

**Town of Erie**  
**Ordinance No. \_\_-2025**

**An Ordinance of the Town Council of the Town of Erie Establishing  
General Procedures for the Disconnection of Property from the  
Town, and Disconnecting Certain Real Property Owned by the  
Town and Located at the Southwest Corner of State Highway 287  
and Arapahoe Road**

**Whereas**, the Town desires to exercise its home rule authority to adopt procedures for disconnection of real property from the Town, similar to those procedures established for statutory towns as set forth in C.R.S. § 31-12-501, *et seq.*; and

**Whereas**, in addition, the Town desires to disconnect from the Town a certain tract of land located at the southwest corner of State Highway 287 and Arapahoe Road and more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property").

**Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:**

**Section 1.** Procedures for Disconnection Generally. The following procedures shall apply to the disconnection of any real property from the Town:

- a. The owner of the property shall file an application for disconnection of the property from the Town, on forms provided by the Town. If the Town is the owner of the property to be disconnected, no formal application is necessary, but the matter shall be referred to the Town Council for consideration as provided below.
- b. Upon receipt of an application, the Town shall schedule the application for consideration by the Town Council at the Town Council's next available public meeting.
- c. At least 7 days prior to the Town Council meeting at which consideration of the disconnection is scheduled, the Town shall provide notice to the Board of County Commissioners of the county in which the property is located, and to the Board of Directors of any special district that may be affected by the disconnection of the property.
- d. At the public meeting, the Town Council shall consider whether the best interests of the Town will be prejudiced by the disconnection of the property. If the Town Council finds that the best interests of the Town will not be prejudiced by the disconnection, the Town Council may disconnect the property from the Town, by ordinance.

e. The ordinance disconnecting the property shall be recorded with the County Clerk and Recorder of the county in which the property is located; provided that the ordinance shall not be recorded until the Town Manager directs the Town Clerk to record the ordinance, which direction may be withheld or delayed in the Town Manager's discretion.

f. The disconnection shall be effective upon recordation of the ordinance with the County Clerk and Recorder; provided that, for purposes of property taxation, the effective date of the disconnection shall be January 1 of the year following the effective date of the disconnection ordinance.

**Section 2.** Disconnection of the Property.

a. With regard to the Property, the Town Council hereby finds and determines as follows:

i. The Property is owned by the Town, and Town staff has requested that the Town Council consider the disconnection of the Property from the Town; and

ii. The best interests of the Town will not be prejudiced by the disconnection of the Property from the Town.

b. When authorized by the Town Manager, the Town Clerk shall file a copy of this Ordinance with the Boulder County Clerk and Recorder; and

c. Upon recordation of this Ordinance with the Boulder County Clerk and Recorder, the Property shall be disconnected from the Town.

**Section 3.** 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 Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

**Section 4.** Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

**Section 5.** Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

**Introduced, Read, Passed and Ordered Published this 8<sup>th</sup> day of April, 2025.**

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Andrew J. Moore, Mayor

**Attest:**

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Debbie Stamp, Town Clerk

## **Exhibit A**

### **Legal Description**