation. Notice of hearing will be published once per week for 4 consecutive weeks, the first publication occurring at least thirty (30) days prior to the date of the public hearing. Publication, notice and hearings by the Planning Commission to consider zoning and development proposals related to the annexation area will follow standard zoning hearing procedures.
- **Step Seven: Preparation of Impact Report** - At least 25 days before the hearing date, an annexation impact report prepared by petitioner on behalf of the Town is submitted to the Town, containing the information required by State Statute. At least 20 days prior to the public hearing, a copy of the impact report must be filed with the Park County Board of Commissioners. An annexation impact report is not required for annexations of ten acres or less in total area, or when the Town Board of Trustees and the Park County Board of Commissioners agree that the report may be waived.
- **Step Eight: Notice to County, School District, and Special Districts** - At least 25 days prior to the date of the public hearing, the Town Clerk sends by registered mail formal notice to the Park County Board of Commissioners, the County Attorney, the Fairplay School District RE-2, and the Fairplay Sanitation District.
- **Step Nine: Notice to Property Owners** - At least 25 days prior to the date of the public hearing, the applicant mails notices to adjoining property owners, informing them of the public hearing on the annexation, master plan, zoning request and their right to appear and provide comment. Petitioner must provide proof of service for said notices to the Town Clerk.
- **Step Ten: Final Town Administration Review** - Prior to the public hearing, Town Administration completes their reviews of the proposed annexation, zoning and development plans.
- **Step Eleven: Public Hearing by Town Planning Commission** - The Town of Fairplay Planning Commission conducts a public hearing on the proposed zoning and development plans as related to the proposed annexation. After testimony from proponents, opponents and Town Administration, the Planning Commission makes its recommendation to the Town Board of Trustees.
- **Step Twelve: Public Hearing by Town Board of Trustees** - A public hearing will be held by the Town of Fairplay Board of Trustees. Any person may appear at the hearing and present evidence. The Board of Trustees makes a final determination of 1/6 contiguity and a community interest, and may consider the annexation agreement (if applicable) (at this time, terms of the annexation agreement are normally finalized), zoning, development plans (if applicable) and ordinances approving the annexation and zoning. If the Town Board of Trustees determines that an annexation election is required pursuant to Section 31-12-107 (2) C.R.S. or because it wishes to impose additional terms and conditions upon the area to be annexed and not agreed to by 100% of the landowners pursuant to C.R.S. 3 1-12-112, the Town may petition the district court to hold an election.



- **Step Thirteen: Town Board of Trustees Decision** - If the Town Board of Trustees disapproves the proposed annexation, the annexation proceedings terminate. If the Town Board of Trustees approves the annexation, including zoning and development plans, it does so by ordinance, which requires two (2) readings at separate meetings (first reading is typically given at the above-mentioned public hearing). The annexation agreement is approved by the Town Board of Trustees at either first or final reading of the annexation ordinance.
- **Step Fourteen: Town Board of Trustees Decision** - After approval (on first reading or subsequent to an election), the annexation petition and accompanying documents as summarized in the ordinance heard at first reading will be advertised for second reading and placed on the next Town Board of Trustees agenda following the required advertising period.
- **Step Fifteen: Approval** - Approval on second reading will finalize the ordinance, which cannot be legally challenged after 60 days from its effective date.
- **Step Sixteen: Filing of Annexation Ordinance and Map** - The Town Clerk files all originals of the annexation ordinance, plat and agreement, and records certified copies of the annexation ordinance, plat and agreement with the Clerk and Recorder of Park County. The annexation is not effective until the ordinance and plat have been recorded. Zoning becomes effective fifteen (15) days following the date of final publication subsequent to passage on second and final reading.

### **3.2 VOLUNTARY ANNEXATION PROCEDURES WITH AN ELECTION**

Another form of voluntary annexation is the petition for an annexation election, where less than 100% of the property owners of an area request to be annexed to the Town.

**Steps to Petition for an Annexation Election** - The steps to be taken to petition for an annexation election are almost the same as those for the 100% property owner voluntary annexation, except that:

- The petition shall be signed by forty (40) qualified electors or ten (10) percent of said electors, whichever is less
- The petition shall contain an allegation that the signers of the petition are qualified electors resident in and landowners of the area proposed to be annexed
- The petition shall request the Town to commence proceedings for the holding of an annexation election.

If the Town Board of Trustees determines that an election is required, either directly from the petition for an annexation election or because it wishes to impose additional terms and conditions agreed to by 100% of the landowners from a voluntary petition, it must petition the District Court of the County to hold the required election to determine whether a majority of the qualified electors approve such annexation, with such terms and conditions, if any, as attached. Any landowner owning land in the area proposed to be annexed may vote, irrespective of whether he is a qualified elector.

The court appoints three election commissioners, one of whom shall be nominated by the Town, one of whom shall be a landowner of land in the area proposed to be annexed, and the third shall be acceptable to the other two. Within three days after their appointment, the commissioners shall take an oath before the court to faithfully perform their duties.

The commissioners shall call an election of all qualified electors or qualified electors and landowners, to be held at some convenient place within the area proposed to be annexed, or immediately adjacent thereto if such area is vacant and unoccupied, as will afford all eligible voters to cast their votes.

Notice of such election must be given by publication once a week for four weeks in a newspaper of general circulation in the area, and by posting a notice at the polling place. The posting and first newspaper publication shall be not less than four weeks preceding such election. Such notice shall specify the time and place of such election, shall contain a description of the boundaries of the area proposed to be annexed, and shall state that a map or plat thereof is on file in the office of the clerk of the district court in which such area is located; and it shall set forth the conditions and requirements proposed by the Town Board of Trustees for annexation of the area.

The commissioners shall act as judges or clerks of the election, shall take the oath required by law for judges of general elections, and shall report voting results to the court within three days after such election. The court shall allow a reasonable compensation to each judge or clerk for his services as such, not exceeding two dollars for each hour necessarily employed in the performance of his duties.

The ballot used in such election shall contain the words "For Annexation" and "Against Annexation." At the time of voting, each voter shall indicate his choice by placing a cross mark (X) opposite one or the other group of words. Voting machines may be used in the same manner as in municipal elections.

If a majority of the votes cast at the election are against annexation or if the vote is tied, the annexation election proceeding fails and the Board of Trustees shall proceed no further with the annexation proceedings. If the majority of the votes cast are for annexation, the court shall order, adjudge, and decree that such area may be annexed to the Town upon the terms and conditions, if any, set forth by the Board of Trustees, and the Town may thereafter, by ordinance, annex said area and impose the terms and conditions, if any, as approved by the qualified electors or landowners.

All costs and expenses connected with such annexation election, including commissioner fees and all election expenses when incurred, shall be paid by the Town of Fairplay.

### **3.3 INVOLUNTARY ANNEXATIONS**

Involuntary annexations (Annexation of Enclaves, Partly Surrounded Land, and Municipally Owned Land - C.R.S. 31-12-106) must also meet requirements prescribed by the State.

#### **3.3.1 Annexation of Enclaves**

This section provides that when an unincorporated area has been entirely contained within the boundaries of a municipality for at least three years, the municipality may annex the property by ordinance without regard to eligibility requirements, limitations, or hearing requirements. Notice must still be given. Enclave annexation ability is not available if any boundary consists solely of a public right-of-way, which has been annexed by the municipality.

#### **3.3.2 Partly Surrounded Land**

Subsection (2) of C.R.S. 31-12-106 provides for unilateral annexation of areas having more than two-thirds boundary contiguity for a period of three years.

Note: This provision has been effectively repealed by the Poundstone II amendment: Article II, section 30 of the Colorado Constitution.

#### **3.3.3 Town-Owned Land**

Unilateral annexation is still available when the land is entirely owned by the Town. When the Town is the sole owner of the area that it intends to annex (so long as the area satisfies the eligibility requirements of section 104 and the limitations of section 105), it may be annexed by ordinance without notice and hearing. However, the annexing ordinance must state that the area proposed to be annexed is owned by the municipality and is not solely a public street or right-of-way.

## **SECTION 4 – SUBMITTAL REQUIREMENTS**

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### **4.1 PRE-APPLICATION CONFERENCE AND SKETCH PLAN**

Applicants are encouraged to attend a pre-application conference with the Town Clerk, Town Planner, Public Works Director and Planning Commission. A sketch plan of the area to be annexed, indicating the concept for development, should be supplied by the applicant at the pre-application conference. The conceptual plan will enable the Town Administration to render an informal preliminary review of the proposed annexation for general scope and conditions that might affect the annexation.

#### **Contents of Conceptual Plan**

\_\_\_\_\_ Name of the annexation

\_\_\_\_\_ Name, address and phone number of owner(s), attorney and surveyor/engineer

\_\_\_\_\_ Location map showing the relationship of the area to be annexed with the Town limits, streets, and utilities

\_\_\_\_\_ Conceptual plan for the proposed annexation area, at a scale of not less than one inch (1") equals two hundred (200') feet, including:

- scale, north arrow, township, range, section, quarter section
- land area in acres
- property lines, and, if applicable, block and lot numbers
- proposed land uses
- proposed streets, utility extensions, lots

#### **4.2 PETITION, MAP AND PLANS PREPARED**

The applicant or attorney prepares a legal petition for annexation and a registered engineer or surveyor prepares the annexation map and development plans.

**Submission of Petition** -- The applicant submits (number) copies of the application, (number) maps and (number) development plans to the Fairplay Town Clerk at least 15 days prior to a regular Board of Trustees meeting (held the first and third Mondays of each month).

#### **Contents of Annexation Map**

- \_\_\_\_\_ Name of annexation
- \_\_\_\_\_ Name, address and phone number of owner(s), attorney and surveyor or engineer
- \_\_\_\_\_ Scale, north arrow, township, range, section, quarter section
- \_\_\_\_\_ Vicinity map showing the relationship of the area to be annexed and the existing Town limits
- \_\_\_\_\_ Boundary of the area proposed to be annexed, the contiguous boundary with the Town, and the dimensions of the proposed area
- \_\_\_\_\_ Legal description of the boundary of the area proposed to be annexed, and the land area in acres
- \_\_\_\_\_ Property lines and ownership of each unplatted tract; and/or if platted, the boundaries of the plats and the lot and block numbers
- \_\_\_\_\_ The following certificates:
  - Owners
  - Surveyor
  - Planning Commission
  - Board of Trustees
  - Recording

#### **Contents of Development Plan**

- \_\_\_\_\_ North arrow, graphic scale of 1 inch = 100 feet
- \_\_\_\_\_ Existing and proposed ground elevations
- \_\_\_\_\_ Grading plan
- \_\_\_\_\_ Soil test basis for design of street paving
- \_\_\_\_\_ Street centerline

- \_\_\_\_\_ Curb and gutter lines
- \_\_\_\_\_ Sidewalks
- \_\_\_\_\_ Existing and proposed water lines and valves
- \_\_\_\_\_ Fire hydrants
- \_\_\_\_\_ Existing and proposed sewer lines
- \_\_\_\_\_ Utility easements
- \_\_\_\_\_ Existing and proposed storm drainage systems including size and location -- calculations in computing the runoff must be attached
- \_\_\_\_\_ Drainage easements
- \_\_\_\_\_ Lot lines

#### **4.3 TOWN ADMINISTRATION PROCEDURES**

Upon receipt of the petition, maps and development plans, the following steps are taken by the Town Administration:

- \_\_\_\_\_ Town Clerk places application on the Board of Trustees agenda
- \_\_\_\_\_ If needed, a meeting of the Town Administration will be held at least 5 days prior to the Board of Trustees meeting to consider any changes, additions or deletions submitted by the applicant.
- \_\_\_\_\_ The Board of Trustees, at its regular meeting, sets a date for the annexation public hearing (not less than 30 days nor more than 60 days from effective date of resolution), and refers the application to the Planning Commission for public hearing on zoning and development proposals for the proposed annexation area
- \_\_\_\_\_ Town Clerk submits the application, development plans and annexation map to the appropriate agencies, including the Town Administration, for review
- \_\_\_\_\_ Town Clerk advertises public hearing date in the newspaper for Board of Trustees annexation hearings.
- \_\_\_\_\_ Town Clerk advertises public hearing date in the newspaper for Planning Commission public hearings to consider proposed zoning, development, and subdivision aspects of the annexation
- \_\_\_\_\_ At least 25 days prior to the Board of Trustees annexation hearing, the annexation impact report is due, unless the annexation is 10 acres or less in total area, or if the Town Board of Trustees and the Park County Board of Commissioners agree that the report may be waived
- \_\_\_\_\_ At least 25 days prior to the Board of Trustees annexation hearing, the Town Clerk sends by registered mail formal notice to the Park County Board of Commissioners, the County Attorney, the Fairplay School District RE-2, and the Fairplay Sanitation District
- \_\_\_\_\_ At least 25 days prior to the Board of Trustees annexation hearing, applicant mails notices to adjoining property owners, informing them of the Board of Trustees public hearing on the annexation petition, and the Planning Commission public hearing on the zoning request, development plan, and their right to appear

and provide comment. Petitioner must provide proof of service for said notices to the Town Clerk per Planning Commission procedures

\_\_\_\_\_ Town Administration completes their reviews of the proposed annexation, zoning and development plans

\_\_\_\_\_ The Planning Commission receives testimony at the public hearing, reviews the application and sends their recommendations to the Town Board of Trustees

\_\_\_\_\_ The Town Board of Trustees conducts a public hearing for annexation and makes finding of fact regarding the petition, and may consider the annexation agreement (if applicable) (at this time, terms of the annexation agreement are normally finalized), zoning, development plans (if applicable) and ordinances approving the annexation and zoning

\_\_\_\_\_ If the Town Board of Trustees disapproves the proposed annexation, the annexation proceedings terminate

\_\_\_\_\_ If the Town Board of Trustees determines that an annexation election is required, they may petition the district court to hold an election.

\_\_\_\_\_ If the Town Board of Trustees approves the annexation, including zoning and development plans, it does so by ordinance, which requires two (2) readings at separate meetings (first reading is typically given at the above-mentioned public hearing). The annexation agreement is approved by the Town Board of Trustees at either first or final reading of the annexation ordinance

\_\_\_\_\_ After approval on first reading or subsequent to an election, the annexation petition and accompanying documents as summarized in the ordinance heard at first reading will be advertised for second reading and placed on the next Town Board of Trustees agenda following the required advertising period

\_\_\_\_\_ Approval on second reading will finalize the ordinance, which cannot be legally challenged after 60 days from its effective date

\_\_\_\_\_ To finalize the annexation, originals of the annexation ordinance, plat and agreement are filed in the office of the Town Clerk, and two certified copies of the annexation ordinance and map are filed with the County Clerk and Recorder. The County Clerk and Recorder thereupon files one copy of each, and files one copy of each with the State of Colorado Department of Local Affairs. No annexation is effective until the required maps and ordinances have been so filed.

#### **4.4 FEES**

\_\_\_\_\_ A filing fee shall be assessed to the application to pay for processing the annexation.

#### **4.5 LAND DEDICATION**

\_\_\_\_\_ In accordance with the Fairplay Subdivision Regulations, Section 7: Land Dedication, the standard for parks and/or open space for new residential subdivisions, or re-subdivisions which result in an increase in density, shall be one and one-half (1.5) acres of parks and/or open space for each one hundred

(100) residents of the Town. The parks and open space fee for each residential unit shall be based on the following formula:

$$\frac{\text{Average Unimproved Residential Land Value}}{\text{Average No. Residential Units per 100 Population}} \times \frac{1.5 \text{ Acres per 100 Population}}{100 \text{ Population}}$$

In the alternative, the Board of Trustees may, at its discretion, require the dedication of land with a current appraised value equal to the required cash fee, accept a specific proposal for land dedication, or accept a combination of cash and land equivalent to the total cash fee required. Refer to Fairplay Subdivision Regulations.

\_\_\_\_\_ At the time of review, the Planning Commission will make a recommendation to the Town Board of Trustees whether or not to accept land or cash.

#### **4.6 ZONING OF LAND UNDERGOING ANNEXATION**

The legal requirements as required by Colorado State Law sets forth the following criteria for establishing zoning on newly annexed land.

- After the Town has passed a resolution of intent to annex, or a petition for annexation has been found valid, the Town may zone the land according to state statutes or its Town Charter.
- The zoning shall not be passed until the date the annexation becomes effective.
- The legal protest area for zoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly without the annexing municipality.
- Any annexed area shall be brought under such zoning ordinances within 90 days from the effective date of the annexation.
- Within such 90 days period or portion thereof, the annexing municipality may refuse to issue any building or occupancy permit for the newly annexed area.
- Any provision in a zoning ordinance applying a uniform zoning classification to newly annexed land is void and of no effect.

#### **4.7 SUBDIVISION OF LAND TO BE ANNEXED**

When a parcel of land to be annexed into the Town is to be divided into two or more parts, a subdivision plat must be submitted in accordance to Fairplay Subdivision Regulations. The subdivision plat is a separate document from the annexation map. If the parcel is not to be subdivided, then a subdivision plat is not required. If the subdivision is to be subdivided, the following requirements are requested:

\_\_\_\_\_ **Legal Requirements** -- After the Town has passed a resolution of intent to annex, or a petition for annexations, has been found valid, the Town, under its subdivision regulations, may subdivide the annexed territory. The approval of the subdivision plat shall not become effective until the effective date of the annexation.

\_\_\_\_\_ **Procedures** -- A preliminary and final plat must be submitted in accordance with the subdivision regulations. The preliminary plat will be reviewed by the Town Administration and Planning Commission at the same time the annexation maps are reviewed. The final plat will be reviewed by the Town Administration and Planning Commission according to the same schedule as the annexation map. The Town Board of Trustees approves the final plat following the effective date of the annexation.



## APPENDIX

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### APPENDIX A -- **ANNEXATION APPLICATION PACKET**

This appendix contains the application forms to be used by petitioners for annexation or by petitioners for annexation election, to accompany the process and submittal requirements. The following forms are included for use during the annexation proceedings:

1. Agreement to Pay for Development or Annexation Review Expenses
2. Petition for Annexation
3. Notice of Annexation Proceedings
4. Summary – Colorado Annexation Statute

**AGREEMENT TO PAY FOR DEVELOPMENT OR ANNEXATION REVIEW  
EXPENSES**

**THIS AGREEMENT** is entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the TOWN OF FAIRPLAY, COLORADO, a Colorado municipal corporation (the "Town") and \_\_\_\_\_, hereinafter referred to as the "Applicant."

WHEREAS, the Applicant is the owner of, or represents that he or she is the authorized agent of the owner of, certain real property located within the boundaries of the Town, or as to which annexation to the Town is sought (the "Property") which is legally described or commonly known as:

\_\_\_\_\_ Legal Description attached as Exhibit A

\_\_\_\_\_ Lot number or Property Address

---

and

WHEREAS, the Applicant desires to seek land use approval for the development or subdivision of the Property and has made application for such approval, or has filed a petition for annexation of the Property to the Town; and

WHEREAS, the parties recognize that the land use application fees specified by the Town's ordinances and regulations cover the typical or standard administrative processing expenses of the Town for routine projects and that these fees do not adequately or fully cover the Town's expenses in considering Applicant's application or annexation petition, including, but not limited to, expenses incurred for legal and notice publications, engineering services, attorney fees, planning and consultant fees, reproduction and photocopying of materials, public hearing expenses, recording costs, and inspections by Town staff to insure the Applicant's compliance with the requirements of approved plans and specifications "(the "Expenses"); and

WHEREAS, the Towns ordinances and regulations require, as a condition of consideration of land use applications and annexation petitions, that applicants reimburse the Town for the Expenses identified above; and

WHEREAS, the Applicant understands and agrees that the payment of the Expenses is independent and separate from the Town's decision to approve or deny the submitted application or petition and that the Applicant is obligated to reimburse the Town for the Expenses regardless of the Town's decision on the application or petition, or the Applicant's decision to postpone, abandon or terminate processing of the application or petition.

NOW, THEREFORE, in consideration of the premises and of the mutual promises herein contained, it is hereby agreed as follows:

**1. Payment of Expenses.** The Applicant shall pay in accordance with this Agreement all Expenses which are directly related to the Town's review, processing, consideration and inspection (both pre-application approval and post-application approval) of the Application or Petition.

**2. Billing.** The Town shall periodically issue invoices for Expenses as they accrue. Each invoice shall specifically identify the Expenses for which the Applicant is responsible. Such invoices shall be mailed by U.S. Mail to the Applicant's address as shown on the application or hand-delivered, and are due and payable within ten (10) days following mailing or delivery of the Invoice.

**3. Lien against the Property.** To the extent permitted by law, Expenses incurred by the Applicant in accordance with this Agreement, together with an amount equal to ten percent (10%) of the total Expenses for the cost of collection, shall constitute a lien against the Property described in this Agreement and in the Application or Petition. By this Agreement, the Applicant consents to the imposition of a lien and the cost of collection against the Property and represents that the Applicant is authorized to so consent as the owner of the Property or as the authorized agent of such owner. The Town may pursue enforcement of the lien in the same manner as real property taxes against the Property.

**4. Enforcement and collection of Expenses.** In the event of Applicant's breach of this Agreement, all amounts owed shall be due and payable immediately and such amount shall accrue interest at an amount equal to eighteen percent (18%) per annum, compounded monthly, until paid in full. In such event the Town shall be entitled to and may invoke one or more of the following remedies.

- a. Denial of the Application or Petition;
- b. Imposition of a condition upon approval that the Applicant pay all Expenses prior to issuance of further approvals or actions including but not limited to the issuance of building permits, grading permits, and recordation of plats and annexation ordinances;
- c. Withholding, postponing or denying any further approvals or actions including but not limited to the issuance of building permits, grading permits, and recordation of plats and annexation ordinances;
- d. Refusal or denial of the acceptance of any other application for land use approval or development of any kind for the Property whether submitted by the Applicant of his or her successor in interest or any other person;

- e. Any other remedy available in law or equity;
- f. Certification of the lien for collection or foreclosure in the manner provided by law.

**5. No implication of approval.** The Applicant agrees to pay all Expenses regardless of whether the Town approves or denies the Application or Petition. The Applicant understands that the approval of the Application or Petition is not, and shall not constitute, consideration for the Applicant's payment in accordance with this Agreement.

**IN WITNESS WHEREOF,** the Town and the Applicant have executed this Agreement the day and year first above-written.

**APPLICANT:**

\_\_\_\_\_

**TOWN:**

By: \_\_\_\_\_  
Mayor

**ATTEST;**

\_\_\_\_\_  
Town Clerk

## PETITION FOR ANNEXATION

TO: THE TOWN BOARD OF THE TOWN OF FAIRPLAY, COLORADO

RE: PROPERTY COMMONLY KNOWN AS: \_\_\_\_\_

The undersigned landowners, in accordance with the provisions of Title 31, Article 12, Part 1, C.R.S., known as the Municipal Annexation Act of 1965, as amended, hereby petition the Town Board of the Town of Fairplay, Colorado for annexation to the Town of Fairplay of the following described unincorporated area situate and being in the County of Park, and State of Colorado:

See legal description attached as **Exhibit A** hereto

In support of their Petition, Petitioners state as follows:

1. That it is desirable and necessary that such area be annexed to the Town of Fairplay, Colorado.

2. That the area sought to be annexed meets the requirements of C.R.S. §§ 31-12-104 and 105, in that:

a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Fairplay, Colorado, disregarding for contiguity purposes, as allowed by C.R.S. § 31-12-104(1)(a), the existence of any platted street or alley, any public right-of-way, any public or private transportation right-of-way or area, public lands (except county-owned open space), or any lakes, reservoirs, streams, or other natural or artificial waters located between the Town and the land proposed to be annexed. The contiguity required by C.R.S. § 31-12-104(1)(a) has not been established by use of any boundary of an area which was previously annexed to the Town of Fairplay where the area, at the time of its annexation, was not contiguous at any point with the boundary of the Town of Fairplay, and was not otherwise in compliance with C.R.S. § 31-12-104(1)(a), and was located more than three (3) miles from the nearest boundary of the Town of Fairplay, nor was the contiguity required by C.R.S. § 31-12-104(1)(a) established by use of any boundary of territory which was subsequently annexed directly to, or which was indirectly connected through subsequent annexations of such an area.

b. The proposed annexation will not create any disconnected municipal satellites.

c. A community of interest exists between the area proposed to be annexed and the Town of Fairplay, Colorado.

d. The area proposed to be annexed is urban or will be urbanized in the near future and said area is integrated or is capable of being integrated with the Town of Fairplay, Colorado.

e. No land held in identical ownership, whether consisting of one (1) tract or parcel of real estate or two (2) or more contiguous tracts or parcels of real estate:

i. is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road, or other public way.

ii. comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners.

f. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.

g. The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of same to another school district.

h. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Fairplay more than three (3) miles in any direction from any point of the Town's boundary in any one year.

i. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

j. Reasonable access will not be denied to landowners, owners of easements or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the Town of Fairplay.

3. That attached hereto and incorporated herein by reference are four (4) prints of the annexation map, containing the following information:

a. A written legal description of the boundaries of the area proposed to be annexed.

b. A map showing the boundary of the area proposed to be annexed.

c. Within the annexation boundary map, a showing of the location of each ownership tract of unplatted land, and, with respect to any area which is platted, the

boundaries and the plat numbers of plots or lots and blocks.

d. 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.

4. That Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.

5. That all Petitioners signed this Petition for Annexation no more than one hundred eighty (180) days prior to the date of the filing of this Petition for Annexation.

6. That this Petition for Annexation satisfies the requirements of Article II, Section 30 of the Constitution of the State of Colorado in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Fairplay.

7. That no election has been held within the last twelve (12) months for annexation of the area described herein to the Town of Fairplay.

8. That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the ordinances, resolutions, rules and regulations of the Town of Fairplay, except for general property taxes which shall become effective on January 1 of the next succeeding year following passage of the Annexation Ordinance.

9. That, by the date that is ninety (90) days after the effective date of the Annexation Ordinance, Petitioners will request that zoning be granted.

100. That Petitioners reserve the right to withdraw this Petition at any time prior to the adoption of an annexation ordinance.

Therefore, the undersigned Petitioners respectfully request that the Town Board of the Town of Fairplay, Colorado approve the annexation of the area described herein to the Town of Fairplay.

STATE OF COLORADO    )  
  )  
COUNTY OF \_\_\_\_\_ )    ss.

Subscribed, sworn to, and acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2005, by  
\_\_\_\_\_.

Witness my hand and official seal.

My Commission expires:

[SEAL]

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF CIRCULATOR**

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

That he was the circulator of the foregoing Petition for Annexation of lands to the Town of Fairplay, Colorado, consisting of \_\_\_\_\_(    ) pages including this page, and that each signature thereon was witnessed by the affiant and is the true signature of the person whose name it purports to be.

\_\_\_\_\_  
Circulator

STATE OF COLORADO    )  
  )  
COUNTY OF \_\_\_\_\_ )    ss.

The foregoing Affidavit of Circulator was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, by \_\_\_\_\_.

Witness my hand and official seal.

My Commission expires:

[SEAL]



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Notary Public

## NOTICE

TO ALL INTERESTED PERSON:

PLEASE TAKE NOTICE that the Board of Trustees of the Town of Fairplay has adopted a Resolution initiating annexation proceedings for the real property, located in unincorporated Park County, described as follows:

**Insert legal description of property to be annexed**

A copy of such resolution precedes this Notice.

On June 18, 2007, at the hour of 7:00 p.m., or soon thereafter as the matter may be heard, in the Fairplay Town Hall, 400 Front Street, Fairplay, Colorado 80440, the Fairplay Board of Trustees will hold a public hearing upon the annexation petition for the purpose of finding and determining whether the property proposed to be annexed meets the applicable requirements of Colorado law and is considered eligible for annexation. At such hearing any persons may appear and present such evidence as they may desire.

Dated this 7th day of May, 2007.

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Katherine Brumitt, Town Clerk

# SUMMARY

**Colorado Statutes  
Municipal Annexation Act  
of 1965  
Title 31, Article 12, Sections 101-111**

**Title 31, Article 12, Section 101:** This section states the title of Part 1 which is "Municipal Annexation Act of 1965"

**Title 31, Article 12, Section 102: Legislative declaration.** This section declares that the policies and procedures are necessary and desirable for the orderly growth of urban communities in the State of Colorado

- (a) To encourage natural and well-ordered development;
- (b) To distribute the cost of municipal services among those who benefit;
- (c) To extend municipal government, services, and facilities to eligible areas which form a part of a whole community;
- (d) To simplify governmental structure in urban areas;
- (e) To provide an orderly system for extending municipal regulations to newly annexed areas;
- (f) To reduce friction among contiguous or neighboring municipalities; and
- (g) To increase the ability of municipalities in urban areas to provide their citizens with the services they require. This section defines a list of pertinent words.

**Title 31, Article 12, Section 103: Definitions.** This section defines a list of pertinent words.

**Title 31, Article 12, Section 104: Eligibility for annexation.** This section summarizes physical and demographical characteristics that must exist in order for a plot of land to be eligible for annexation:

- (a) Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
- (b) A community of interest exists between the proposed parcel and the annexing municipality, which means that the subject land will be urbanized in the near future. *(There is other criteria included in this section that deals with residents living on the parcel being looked at for annexation, and the current and future use of the parcel being annexed. The main conclusion of this section is that contiguity is a fundamental element of annexations.)*

**Title 31, Article 12, Section 105: Limitations.** This section puts limitations on all annexations.

(a) No annexed parcel shall be divided into separate parcels without the written consent of all the land owners, unless the parcel is already divided by dedicated streets, roads, or other public right of ways.

(b) No 20 acre parcel can be considered for annexation if the improvements on it are assessed over \$200,000, without the written consent of the owners. (If the property is completely contained within the city limits of the annexing municipality then the above mentioned stipulation does not apply.)

(c) No annexation shall be commenced when an annexation petition has been filed with another municipality.

(d) Any annexation that will result in the detachment of an area from any school district and the attachment of the same to another school district will be validated unless accompanied by a resolution from the school district board of directors approving the annexation.

(e) No annexation will take place that extends the boundaries of a municipality more than three miles in less than one year.

**Title 31, Article 12, Section 106: Annexation of enclaves, partly surrounded land, and municipality owned land.** This section explains the processes for annexing land that is already within the boundaries of a municipality.

**Title 31, Article 12, Section 107: Petitions for annexation and for annexation elections:**

(a) The land owners of more than fifty percent of the area may petition the governing body of any municipality for the annexation of such territory.

(b) The petition shall be filed with the town 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 section 104 and 105 have been met;

III. An allegation that the signers of the petition are fifty percent of the land owners;

IV. A request that the municipality approve the annexation;

V. The signatures of such land owners;

VI. The mailing address of each signer;

VII. The legal description of the subject area;

VIII. The date signed;

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 purports to be.

(d) Along with 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 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 of any other municipality abutting the area proposed to be annexed.

(e) No signature on a petition is valid if it is dated more than one hundred eighty days prior to the date of filing the petition. No signature will be allowed to withdraw after the petition has been filed, unless the petition deems it acceptable.

(f) The petition shall be referred to the governing body, so it can make a determination if the petition filed substantially is in compliance with subsection (1).

(g) If the petition is found to be is 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 a determination by a resolution.

**Title 31, Article 12, Section 108: Setting Hearing date**– notice given.

(1) Once a completed petition for an annexation has been received by the municipality the governing body shall set a date, time, and place for a hearing to see if the application complies with section 104 and 105.

(2) The clerk shall give notice as follows: A copy of the application, exclusive of signatures, along with a public notice setting a date, time, and place. The governing body shall then hold a public hearing to see if the application complies with sections 31-12-104 and 31-12-105.

The public notice shall be published in a newspaper of general circulation for four consecutive weeks. The first publication shall be at least 30 days prior to the public hearing. A copy of the published notice together with the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county where the area is located, also any special districts that exist in the area need to receive a notice twenty five days before the public hearing.

(3) The governing body may also continue a hearing if there is too much information for one meeting.

**Title 31, Article 12, Section 108.5: Annexation impact report – requirements.** The municipality shall prepare an impact report that is distributed to the board of county commissioners. Such report shall include:

(a) A map of the municipality and adjacent territory to show the following information:

I. The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;

II. The present streets, major trunk water mains, sewer mains, other utility lines, ditches, and proposed extensions of such utilities and streets; and

III. The proposed land use pattern in the areas to be annexed;

i. A copy of any draft or final pre-annexation agreement if available;

ii. A statement setting forth the plans for extending municipality services to the proposed annexation at the time of annexation;

iii. A statement that outlines how the municipality plans to finance extending municipality services;

iv. A statement identifying existing districts within the area to be annexed;

v. and A statement on the effect of the annexation upon local school districts, including the estimated number of students generated and the capital construction required to educate such students.

**Title 31, Article 12, Section 109: Hearing.**

(1) Any person may appear at such hearing and present evidence upon any matter to be determined by the governing body.

(2) All proceedings at the hearing need to be recorded, but not transcribed.

**Title 31, Article 12, Section 110: Findings.**

(1) Upon completion of the hearing, the governing body of the annexing municipality, by resolution, shall set fourth its findings of fact and its conclusion based thereon with references to the following matters:

(a) Whether or not the requirements of the applicable parts of section 31-12-104 and 31-12-105 have been met;

(b) Whether of not an election is required under section 31-12-107 (2).

(2) The governing body shall also determine whether or not additional terms and conditions are to be imposed.

(3) A findings that the area proposed for annexation does not comply with the applicable provisions of section 31-12-104 and 31-12-105 shall terminate the annexation proceedings.

**Title 31, Article 12, Section 111: Annexation without election.** If the resolution of the

governing body adopted pursuant to section 31-12-110 determines that the applicable parts of sections 31-12-104 and 31-12-105 have been met, and further determines that an election is not required under section 31-12-107 (2), and does not determine that additional terms and conditions are to be imposed, the governing body may thereupon annex the area proposed to be annexed by ordinance.

**APPENDIX B – POST ANNEXATION PROCEDURE**

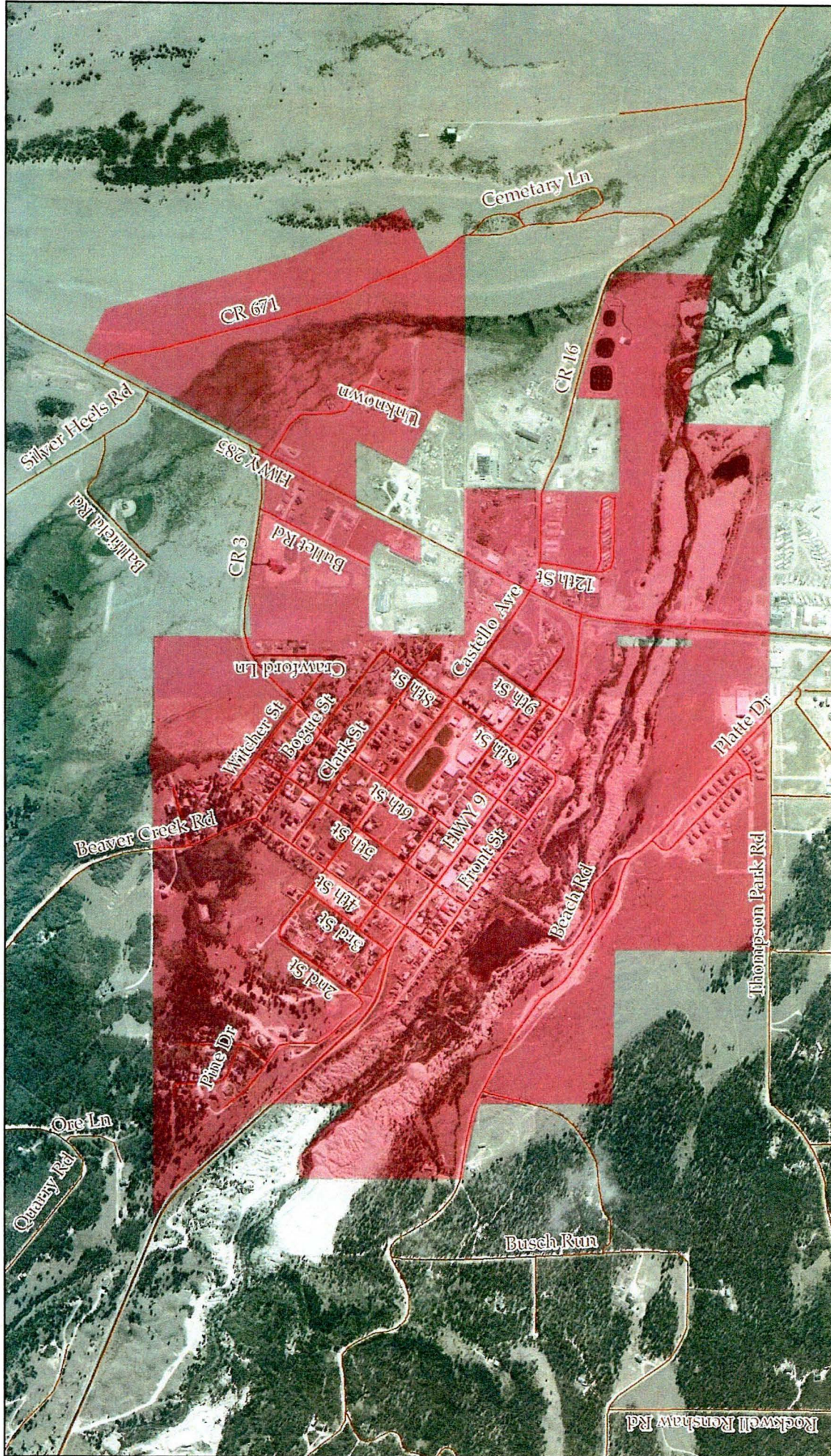
1. The original annexation ordinance and the attached annexation map must be permanently filed in the Town's records. C.R.S. § 31-12-113(2) (a) (I).
2. Three certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area must be filed with the county clerk and recorder. It is then the responsibility of the clerk and recorder to file one of these copies with the Colorado Division of Local Affairs and one with the Colorado Department of Revenue, retaining one for Clerk and Recorder's permanent records. C.R.S. § 31-12-113(2) (a) (II).
3. The newly annexed property must be zoned by the annexing municipality within 90 days. The municipality may decline to issue any building permits until the property is zoned. C.R.S. § 31-12-115(2) and (3).



**APPENDIX C – MAPS**

Map 1 – Fairplay Municipal Boundary 2009

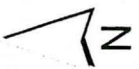
Map 2 – Fairplay 3-Mile Planning Area

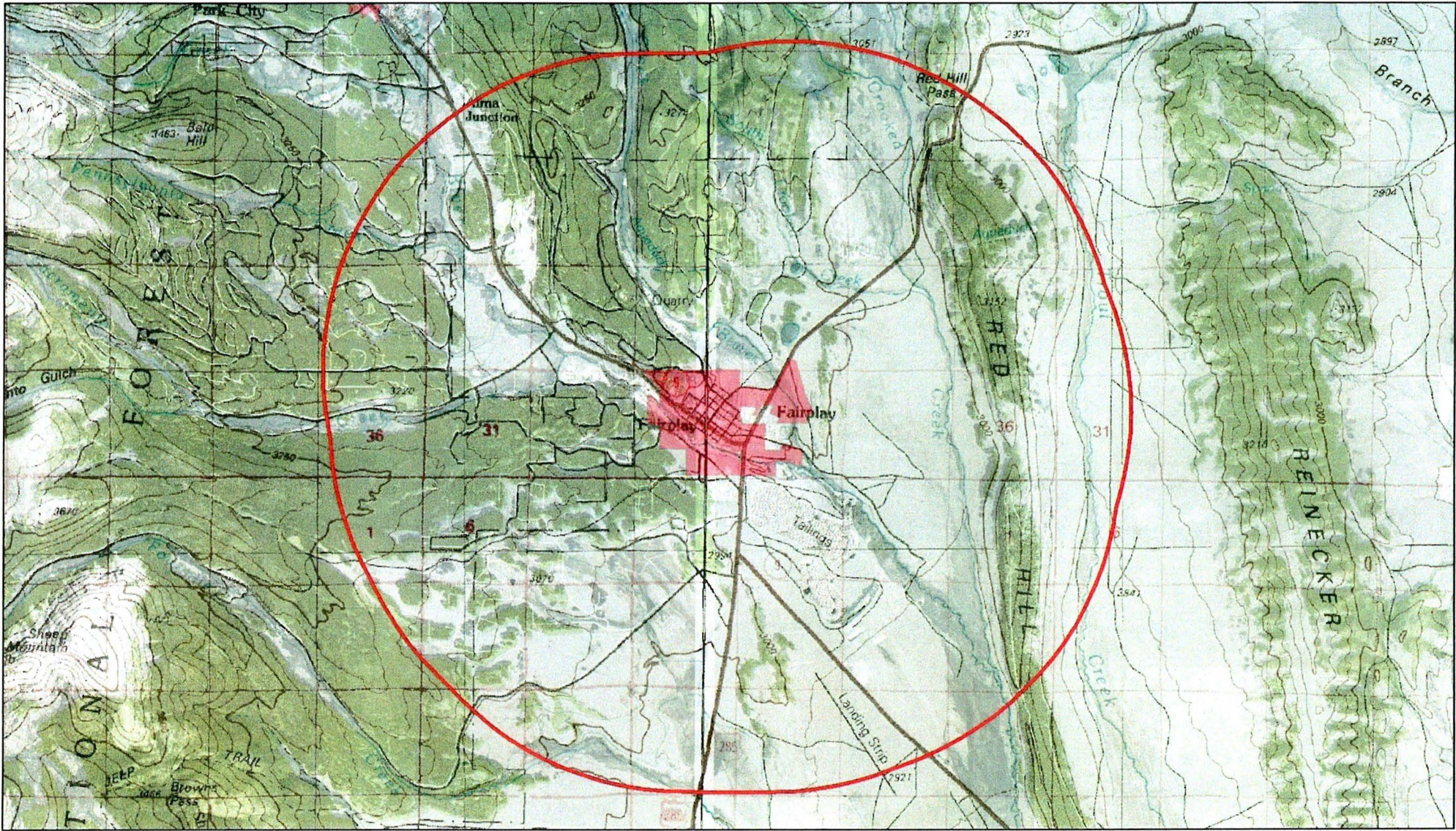


# Town of Fairplay Municipal Boundary

Aerial Photography from July, 2005

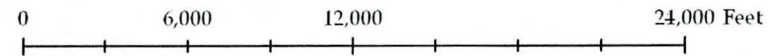
Map Prepared January 28th, 2009





# Town of Fairplay with Three-Mile Buffer

Aerial Photography from July, 2005



Map Prepared January 28th, 2009