

CHAPTER 117

PROPERTY

SENATE BILL 17-097

BY SENATOR(S) Martinez Humenik, Court, Gardner, Lundberg, Moreno, Holbert, Scott, Grantham;
also REPRESENTATIVE(S) Coleman, Becker K., Exum, Gray, Hansen.

AN ACT

CONCERNING THE PRESUMPTION THAT A CONVEYANCE OF AN INTEREST IN LAND ALSO CONVEYS
AN INTEREST IN ADJOINING PROPERTY CONSISTING OF A VACATED RIGHT-OF-WAY.

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

SECTION 1. In Colorado Revised Statutes, 38-30-113, **repeal** (1)(d) as follows:

38-30-113. Deeds - short form - acknowledgment - effect. (1) (d) ~~Every deed in substance in the above form, when properly executed, shall be a conveyance of the grantor's interest, if any, in any vacated street, alley, or other right-of-way that adjoins the real property unless the transfer of such interest is expressly excluded in the deed.~~

SECTION 2. In Colorado Revised Statutes, **add** 38-30-104.5 as follows:

38-30-104.5. Grantor's interest in vacated right-of-way deemed included. EVERY CONVEYANCE OR ENCUMBRANCE OF REAL PROPERTY, VOLUNTARY OR OTHERWISE, INCLUDING BUT NOT LIMITED TO ANY FORM OF DEED, LEASE, DEED OF TRUST, MORTGAGE, OR LIEN, IS DEEMED TO INCLUDE THE GRANTOR'S INTEREST, IF ANY, IN ANY VACATED STREET, ALLEY, OR OTHER RIGHT-OF-WAY THAT ADJOINS THE REAL PROPERTY UNLESS THE INTEREST IS EXPRESSLY EXCLUDED BY THE TERMS OF THE CONVEYANCE OR ENCUMBRANCE.

SECTION 3. Act subject to petition - effective date. 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 9, 2017, if adjournment sine die is on May 10, 2017); 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

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

unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 6, 2017