

TOWN OF DOLORES

ORDINANCE NO. 558

SERIES 2022

AN ORDINANCE ANNEXING CERTAIN TOWN OWNED PROPERTY TO THE TOWN AND ZONING SUCH LANDS

WHEREAS, the Town Trustees of the Town of Dolores, Colorado, pursuant to Colorado statute and the Dolores Municipal Code and Dolores Land Use Code, is vested with the authority of administering the affairs of the Town of Dolores, Colorado, including annexation; and

WHEREAS, Section 17.04.070 and Dolores Municipal Code and Section 6.6 of the Dolores Land Use Code reserves to the Town all statutory authority over annexation.

WHEREAS Article II, Section 30 of the Colorado Constitution and Colorado Revised Statutes Section 31-12-106 permits a municipality to annex any unincorporated area owned by said municipality; and

WHEREAS, under C.R.S. Section 31-12-106 when the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109; and

WHEREAS, at various times in the past, the Town of Dolores acquired fee simple title to certain tracts of real property described in Exhibit A to this ordinance (“the Property”); and

WHEREAS, portions of these tracts of real property are outside of the current corporate boundaries of the Town; and,

WHEREAS the Property is owned by the Town and are not solely a public street or right-of-way; and

WHEREAS the perimeter of the area to be annexed is more than one-sixth contiguous with the Town of Dolores; and

WHEREAS, the Town Trustees have considered that the proposed annexation complies with Article II, Section 30 of the Colorado Constitution, and has otherwise determined that such annexation complies with Colorado state law and the Ordinances of the Town of Dolores; and

WHEREAS, pursuant to the provisions of the Dolores Land Use Code, the matter was referred to the Planning Commission to obtain a recommendation as to the appropriate zoning of the Property if it is annexed to the Town; and

WHEREAS the criteria to be considered by the Planning Commission and the Town Trustees in zoning property, as set forth in Section 6.6 of the Land Use Code; and,

WHEREAS, at its meeting on _____, 2022, the Planning Commission considered the appropriate zoning of the Property; and

WHEREAS, based on the criteria set forth above, the matters presented to the Planning Commission by the City, and the comments of staff and the public, the Planning Commission has recommended that the Property be zoned as Public (P); and

WHEREAS, following proper notice, the matter was presented to the Town Trustees at its regular meeting on _____ 2022; and

WHEREAS, based on the matters presented to it, including comments from staff and the public, and all applicable criteria and requirements, the Town Trustees conclude that it is in the best interest of the Town to annex the Property to the Town of Dolores; and

WHEREAS, based on the recommendation of the Planning Commission, comments from staff and the public, and applying the criteria set forth above, the Trustees conclude that, the Property should be zoned Public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN TRUSTEES OF THE TOWN OF DOLORES, COLORADO AS FOLLOWS:

Section 1. The Property described in Exhibit A, attached hereto, and incorporated herein by reference, shall be and hereby is annexed to, incorporated in and made a part of the Town of Dolores, Colorado.

Section 2. The annexation of the Property to the Town of Dolores shall be complete and effective on the effective date of this ordinance, except for purposes of General Property Taxes, and shall be effective as to General Property Taxes on and after the first day of January 2023.

Section 3. The Property shall be zoned Public, and the zoning map for the Town of Dolores shall be amended to reflect such zoning.

Section 4. The Town Clerk is hereby directed to record this Ordinance with the Montezuma County Clerk and Recorder.

Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Trustees hereby declare that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent

with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the _____ day of _____, 2022, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading this _____ day of _____, 2022.

DOLORS BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

Passed adopted and approved on the second and final reading this _____ day of _____, 2022.

DOLORS BOARD OF TRUSTEES:

By: _____

Attest:

By: _____