

CHAPTER 82

GOVERNMENT - LOCAL

HOUSE BILL 16-1272

BY REPRESENTATIVE(S) Kraft-Tharp, Priola, Rosenthal;
 also SENATOR(S) Tate, Baumgardner, Cooke, Crowder, Grantham, Heath, Kefalas, Lundberg, Marble, Neville T., Scheffel, Scott,
 Woods.

AN ACT

CONCERNING PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THE DISCONNECTION BY ORDINANCE OF LAND FROM A MUNICIPALITY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** part 5 of article 12 of title 31 as follows:

31-12-501. Application - enactment - filing. (1) When the owner of a tract of land within and adjacent to the boundary of a ~~city or town~~ MUNICIPALITY desires to have said tract disconnected from such ~~city or town~~ MUNICIPALITY, such owner may apply to the governing body of such ~~city or town~~ MUNICIPALITY for the enactment of an ordinance disconnecting such tract of land from such ~~city or town~~ MUNICIPALITY. THE OWNER SHALL ALSO PROVIDE NOTICE AND A COPY OF THE APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TRACT OF LAND THAT IS THE SUBJECT OF THE APPLICATION IS LOCATED AND TO THE BOARD OF DIRECTORS OF ANY AFFECTED SPECIAL DISTRICT.

(2) (a) NOT MORE THAN THIRTY DAYS AFTER RECEIVING THE NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION, EITHER THE BOARD OF COUNTY COMMISSIONERS OR THE BOARD OF DIRECTORS OF ANY AFFECTED SPECIAL DISTRICT MAY REQUEST A MEETING WITH THE OWNER AND THE GOVERNING BODY OF THE MUNICIPALITY, OR ITS APPOINTEE, TO DISCUSS AND ADDRESS ANY NEGATIVE IMPACTS ON THE COUNTY THAT WOULD RESULT FROM THE DISCONNECTION. IF SUCH MEETING IS REQUESTED, THE OWNER AND THE GOVERNING BODY OR ITS APPOINTEE SHALL MEET WITH EITHER THE BOARD OF COUNTY COMMISSIONERS, OR ITS APPOINTEE, OR THE BOARD OF ANY AFFECTED SPECIAL DISTRICT, OR ITS APPOINTEE, NOT MORE THAN THIRTY DAYS AFTER THE MEETING WAS REQUESTED. FAILURE BY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

EITHER THE BOARD OF COUNTY COMMISSIONERS OR THE BOARD OF ANY AFFECTED SPECIAL DISTRICT TO REQUEST A MEETING CONSTITUTES AN ACKNOWLEDGMENT BY THE PARTICULAR BOARD THAT THE DISCONNECTION WILL NOT ADVERSELY AFFECT THE COUNTY OR AN AFFECTED SPECIAL DISTRICT, AS APPLICABLE.

(b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2), "AFFECTED SPECIAL DISTRICT" MEANS ANY SPECIAL DISTRICT THAT BY ITS SERVICE PLAN OR PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT IS OR WILL BE EXPECTED TO PROVIDE SERVICE TO THE TRACT OF LAND THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION. FOR PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (2), "NEGATIVE IMPACT" INCLUDES ANY CHANGE IN THE LEVEL OR EXTENT OF SERVICES BEING PROVIDED TO THE TRACT OF LAND BY ANY SPECIAL DISTRICT.

(3) On receipt of such application, ~~it is the duty of such~~ THE governing body ~~to~~ OF THE MUNICIPALITY SHALL give due consideration to ~~such~~ THE DISCONNECTION application, and, if such governing body is of the opinion that the best interests of the ~~city or town~~ MUNICIPALITY will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection.

(4) If such an ordinance is enacted, it ~~shall be~~ IS immediately effective upon the required filing with the county clerk and recorder to accomplish the disconnection, and two certified copies thereof shall be filed by the clerk in the office of the county clerk and recorder of the county in which such tract lies. The county clerk and recorder shall file the second certified copy with the division of local government in the department of local affairs, as provided by section 24-32-109, C.R.S.

31-12-502. Liability for taxes. The land so disconnected shall not thereby be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the governing body of such ~~city or town~~ MUNICIPALITY while such land was within the limits thereof and which remains unpaid and for the payment of which said land could be lawfully taxed.

31-12-503. Future levies - prepayment. When the governing body of such ~~city or town~~ MUNICIPALITY levies a tax upon the property within such ~~city or town~~ MUNICIPALITY for the purpose of paying such indebtedness or any part thereof or interest thereon, such governing body ~~has the authority to~~ MAY levy a tax at the same rate and for the same purpose on the land so disconnected. The county treasurer shall pay over to such ~~city or town~~ MUNICIPALITY all moneys collected by ~~him~~ THE TREASURER on account of such tax, to be applied only to the payment of such indebtedness. In case the owner of any land so disconnected pays off and discharges a portion of such indebtedness equal in amount to the same proportion of the indebtedness which the valuation for assessment of ~~his~~ THE land bears to the entire valuation for assessment of all the property subject to taxation for the payment of such indebtedness, calculated according to the last assessment previous to such payment, said land ~~shall be~~ IS exempted from further taxation to pay such indebtedness. Upon such payment being made, the canceled bonds or other evidences of payment of such portion of said indebtedness ~~shall~~ MUST be deposited with the treasurer of such ~~city or town~~ MUNICIPALITY, and a certificate shall be given by ~~him~~ THE TREASURER stating that such payment has been made.

SECTION 2. Act subject to petition - effective date - applicability. (1) This

act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to disconnection applications submitted on or after the applicable effective date of this act.

Approved: April 14, 2016