

Ordinance 2012 –16

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO AMENDING CHAPTER 17.06 OF THE FRUITA MUNICIPAL CODE CONCERNING THE PROCEDURES FOR THE DISCONNECTION OF TERRITORY FROM THE CITY OF FRUITA.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1. That Section 17.06.010 of the Fruita Municipal Code is hereby repealed and re-enacted to read as follows:

17.06.010 PURPOSE AND APPLICABILITY. Land may be annexed to the City as deemed appropriate by the City Council in accordance with this Chapter and the Municipal Annexation Act of 1965, as amended, Sections 31.12-101 *et. seq.* C.R.S. Land may be disconnected from the City if the City Council is of the opinion that the best interests of the City of Fruita will not be prejudiced by the disconnection of such land in accordance with Part 5 of Article 12 of Title 31, C.R.S. Because Fruita is a home rule municipality, Part 6 of Article 12 of Title 31, C.R.S., permitting disconnection by court decree, shall not be applicable to the City of Fruita.

Section 2. Subsection (B) of Section 17.06.040 of the Fruita Municipal Code is hereby repealed and re-enacted to read as follows:

B. Decision . The Community Development Director shall make recommendations to the Planning Commission and the City Council on any petition for annexation not requiring an election. Following public hearings as required by law, the City Council shall approve, conditionally approve or disapprove all petitions for annexation not requiring an election. The city retains complete discretion and authority to approve or deny an annexation petition for any reason or to require an annexation agreement as a condition of approval of any annexation.

Section 3. That Chapter 17.06 of the Fruita Municipal Code is hereby amended to include the following additional Section:

17.06.045 DISCONNECTION OF TERRITORY. In accordance with Section 31-12-501, C.R.S., when the owner of a tract of land within and adjacent to the boundary of the City of Fruita desires to have such land disconnected from the City of Fruita, such owner may file an application for disconnection with the Community Development Director requesting disconnection. The Community Development Director shall make recommendations to the Planning Commission and the City Council on any application for the disconnection of territory. The Planning Commission shall then make a recommendation concerning the requested disconnection to the City Council. If the City Council, in its sole discretion, is of the opinion that the best interests of the City of Fruita will not be prejudiced by the disconnection of such land, the City Council may enact an ordinance effecting such disconnection. If the

ordinance is enacted, it shall be immediately effective upon the required publication and the required filing with the Mesa County Clerk and Recorder. Two (2) certified copies thereof shall be filed by the City Clerk with the office the Mesa County Clerk and Recorder. The County Clerk and Recorder shall retain one copy and shall file the second certified copy with the division of local government in the Colorado Department of Local Affairs, as provided by Section 24-32-109, C.R.S.

Disconnection of land annexed to the City of Fruita by court decree shall not be permitted.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS _____ DAY OF AUGUST, 2012.

ATTEST:

City Clerk

City of Fruita, Colorado

BY: _____
Lori Buck, Mayor