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An Act

HOUSE BILL 26-1253

BY REPRESENTATIVE(S) Slaugh, Goldstein;
also SENATOR(S) Kirkmeyer and Snyder, Bright, Frizell, Hinrichsen,
Kipp, Coleman.

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

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

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

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

(1) When the owner of a tract of land within and adjacent to the boundary of a municipality desires to have said tract disconnected from ~~such~~ THE municipality, ~~such~~ THE owner may apply to the governing body of ~~such~~ THE municipality for the enactment of an ordinance disconnecting ~~such~~ THE tract of land from ~~such~~ THE municipality. The owner shall also provide notice and a copy of the application to the board of county commissioners of the county in which the tract of land that is the subject of the application is located, ~~and~~ to the board of directors of any affected

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

special district, AND TO ANY AFFECTED URBAN RENEWAL AUTHORITY. No later than the effective date of the disconnection of a particular tract of land, any vested property rights affecting the tract that have been established pursuant to article 68 of title 24 prior to such date that are possessed by the owner of the tract shall be expired or relinquished.

(2) (a) Not more than thirty days after receiving the notice required by subsection (1) of this section, ~~either~~ the board of county commissioners, ~~or~~ the board of directors of any affected special district, OR ANY AFFECTED URBAN RENEWAL AUTHORITY may request a meeting with the owner and the governing body of the municipality, or its appointee, to discuss and address any negative impacts ~~on the county~~ that would result from the disconnection, INCLUDING ANY CHANGE IN THE LEVEL OR EXTENT OF SERVICES BEING PROVIDED BY AN AFFECTED SPECIAL DISTRICT OR ANY INTERFERENCE WITH THE IMPLEMENTATION OF AN URBAN RENEWAL PLAN OF ANY AFFECTED URBAN RENEWAL AUTHORITY. If such meeting is requested, the owner and the governing body or its appointee shall meet with ~~either~~ the board of county commissioners, or its appointee, ~~or~~ the board of any affected special district, or its appointee, OR ANY AFFECTED URBAN RENEWAL AUTHORITY, OR ITS APPOINTEE, not more than thirty days after the meeting was requested. Failure by ~~either~~ the board of county commissioners, ~~or~~ the board of any affected special district, OR ANY AFFECTED URBAN RENEWAL AUTHORITY to request a meeting constitutes an acknowledgment by the particular board OR AUTHORITY that the disconnection will not adversely affect the county, ~~or an~~ THE affected special district, OR THE AFFECTED URBAN RENEWAL AUTHORITY, as applicable.

(b) ~~As used in paragraph (a) of this subsection (2), "affected special district" means any 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 that is the subject of the disconnection application. For purposes of paragraph (a) of this subsection (2), "negative impact" includes any change in the level or extent of services being provided to the tract of land by any special district.~~

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

(a) "AFFECTED SPECIAL DISTRICT" MEANS ANY 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 THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION.

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

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

31-12-601. Petition to disconnect territory.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, when a tract or contiguous tracts of land, aggregating twenty or more acres in area, are embraced within the municipal limits of any city, which are upon or contiguous to the border ~~thereof~~ OF THE CITY, the owners of ~~said~~ THE tracts of land may petition the district court for the county in which ~~such~~ THE land, or any part thereof, is situated to have the ~~same~~ LAND disconnected from ~~said~~ THE city.

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

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

(b) 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.

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

31-12-602. Contents of petition.

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

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

(g) AN ALLEGATION THAT THE TRACTS OF LAND ARE NOT LOCATED WITHIN THE BOUNDARIES OF AN URBAN RENEWAL AREA DESCRIBED IN AN URBAN RENEWAL PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE 31 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.

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

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

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

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

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

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

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

(II) 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.

~~(2)~~(3) If an area has been annexed to a city for a period of two years and then successful action is undertaken to disconnect ~~such~~ THE area, the disconnected land shall be made subject to the applicable county's zoning resolution and map and other land development regulations within ninety days after the effective date of the disconnection as described in section 31-12-501 (5).

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

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

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

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

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

(b) 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.

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

31-12-703. Petition - contents.

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

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

(g) AN ALLEGATION THAT THE TRACTS OF LAND ARE NOT LOCATED WITHIN THE BOUNDARIES OF AN URBAN RENEWAL AREA DESCRIBED IN AN URBAN RENEWAL PLAN APPROVED PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE 31 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.

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

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

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

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

(a) A town has improved any of the highways passing through or adjoining said tracts of land by the construction and maintenance by the

town of any special improvements along, under, or over the same for a period of more than two years prior to the presentation of the petition; ~~the petitioners are not entitled to disconnect the land under the provisions of this part 7~~ OR

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

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

(II) 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.

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

SECTION 8. Act subject to petition - effective date - applicability. (1) 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO