

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 24

DATE: January 16, 2007

STAFF: Wanda Krajicek

SUBJECT

Resolution 2007-004 Fixing the Ballot Language for Voter Consideration of Referred Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation.

RECOMMENDATION

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY

On November 9, 2006, a referendum petition was filed with the City Clerk's Office seeking to repeal Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation to the City of Fort Collins, Colorado. On December 15, the City Clerk determined that the petition contained a sufficient number of valid signatures.

The petition was certified to the City Council on December 19, and the Council adopted Resolution 2006-132 Referring Ordinance No. 137, 2006, Annexing Property Known as the Southwest Enclave Annexation, to a Vote of the Registered Electors of the City at the Next Regular Municipal Election on April 3, 2007. Resolution 2006-132 directed the City Manager and City Attorney to present for Council's consideration no later than February 6, 2007, a resolution proposing the form of the ballot language for the foregoing referred measure.

RESOLUTION 2007-004
OF THE COUNCIL OF THE CITY OF FORT COLLINS
FIXING THE BALLOT LANGUAGE FOR VOTER CONSIDERATION OF
REFERRED ORDINANCE NO. 137, 2006, ANNEXING PROPERTY
KNOWN AS THE SOUTHWEST ENCLAVE ANNEXATION

WHEREAS, on October 3, 2006, the City Council approved on Second Reading Ordinance No. 137, 2006, (the "Annexation Ordinance") annexing property known as the Southwest Enclave Annexation; and

WHEREAS, on October 12, 2006, three registered electors of the City filed a notice of protest against the going into effect of the Annexation Ordinance with the City Clerk, pursuant to Article X, Section 2 of the City Charter (the "Charter"); and

WHEREAS, on October 20, 2006, the City Clerk approved the form of a referendum petition relating to the Annexation Ordinance (the "Petition"); and

WHEREAS, on November 9, 2006, a signed Petition was filed with the City Clerk; and

WHEREAS, the City Clerk has determined that the Petition contains the requisite number of signatures required by Article X, Section 2(c) of the Charter; and

WHEREAS, on December 15, 2006, the City Clerk certified the Petition as sufficient and presented the same to the City Council at its regular meeting on December 19, 2006, which presentation automatically suspended the operation of the Annexation Ordinance pending repeal by the City Council or final determination by the registered electors of the City; and

WHEREAS, on December 19, 2006, the City Council declined to repeal the Annexation Ordinance and instead adopted Resolution 2006-132, referring the Annexation Ordinance to the registered electors of the City, pursuant to Article X, Section 2(e) of the Charter, to be considered at the next regular City election to be held on Tuesday, April 3, 2007; and

WHEREAS, Article X, Section 6(b) of the Charter states that, upon ordering an election on any initiative or referendum measure, the City Council shall, after public hearing, adopt by resolution a ballot title and submission clause for said measure.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the question of whether to approve or reject the Annexation Ordinance shall be submitted to the registered electors of the City at the regular election on April 3, 2007, in substantially the following form:

CITIZEN-REFERRED ORDINANCE

On October 3, 2006, the Fort Collins City Council adopted on second reading Ordinance No. 137, 2006, (the "Annexation Ordinance"), which annexed to the City property known as the Southwest Enclave Annexation. The Southwest Enclave consists of approximately 2.7 square miles, generally bordered on the north by Harmony Road, on the south by Trilby Road, on the west by South Taft Hill Road, and extending approximately one-quarter mile east of College Avenue. On November 9, 2006, a petition signed by a sufficient number of registered electors was submitted to the City Clerk seeking the repeal of the Annexation Ordinance. On December 19, 2006, the City Council referred the Annexation Ordinance to the registered electors of the City at this election, as permitted by the City Charter. Shall the Annexation Ordinance be repealed?

YES _____

NO _____

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of January, A.D. 2007.

Mayor

ATTEST:

City Clerk