

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0802.01 Rebecca Bayetti x4348

HOUSE BILL 26-1253

HOUSE SPONSORSHIP

Slaugh,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROCESS FOR DISCONNECTION OF PROPERTY FROM**
102 **A STATUTORY MUNICIPALITY.**

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>.)

Under current law, the owners of certain tracts of agricultural or farm land within and adjacent to the boundary of a statutory town may petition the district court for the county to have the land disconnected from the town (disconnection by court decree). The bill changes which tracts of land are eligible to be disconnected from a statutory town using the disconnection by court decree process, so that this process is not

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

available for any tract of land that is included within the boundaries of an urban renewal authority (affected urban renewal authority) or a 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 (affected special district). Instead of using the disconnection by court decree process, owners of these tracts of land must use the process for applications for disconnection from a statutory municipality.

Under current law, the owner of a tract of land within and adjacent to the boundary of a statutory municipality may apply to the governing body of the municipality for the enactment of an ordinance disconnecting the tract of land from the municipality (disconnection by ordinance). The bill also modifies this disconnection by ordinance process by requiring that, in addition to the existing requirement that an owner provide notice and a copy of the application for disconnection to the board of county commissioners of the county in which the tract of land is located and to the board of directors of any affected special district, the owner seeking disconnection must also provide notice and a copy of the application for disconnection to the commissioners of any affected urban renewal authority. Upon receiving the notice and application, these entities may request a meeting with the owner of the land and the governing body of the municipality to discuss and address any negative impacts that would result from the disconnection, including any change in the level or extent of services being provided to the tract of land that is the subject of the disconnection application. The failure of the board of county commissioners, the board of any affected special district, or the commissioners of any affected urban renewal authority to request a meeting constitutes an acknowledgment that the disconnection will not adversely affect the county, the affected special district, or the affected urban renewal authority.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-12-501, **amend**
3 (1) and (2); and **add** (6) as follows:

4 **31-12-501. Application - enactment - filing - definitions.**

5 (1) When the owner of a tract of land within and adjacent to the
6 boundary of a municipality desires to have said tract disconnected from
7 ~~such~~ THE municipality, ~~such~~ THE owner may apply to the governing body
8 of ~~such~~ THE municipality for the enactment of an ordinance disconnecting

1 ~~such~~ THE tract of land from ~~such~~ THE municipality. The owner shall also
2 provide notice and a copy of the application to the board of county
3 commissioners of the county in which the tract of land that is the subject
4 of the application is located, ~~and~~ to the board of directors of any affected
5 special district, AND TO ■ ANY AFFECTED URBAN RENEWAL AUTHORITY.
6 No later than the effective date of the disconnection of a particular tract
7 of land, any vested property rights affecting the tract that have been
8 established pursuant to article 68 of title 24 prior to such date that are
9 possessed by the owner of the tract shall be expired or relinquished.

10 (2) (a) Not more than thirty days after receiving the notice
11 required by subsection (1) of this section, ~~either~~ the board of county
12 commissioners, ~~or~~ the board of directors of any affected special district,
13 OR ■ ANY AFFECTED URBAN RENEWAL AUTHORITY may request a meeting
14 with the owner and the governing body of the municipality, or its
15 appointee, to discuss and address any negative impacts ~~on the county~~ that
16 would result from the disconnection, INCLUDING ANY CHANGE IN THE
17 LEVEL OR EXTENT OF SERVICES BEING PROVIDED BY AN AFFECTED SPECIAL
18 DISTRICT OR ANY INTERFERENCE WITH THE IMPLEMENTATION OF AN
19 URBAN RENEWAL PLAN OF ANY AFFECTED URBAN RENEWAL AUTHORITY.

20 If such meeting is requested, the owner and the governing body or its
21 appointee shall meet with ~~either~~ the board of county commissioners, or
22 its appointee, ~~or~~ the board of any affected special district, or its appointee,
23 OR ■ ANY AFFECTED URBAN RENEWAL AUTHORITY, OR ITS APPOINTEE, not
24 more than thirty days after the meeting was requested. Failure by ~~either~~
25 the board of county commissioners, ~~or~~ the board of any affected special
26 district, OR ■ ANY AFFECTED URBAN RENEWAL AUTHORITY to request a
27 meeting constitutes an acknowledgment by the particular board OR

1 AUTHORITY that the disconnection will not adversely affect the county, or
2 an THE affected special district, OR THE AFFECTED URBAN RENEWAL
3 AUTHORITY, as applicable.

4 (b) ~~As used in paragraph (a) of this subsection (2), "affected~~
5 ~~special district" means any special district that by its service plan or~~
6 ~~pursuant to an intergovernmental agreement is or will be expected to~~
7 ~~provide service to the tract of land that is the subject of the disconnection~~
8 ~~application. For purposes of paragraph (a) of this subsection (2),~~
9 ~~"negative impact" includes any change in the level or extent of services~~
10 ~~being provided to the tract of land by any special district.~~

11 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES:

13 (a) "AFFECTED SPECIAL DISTRICT" MEANS ANY SPECIAL DISTRICT
14 THAT, BY ITS SERVICE PLAN OR PURSUANT TO AN INTERGOVERNMENTAL
15 AGREEMENT, IS OR WILL BE EXPECTED TO PROVIDE SERVICE TO THE TRACT
16 OF LAND THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION.

17 (b) "AFFECTED URBAN RENEWAL AUTHORITY" MEANS ANY URBAN
18 RENEWAL AUTHORITY FORMED PURSUANT TO PART 1 OF ARTICLE 25 OF
19 THIS TITLE 31 WITH AN URBAN RENEWAL AREA DESCRIBED IN AN URBAN
20 RENEWAL PLAN THAT INCLUDES THE TRACT OF LAND THAT IS THE SUBJECT
21 OF THE DISCONNECTION APPLICATION.

22 **SECTION 2.** In Colorado Revised Statutes, **amend 31-12-601** as
23 follows:

24 **31-12-601. Petition to disconnect territory.**

25 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
26 SECTION, when a tract or contiguous tracts of land, aggregating twenty or
27 more acres in area, are embraced within the municipal limits of any city,

1 which are upon or contiguous to the border ~~thereof~~ OF THE CITY, the
2 owners of ~~said~~ THE tracts of land may petition the district court for the
3 county in which ~~such~~ THE land, or any part thereof, is situated to have the
4 ~~same~~ LAND disconnected from ~~said~~ THE city.

5 (2) THE PROCESS FOR DISCONNECTION FROM A CITY AS PROVIDED
6 IN THIS PART 6 IS NOT AVAILABLE FOR ANY TRACT OF LAND THAT IS
7 INCLUDED WITHIN THE BOUNDARIES OF:

8 (a) AN URBAN RENEWAL AREA DESCRIBED IN AN URBAN RENEWAL
9 PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE 31; OR

10 (b) A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR PURSUANT
11 TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE EXPECTED TO
12 PROVIDE SERVICE TO THE TRACT OF LAND.

13 **SECTION 3.** In Colorado Revised Statutes, 31-12-602, **amend**
14 (1) introductory portion and (1)(f); and **add** (1)(g) as follows:

15 **31-12-602. Contents of petition.**

16 (1) The petition ~~shall~~ MUST contain the following:

17 (f) An allegation that all taxes or assessments lawfully due upon
18 the land up to the time of the filing of the petition have been fully paid;
19 AND

20 (g) AN ALLEGATION THAT THE TRACTS OF LAND ARE NOT LOCATED
21 WITHIN THE BOUNDARIES OF AN URBAN RENEWAL AREA DESCRIBED IN AN
22 URBAN RENEWAL PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF
23 THIS TITLE 31 OR A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR
24 PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE
25 EXPECTED TO PROVIDE SERVICE TO THE TRACT OF LAND.

26 **SECTION 4.** In Colorado Revised Statutes, **amend** 31-12-603 as
27 follows:

1 **31-12-603. Hearing - decree - proviso.**

2 (1) Upon the filing of such petition in the district court, the judge
3 ~~thereof~~ shall set a date for a hearing, not less than forty days nor more
4 than sixty days thereafter. ~~It is the duty of~~ The clerk of ~~said~~ THE court to
5 ~~cause~~ SHALL SERVE a copy of ~~such~~ THE petition and a notice of the date
6 and the time set for such hearing ~~to be served~~ upon the mayor of the city
7 ~~The same shall be served~~ at least thirty days prior to the hearing of such
8 petition. ~~by the court~~ Upon the hearing and proof of the facts set forth in
9 ~~said~~ THE petition, ~~it~~ THE COURT shall ~~be determined~~ DETERMINE whether
10 ~~said~~ THE tracts of land should be disconnected from ~~such~~ THE city, and the
11 court shall enter an order or decree accordingly.

12 (2) ~~When a city has maintained streets, lights, and other public~~
13 ~~utilities for a period of three years through or adjoining said tracts of land,~~
14 The owners ~~shall~~ ARE not ~~be~~ entitled to disconnect the land under the
15 provisions of this part 6 WHEN:

16 (a) THE CITY HAS MAINTAINED STREETS, LIGHTS, AND OTHER
17 PUBLIC UTILITIES FOR A PERIOD OF THREE YEARS THROUGH OR ADJOINING
18 THE TRACTS OF LAND; OR

19 (b) THE TRACTS OF LAND ARE INCLUDED WITHIN THE BOUNDARIES
20 OF:

21 (I) AN URBAN RENEWAL AREA DESCRIBED IN AN URBAN RENEWAL
22 PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE 31; OR

23 (II) A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR PURSUANT
24 TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE EXPECTED TO
25 PROVIDE SERVICE TO THE TRACT OF LAND.

26 ~~(2)~~ (3) If an area has been annexed to a city for a period of two
27 years and then successful action is undertaken to disconnect ~~such~~ THE

1 area, the disconnected land shall be made subject to the applicable
2 county's zoning resolution and map and other land development
3 regulations within ninety days after the effective date of the disconnection
4 as described in section 31-12-501 (5).

5 **SECTION 5.** In Colorado Revised Statutes, **amend** 31-12-702
6 as follows:

7 **31-12-702. Petition court to disconnect from town.**

8 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
9 SECTION, when a tract or two or more contiguous tracts of agricultural or
10 farm land aggregating twenty or more acres in area are embraced within
11 the corporate limits of any town, the outer boundary of which acreage is
12 adjacent to or upon the border of said town, the owners of ~~said~~ THE tracts
13 of land may petition the district court for the county in which ~~such~~ THE
14 land is situated to have the ~~same~~ land disconnected from ~~said~~ THE
15 incorporated town. Intersecting highways or intervening railroads ~~shall~~
16 DO not render ~~said~~ THE tracts of land noncontiguous or nonadjacent.

17 (2) THE PROCESS FOR DISCONNECTION FROM A [REDACTED] TOWN AS
18 PROVIDED IN THIS PART 7 IS NOT AVAILABLE FOR ANY TRACT OF LAND
19 THAT IS INCLUDED WITHIN THE BOUNDARIES OF:

20 (a) AN URBAN RENEWAL AREA DESCRIBED IN AN URBAN RENEWAL
21 PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE 31; OR

22 (b) A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR PURSUANT
23 TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE EXPECTED TO
24 PROVIDE SERVICE TO THE TRACT OF LAND.

25 **SECTION 6.** In Colorado Revised Statutes, 31-12-703, **amend**
26 (1) introductory portion and (1)(f); and **add** (1)(g) as follows:

27 **31-12-703. Petition - contents.**

1 (1) The petition ~~shall~~ MUST contain the following:

2 (f) A representation that, for a period of six years after the
3 effective date of disconnection, said tracts will not be subdivided into lots
4 or plots of smaller area than is required during said period for lots within
5 said town adjoining said tracts under the applicable ordinances or
6 regulations of the town from which disconnection is sought and will not
7 be used during said period for industrial or commercial use if during said
8 period the applicable ordinances of the town from which disconnection
9 is sought prohibits such use in the area within said town adjoining such
10 tracts; AND

11 (g) AN ALLEGATION THAT THE TRACTS OF LAND ARE NOT LOCATED
12 WITHIN THE BOUNDARIES OF AN URBAN RENEWAL AREA DESCRIBED IN AN
13 URBAN RENEWAL PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF
14 THIS TITLE 31 OR A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR
15 PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE
16 EXPECTED TO PROVIDE SERVICE TO THE TRACT OF LAND.

17 **SECTION 7.** In Colorado Revised Statutes, **amend** 31-12-704 as
18 follows:

19 **31-12-704. Hearing - decree - proviso.**

20 (1) Upon the filing of such petition in the district court, the judge
21 shall set a date for a hearing, not less than forty days nor more than sixty
22 days thereafter. The clerk of the court shall serve a copy of the petition
23 and a notice of the date and the time set for such hearing upon the mayor
24 of the town ~~The same must be served~~ at least thirty days prior to the
25 hearing on such petition. ~~by the court~~ Upon the hearing and proof of the
26 facts set forth in such petition, the court shall determine whether the tracts
27 of land should be disconnected from the town, and the judge shall enter

1 an order or decree accordingly.

2 (2) THE PETITIONERS ARE NOT ENTITLED TO DISCONNECT THE LAND
3 UNDER THE PROVISIONS OF THIS PART 7 when:

4 (a) A town has improved any of the highways passing through or
5 adjoining said tracts of land by the construction and maintenance by the
6 town of any special improvements along, under, or over the same for a
7 period of more than two years prior to the presentation of the petition; ~~the~~
8 ~~petitioners are not entitled to disconnect the land under the provisions of~~
9 ~~this part 7~~ OR

10 (b) THE TRACTS OF LAND ARE INCLUDED WITHIN THE BOUNDARIES
11 OF:

12 (I) AN URBAN RENEWAL AREA DESCRIBED IN AN URBAN RENEWAL
13 PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE 31; OR

14 (II) A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR PURSUANT
15 TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE EXPECTED TO
16 PROVIDE SERVICE TO THE TRACT OF LAND.

17 (3) Any disconnected land shall be made subject to the applicable
18 county's zoning resolution and map and other land development
19 regulations within ninety days after the effective date of the disconnection
20 as described in section 31-12-501 (5).

21 **SECTION 8. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 12, 2026, if adjournment sine die is on May 13,
25 2026); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2026 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (2) This act applies to applications for disconnection from a
5 municipality and petitions for disconnection from a city or town
6 commenced on or after the applicable effective date of this act.