

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0930.01 Bob Lackner x4350

SENATE BILL 20-147

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE "MUNICIPAL ANNEXATION ACT
102 OF 1965" TO ADDRESS THE IMPACTS OF MUNICIPAL
103 DEVELOPMENT ON COUNTIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes the modifications to the "Municipal Annexation Act of 1965" (act). Under the act, an unincorporated area within a county may not be annexed to a municipality unless not less than one-sixth of the perimeter of the land area is contiguous with the municipality. **Section 2** of the bill modifies this requirement so that not less than one-third of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

perimeter of the area to be annexed must be contiguous with the municipality.

Section 2 modifies existing contiguity requirements to specify that county-owned open space (unlike other forms of public lands or public land uses) affect contiguity. The bill expands the group of land uses that affects contiguity to include any land area owned by a county and any land area upon which infrastructure owned or maintained by a county is located. Contiguity may be established across such land area owned or maintained by the county by resolution of the board of county commissioners (BOCC) approving an intergovernmental agreement (IGA) with the annexing municipality in which satisfaction of the contiguity requirement with respect to such land is acknowledged.

Section 2 also prohibits a municipality from annexing an area of land unless the land is clearly depicted within an area planned for annexation as identified in an annexation plan that was adopted by the municipality at least 2 years prior to the proposed annexation.

Under the act, one of the applicable tests for determining whether a community of interest exists between the annexing municipality and the area proposed to be annexed requires a finding that one-half or more of the land in the area proposed to be annexed is agricultural. Section 2 modifies this requirement to require a finding that one-third of the land area is being used for agricultural purposes or has been assessed by the county assessor in the 3-year period prior to the proposed annexation as agricultural. An alternate test for determining satisfaction of the community of interest requirement requires a finding that it is not physically practicable to extend to the area proposed to be annexed certain urban services. The bill modifies this requirement to require a finding that it is not physically practical or economically feasible to extend such urban services to the area and an agreement between the annexing municipality and a quasi-municipal corporation addressing the terms of services.

In connection with existing requirements of the act pertaining to establishing the boundaries of an area to be annexed where land held in identical ownership is present, **section 3** specifies that contiguity is affected by whether a street, road, or public way is owned or maintained by a county or whether infrastructure owned or maintained by the county is located on the land.

In connection with an existing requirement of the act that prohibits certain annexations that would extend a municipal boundary more than 3 miles from any point of the municipal boundary, section 3 provides that, within this 3-mile area, the contiguity requirement may be achieved by a resolution of the BOCC in accordance with the bill. Prior to completion of an annexation within the 3-mile area, the bill requires that the municipality have in place a comprehensive annexation plan for the area. The bill specifies additional requirements pertaining to the plan.

Prior to completion of an annexation in which the basic contiguity requirement of the act is achieved, section 3 also requires the municipality to determine if any of the land to be annexed is owned or maintained by the county or whether any infrastructure owned or maintained by the county is located on the land area. The annexation is also made subject to the terms of any IGA the municipality has entered into with the county.

Section 3 enlarges the time before the hearing on the annexation petition in which the petition must be received by the municipality for the annexation to proceed and extends the time for certain required notices to be provided in advance of the hearing.

Under the act, in establishing the boundaries of any area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley is to be included within the area annexed. Section 3 specifies that the length and extent of the county owned or maintained roadway that is to be annexed, and any monetary reimbursement paid to the county, must be determined by an IGA approved by the county and the annexing municipality prior to the annexation of any parcel of land adjacent to or severed by the county roadway.

The act specifies that an annexation map must be filed with the annexation petition. **Section 4** requires the map to include additional information.

Under the act, the hearing on the annexation petition before the annexing municipality must be held not less than 30 days nor more than 60 days after the effective date of the resolution setting the hearing. **Section 5** changes these deadlines so the hearing must be held not less than 60 nor more than 90 days after the effective date of the resolution.

Section 6 makes modifications to various requirements in the act pertaining to the annexation impact report (AIR), including the date by which the AIR must be prepared and adds new information that must be included in the AIR.

Under the act, the annexing municipality must issue certain findings and conclusions addressing the legal sufficiency of the annexation. **Section 7** expands the findings to include a determination as to how any IGAs entered into by one or more counties and the municipality affect the proposed annexation.

In the case of an annexation without the need for an election, **section 8** permits such an annexation to take place subject to the terms of any IGA entered into between or among the annexing municipality and one or more counties.

Section 9 requires the annexing municipality to file a copy of any applicable operations and maintenance agreement entered into between the municipality and a county if the IGA associated with the proposed annexation requires the annexing municipality to assume the operation and maintenance of public infrastructure owned or maintained by the

county that is located on land within the land area to be annexed.

If an IGA is required and an annexing municipality fails to enter into such an agreement with a county, or violates any of the terms of such agreement, **section 10** permits the BOCC to file a lawsuit seeking injunctive relief to compel the municipality to enter into an IGA or to compel enforcement of the agreement.

Section 11 permits a county to direct disconnection of land owned by the county from within an incorporated municipality. The bill specifies the process by which such disconnection is to take place and the legal effects of the disconnection.

Sections 12 and 13 deal with petitions for disconnection by court decree involving statutory cities and statutory towns, respectively. These sections provide that, once any land area has been previously annexed by a particular city or town, the same land area shall not become the subject of a petition disconnecting the land area from the same city or town at anytime thereafter unless the land is to be annexed into another city or town, respectively, or upon agreement to the disconnection by passage of a resolution of the BOCC of the county.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-12-102, **amend**
3 (1)(f) and (1)(g); and **add** (1)(h) as follows:

4 **31-12-102. Legislative declaration.** (1) The general assembly
5 hereby declares that the policies and procedures in this part 1 are
6 necessary and desirable for the orderly growth of urban communities in
7 the state of Colorado, and to these ends this part 1 shall be liberally
8 construed. The general assembly further declares that it is the purpose of
9 this part 1:

10 (f) To reduce friction among contiguous or neighboring
11 municipalities and AMONG COUNTIES AND MUNICIPALITIES;

12 (g) To increase the ability of municipalities in urban areas to
13 provide their citizens with the services they require; AND

14 (h) TO MINIMIZE THE IMPACT OF MUNICIPAL DEVELOPMENT ON
15 COUNTY INFRASTRUCTURE.

1 **SECTION 2.** In Colorado Revised Statutes, 31-12-104, **amend**
2 (1) introductory portion, (1)(a), (1)(b) introductory portion, (1)(b)(II), and
3 (1)(b)(III) as follows:

4 **31-12-104. Eligibility for annexation.** (1) ~~No unincorporated~~
5 ~~area may~~ AN UNINCORPORATED AREA SHALL NOT be annexed to a
6 municipality unless one of the conditions set forth in section 30 (1) of
7 article II of the state constitution first has been met. An area is eligible for
8 annexation if the provisions of section 30 of article II of the state
9 constitution have been complied with and the governing body, at a
10 hearing as provided in section 31-12-109, finds and determines:

11 (a) That not less than ~~one-sixth~~ ONE-THIRD of the perimeter of the
12 area proposed to be annexed is contiguous with the annexing
13 municipality. Contiguity shall not be affected by the existence of a platted
14 street or alley, a public or private right-of-way, a public or private
15 transportation right-of-way or area, public lands, whether owned by the
16 state, the United States, or an agency thereof, except ~~county-owned open~~
17 ~~space,~~ or a lake, reservoir, stream, or other natural or artificial waterway
18 between the annexing municipality and the land proposed to be annexed,
19 ANY LAND OWNED BY A COUNTY, AND ANY LAND UPON WHICH
20 INFRASTRUCTURE OWNED OR MAINTAINED BY A COUNTY IS LOCATED.
21 CONTIGUITY MAY BE ESTABLISHED ACROSS SUCH LAND OWNED OR
22 MAINTAINED BY THE COUNTY BY RESOLUTION OF THE BOARD OF COUNTY
23 COMMISSIONERS APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH
24 THE ANNEXING MUNICIPALITY IN WHICH SATISFACTION OF THE CONTIGUITY
25 REQUIREMENT WITH RESPECT TO SUCH LAND IS ACKNOWLEDGED. Subject
26 to the requirements imposed by section 31-12-105 (1)(e), contiguity may
27 be established by the annexation of one or more parcels in a series, which

1 annexations may be completed simultaneously and considered together
2 for the purposes of the public hearing required by sections 31-12-108 and
3 31-12-109 and the annexation impact report required by section
4 31-12-108.5. A MUNICIPALITY SHALL NOT ANNEX AN AREA OF LAND
5 UNLESS THE LAND IS CLEARLY DEPICTED WITHIN AN AREA PLANNED FOR
6 ANNEXATION AS IDENTIFIED IN AN ANNEXATION PLAN THAT WAS ADOPTED
7 BY THE MUNICIPALITY AT LEAST TWO YEARS PRIOR TO THE PROPOSED
8 ANNEXATION.

9 (b) That a community of interest exists between the area proposed
10 to be annexed and the annexing municipality; that ~~said~~ THE area is urban
11 or will be urbanized in the near future; and that ~~said~~ THE area is integrated
12 with or is capable of being integrated with the annexing municipality. The
13 fact that the area proposed to be annexed has the contiguity with the
14 annexing municipality required by ~~paragraph (a) of this subsection (1)~~
15 ~~shall be~~ SUBSECTION (1)(a) OF THIS SECTION IS a basis for a finding of
16 compliance with these requirements unless the governing body, upon the
17 basis of competent evidence presented at the hearing provided for in
18 section 31-12-109, finds that at least two of the following are shown to
19 exist:

20 (II) ~~One-half~~ ONE-THIRD or more of the land in the area proposed
21 to be annexed (including streets) is BEING USED FOR AGRICULTURAL
22 PURPOSES OR HAS BEEN ASSESSED BY THE COUNTY ASSESSOR IN THE
23 THREE-YEAR PERIOD PRIOR TO THE PROPOSED ANNEXATION AS
24 agricultural, and the landowners of such agricultural land, under oath,
25 express an intention to devote the land to such agricultural use for a
26 period of not less than five years.

27 (III) It is not physically practicable OR ECONOMICALLY FEASIBLE

1 to extend to the area proposed to be annexed those urban services which
2 the annexing municipality provides in common to all of its citizens on the
3 same terms and conditions as such services are made available to such
4 citizens. This standard shall not apply to the extent that any portion of an
5 area proposed to be annexed is provided or will within the reasonably
6 near future be provided with any service by or through a quasi-municipal
7 corporation AND AN AGREEMENT EXISTS BETWEEN THE ANNEXING
8 MUNICIPALITY AND THE QUASI-MUNICIPAL CORPORATION ADDRESSING THE
9 TERMS OF SUCH SERVICE PROVISION AND THE RESOLUTION OF ANY ISSUES
10 ASSOCIATED WITH POTENTIAL REDUNDANCY IN SERVICES, SERVICE COSTS,
11 OR AD VALOREM TAXATION.

12 **SECTION 3.** In Colorado Revised Statutes, 31-12-105, **amend**
13 (1)(b), (1)(e)(I), (1)(e)(II) introductory portion, (1)(e.1), (1)(e.3), and
14 (1)(f) as follows:

15 **31-12-105. Limitations.** (1) Notwithstanding any provisions of
16 this part 1 to the contrary, the following limitations shall apply to all
17 annexations:

18 (b) In establishing the boundaries of any area proposed to be
19 annexed, ~~no~~ land held in identical ownership, whether consisting of one
20 tract or parcel of real estate or two or more contiguous tracts or parcels of
21 real estate, comprising twenty acres or more (which, together with the
22 buildings and improvements situated thereon has a valuation for
23 assessment in excess of two hundred thousand dollars for ad valorem tax
24 purposes for the year next preceding the annexation) shall NOT be
25 included under this part 1 without the written consent of the landowners
26 unless such tract of land is situated entirely within the outer boundaries
27 of the annexing municipality as they exist at the time of annexation. In the

1 application of this ~~paragraph (b)~~ SUBSECTION (1)(b), contiguity shall not
2 be affected by a dedicated street, road, or other public way UNLESS THE
3 STREET, ROAD, OR PUBLIC WAY IS OWNED OR MAINTAINED BY A COUNTY
4 OR INFRASTRUCTURE OWNED OR MAINTAINED BY THE COUNTY IS LOCATED
5 ON SUCH LAND AREA.

6 (e) (I) Except as otherwise provided in this ~~paragraph (e), no~~
7 ~~annexation may~~ SUBSECTION (1)(e), AN ANNEXATION SHALL NOT take
8 place that would have the effect of extending a municipal boundary more
9 than three miles in any direction from any point of such municipal
10 boundary in any one year. Within ~~said~~ THE three-mile area, the contiguity
11 required by section 31-12-104 (1)(a) may be achieved by ~~annexing a~~
12 ~~platted street or alley, a public or private right-of-way, a public or private~~
13 ~~transportation right-of-way or area, or a lake, reservoir, stream, or other~~
14 ~~natural or artificial waterway~~ RESOLUTION OF THE BOARD OF COUNTY
15 COMMISSIONERS IN ACCORDANCE WITH SECTION 31-12-104 (1)(a). Prior
16 to completion of any annexation within the three-mile area, the
17 municipality shall have in place a COMPREHENSIVE ANNEXATION plan for
18 that area that WAS ADOPTED WITHIN THE TWO-YEAR PERIOD PRIOR TO THE
19 PROPOSED ANNEXATION AND THAT generally describes AND DEPICTS the
20 proposed location, character, and extent of streets, subways, bridges,
21 waterways, waterfronts, parkways, playgrounds, squares, parks, aviation
22 fields, other public ways, grounds, open spaces, public utilities, and
23 terminals for water, light, sanitation, transportation, and power to be
24 provided by the municipality and the proposed land uses for the area.
25 ~~Such~~ THE plan shall be updated AND ADOPTED BY RESOLUTION OF THE
26 MUNICIPALITY at least once annually. ~~Such~~ THE COMPREHENSIVE
27 ANNEXATION PLAN MUST ALSO BE ADOPTED BY RESOLUTION OF THE

1 BOARD OF COUNTY COMMISSIONERS OF THE RESPECTIVE COUNTY OR
2 COUNTIES PRIOR TO ADOPTION BY THE MUNICIPALITY. THE ADOPTION BY
3 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SHALL NOT
4 AFFECT ANY OBLIGATIONS OF THE ANNEXING MUNICIPALITY AS SPECIFIED
5 IN THIS ARTICLE 12. THE three-mile limit may be exceeded if such limit
6 would have the effect of dividing a parcel of property held in identical
7 ownership if at least fifty percent of the property is within the three-mile
8 limit. In such event, the entire property held in identical ownership may
9 be annexed in any one year without regard to such mileage limitation.
10 ~~Such~~ THE three-mile limit may also be exceeded for the annexation of an
11 enterprise zone.

12 (II) Prior to completion of an annexation in which the contiguity
13 required by section 31-12-104 (1)(a) is achieved pursuant to ~~subparagraph~~
14 ~~(f) of this paragraph (c)~~ SUBSECTION (1)(e)(I) OF THIS SECTION, THE
15 MUNICIPALITY SHALL DETERMINE IF ANY OF THE LAND TO BE ANNEXED IS
16 OWNED OR MAINTAINED BY THE COUNTY AND WHETHER ANY
17 INFRASTRUCTURE OWNED OR MAINTAINED BY THE COUNTY IS LOCATED ON
18 THE LAND AND, SUBJECT TO THE TERMS OF AN INTERGOVERNMENTAL
19 AGREEMENT THE MUNICIPALITY HAS ENTERED INTO WITH THE COUNTY, the
20 municipality shall annex any of the following parcels that abut a platted
21 street or alley, a public or private right-of-way, a public or private
22 transportation right-of-way or area, or a lake, reservoir, stream, or other
23 natural or artificial waterway, where the parcel satisfies all of the
24 eligibility requirements pursuant to section 31-12-104 and for which an
25 annexation petition has been received by the municipality no later than
26 ~~forty-five~~ SEVENTY-FIVE days prior to the date of the hearing set pursuant
27 to section 31-12-108 (1):

1 (e.1) The parcels described in ~~subparagraph (H) of paragraph (e)~~
2 ~~of this subsection (1)~~ SUBSECTION (1)(e)(II) OF THIS SECTION shall be
3 annexed under the same or substantially similar terms and conditions and
4 considered at the same hearing and in the same impact report as the initial
5 annexation in which the contiguity required by section 31-12-104 (1)(a)
6 is achieved. ~~by annexing a platted street or alley, a public or private~~
7 ~~right-of-way, a public or private transportation right-of-way or area, or a~~
8 ~~lake, reservoir, stream, or other natural or artificial waterway.~~ Impacts of
9 the annexation upon the parcels described in ~~subparagraph (H) of~~
10 ~~paragraph (e) of this subsection (1)~~ SUBSECTION (1)(e)(II) OF THIS
11 SECTION that abut such platted street or alley, public or private
12 right-of-way, public or private transportation right-of-way or area, or
13 lake, reservoir, stream, or other natural or artificial waterway ~~shall~~ MUST
14 be considered in the impact report required by section 31-12-108.5. As
15 part of the same hearing, the municipality shall consider and decide upon
16 any petition for annexation of any parcel of property having an individual
17 schedule number for county tax filing purposes, which petition was
18 received not later than forty-five days prior to the hearing date, where the
19 parcel abuts any parcel described in ~~subparagraph (H) of paragraph (e) of~~
20 ~~this subsection (1)~~ SUBSECTION (1)(e)(II) OF THIS SECTION and where the
21 parcel otherwise satisfies all of the eligibility requirements of section
22 31-12-104.

23 (e.3) In connection with any annexation in which the contiguity
24 required by section 31-12-104 (1)(a) is achieved, ~~by annexing a platted~~
25 ~~street or alley, a public or private right-of-way, a public or private~~
26 ~~transportation right-of-way or area, or a lake, reservoir, stream, or other~~
27 ~~natural or artificial waterway,~~ upon the latter of ninety ONE-HUNDRED

1 TWENTY days prior to the date of the hearing set pursuant to section
2 31-12-108 or upon the filing of the annexation petition, the municipality
3 shall provide, by regular mail to the owner of any abutting parcel as
4 reflected in the records of the county assessor, written notice of the
5 annexation and of the landowner's right to petition for annexation
6 pursuant to section 31-12-107. Inadvertent failure to provide such notice
7 ~~shall neither create~~ NEITHER CREATES a cause of action in favor of any
8 landowner nor ~~invalidate~~ INVALIDATES any annexation proceeding.

9 (f) In establishing the boundaries of any area proposed to be
10 annexed, if a portion of a platted street or alley is annexed, the entire
11 width of said street or alley shall be included within the area annexed.
12 THE LENGTH AND EXTENT OF THE COUNTY OWNED OR MAINTAINED
13 ROADWAY THAT IS TO BE ANNEXED PURSUANT TO THIS SECTION, AND ANY
14 MONETARY REIMBURSEMENT PAID TO THE COUNTY TO ENSURE THE
15 COUNTY IS MADE WHOLE AS A RESULT OF THE ANNEXATION OF THE
16 ROADWAY, MUST BE DETERMINED BY AN INTERGOVERNMENTAL
17 AGREEMENT APPROVED BY THE COUNTY AND THE ANNEXING
18 MUNICIPALITY PRIOR TO THE ANNEXATION OF ANY PARCEL OF LAND
19 ADJACENT TO OR SEVERED BY THE COUNTY ROADWAY.

20 **SECTION 4.** In Colorado Revised Statutes, 31-12-107, **add**
21 (1)(d)(V) and (1)(d)(VI) as follows:

22 **31-12-107. Petitions for annexation and for annexation**
23 **elections.** (1) Petition for annexation in accordance with section 30
24 (1)(b) of article II of the state constitution:

25 (d) Accompanying the petition shall be four copies of an
26 annexation map containing the following information:

27 (V) A COPY OF THE INTERGOVERNMENTAL AGREEMENT SIGNED BY

1 THE COUNTY AND ANNEXING MUNICIPALITY IN CONNECTION WITH ANY
2 ANNEXATION THAT INCLUDES ANY LAND OWNED BY THE COUNTY OR ANY
3 LAND UPON WHICH THE COUNTY OWNS OR MAINTAINS INFRASTRUCTURE;
4 AND

5 (VI) A COPY OF THE APPLICABLE MUNICIPAL COMPREHENSIVE
6 ANNEXATION PLAN THAT WAS ADOPTED BY THE ANNEXING MUNICIPALITY
7 AT LEAST TWO YEARS PRIOR TO THE DATE OF THE PETITION, DEPICTING THE
8 LAND TO BE ANNEXED.

9 **SECTION 5.** In Colorado Revised Statutes, 31-12-108, **amend**
10 (1) as follows:

11 **31-12-108. Setting hearing date - notice given.** (1) As a part of
12 the resolution initiating annexation proceedings by the municipality or of
13 a resolution finding substantial compliance of an annexation petition or
14 of a petition for an annexation election, the governing body of the
15 annexing municipality shall establish a date, time, and place that the
16 governing body will hold a hearing to determine if the proposed
17 annexation complies with section 30 of article II of the state constitution
18 and sections 31-12-104 and 31-12-105 or such provisions thereof as may
19 be required to establish eligibility under the terms of this part 1. The
20 hearing ~~shall~~ MUST be held not less than ~~thirty~~ SIXTY days nor more than
21 ~~sixty~~ NINETY days after the effective date of the resolution setting the
22 hearing. This hearing need not be held if the municipality has determined
23 conclusively that the requirements of section 30 of article II of the state
24 constitution and sections 31-12-104 and 31-12-105 have not been met.

25 **SECTION 6.** In Colorado Revised Statutes, 31-12-108.5, **amend**
26 (1) introductory portion, (1)(a) introductory portion, (1)(a)(II), and (1)(e);
27 and **add** (1)(g) and (1)(h) as follows:

1 **31-12-108.5. Annexation impact report - requirements.** (1) The
2 municipality shall prepare an impact report concerning the proposed
3 annexation at least ~~twenty-five~~ SIXTY-FIVE days before the date of the
4 hearing established pursuant to section 31-12-108 and shall file one copy
5 with the board of county commissioners AS WELL AS THE PLANNING
6 DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT OF THE APPLICABLE
7 COUNTY governing the area proposed to be annexed within five days
8 thereafter. ~~Such~~ THE report shall not be required for annexations of ten
9 acres or less in total area or when the municipality and the board of
10 county commissioners governing the area proposed to be annexed agree
11 that the report may be waived. ~~Such~~ THE report ~~shall~~ MUST include, as a
12 minimum:

13 (a) A map or maps of the municipality and adjacent territory ~~to~~
14 ~~show~~ DEPICTING the following information:

15 (II) The present streets INCLUDING EACH STREET OWNED OR
16 MAINTAINED BY THE COUNTY, major trunk water mains, sewer
17 interceptors and outfalls, other utility lines and ditches, and the proposed
18 extension of such streets and utility lines in the vicinity of the proposed
19 annexation AS WELL AS ANY PROPOSED EXTENSION OF STREETS AND
20 UTILITY LINES IN THE VICINITY OF THE PROPOSED ANNEXATION; and

21 (e) A statement identifying existing districts within the area to be
22 annexed; ~~and~~

23 (g) A CERTIFIED COPY OF THE COMPREHENSIVE MUNICIPAL
24 ANNEXATION PLAN THAT WAS ADOPTED BY THE MUNICIPALITY IN THE
25 TWO-YEAR PERIOD PRIOR TO THE PUBLICATION OF THE IMPACT REPORT
26 AND A CERTIFIED COPY OF THE ANNUAL THREE-MILE PLAN ADOPTED BY
27 THE MUNICIPALITY FOR THE MOST CURRENT YEAR; AND

1 (h) COPIES OF ANY DOCUMENTATION THAT DESCRIBES AND
2 DEPICTS ANY OTHER PUBLIC INFRASTRUCTURE OWNED OR MAINTAINED BY
3 THE COUNTY THAT IS LOCATED WITHIN THE AREA PROPOSED TO BE
4 ANNEXED.

5 **SECTION 7.** In Colorado Revised Statutes, 31-12-110, **amend**
6 (2) as follows:

7 **31-12-110. Findings.** (2) The governing body shall also
8 determine HOW ANY INTERGOVERNMENTAL AGREEMENT ONE OR MORE
9 COUNTIES HAS ENTERED INTO WITH THE ANNEXING MUNICIPALITY AFFECTS
10 THE PROPOSED ANNEXATION and whether or not additional terms and
11 conditions are to be imposed TO ENSURE THE TERMS AND CONDITIONS OF
12 ANY APPLICABLE INTERGOVERNMENTAL AGREEMENT HAVE BEEN
13 SATISFIED.

14 **SECTION 8.** In Colorado Revised Statutes, **amend** 31-12-111 as
15 follows:

16 **31-12-111. Annexation without election.** If the resolution of the
17 governing body adopted pursuant to section 31-12-110 determines that
18 the applicable provisions of section 30 of article II of the state
19 constitution and sections 31-12-104 and 31-12-105 have been met, and
20 further determines that an election is not required under section
21 31-12-107 (2), and does not determine that additional terms and
22 conditions are to be imposed, the governing body may thereupon annex
23 the area proposed to be annexed by ordinance SUBJECT TO THE TERMS OF
24 ANY INTERGOVERNMENTAL AGREEMENT ENTERED INTO BETWEEN OR
25 AMONG THE ANNEXING MUNICIPALITY AND ONE OR MORE COUNTIES.

26 **SECTION 9.** In Colorado Revised Statutes, 31-12-113, **add**
27 (2)(a)(III) as follows:

1 **31-12-113. Effective date of annexation - required filings.**

2 (2) (a) The annexing municipality shall:

3 (III) FILE ONE COPY OF ANY APPLICABLE OPERATIONS AND
4 MAINTENANCE AGREEMENT ENTERED INTO BETWEEN THE ANNEXING
5 MUNICIPALITY AND A COUNTY IF THE INTERGOVERNMENTAL AGREEMENT
6 ASSOCIATED WITH THE PROPOSED ANNEXATION REQUIRES THE ANNEXING
7 MUNICIPALITY TO ASSUME THE OPERATION AND MAINTENANCE OF PUBLIC
8 INFRASTRUCTURE OWNED OR MAINTAINED BY THE COUNTY THAT IS
9 LOCATED ON LAND, WHETHER PUBLICLY OR PRIVATELY OWNED, WITHIN
10 THE LAND AREA TO BE ANNEXED.

11 **SECTION 10.** In Colorado Revised Statutes, 31-12-116, **amend**
12 (3); and **add** (2.5) as follows:

13 **31-12-116. Review.** (2.5) IF AN INTERGOVERNMENTAL
14 AGREEMENT IS REQUIRED IN ACCORDANCE WITH THIS ARTICLE 12 AND AN
15 ANNEXING MUNICIPALITY FAILS TO ENTER INTO SUCH AN AGREEMENT WITH
16 A COUNTY, OR VIOLATES ANY OF THE TERMS OF SUCH AGREEMENT, THE
17 BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITHIN THE
18 TERRITORIAL BOUNDARIES OF WHICH THE LAND TO BE ANNEXED IS
19 LOCATED OR THAT IS A PARTY TO THE AGREEMENT THE MUNICIPALITY IS
20 ALLEGED TO HAVE VIOLATED MAY SEEK AN ORDER IN STATE DISTRICT
21 COURT WITH APPROPRIATE JURISDICTION GRANTING INJUNCTIVE RELIEF TO
22 COMPEL THE MUNICIPALITY TO ENTER INTO AN INTERGOVERNMENTAL
23 AGREEMENT OR TO COMPEL ENFORCEMENT OF THE AGREEMENT.

24 (3) Review proceedings instituted under this section shall not be
25 extended further than to determine whether the governing body has
26 exceeded its jurisdiction, ~~or~~ abused its discretion, OR OTHERWISE
27 VIOLATED ANY DUTY OR RESPONSIBILITY IT IS OBLIGED TO PERFORM under

1 the provisions of this part 1.

2 **SECTION 11.** In Colorado Revised Statutes, **amend** 31-12-119
3 as follows:

4 **31-12-119. Disconnection of territory because of failure to**
5 **serve.** The landowners of any tract or contiguous tracts of land
6 aggregating five acres or more located on a boundary of the municipality
7 at the time of the disconnection action may, three or more years after
8 annexation, petition for disconnection from the municipality if such
9 municipality does not, upon demand, provide the same municipal services
10 on the same general terms and conditions as the rest of the municipality
11 receives. The procedure for such disconnection shall be as set forth in
12 parts 6 and 7 of this ~~article~~ ARTICLE 12, insofar as consistent with this
13 section. To the extent that such parts are inconsistent with this section, the
14 provisions of this section shall prevail when the action is based on failure
15 of the municipality to serve an annexed area. ON ITS SOLE INITIATIVE AND
16 IN ITS SUBJECTIVE DISCRETION, A COUNTY MAY DISCONNECT ANY LAND
17 OWNED BY THE COUNTY FROM WITHIN AN INCORPORATED MUNICIPALITY
18 UPON PASSAGE OF A RESOLUTION BY THE BOARD OF COUNTY
19 COMMISSIONERS OF THE COUNTY DIRECTING SUCH DISCONNECTION, WHICH
20 RESOLUTION THE COUNTY SHALL DELIVER TO THE CLERK OF THE
21 MUNICIPALITY. THE RESOLUTION SHALL LEGALLY DESCRIBE AND DEPICT
22 THE LAND TO BE DISCONNECTED. THE DISCONNECTION SHALL BECOME
23 EFFECTIVE THIRTY-FIVE DAYS AFTER THE RESOLUTION HAS BEEN
24 RECORDED, AT WHICH TIME THE MUNICIPALITY SHALL HAVE NO
25 CONTINUING OBLIGATION TO PROVIDE ANY SERVICES TO THE
26 DISCONNECTED LAND. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
27 A COUNTY SHALL NOT DISCONNECT ANY LAND OWNED BY THE COUNTY

1 FROM A MUNICIPALITY WHERE THE DISCONNECTION WOULD RESULT IN THE
2 CREATION OF A NEW ENCLAVE.

3 **SECTION 12.** In Colorado Revised Statutes, **amend** 31-12-601
4 as follows:

5 **31-12-601. Petition to disconnect territory.** When a tract or
6 contiguous tracts of land, aggregating twenty or more acres in area, are
7 embraced within the municipal limits of any city, which are upon or
8 contiguous to the border thereof, the owners of said tracts of land may
9 petition the district court for the county in which such land, or any part
10 thereof, is situated to have the same disconnected from ~~said~~ THE city;
11 EXCEPT THAT, ONCE ANY LAND AREA HAS BEEN PREVIOUSLY ANNEXED BY
12 A PARTICULAR CITY, THE SAME LAND AREA SHALL NOT BECOME THE
13 SUBJECT OF A PETITION UNDER THIS PART 6 DISCONNECTING THE LAND
14 AREA FROM THE SAME CITY AT ANYTIME THEREAFTER UNLESS THE LAND
15 IS TO BE ANNEXED INTO ANOTHER CITY, OR UPON AGREEMENT TO THE
16 DISCONNECTION BY PASSAGE OF A RESOLUTION OF THE BOARD OF COUNTY
17 COMMISSIONERS OF THE COUNTY. THIS SECTION DOES NOT APPLY TO A
18 COUNTY THAT ELECTS TO DISCONNECT LAND OWNED BY THE COUNTY IN
19 ACCORDANCE WITH PART 1 OF THIS ARTICLE 12.

20 **SECTION 13.** In Colorado Revised Statutes, **amend** 31-12-702
21 as follows:

22 **31-12-702. Petition court to disconnect from town.** When a tract
23 or two or more contiguous tracts of agricultural or farm land aggregating
24 twenty or more acres in area are embraced within the corporate limits of
25 any town, the outer boundary of which acreage is adjacent to or upon the
26 border of said town, the owners of ~~said~~ THE tracts of land may petition the
27 district court for the county in which such land is situated to have the

1 same disconnected from said incorporated town; EXCEPT THAT, ONCE ANY
2 LAND AREA HAS BEEN PREVIOUSLY ANNEXED BY A PARTICULAR TOWN, THE
3 SAME LAND AREA SHALL NOT BECOME THE SUBJECT OF A PETITION UNDER
4 THIS PART 7 DISCONNECTING THE LAND AREA FROM THE SAME TOWN AT
5 ANYTIME THEREAFTER UNLESS THE LAND IS TO BE ANNEXED INTO
6 ANOTHER TOWN, OR UPON AGREEMENT TO THE DISCONNECTION BY
7 PASSAGE OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
8 THE COUNTY. THIS SECTION DOES NOT APPLY TO A COUNTY THAT ELECTS
9 TO DISCONNECT LAND OWNED BY THE COUNTY IN ACCORDANCE WITH PART
10 1 OF THIS ARTICLE 12. Intersecting highways or intervening railroads shall
11 not render said tracts of land noncontiguous or nonadjacent.

12 **SECTION 14. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect September 1, 2020; except that,
14 if a referendum petition is filed pursuant to section 1 (3) of article V of
15 the state constitution against this act or an item, section, or part of this act
16 within the ninety-day period after final adjournment of the general
17 assembly, then the act, item, section, or part will not take effect unless
18 approved by the people at the general election to be held in November
19 2020 and, in such case, will take effect on the date of the official
20 declaration of the vote thereon by the governor.

21 (2) This act applies to annexation petitions commenced on or after
22 the applicable effective date of this act.