



ZAKHEM | ATHERTON

*Attorneys and Counselors at Law*

---

**FOR IMMEDIATE RELEASE**

---

**Thursday, December 13, 2007**

**Contact: Les Burch at Sascho, Inc. 303-286-7271  
Ryan Call at Zakhem Atherton 303-641-4274**

## **Unincorporated Adams County Residents and Businesses Protest Annexation at Commerce City Tea Party Rally**

COMMERCE CITY – Over 120 citizens braved the cold temperatures and the even colder gaze of the Commerce City Mayor this afternoon to protest the City’s planned unilateral annexation of 1,260 acres of unincorporated Adams County and the resulting \$3.2 million tax hike.

The Commerce City Tea Party, a coalition of residents, business owners, landowners, and other interested citizens held a press conference and rally at noon today outside the front entrance of City Hall to voice their objections to forced annexation without the consent of landowners, or a vote of the people. Participants waved yard signs, marched with hand-written placards, and sipped hot tea while they heard from representatives of the Commerce City Tea Party and Senator Lois Tochtrop (D-Thornton).

Ryan Call, an attorney from the firm of Zakhem Atherton hired to represent the coalition opposing annexation, spoke to the crowd first, addressing questions of both law and policy. “It is true that Colorado law permits cities to unilaterally annex land without a vote of the landowners if such parcels constitute an enclave; however, state law is also quite clear that the boundaries of such enclave cannot consist of public rights of way. Here, a significant portion of the boundaries consist of railroad rights of way, which the state constitution itself defines as a public highway.” Call continued, “But even if the City tries to say the state constitution doesn’t mean what it says, there is something morally wrong when a government that these citizens did not elect, imposes its authority, and an added layer of governmental bureaucracy and taxation without the consent of those citizens, and without a vote of the people.”

Senator Lois Tochtrop agreed that the City’s actions were improper, and that the statutes relating to enclave annexation were never intended to be used to force large areas of industrial and agricultural land to be annexed without the consent of the landowners—particularly where the boundaries are defined solely by railroad rights of way. “Whether it is legal or not, it is certainly immoral,” she said. A champion of private property rights, Senator Tochtrop introduced a bill last session to require that all enclave annexations be submitted to a vote of the people.

Glen Murray, a third-generation farmer who finds his family farm operation in the middle of the proposed annexation area, also spoke to the assembled group. “Our family has lived here and has been a part of this community since 1917, but if I am annexed into the City, there’s no way I can comply with all the zoning and regulations, or afford to pay these taxes, and still continue to operate my farm.”

Les Burch, a member of the Board of Directors of the Commerce City Tea Party and President of Sascho, Inc., a leading manufacturer of high quality sealants, estimated that it would cost his company at least \$70,000 a year in additional taxes, in addition the added burdens and costs associated with complying with city codes and regulations that will further impact the ability to grow his business and create new jobs. “In ten years this annexation plan will cost our company a million dollars, and we may just have to relocate in order to effectively compete or grow our company.”

The plan proposed by Commerce City will annex 122 parcels, consisting of approximately 1,263 acres of currently unincorporated Adams County. The northern portion is mostly industrial, and lies between the Union Pacific and Burlington Northern Railroad lines on the west and east, 112<sup>th</sup> Avenue on the north and 88<sup>th</sup> Avenue on the south. The southern portion contains more residences. A map of the proposed annexation area accompanies this press release. In total, ninety (90) businesses will be annexed, including the businesses located in the DiGiorgio Industrial Park, as well as an estimated 320 residents.

The Commerce City Council is expected to take up the two annexation ordinances for a Second and Final Reading vote at 7:00 p.m. on Monday evening, December 17 at City Hall, where additional public comment will be heard. The annexations are being conducted as enclave annexations pursuant to § 31-12-106, Colo. Revised Statutes.

*The political law team at the firm of Zakhem Atherton, LLC represents clients in all aspects of election law, campaign finance, and governmental affairs. The firm prides itself on delivering personal service and creative solutions to the challenges presented by legislative and regulatory issues. Additional information regarding the firm is available at [www.zakhematherton.com](http://www.zakhematherton.com), and additional information regarding the Commerce City Tea Party organization is available at [www.CommerceCityTeaParty.org](http://www.CommerceCityTeaParty.org).*

###