



ZAKHEM | ATHERTON

Attorneys and Counselors at Law

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Adams County Residents and Property Owners File Suit against Forced Annexation and Taxation without their Consent in Adams County District Court

February 15, 2008 – Brighton, Colorado.

On Friday morning, February 15, a lawsuit was filed on behalf of a group of residents, property owners, business owners, and electors in newly-annexed areas of Commerce City. The lawsuit seeks court review of the unilateral annexation by the City of Commerce City of approximately 1,260 acres of unincorporated Adams County. The City Council adopted the two annexation ordinances on December 17, and the annexations became effective December 31, 2007.

Since November 2007, the Commerce City Tea Party, a non-profit coalition composed of Adams County area businesses and residents has been fighting Commerce City in opposition to the unilateral annexation of certain portions of unincorporated Adams County.

A press conference, announcing the filing of the lawsuit, is planned for Friday morning at 11:30 am at the Adams County District Courthouse in Brighton. Certain plaintiffs and representatives from the Commerce City Tea Party, along with their attorneys from the Denver law firm of Zakhem Atherton, will be available to answer questions, and the press conference will include the ceremonial signing of a modified version of the “Declaration of Independence,” led by an area resident dressed in Revolutionary period garb.

Annexation has been imposed without the consent of the landowners, or a vote of the people, and the residents and business owners affected have decried the City’s actions as taxation without representation. The unilateral annexation not only increases property taxes, sales taxes, use taxes, and utilities taxes, but also has significant zoning and land use rights implications.

The plaintiff’s attorney, John Zakhem said, “This is a case that will have a major impact throughout Colorado. We are looking forward to working with the City and the Court to resolve critical questions on annexation law that are presented for the first time in this case.”

In the lawsuit, the plaintiffs allege that Commerce City has exceeded its authority in annexing the property of all those in the affected areas without their consent, and that the City is not entitled under the law to use certain railroad rights-of-way to define the boundary of an enclave for purposes of unilateral annexation. Other legal claims have and will also been raised,

and a copy of the complaint and other related documents are available upon request, and at www.zakhematherton.com.

In discussing the filing of the lawsuit, Les Burch, area businessman and Commerce City Tea Party Board Chair declared, “We’re still here and we’re not going away!”

John Zakhem stated, “Several businesses in the affected areas are already becoming painfully aware of the magnitude of how the annexation decision will impact them. Many in the area have already received notices that the City intends to down-zone their property. The impact on these businesses could be devastating.”

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