

CHAPTER 399

PROPERTY

HOUSE BILL 07-1362

BY REPRESENTATIVE(S) Levy;
also SENATOR(S) Morse.

AN ACT

CONCERNING CLARIFICATION OF THE DOCUMENTS REQUIRED FOR CREATION OF A COMMON INTEREST COMMUNITY, AND, IN CONNECTION THEREWITH, SPECIFYING THE INFORMATION REQUIRED TO BE CONTAINED THEREIN.

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

SECTION 1. 38-33.3-209 (1), (2), and (4), Colorado Revised Statutes, are amended, and the said 38-33.3-209 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

38-33.3-209. Plats and maps. (1) A plat or map is a part of the declaration and is required for all common interest communities except cooperatives. A ~~plat or map~~ is ~~not required by this article if all~~ ONLY FOR A COMMON INTEREST COMMUNITY WITH UNITS HAVING A HORIZONTAL BOUNDARY. THE REQUIREMENTS OF THIS SECTION SHALL BE DEEMED SATISFIED SO LONG AS ALL OF THE INFORMATION REQUIRED by this section is contained in the declaration, A MAP OR A PLAT, OR SOME COMBINATION OF ANY TWO OR ALL OF THE THREE. Each plat or map must be clear and legible. ~~Each~~ WHEN A map ~~must~~ IS REQUIRED UNDER ANY PROVISION OF THIS ARTICLE, THE MAP, A PLAT, OR THE DECLARATION SHALL contain a certification that ~~the map contains~~ all the information required by this section IS CONTAINED IN THE DECLARATION, THE MAP OR A PLAT, OR SOME COMBINATION OF ANY TWO OR ALL OF THE THREE.

(2) In addition to meeting the requirements of a land survey plat as set forth in section 38-51-106, each map ~~must~~ SHALL show THE FOLLOWING, EXCEPT TO THE EXTENT SUCH INFORMATION IS CONTAINED IN THE DECLARATION OR ON A PLAT:

(a) The name and a general schematic plan of the entire common interest community;

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

(b) The location and dimensions of all real estate not subject to development rights, or subject only to the development right to withdraw, and the location and dimensions of all existing improvements within that real estate;

(c) A legally sufficient description, WHICH MAY BE OF THE WHOLE COMMON INTEREST COMMUNITY OR ANY PORTION THEREOF, of any real estate subject to development rights ~~labeled to identify~~ AND A DESCRIPTION of the rights applicable to ~~each parcel~~ SUCH REAL ESTATE;

(d) The extent of any existing encroachments across any common interest community boundary;

(e) To the extent feasible, a legally sufficient description of all easements serving or burdening any portion of the common interest community;

(f) The location and dimensions of ~~any~~ THE vertical boundaries ~~not shown or projected on maps recorded pursuant to subsection (4) of this section~~ OF EACH UNIT and that unit's identifying number;

(g) The location, with reference to established data, of THE horizontal boundaries if any, ~~not shown or projected on maps recorded pursuant to subsection (4) of this section~~; OF EACH UNIT and that unit's identifying number;

(g.5) ANY UNITS IN WHICH THE DECLARANT HAS RESERVED THE RIGHT TO CREATE ADDITIONAL UNITS OR COMMON ELEMENTS, IDENTIFIED APPROPRIATELY;

(h) A legally sufficient description of any real estate in which the unit owners will own only an estate for years; ~~labeled as "leasehold real estate"~~;

(i) The distance between noncontiguous parcels of real estate comprising the common interest community; and

(j) The approximate location and dimensions of limited common elements, including porches, balconies, and patios, other than the limited common elements described in section 38-33.3-202 (1) (b) and (1) (d).

~~(4) To the extent not shown or projected on the plats, maps of the units must show or project:~~

~~(a) The location and dimensions of the vertical boundaries of each unit and that unit's identifying number;~~

~~(b) Horizontal boundaries, if any, with reference to all established data, and that unit's identifying number;~~

~~(c) Any units in which the declarant has reserved the right to create additional units or common elements, identified appropriately; and~~

~~(d) The approximate location and dimensions of limited common elements, including porches, balconies, and patios, other than parking spaces and other than~~

~~common elements described in section 38-33.3-202 (1) (b) and (1) (d).~~

(9) ANY PLAT OR MAP THAT WAS RECORDED ON OR AFTER JULY 1, 1998, BUT PRIOR TO JULY 1, 2007, AND THAT SATISFIES THE REQUIREMENTS OF THIS SECTION IN EFFECT ON JULY 1, 2007, IS DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF THIS SECTION AT THE TIME IT WAS RECORDED.

SECTION 2. Effective date. This act shall take effect July 1, 2007.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2007