

# AGENDA ITEM SUMMARY

November 7, 2017

City Council

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## STAFF

Kai Kleer, Associate Planner  
Brad Yatabe, Legal

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## SUBJECT

Resolution 2017-100 Rescinding Resolutions 2017-092, 2017-093, 2017-094, and 2017-095 Initiating the Water Treatment Facility Annexations to Allow Sufficient Time to Provide Required Notice.

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## EXECUTIVE SUMMARY

The purpose of this Resolution is to rescind the Fort Collins Water Treatment Facility Annexations No. 1, 2, 3 and 4 Initiating Resolutions No. 2017-092, 2017-093, 2017-094, 2017-095 (adopted October 17, 2017) and delay the annexation in order to satisfy the notification requirement that 90 days notification be provided to abutting property owners pursuant to Colorado Revised Statutes 31-12-105(1)(e.3).

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## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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## BACKGROUND / DISCUSSION

On October 17, 2017, City Council unanimously approved Resolutions No. 2017-092, 2017-093, 2017-094 and 2017-095, initiating a series of annexations of right-of-way and the City-owned property located at 4316 Laporte Avenue upon which the Fort Collins Water Treatment Facility operates.

In instances of flagpole annexations (here Laporte Avenue is the “pole” and the Water Treatment Facility Property is the “flag”), the Colorado Revised Statutes provide property owners abutting the proposed “pole” a time-limited opportunity to petition for annexation concurrent with the flagpole annexation. Colorado Revised Statutes Section 31-12-105(1)(e.3) requires 90 days advance notice to such abutting property owners and the recommended rescission of the previously adopted Resolutions is to allow sufficient time for this notice requirement to be satisfied.

Should a property owner abutting the “pole” petition for annexation, the petition must satisfy statutory requirements. Any such petition would be determined at the same hearing in which the Water Treatment Facility Annexation is decided. It should be noted that the City of Fort Collins will not be upgrading water, sewer, gas, or electric service along Laporte Avenue and it would be the petitioner’s obligation to pay for the extension of any services or utilities. Staff will reinstate annexation proceedings at an appropriate future date.

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## CITY FINANCIAL IMPACTS

There are no financial impacts associated with this Resolution.

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## BOARD / COMMISSION RECOMMENDATION

No board or commission recommendations are associated with this Resolution.

**PUBLIC OUTREACH**

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No public outreach was conducted as part of this Resolution.

RESOLUTION 2017-100  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
RESCINDING RESOLUTIONS 2017-092, 2017-093, 2017-094, AND 2017-095  
INITIATING THE WATER TREATMENT FACILITY ANNEXATIONS  
TO ALLOW SUFFICIENT TIME TO PROVIDE REQUIRED NOTICE

WHEREAS, on October 17, 2017, Council adopted Resolutions 2017-092, 2017-093, 2017-094, 2017-095 (collectively, the “Resolutions”), to initiate a series of annexations of right-of-way and the City owned property located at 4316 Laporte Avenue upon which a City water treatment facility is operated; and

WHEREAS, as part of the Resolutions, a hearing date for the proposed series of annexations was scheduled for November 21, 2017; and

WHEREAS, to satisfy notice requirements to property owners abutting the right-of-way proposed to be annexed, it is necessary to reschedule the hearing date.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby rescinds the Resolutions and vacates the November 21, 2017, hearing date.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 7th day of November A.D. 2017.

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Mayor

ATTEST:

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City Clerk