

CHAPTER 156

**TRANSPORTATION**

SENATE BILL 07-090

BY SENATOR(S) Kopp, and Schultheis;  
also REPRESENTATIVE(S) Kerr J., Lambert, Looper, and Summers.

**AN ACT**

**CONCERNING COUNTY AUTHORITY TO VEST TITLE TO A VACATED ROADWAY.**

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

**SECTION 1.** 43-2-302 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**43-2-302. Vesting of title upon vacation.** (1) Subject to the requirements set forth in sections 43-1-210 (5) and 43-2-106 governing the disposition of certain property by the department of transportation, whenever any roadway has been designated on the plat of any tract of land or has been conveyed to or acquired by a county or incorporated town or city or by the state or by any of its political subdivisions for use as a roadway, and thereafter is vacated, title to the lands included within such roadway or so much thereof as may be vacated shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues, as follows:

(f) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (1), A BOARD OF COUNTY COMMISSIONERS MAY PROVIDE THAT TITLE TO THE VACATED ROADWAY SHALL VEST, SUBJECT TO A PUBLIC-ACCESS EASEMENT OR PRIVATE-ACCESS EASEMENT TO BENEFIT DESIGNATED PROPERTIES, IN THE OWNER OF THE LAND ABUTTING THE VACATED ROADWAY, IN OTHER OWNERS OF LAND WHO USE THE VACATED ROADWAY AS ACCESS TO THE OWNERS' LAND, OR IN A LEGAL ENTITY THAT REPRESENTS ANY OWNERS OF LAND WHO USE THE VACATED ROADWAY AS ACCESS TO THE OWNERS' LAND. TITLE SHALL VEST TO THE OWNER OF THE LAND ABUTTING THE VACATED ROADWAY AS OTHERWISE REQUIRED BY PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (1), UNLESS THE BOARD EXPRESSLY REQUIRES THE TITLE TO VEST PURSUANT TO THE AUTHORITY SET FORTH IN THIS PARAGRAPH (f) IN THE

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

RESOLUTION TO VACATE THE ROADWAY THAT IS APPROVED BY THE BOARD.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect September 1, 2007.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to a roadway vacated by a board of county commissioners on or after the applicable effective date of this act.

Approved: April 20, 2007