

# An Act

HOUSE BILL 24-1172

BY REPRESENTATIVE(S) Taggart and Bird, Amabile, Froelich, Lindsay, Snyder;  
also SENATOR(S) Kirkmeyer and Mullica, Exum, Pelton B., Pelton R., Priola, Roberts, Simpson, Will, Winter F.

CONCERNING COUNTY REVITALIZATION AUTHORITIES.

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 31 to title 30 as follows:

## **ARTICLE 31** **County Revitalization**

**30-31-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 31 IS THE "COUNTY REVITALIZATION LAW".

**30-31-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) THERE EXIST IN COUNTIES OF THE STATE UNINCORPORATED

*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.*

AREAS THAT WOULD BENEFIT FROM REVITALIZATION AND ECONOMIC INVESTMENT THAT WILL NOT OCCUR WITHOUT ADDITIONAL FUNDING;

(b) THE EXISTENCE OF THESE AREAS IMPAIR SUCCESSFUL DEVELOPMENT AND REDEVELOPMENT WITHIN COUNTIES AND HARMS THE WELFARE OF COUNTY RESIDENTS IN WAYS THAT HARM THE SURROUNDING COMMUNITIES, AND THE REVITALIZATION OF THESE AREAS IS A MATTER OF PUBLIC POLICY AND STATEWIDE CONCERN IN ORDER THAT THE STATE AND ITS COUNTIES NOT CONTINUE TO BE UNDERUTILIZED AND PLACED IN A CONDITION THAT HARMS THE WELFARE OF THESE AREAS;

(c) CERTAIN REVITALIZATION AREAS, OR PORTIONS THEREOF, MAY REQUIRE ACQUISITION, CLEARANCE, AND DISPOSITION SUBJECT TO USE RESTRICTIONS, AS PROVIDED IN THIS ARTICLE 31, SINCE THE PREVAILING CONDITIONS IN COUNTY REVITALIZATION AREAS MAY MAKE THE RECLAMATION OF THE AREA BY CONSERVATION OR REHABILITATION IMPRACTICABLE;

(d) POTENTIAL REVITALIZATION AREAS, OR PORTIONS THEREOF, THROUGH THE MEANS PROVIDED IN THIS ARTICLE 31, MAY BE SUSCEPTIBLE OF CONSERVATION OR REHABILITATION IN SUCH A MANNER THAT THE CONDITIONS NUMERATED IN THIS SECTION MAY BE IMPROVED OR REMEDIED;

(e) REVITALIZATION AREAS MAY BE CONSERVED AND REHABILITATED THROUGH APPROPRIATE PUBLIC ACTION, AS AUTHORIZED OR CONTEMPLATED IN THIS ARTICLE 31, AND THE COOPERATION AND VOLUNTARY ACTION OF THE OWNERS AND TENANTS OF PROPERTY IN REVITALIZATION AREAS;

(f) THE POWERS CONFERRED BY THIS ARTICLE 31 ARE FOR PUBLIC USES AND PURPOSES FOR WHICH PUBLIC MONEY MAY BE EXPENDED AND THE POLICE POWER EXERCISED; AND

(g) THE NECESSITY IN THE PUBLIC INTEREST FOR THE PROVISIONS ENACTED IN THIS ARTICLE 31 IS DECLARED AS A MATTER OF LEGISLATIVE DETERMINATION.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) COUNTY REVITALIZATION AREAS CREATED FOR THE PURPOSES

DESCRIBED IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION MUST NOT INCLUDE AGRICULTURAL LAND EXCEPT IN CONNECTION WITH THE LIMITED CIRCUMSTANCES DESCRIBED IN THIS ARTICLE 31; AND

(b) THE INCLUSION OF AGRICULTURAL LAND WITHIN COUNTY REVITALIZATION AREAS IS A MATTER OF STATEWIDE CONCERN.

**30-31-103. Definitions.** AS USED IN THIS ARTICLE 31, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AGRICULTURAL LAND" MEANS ANY PARCEL OF LAND OR ANY CONTIGUOUS PARCELS OF LAND THAT, REGARDLESS OF THE USES FOR WHICH THE LAND HAS BEEN ZONED, THE COUNTY ASSESSOR HAS CLASSIFIED AS AGRICULTURAL LAND FOR PURPOSES OF THE LEVYING AND COLLECTION OF PROPERTY TAX PURSUANT TO SECTIONS 39-1-102 (1.6)(a) AND 39-1-103 (5)(a), AT ANY TIME DURING THE FIVE-YEAR PERIOD BEFORE EITHER THE DATE OF ADOPTION OF A COUNTY REVITALIZATION PLAN OR ANY MODIFICATION OF A COUNTY REVITALIZATION PLAN.

(2) "BONDS" MEANS ANY BONDS, INCLUDING REFUNDING BONDS, NOTES, INTERIM CERTIFICATES OR RECEIPTS, TEMPORARY BONDS, CERTIFICATES OF INDEBTEDNESS, DEBENTURES, OR OTHER OBLIGATIONS ISSUED AS AUTHORIZED BY THIS ARTICLE 31.

(3) "BROWNFIELD SITE" MEANS REAL PROPERTY AND THE DEVELOPMENT, EXPANSION, REDEVELOPMENT, OR REUSE OF REAL PROPERTY THAT IS COMPLICATED BY THE PRESENCE OF A SUBSTANTIAL AMOUNT OF ONE OR MORE HAZARDOUS SUBSTANCES, POLLUTANTS, OR CONTAMINANTS, AS DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(4) "BUSINESS CONCERN" HAS THE SAME MEANING AS "BUSINESS", AS DEFINED IN SECTION 24-56-102 (1).

(5) "COUNTY REVITALIZATION AREA" MEANS A REVITALIZATION AREA THAT THE GOVERNING BODY DESIGNATES AS APPROPRIATE FOR THE COUNTY REVITALIZATION PROJECT.

(6) "COUNTY REVITALIZATION AUTHORITY" OR "AUTHORITY" MEANS A CORPORATE BODY ORGANIZED PURSUANT TO THIS ARTICLE 31.

(7) "COUNTY REVITALIZATION PLAN" MEANS A PLAN FOR THE COUNTY REVITALIZATION PROJECT THAT:

(a) CONFORMS TO A GENERAL OR MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE COUNTY AS A WHOLE;

(b) INDICATES LAND ACQUISITION, DEVELOPMENT, REDEVELOPMENT, REHABILITATION, AND ADDITIONAL LAND AND CAPITAL IMPROVEMENTS;

(c) INCLUDES ZONING AND PLANNING CHANGES, IF ANY, LAND USES, MAXIMUM DENSITIES, AND BUILDING REQUIREMENTS; AND

(d) DEFINES THE PLAN'S RELATIONSHIP TO DEFINED LOCAL OBJECTIVES RESPECTING APPROPRIATE LAND USES, IMPROVED TRAFFIC, PUBLIC TRANSPORTATION, PUBLIC UTILITIES, RECREATIONAL AND COMMUNITY FACILITIES, AND OTHER PUBLIC IMPROVEMENTS.

(8) "COUNTY REVITALIZATION PROJECT" MEANS UNDERTAKINGS AND ACTIVITIES THAT TAKE ADVANTAGE OF REVITALIZATION AREAS IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN. SUCH UNDERTAKINGS AND ACTIVITIES MAY INCLUDE:

(a) ACQUISITION OF A REVITALIZATION AREA OR ANY PORTION THEREOF;

(b) DEMOLITION AND REMOVAL OF BUILDINGS AND IMPROVEMENTS;

(c) INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION OF STREETS, UTILITIES, PARKS, PLAYGROUNDS, AND OTHER IMPROVEMENTS;

(d) DISPOSITION OF ANY PROPERTY ACQUIRED OR HELD BY THE AUTHORITY AS A PART OF THE COUNTY REVITALIZATION PROJECT FOR COUNTY REVITALIZATION AREAS. DISPOSITION INCLUDES SALE, INITIAL LEASING, OR TEMPORARY RETENTION BY THE AUTHORITY AT THE FAIR VALUE OF THE PROPERTY FOR USE IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN.

(e) CARRYING OUT PLANS FOR A PROGRAM THROUGH VOLUNTARY ACTION AND THE REGULATORY PROCESS FOR THE REPAIR, ALTERATION, AND REHABILITATION OF BUILDINGS OR OTHER IMPROVEMENTS IN ACCORDANCE

WITH THE COUNTY REVITALIZATION PLAN; AND

(f) ACQUISITION OF ANY PROPERTY NECESSARY TO ACHIEVE THE OBJECTIVES OF THE COUNTY REVITALIZATION PLAN.

(9) "DISPLACED PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-56-102 (2), AND ALSO INCLUDES ANY INDIVIDUAL, FAMILY, OR BUSINESS CONCERN DISPLACED BY AN AUTHORITY ACQUIRING REAL PROPERTY THROUGH THE EXERCISE OF EMINENT DOMAIN.

(10) "GOVERNING BODY" MEANS THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY WITHIN WHICH AN AUTHORITY IS ESTABLISHED OR PROPOSED TO BE ESTABLISHED.

(11) "OBLIGEE" MEANS ANY BONDHOLDER, AGENT, TRUSTEE FOR ANY BONDHOLDER, LESSOR DEMISING TO AN AUTHORITY PROPERTY USED IN CONNECTION WITH THE COUNTY REVITALIZATION PROJECT OF THE AUTHORITY, ASSIGNEE OF SUCH LESSOR'S INTEREST OR ANY PART THEREOF, OR THE FEDERAL GOVERNMENT WHEN IT IS A PARTY TO ANY CONTRACT OR AGREEMENT WITH AN AUTHORITY.

(12) "PUBLIC BODY" MEANS THE STATE OF COLORADO AND ANY COUNTY, QUASI-MUNICIPAL CORPORATION, BOARD, COMMISSION, AUTHORITY, POLITICAL SUBDIVISION, OR PUBLIC CORPORATE BODY OF THE STATE.

(13) "REAL PROPERTY" MEANS LANDS, LANDS UNDER WATER, STRUCTURES, EASEMENTS, FRANCHISES, AND INCORPOREAL HEREDITAMENTS AND EVERY ESTATE AND RIGHT THEREIN, LEGAL AND EQUITABLE, INCLUDING TERMS FOR YEARS AND LIENS BY WAY OF JUDGMENT, MORTGAGE, OR OTHERWISE.

(14) "REVITALIZATION AREA" MEANS AN AREA THAT, UPON THE IMPLEMENTATION OF THE COUNTY REVITALIZATION PLAN, SUBSTANTIALLY PROMOTES THE SOUND GROWTH OF THE COUNTY, IMPROVES ECONOMIC AND SOCIAL CONDITIONS, AND FURTHERS THE HEALTH, SAFETY, AND WELL-BEING OF THE PUBLIC BY THE ACTUALIZATION OF ONE OF THE FOLLOWING OPPORTUNITY FACTORS:

(a) INVESTMENT IN CRITICAL INFRASTRUCTURE, INCLUDING WATER,

SANITARY SEWER AND STORM WATER SYSTEMS AND MANAGEMENT, ELECTRICITY, AND OTHER PUBLIC UTILITIES TO ACHIEVE DESIRED LEVELS OF RESIDENTIAL DENSITY AND EMPLOYMENT GROWTH;

(b) IMPROVEMENT OF MOBILITY AND INCREASED ACCESS TO TRANSPORTATION CORRIDORS AND MULTIMODAL TRANSPORTATION OPTIONS;

(c) DEVELOPMENT OF AFFORDABLE HOUSING PROXIMATE TO ENHANCED TRANSPORTATION HUBS AND CORRIDORS;

(d) DEVELOPMENT OF ECONOMIC OPPORTUNITIES FOR JOB CREATION AND GROWTH IN ENTREPRENEURSHIP AND SUCCESSFUL LOCATION OF EXISTING BUSINESSES;

(e) EXPANSION OF ACCESS TO HEALTHY FOOD SYSTEMS, COMMUNITY MEDICAL SERVICES, PUBLIC PARKS, OR PUBLIC EDUCATION OPPORTUNITIES;

(f) IMPROVEMENT OF CIRCULATION PATTERNS AND ENHANCEMENT OF SAFE AND RELIABLE PUBLIC TRANSPORTATION SYSTEMS;

(g) REMEDIATION OF CONTAMINATED SOILS OR WATER;

(h) CLEARANCE, ABATEMENT, OR REHABILITATION OF STRUCTURALLY UNSOUND, DETERIORATING, OR OTHERWISE UNSAFE STRUCTURES; OR

(i) REDEVELOPMENT OF FORMER LANDFILLS, FLOODPLAINS, OR OTHER AREAS CHALLENGED BY TOPOGRAPHY THAT, IN THEIR PRESENT CONDITION, POSE A THREAT TO PUBLIC HEALTH AND SAFETY.

(15) "URBAN-LEVEL DEVELOPMENT" MEANS AN AREA IN WHICH THERE IS A PREDOMINANCE OF EITHER PERMANENT STRUCTURES OR ABOVE-GROUND OR AT-GRADE INFRASTRUCTURE.

**30-31-104. County revitalization authority.** (1) (a) ANY TWENTY-FIVE REGISTERED ELECTORS OF A COUNTY MAY FILE A PETITION WITH THE GOVERNING BODY OR ITS DESIGNEE, OR THE GOVERNING BODY MAY ADOPT A RESOLUTION, SETTING FORTH THAT THERE IS A NEED FOR A COUNTY REVITALIZATION AUTHORITY IN THE COUNTY.

(b) (I) UPON THE FILING OF A PETITION OR THE ADOPTION OF A RESOLUTION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, A COUNTY SHALL GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF A PUBLIC HEARING WHERE THE GOVERNING BODY WILL DETERMINE THE NEED FOR THE COUNTY REVITALIZATION AUTHORITY IN THE COUNTY. THIS NOTICE MUST ALSO INCLUDE A GENERAL DESCRIPTION OF THE LAND THAT WOULD BE PART OF THE COUNTY REVITALIZATION AREA. THE COUNTY MUST GIVE THIS NOTICE TO EVERY MUNICIPALITY WITHIN THREE MILES OF THE PROPOSED AUTHORITY AT LEAST THIRTY DAYS BEFORE THE HEARING.

(II) A COUNTY SHALL PROVIDE THE NOTICE DESCRIBED IN THIS SUBSECTION (1)(b) AT ITS OWN EXPENSE BY PUBLISHING THE NOTICE AT LEAST THIRTY DAYS PRECEDING THE DAY ON WHICH THE HEARING IS TO BE HELD IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE COUNTY OR, IF THERE IS NO SUCH NEWSPAPER, BY POSTING THE NOTICE IN AT LEAST THREE PUBLIC PLACES WITHIN THE COUNTY AT LEAST THIRTY DAYS PRECEDING THE DAY ON WHICH THE HEARING IS TO BE HELD.

(III) AT THE HEARING HELD PURSUANT TO THE NOTICE DESCRIBED IN THIS SUBSECTION (1)(b), THE GOVERNING BODY SHALL GRANT A FULL OPPORTUNITY TO BE HEARD TO ALL COUNTY RESIDENTS, TAXPAYERS, MUNICIPALITIES WITHIN THREE MILES OF THE PROPOSED AUTHORITY, AND OTHER INTERESTED PERSONS.

(c) AFTER THE HEARING HELD PURSUANT TO THE NOTICE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, THE GOVERNING BODY SHALL ADOPT A RESOLUTION FINDING A NEED FOR AND CREATING THE COUNTY REVITALIZATION AUTHORITY IF THE GOVERNING BODY:

(I) DETERMINES THAT THERE ARE ONE OR MORE REVITALIZATION AREAS IN THE COUNTY OUTSIDE OF EXISTING URBAN RENEWAL AUTHORITIES;

(II) DETERMINES THAT THE ACQUISITION, CLEARANCE, REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT, OR ANY COMBINATION THEREOF OF SUCH REVITALIZATION AREAS IS NECESSARY AND IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE COUNTY RESIDENTS; AND

(III) DECLARES IT TO BE IN THE PUBLIC INTEREST THAT THE COUNTY REVITALIZATION AUTHORITY BE CREATED AND EXERCISES THE POWERS

PROVIDED IN THIS ARTICLE 31.

(d) (I) IF THE GOVERNING BODY ADOPTS A RESOLUTION IN ACCORDANCE WITH SUBSECTION (1)(c) OF THIS SECTION, THE GOVERNING BODY SHALL APPOINT AUTHORITY COMMISSIONERS AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

(II) IF THE GOVERNING BODY, AFTER A HEARING HELD PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, DETERMINES THAT IT CANNOT MAKE THE DETERMINATIONS AND DECLARATION ENUMERATED IN SUBSECTION (1)(c) OF THIS SECTION, IT SHALL ADOPT A RESOLUTION DENYING THE PETITION FILED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION. ONLY BEGINNING SIX MONTHS AFTER THE DENIAL OF SUCH A PETITION MAY REGISTERED ELECTORS FILE SUBSEQUENT PETITIONS WITH THE GOVERNING BODY OR ITS DESIGNEE, SETTING FORTH THAT THERE IS A NEED FOR THE COUNTY REVITALIZATION AUTHORITY IN THE COUNTY.

(2) (a) (I) AN AUTHORITY CONSISTS OF NO FEWER THAN THREE AND NO MORE THAN EIGHT AUTHORITY COMMISSIONERS.

(II) (A) IF AT LEAST ONE TAXING ENTITY HAS JOINED THE AUTHORITY PURSUANT TO SUBSECTION (6) OF THIS SECTION, ONE AUTHORITY COMMISSIONER MUST BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE COUNTY REVITALIZATION AUTHORITY AREA THAT HAVE JOINED THE COUNTY REVITALIZATION AUTHORITY.

(B) IF NO SPECIAL DISTRICT APPOINTS AN AUTHORITY COMMISSIONER, THEN THE SPECIAL DISTRICT APPOINTMENT REMAINS VACANT UNTIL THE APPLICABLE APPOINTING AUTHORITY MAKES THE APPOINTMENT PURSUANT TO THIS SUBSECTION (2)(a).

(III) IF THE GOVERNING BODY APPOINTS AN EVEN NUMBER OF AUTHORITY COMMISSIONERS, THE GOVERNING BODY SHALL DESIGNATE AN AUTHORITY COMMISSIONER AS THE AUTHORITY COMMISSIONER WHO CASTS THE DECIDING VOTE IN THE CASE OF AN OTHERWISE TIE VOTE.

(b) (I) AUTHORITY COMMISSIONER TERMS ARE FOR FOUR YEARS; EXCEPT THAT THE GOVERNING BODY SHALL ASSIGN TERMS OF FOUR YEARS OR FEWER FOR THE INITIAL AUTHORITY COMMISSIONERS SO THAT AUTHORITY



COMMISSIONERS SERVE FOR STAGGERED TERMS.

(II) THE GOVERNING BODY SHALL FILL AUTHORITY COMMISSIONER VACANCIES, OTHER THAN THOSE THAT OCCUR DUE TO THE EXPIRATION OF TERMS, FOR THE REMAINING UNEXPIRED TERM; EXCEPT THAT A VACANCY OF THE SPECIAL DISTRICT-APPOINTED SEAT MUST BE FILLED BY AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS.

(III) AN AUTHORITY COMMISSIONER HOLDS OFFICE UNTIL THE GOVERNING BODY APPOINTS THE AUTHORITY COMMISSIONER'S QUALIFIED SUCCESSOR.

(c) (I) THE GOVERNING BODY SHALL DESIGNATE THE CHAIRPERSON FOR THE FIRST YEAR OF THE AUTHORITY. WHEN THE OFFICE OF THE FIRST CHAIRPERSON OF THE AUTHORITY BECOMES VACANT AND ANNUALLY THEREAFTER, THE AUTHORITY SHALL SELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERS.

(II) AN AUTHORITY MAY EMPLOY A SECRETARY, AN EXECUTIVE DIRECTOR, TECHNICAL EXPERTS, AND SUCH OTHER OFFICERS, AGENTS, AND EMPLOYEES AS IT MAY REQUIRE AND SHALL DETERMINE THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION.

(III) AN AUTHORITY MAY CALL UPON THE COUNTY ATTORNEY AND EMPLOY ITS OWN COUNSEL AND LEGAL STAFF FOR LEGAL SERVICES.

(IV) AN AUTHORITY MAY DELEGATE POWERS AND DUTIES TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES AS IT DEEMS PROPER.

(d) THE GOVERNING BODY SHALL FILE WITH THE COUNTY CLERK AND RECORDER A CERTIFICATE OF THE APPOINTMENT OR REAPPOINTMENT OF ANY AUTHORITY COMMISSIONER, AND THE CERTIFICATE IS CONCLUSIVE EVIDENCE OF THE DUE AND PROPER APPOINTMENT OF THE AUTHORITY COMMISSIONER.

(e) AN AUTHORITY COMMISSIONER RECEIVES NO COMPENSATION FOR SERVICES RENDERED, BUT IS ENTITLED TO REIMBURSEMENT FOR NECESSARY EXPENSES, INCLUDING TRAVELING EXPENSES, INCURRED IN THE DISCHARGE OF THE DUTIES DESCRIBED IN THIS ARTICLE 31.

(f) A MAJORITY OF THE AUTHORITY COMMISSIONERS CONSTITUTES

A QUORUM.

(3) (a) (I) UPON APPOINTMENT AS AN AUTHORITY COMMISSIONER, AN AUTHORITY COMMISSIONER SHALL FILE A CERTIFICATE WITH THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS SETTING FORTH THAT THE GOVERNING BODY, AFTER THE HEARING REQUIRED BY SUBSECTION (1)(b) OF THIS SECTION, MADE THE FINDINGS AND DECLARATION REQUIRED IN SUBSECTION (1)(c) OF THIS SECTION AND APPOINTED THE AUTHORITY COMMISSIONER.

(II) UPON AN AUTHORITY COMMISSIONER FILING SUCH A CERTIFICATE, THE AUTHORITY COMMISSIONER AND ANY SUCCESSOR CONSTITUTES THE COUNTY REVITALIZATION AUTHORITY, WHICH IS A BODY CORPORATE AND POLITIC.

(b) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE VALIDITY OR ENFORCEMENT OF ANY BOND, CONTRACT, MORTGAGE, TRUST INDENTURE, OR OTHER AGREEMENT OF THE AUTHORITY, THE AUTHORITY MUST BE CONCLUSIVELY DEEMED TO HAVE BEEN ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE 31 UPON PROOF OF THE FILING OF THE CERTIFICATE DESCRIBED IN THIS SUBSECTION (3). A COPY OF THE CERTIFICATE, DULY CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, IS ADMISSIBLE IN EVIDENCE IN ANY SUCH SUIT, ACTION, OR PROCEEDING.

(4) (a) (I) NEITHER ANY AUTHORITY COMMISSIONER, AUTHORITY OFFICER, OR EMPLOYEE OF AN AUTHORITY NOR ANY IMMEDIATE FAMILY MEMBER OF ANY SUCH AUTHORITY COMMISSIONER, OFFICER, OR EMPLOYEE MAY ACQUIRE ANY INTEREST, DIRECT OR INDIRECT, IN ANY COUNTY REVITALIZATION PROJECT OR IN ANY PROPERTY INCLUDED OR PLANNED TO BE INCLUDED IN ANY COUNTY REVITALIZATION PROJECT.

(II) AN AUTHORITY COMMISSIONER SHALL NOT HAVE ANY INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT OR PROPOSED CONTRACT FOR MATERIALS OR SERVICES TO BE FURNISHED OR USED IN CONNECTION WITH ANY COUNTY REVITALIZATION PROJECT.

(b) (I) (A) IF AN AUTHORITY COMMISSIONER, AUTHORITY OFFICER, OR EMPLOYEE OF AN AUTHORITY OWNS OR CONTROLS AN INTEREST, DIRECT OR INDIRECT, IN ANY PROPERTY INCLUDED OR PLANNED TO BE INCLUDED IN

THE COUNTY REVITALIZATION PROJECT, THE AUTHORITY COMMISSIONER SHALL IMMEDIATELY DISCLOSE THE INTEREST IN WRITING TO THE AUTHORITY. THE DISCLOSURE MUST BE ENTERED UPON THE MINUTES OF THE AUTHORITY.

(B) UPON A DISCLOSURE MADE PURSUANT TO SUBSECTION (4)(b)(I)(A) OF THIS SECTION, THE AUTHORITY COMMISSIONER, OFFICER, OR OTHER EMPLOYEE SHALL NOT PARTICIPATE IN ANY ACTION BY THE AUTHORITY AFFECTING THE CARRYING OUT OF THE COUNTY REVITALIZATION PROJECT PLANNING OR THE UNDERTAKING OF THE PROJECT, UNLESS THE AUTHORITY DETERMINES THAT, NOTWITHSTANDING THE PERSONAL INTEREST, THE PARTICIPATION OF THE AUTHORITY COMMISSIONER, OFFICER, OR EMPLOYEE WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST.

(II) ACQUISITION OR RETENTION OF ANY INTEREST DESCRIBED IN SUBSECTION (4)(b)(I)(A) OF THIS SECTION WITHOUT A DETERMINATION BY THE AUTHORITY THAT THE INTEREST IS NOT CONTRARY TO THE PUBLIC INTEREST OR WILLFUL FAILURE TO DISCLOSE ANY SUCH INTEREST CONSTITUTES MISCONDUCT IN OFFICE.

(5) (a) THE GOVERNING BODY MAY REMOVE AN AUTHORITY COMMISSIONER FOR INEFFICIENCY OR NEGLECT OF DUTY OR MISCONDUCT IN OFFICE ONLY AFTER THE AUTHORITY COMMISSIONER HAS BEEN GIVEN A COPY OF THE CHARGES THAT THE GOVERNING BODY MADE AGAINST THE AUTHORITY COMMISSIONER AND THE AUTHORITY COMMISSIONER HAS HAD AN OPPORTUNITY TO BE HEARD IN PERSON OR THROUGH COUNSEL BEFORE THE GOVERNING BODY.

(b) IF ANY AUTHORITY COMMISSIONER IS REMOVED, THE GOVERNING BODY SHALL FILE A RECORD OF THE PROCEEDINGS, TOGETHER WITH THE CHARGES MADE AGAINST THE AUTHORITY COMMISSIONER AND ANY RELATED FINDINGS, IN THE OFFICE OF THE COUNTY CLERK AND RECORDER.

(6) (a) ANY TAXING ENTITY, OTHER THAN A SCHOOL DISTRICT OR THE COUNTY, THAT LEVIES TAXES IN AN AREA THAT WOULD FALL UNDER THE COUNTY REVITALIZATION PLAN PROPOSED BY THE AUTHORITY MAY FILE A PETITION WITH THE AUTHORITY REQUESTING TO JOIN THE AUTHORITY.

(b) WITHIN THIRTY DAYS OF RECEIVING THE NOTICE DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION, THE AUTHORITY SHALL HOLD A PUBLIC

HEARING TO DETERMINE WHETHER THE TAXING ENTITY THAT FILED A PETITION SHOULD BE INCLUDED IN THE AUTHORITY.

(c) THE INCREMENTAL PROPERTY TAX REVENUE OF A TAXING ENTITY THAT EITHER DOES NOT FILE A PETITION IN ACCORDANCE WITH SUBSECTION (6)(a) OF THIS SECTION OR THAT THE AUTHORITY DECIDES NOT TO INCLUDE IN THE AUTHORITY DURING A HEARING HELD IN ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION SHALL NOT BE ALLOCATED UNDER THE COUNTY REVITALIZATION PLAN PROPOSED BY THE AUTHORITY.

**30-31-105. Powers of an authority.** (1) AN AUTHORITY HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE THE PURPOSES AND PROVISIONS OF THIS ARTICLE 31, INCLUDING THE POWER TO:

(a) SUE AND TO BE SUED;

(b) ADOPT AND ALTER A SEAL;

(c) HAVE PERPETUAL SUCCESSION;

(d) MAKE, AND FROM TIME TO TIME AMEND AND REPEAL, BYLAWS, ORDERS, RULES, AND REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE 31;

(e) UNDERTAKE COUNTY REVITALIZATION PROJECTS;

(f) MAKE AND EXECUTE ANY AND ALL CONTRACTS AND OTHER INSTRUMENTS WHICH IT MAY DEEM NECESSARY OR CONVENIENT TO THE EXERCISE OF ITS POWERS UNDER THIS ARTICLE 31, INCLUDING CONTRACTS FOR ADVANCES, LOANS, GRANTS, AND CONTRIBUTIONS FROM THE FEDERAL GOVERNMENT OR ANY OTHER SOURCE;

(g) ARRANGE FOR THE FURNISHING OR REPAIR BY ANY PERSON OR PUBLIC BODY OF SERVICES, PRIVILEGES, WORKS, STREETS, ROADS, PUBLIC UTILITIES, OR EDUCATIONAL OR OTHER FACILITIES FOR OR IN CONNECTION WITH A PROJECT OF THE AUTHORITY;

(h) DEDICATE PROPERTY ACQUIRED OR HELD BY THE AUTHORITY FOR PUBLIC WORKS, IMPROVEMENTS, FACILITIES, UTILITIES, AND OTHER

PURPOSES;

(i) AGREE, IN CONNECTION WITH ANY OF THE AUTHORITY'S CONTRACTS, TO ANY CONDITIONS THAT THE AUTHORITY DEEMS REASONABLE AND APPROPRIATE UNDER THIS ARTICLE 31, INCLUDING CONDITIONS ATTACHED TO FEDERAL FINANCIAL ASSISTANCE, AND TO INCLUDE IN ANY CONTRACT MADE OR LET IN CONNECTION WITH ANY PROJECT OF THE AUTHORITY PROVISIONS TO FULFILL SUCH CONDITIONS AS IT MAY DEEM REASONABLE AND APPROPRIATE;

(j) ARRANGE WITH THE COUNTY OR OTHER RELEVANT PUBLIC BODY TO PLAN, REPLAN, ZONE, OR REZONE ANY PART OF THE AREA OF THE COUNTY OR OTHER PUBLIC BODY IN CONNECTION WITH ANY PROJECT PROPOSED OR BEING UNDERTAKEN BY THE AUTHORITY UNDER THIS ARTICLE 31;

(k) ENTER, WITH THE CONSENT OF THE OWNER, ANY BUILDING OR PROPERTY IN ORDER TO MAKE SURVEYS OR APPRAISALS AND TO OBTAIN AN ORDER FOR THIS PURPOSE FROM A COURT OF COMPETENT JURISDICTION IF ENTRY IS DENIED OR RESISTED;

(l) ACQUIRE ANY PROPERTY BY PURCHASE, LEASE, OPTION, GIFT, GRANT, BEQUEST, DEVISE, OR OTHERWISE TO ACQUIRE ANY INTEREST IN PROPERTY BY CONDEMNATION, INCLUDING A FEE SIMPLE ABSOLUTE TITLE, IN THE MANNER PROVIDED BY THE LAWS OF THE STATE FOR THE EXERCISE OF THE POWER OF EMINENT DOMAIN BY ANY OTHER PUBLIC BODY. PROPERTY ALREADY DEVOTED TO A PUBLIC USE MAY BE ACQUIRED IN A LIKE MANNER; EXCEPT THAT NO PROPERTY BELONGING TO THE FEDERAL GOVERNMENT OR TO A PUBLIC BODY MAY BE ACQUIRED WITHOUT ITS CONSENT. ANY ACQUISITION OF ANY INTEREST IN PROPERTY BY CONDEMNATION BY AN AUTHORITY MUST BE APPROVED AS PART OF THE COUNTY REVITALIZATION PLAN OR THE SUBSTANTIAL MODIFICATION OF THE COUNTY REVITALIZATION PLAN, AS PROVIDED IN SECTION 30-31-109, MUST BE APPROVED BY A MAJORITY VOTE OF THE GOVERNING BODY IN WHICH THE PROPERTY IS LOCATED, AND MUST SATISFY THE REQUIREMENTS OF SECTION 30-31-106.

(m) HOLD, IMPROVE, CLEAR, OR PREPARE FOR REDEVELOPMENT ANY PROPERTY ACQUIRED BY CONDEMNATION BY AN AUTHORITY;

(n) MORTGAGE, PLEDGE, HYPOTHECATE, OR OTHERWISE ENCUMBER OR DISPOSE OF ITS PROPERTY;

(o) INSURE ANY PROPERTY OR OPERATIONS OF THE AUTHORITY AGAINST ANY RISKS OR HAZARDS; EXCEPT THAT NO PROVISION OF ANY OTHER LAW WITH RESPECT TO THE PLANNING OR UNDERTAKING OF PROJECTS OR THE ACQUISITION, CLEARANCE, OR DISPOSITION OF PROPERTY BY PUBLIC BODIES MAY RESTRICT AN AUTHORITY FROM EXERCISING POWERS UNDER THIS ARTICLE 31 WITH RESPECT TO A PROJECT OF THE AUTHORITY UNLESS THE GENERAL ASSEMBLY SO STATES;

(p) (I) INVEST ANY OF THE AUTHORITY'S MONEY NOT REQUIRED FOR IMMEDIATE DISBURSEMENT IN PROPERTY OR IN SECURITIES IN WHICH PUBLIC BODIES MAY LEGALLY INVEST MONEY SUBJECT TO THEIR CONTROL PURSUANT TO PART 6 OF ARTICLE 75 OF TITLE 24, AND TO REDEEM SUCH BONDS AS THE AUTHORITY HAS ISSUED AT THE REDEMPTION PRICE ESTABLISHED THEREIN OR TO PURCHASE SUCH BONDS AT LESS THAN REDEMPTION PRICE. ALL SUCH BONDS ISSUED BY AND THEN REDEEMED OR PURCHASED BY AN AUTHORITY ARE CANCELED.

(II) DEPOSIT ANY MONEY NOT REQUIRED FOR IMMEDIATE DISBURSEMENT IN ANY DEPOSITORY AUTHORIZED IN SECTION 24-75-603. FOR THE PURPOSE OF MAKING SUCH DEPOSITS, THE AUTHORITY MAY APPOINT, BY WRITTEN RESOLUTION, ONE OR MORE PERSONS TO ACT AS CUSTODIANS OF THE MONEY OF THE AUTHORITY. SUCH PERSONS SHALL GIVE SURETY BONDS IN SUCH AMOUNTS AND FORM AND FOR SUCH PURPOSES AS THE AUTHORITY REQUIRES.

(III) BORROW MONEY AND APPLY FOR AND ACCEPT ADVANCES, LOANS, GRANTS, AND CONTRIBUTIONS FROM THE FEDERAL GOVERNMENT OR ANY OTHER SOURCE FOR ANY OF THE PURPOSES OF THIS ARTICLE 31 AND TO GIVE SUCH SECURITY AS THE FEDERAL GOVERNMENT OR OTHER LENDER MAY REQUIRE;

(IV) MAKE APPROPRIATIONS AND EXPENDITURES OF ITS FUNDS; AND

(V) SET UP, ESTABLISH, AND MAINTAIN GENERAL, SEPARATE, OR SPECIAL FUNDS AND BANK ACCOUNTS OR OTHER ACCOUNTS AS IT DEEMS NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE 31;

(q) MAKE AND SUBMIT, OR RESUBMIT TO THE GOVERNING BODY FOR APPROPRIATE ACTION, THE AUTHORITY'S PROPOSED PLANS AND MODIFICATIONS TO THOSE PLANS AS NECESSARY FOR THE CARRYING OUT OF

THE PURPOSES OF THIS ARTICLE 31. SUCH PLANS MUST INCLUDE:

(I) A ROADMAP TO ASSIST THE COUNTY IN ITS PREPARATION OF A WORKABLE PROGRAM FOR UTILIZING APPROPRIATE PRIVATE AND PUBLIC RESOURCES TO TAKE ADVANTAGE OF REVITALIZATION AREAS, TO ENCOURAGE NEEDED COUNTY REVITALIZATION, TO PROVIDE FOR THE REDEVELOPMENT OF REVITALIZATION AREAS, OR TO UNDERTAKE SUCH ACTIVITIES AS MAY BE SUITABLY EMPLOYED TO ACHIEVE THE OBJECTIVES OF SUCH A WORKABLE PROGRAM, WHICH MAY INCLUDE PROVISIONS FOR:

(A) THE REHABILITATION OR CONSERVATION OF REVITALIZATION AREAS OR PORTIONS OF THOSE AREAS BY REPLANNING, REMOVING CONGESTION, PROVIDING PUBLIC IMPROVEMENTS, AND ENCOURAGING THE REHABILITATION AND REPAIR OF DETERIORATED OR DETERIORATING STRUCTURES; AND

(B) THE CLEARANCE AND REDEVELOPMENT OF REVITALIZATION AREAS OR PORTIONS OF THOSE AREAS;

(II) COUNTY REVITALIZATION PLANS;

(III) PLANS FOR THE RELOCATION OF THOSE INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS SITUATED IN THE COUNTY REVITALIZATION AREA WHICH WILL BE DISPLACED BY THE COUNTY REVITALIZATION PROJECT. THESE RELOCATION PLANS MAY INCLUDE DATA SETTING FORTH A FEASIBLE METHOD FOR THE TEMPORARY RELOCATION OF SUCH INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS AND SHOWING THAT THERE WILL BE PROVIDED, IN THE COUNTY REVITALIZATION AREA OR IN OTHER AREAS NOT GENERALLY LESS DESIRABLE IN REGARD TO PUBLIC UTILITIES AND PUBLIC AND COMMERCIAL FACILITIES, AND AT RENTS OR PRICES WITHIN THE FINANCIAL MEANS OF SUCH INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS, DECENT, SAFE, AND SANITARY DWELLINGS AND COMMERCIAL SPACES EQUAL IN NUMBER TO AND AVAILABLE TO SUCH INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS AND REASONABLY ACCESSIBLE TO THEIR PLACES OF EMPLOYMENT OR BUSINESS.

(IV) PLANS FOR UNDERTAKING A PROGRAM OF VOLUNTARY REPAIR AND REHABILITATION OF BUILDINGS AND IMPROVEMENTS;

(V) PLANS FOR THE ENFORCEMENT OF STATE AND LOCAL LAWS,

CODES, AND REGULATIONS RELATING TO:

(A) THE USE OF LAND;

(B) THE USE AND OCCUPANCY OF BUILDINGS;

(C) BUILDING IMPROVEMENTS; AND

(D) THE REPAIR, REHABILITATION, DEMOLITION, OR REMOVAL OF BUILDINGS AND IMPROVEMENTS; AND

(VI) FINANCING PLANS, MAPS, PLATS, APPRAISALS, TITLE SEARCHES, SURVEYS, STUDIES, AND OTHER PRELIMINARY PLANS AND WORK PERTINENT TO ANY PROPOSED PLANS OR MODIFICATIONS;

(r) MAKE REASONABLE RELOCATION PAYMENTS TO OR WITH RESPECT TO INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS SITUATED IN THE COUNTY REVITALIZATION AREA THAT WILL BE DISPLACED AS PROVIDED IN SUBSECTION (1)(q)(III) OF THIS SECTION FOR MOVING EXPENSES AND ACTUAL DIRECT LOSSES OF PROPERTY INCLUDING, FOR BUSINESS CONCERNS, GOODWILL AND LOST PROFITS THAT ARE REASONABLY RELATED TO RELOCATION OF THE BUSINESS, RESULTING FROM THEIR DISPLACEMENT FOR WHICH REIMBURSEMENT OR COMPENSATION IS NOT OTHERWISE MADE, INCLUDING THE MAKING OF SUCH PAYMENTS FINANCED BY THE FEDERAL GOVERNMENT;

(s) DEVELOP, TEST, AND REPORT METHODS AND TECHNIQUES FOR TAKING ADVANTAGE OF THE REVITALIZATION AREAS WITHIN THE COUNTY AND CARRY OUT DEMONSTRATIONS AND OTHER ACTIVITIES FOR TAKING ADVANTAGE OF THE REVITALIZATION AREAS; AND

(t) RENT OR PROVIDE BY OTHER MEANS, INCLUDING ACCEPTING THE USE OF SUITABLE QUARTERS FURNISHED BY THE RELEVANT COUNTY OR ANY OTHER PUBLIC BODY, SUITABLE QUARTERS FOR THE USE OF THE AUTHORITY AND EQUIP SUCH QUARTERS WITH FURNITURE, FURNISHINGS, EQUIPMENT, RECORDS, AND SUPPLIES AS THE AUTHORITY DEEMS NECESSARY TO ENABLE IT TO EXERCISE ITS POWERS UNDER THIS ARTICLE 31.

(2) NO AUTHORITY HAS POWER TO LEVY OR ASSESS AD VALOREM TAXES, PERSONAL PROPERTY TAXES, OR ANY OTHER FORM OF TAXES



INCLUDING SPECIAL ASSESSMENTS AGAINST ANY PROPERTY.

(3) NO MUNICIPALITY IS REQUIRED TO PROVIDE SERVICES WITHIN THE BOUNDARIES OF THE COUNTY REVITALIZATION AREA OR TO PROVIDE OR EXPAND INFRASTRUCTURE OR FACILITIES TO SERVE A COUNTY REVITALIZATION PROJECT; EXCEPT THAT THE AUTHORITY OR COUNTY AND A MUNICIPALITY MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT REGARDING THE PROVISION OF SERVICES WITHIN THE BOUNDARIES OF THE COUNTY REVITALIZATION AREA OR TO PROVIDE OR EXPAND INFRASTRUCTURE OR FACILITIES TO SERVICE A COUNTY REVITALIZATION PROJECT.

(4) NOTHING IN THIS ARTICLE 31 SHALL BE CONSTRUED TO AFFECT THE AUTHORITY OF A MUNICIPALITY TO REGULATE AND PLAN FOR THE USE OF LAND OR AFFECT ANY AGREEMENT BETWEEN A MUNICIPALITY AND A LANDOWNER OR PUBLIC BODY RELATING TO THE USE OR DEVELOPMENT OF LAND.

**30-31-106. Acquisition of private property by eminent domain by authority for subsequent transfer to private party - restrictions - exceptions - right of civil action - damages - definitions.** (1) (a) EXCEPT AS PROVIDED IN THIS SUBSECTION (1) OR SUBSECTION (2) OF THIS SECTION, PRIVATE PROPERTY ACQUIRED BY EMINENT DOMAIN BY AN AUTHORITY PURSUANT TO SECTION 30-31-105 (1)(I) SHALL NOT LATER BE TRANSFERRED TO A PRIVATE PARTY UNLESS:

(I) THE OWNER OF THE PROPERTY CONSENTS IN WRITING TO ACQUISITION OF THE PROPERTY BY EMINENT DOMAIN BY THE AUTHORITY;

(II) THE AUTHORITY DETERMINES THAT THE PROPERTY IS NO LONGER NECESSARY FOR THE PURPOSE FOR WHICH THE AUTHORITY ORIGINALLY ACQUIRED THE PROPERTY, AND THE AUTHORITY FIRST OFFERS TO SELL THE PROPERTY TO THE OWNER FROM WHICH THE AUTHORITY ACQUIRED THE PROPERTY, IF THE OWNER CAN BE LOCATED, AT A PRICE NOT MORE THAN THAT PAID BY THE AUTHORITY, AND THE OWNER OF THE PROPERTY DECLINES THE AUTHORITY'S OFFER;

(III) THE PROPERTY ACQUIRED BY THE AUTHORITY IS ABANDONED;  
OR

(IV) THE OWNER OF THE PROPERTY REQUESTS OR PLEADS IN AN EMINENT DOMAIN ACTION THAT THE AUTHORITY ACQUIRING THE PROPERTY ALSO ACQUIRE PROPERTY THAT IS NOT ESSENTIAL TO THE PURPOSE OF THE AUTHORITY'S ACQUISITION ON THE BASIS THAT ACQUIRING LESS PROPERTY WOULD LEAVE THE OWNER OF THE PROPERTY HOLDING AN UNECONOMIC REMNANT.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A TRANSFER THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (1) IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTION (2), (3), OR (4) OF THIS SECTION.

(2) (a) IF A PROPOSED TRANSFER OF PRIVATE PROPERTY ACQUIRED BY AN AUTHORITY BY EMINENT DOMAIN DOES NOT SATISFY ONE OF THE REQUIREMENTS SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION, SUCH PROPERTY MAY LATER BE TRANSFERRED TO A PRIVATE PARTY ONLY AFTER THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) THE GOVERNING BODY MAKES A DETERMINATION THAT THE PROPERTY IS LOCATED IN A REVITALIZATION AREA AND THAT THE COUNTY REVITALIZATION PROJECT FOR WHICH THE PROPERTY WAS BEING ACQUIRED WILL COMMENCE NO LATER THAN SEVEN YEARS FROM THE DATE THE GOVERNING BODY MADE THE REVITALIZATION AREA DETERMINATION. FOR PURPOSES OF THIS SUBSECTION (2)(a)(I), THE GOVERNING BODY'S DETERMINATION OF WHETHER A PARTICULAR AREA OR PROPERTY IS A REVITALIZATION AREA MUST BE BASED UPON INFORMATION THAT IS REASONABLY CURRENT WHEN THE GOVERNING BODY MAKES THE DETERMINATION.

(II) NOT LATER THAN THE COMMENCEMENT OF THE NEGOTIATION OF AN AGREEMENT FOR THE REDEVELOPMENT OR REHABILITATION OF PROPERTY ACQUIRED OR TO BE ACQUIRED BY EMINENT DOMAIN, THE AUTHORITY PROVIDES NOTICE AND INVITES PROPOSALS FOR REDEVELOPMENT OR REHABILITATION FROM ALL PROPERTY OWNERS, RESIDENTS, AND OWNERS OF BUSINESS CONCERNS LOCATED ON THE PROPERTY ACQUIRED OR TO BE ACQUIRED BY EMINENT DOMAIN IN THE COUNTY REVITALIZATION AREA BY MAILING NOTICE TO THEIR LAST KNOWN ADDRESS OF RECORD. THE AUTHORITY MAY, AT THE SAME TIME, INVITE PROPOSALS FOR REDEVELOPMENT OR REHABILITATION FROM OWNERS OF BUSINESS CONCERNS, OTHER INTERESTED PERSONS WHO MAY NOT BE PROPERTY

OWNERS, OR RESIDENTS WITHIN THE COUNTY REVITALIZATION AREA AND MAY PROVIDE PUBLIC NOTICE THEREOF BY PUBLICATION IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE COUNTY IN WHICH THE AUTHORITY HAS BEEN ESTABLISHED.

(III) IN THE CASE OF A SET OF PARCELS TO BE ACQUIRED BY THE AUTHORITY IN CONNECTION WITH THE COUNTY REVITALIZATION PROJECT, AT LEAST ONE OF WHICH PARCELS IS OWNED BY AN OWNER REFUSING OR REJECTING AN AGREEMENT FOR THE ACQUISITION OF THE ENTIRE SET OF PARCELS, THE AUTHORITY MAKES A DETERMINATION THAT THE REDEVELOPMENT OR REHABILITATION OF THE REMAINING PARCELS IS NOT VIABLE UNDER THE COUNTY REVITALIZATION PLAN WITHOUT THE PARCEL AT ISSUE.

(b) (I) ANY OWNER OF PROPERTY LOCATED WITHIN THE COUNTY REVITALIZATION AREA MAY CHALLENGE THE DETERMINATION OF A REVITALIZATION AREA MADE BY THE GOVERNING BODY PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION BY FILING, NOT LATER THAN THIRTY DAYS AFTER THE DETERMINATION, A CIVIL ACTION IN DISTRICT COURT PURSUANT TO C.R.C.P. 106 (a)(4) FOR JUDICIAL REVIEW OF THE EXERCISE OF DISCRETION ON THE PART OF THE GOVERNING BODY IN MAKING THE DETERMINATION. ANY SUCH ACTION MUST BE GOVERNED IN ACCORDANCE WITH THE PROCEDURES AND OTHER REQUIREMENTS SPECIFIED IN C.R.C.P. 106 (a)(4); EXCEPT THAT THE GOVERNING BODY HAS THE BURDEN OF PROVING THAT, IN MAKING ITS REVITALIZATION AREA DETERMINATION, IT NEITHER EXCEEDED ITS JURISDICTION NOR ABUSED ITS DISCRETION.

(II) IF THE OWNER IS THE PREVAILING PARTY ON A CHALLENGE BROUGHT PURSUANT TO THIS SUBSECTION (2)(b), AN AUTHORITY SEEKING TO ACQUIRE PROPERTY BY EMINENT DOMAIN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (2) SHALL REIMBURSE THE OWNER OF THE PROPERTY FOR REASONABLE ATTORNEY FEES INCURRED BY THE OWNER IN CONNECTION WITH THE ACQUISITION.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY DETERMINATION MADE BY THE GOVERNING BODY PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION IS A LEGISLATIVE DETERMINATION AND NOT A QUASI-JUDICIAL DETERMINATION.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31,

AN AUTHORITY'S EMINENT DOMAIN AUTHORITY SHALL NOT EXCEED THAT OF THE COUNTY WHERE THE AUTHORITY IS LOCATED.

(3)(a)(I) ANY AUTHORITY THAT EXERCISES THE POWER OF EMINENT DOMAIN TO TRANSFER ACQUIRED PROPERTY TO ANOTHER PRIVATE PARTY AS AUTHORIZED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL ADOPT RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES TO BENEFIT DISPLACED PERSONS THAT ARE CONSISTENT WITH THOSE SET FORTH IN ARTICLE 56 OF TITLE 24 TO THE EXTENT APPLICABLE TO THE FACTS OF EACH SPECIFIC PROPERTY AND AT THE TIME OF THE RELOCATION OF THE OWNER OR THE OCCUPANT. AN AUTHORITY SHALL PROVIDE COMPENSATION OR OTHER FORMS OF ASSISTANCE TO ANY DISPLACED PERSON IN ACCORDANCE WITH THE ADOPTED POLICIES.

(II) IN THE CASE OF A BUSINESS CONCERN DISPLACED BY THE ACQUISITION OF PROPERTY BY EMINENT DOMAIN, THE AUTHORITY SHALL MAKE A BUSINESS INTERRUPTION PAYMENT TO THE BUSINESS CONCERN NOT TO EXCEED THE LESSER OF TEN THOUSAND DOLLARS OR ONE-FOURTH OF THE AVERAGE ANNUAL TAXABLE INCOME SHOWN ON THE THREE MOST RECENT FEDERAL INCOME TAX RETURNS OF THE BUSINESS CONCERN.

(b) IN ANY CASE WHERE THE ACQUISITION OF PROPERTY BY EMINENT DOMAIN BY AN AUTHORITY DISPLACES INDIVIDUALS, FAMILIES, OR BUSINESS CONCERNS, THE AUTHORITY SHALL MAKE REASONABLE EFFORTS TO RELOCATE THOSE INDIVIDUALS, FAMILIES, OR BUSINESS CONCERNS WITHIN THE COUNTY REVITALIZATION AREA. THIS RELOCATION MUST BE CONSISTENT WITH THE USES PROVIDED IN THE COUNTY REVITALIZATION PLAN OR IN AREAS WITHIN REASONABLE PROXIMITY TO, OR COMPARABLE TO, THE ORIGINAL LOCATION OF SUCH INDIVIDUALS, FAMILIES, OR BUSINESS CONCERNS.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PRIVATE PROPERTY" OR "PROPERTY" MEANS, AS APPLIED TO REAL PROPERTY, ONLY A FEE OWNERSHIP INTEREST.

**30-31-107. Condemnation actions by authorities - effect of other provisions.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY CONDEMNATION ACTION COMMENCED BY AN AUTHORITY MUST SATISFY THE REQUIREMENTS OF SECTION 38-1-101. TO THE EXTENT THAT THERE IS ANY CONFLICT BETWEEN THIS ARTICLE 31 AND SECTION 38-1-101, SECTION

38-1-101 CONTROLS.

**30-31-108. Disposal of property in county revitalization area.**

(1) (a) AN AUTHORITY MAY SELL, LEASE, OR OTHERWISE TRANSFER REAL PROPERTY OR ANY INTEREST THEREIN ACQUIRED BY THE AUTHORITY AS PART OF THE COUNTY REVITALIZATION PROJECT FOR RESIDENTIAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, OR OTHER USES, OR FOR PUBLIC USE IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN, SUBJECT TO SUCH COVENANTS, CONDITIONS, AND RESTRICTIONS, INCLUDING COVENANTS RUNNING WITH THE LAND AND THE INCORPORATION BY REFERENCE OF THE PROVISIONS OF THE COUNTY REVITALIZATION PLAN OR ANY PART THEREOF AS THE AUTHORITY DEEMS TO BE IN THE PUBLIC INTEREST OR NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE 31.

(b) THE PURCHASERS, LESSEES, TRANSFEREES, AND THEIR SUCCESSORS AND ASSIGNEES DESCRIBED IN THIS SUBSECTION (1) ARE OBLIGATED TO DEVOTE THE REAL PROPERTY DESCRIBED IN THIS SUBSECTION (1) ONLY TO THE LAND USES, DESIGNS, BUILDING REQUIREMENTS, TIMING, OR PROCEDURES SPECIFIED IN THE COUNTY REVITALIZATION PLAN AND MAY BE OBLIGATED TO COMPLY WITH OTHER REQUIREMENTS THAT THE AUTHORITY DETERMINES ARE IN THE PUBLIC INTEREST, INCLUDING THE OBLIGATION TO BEGIN ANY IMPROVEMENTS ON SUCH REAL PROPERTY THAT ARE REQUIRED BY THE COUNTY REVITALIZATION PLAN WITHIN A REASONABLE TIME.

(c) (I) THE REAL PROPERTY OR INTEREST DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION MUST BE SOLD, LEASED, OR OTHERWISE TRANSFERRED AT NOT LESS THAN ITS FAIR VALUE AS DETERMINED BY THE AUTHORITY FOR USES IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN.

(II) IN DETERMINING THE FAIR VALUE OF REAL PROPERTY FOR USES IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN, AN AUTHORITY SHALL TAKE INTO ACCOUNT:

(A) THE USES PROVIDED IN THE COUNTY REVITALIZATION PLAN;

(B) THE RESTRICTIONS UPON AND THE COVENANTS, CONDITIONS, AND OBLIGATIONS ASSUMED BY THE PURCHASER OR LESSEE; AND

(C) THE OBJECTIVES OF THE COUNTY REVITALIZATION PLAN IN

RELATION TO TAKING ADVANTAGE OF REVITALIZATION AREAS.

(d) (I) REAL PROPERTY ACQUIRED BY AN AUTHORITY WHICH, IN ACCORDANCE WITH THE PROVISIONS OF THE COUNTY REVITALIZATION PLAN, IS TO BE TRANSFERRED MUST BE TRANSFERRED AS RAPIDLY AS FEASIBLE IN THE PUBLIC INTEREST CONSISTENT WITH THE COUNTY REVITALIZATION PLAN.

(II) ANY CONTRACT FOR THE TRANSFER OF REAL PROPERTY DESCRIBED IN THIS SECTION AND THE COUNTY REVITALIZATION PLAN, OR ANY PART OF THE CONTRACT OR PLAN AS THE AUTHORITY MAY DETERMINE, MAY BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN SUCH MANNER AS TO AFFORD ACTUAL OR CONSTRUCTIVE NOTICE.

(2) (a) AN AUTHORITY SHALL ONLY DISPOSE OF REAL PROPERTY IN THE COUNTY REVITALIZATION AREA TO PRIVATE PERSONS UNDER SUCH REASONABLE COMPETITIVE BIDDING PROCEDURES AS THE AUTHORITY PRESCRIBES OR AS PROVIDED IN THIS SUBSECTION (2).

(b) (I) AN AUTHORITY, BY PUBLIC NOTICE BY PUBLICATION ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE COUNTY, BEFORE THE EXECUTION OF ANY CONTRACT TO SELL, LEASE, OR OTHERWISE TRANSFER REAL PROPERTY, AND BEFORE THE DELIVERY OF ANY INSTRUMENT OF CONVEYANCE PURSUANT TO THIS SECTION, MAY INVITE PROPOSALS FROM AND MAKE AVAILABLE ALL PERTINENT INFORMATION TO ANY PERSON INTERESTED IN UNDERTAKING THE REDEVELOPMENT OR REHABILITATION OF THE COUNTY REVITALIZATION AREA OR ANY PART THEREOF.

(II) NOTICE GIVEN IN ACCORDANCE WITH THIS SUBSECTION (2)(b) MUST IDENTIFY THE RELEVANT PORTION OF THE AREA AND MUST STATE THAT SUCH FURTHER INFORMATION AS IS AVAILABLE MAY BE OBTAINED AT THE OFFICE DESIGNATED IN THE NOTICE.

(c) AN AUTHORITY SHALL CONSIDER ALL REDEVELOPMENT OR REHABILITATION PROPOSALS RECEIVED IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION AND THE FINANCIAL AND LEGAL ABILITY OF THE PERSONS MAKING THE PROPOSALS TO CARRY THEM OUT AND MAY NEGOTIATE WITH ANY PERSONS FOR PROPOSALS FOR THE PURCHASE, LEASE, OR OTHER TRANSFER OF ANY REAL PROPERTY ACQUIRED BY THE AUTHORITY IN THE COUNTY REVITALIZATION AREA.

(d) AN AUTHORITY MAY ACCEPT SUCH PROPOSALS AS IT DEEMS TO BE IN THE PUBLIC INTEREST AND IN FURTHERANCE OF THE PURPOSES OF THIS ARTICLE 31.

(e) AN AUTHORITY SHALL FILE A NOTIFICATION OF INTENTION TO ACCEPT A PROPOSAL WITH THE GOVERNING BODY NOT LESS THAN FIFTEEN DAYS BEFORE ANY SUCH ACCEPTANCE. THEREAFTER, THE AUTHORITY MAY EXECUTE THE PROPOSAL IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION AND DELIVER DEEDS, LEASES, AND OTHER INSTRUMENTS AND TAKE ALL STEPS NECESSARY TO EFFECTUATE THE PROPOSAL.

(3) AN AUTHORITY MAY TEMPORARILY OPERATE AND MAINTAIN REAL PROPERTY ACQUIRED IN THE COUNTY REVITALIZATION AREA PENDING THE DISPOSITION OF THE PROPERTY FOR REDEVELOPMENT WITHOUT REGARD TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION FOR SUCH USES AND PURPOSES AS IT DEEMS DESIRABLE EVEN IF THOSE USES AND PURPOSES ARE NOT IN CONFORMITY WITH THE COUNTY REVITALIZATION PLAN.

(4) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AN AUTHORITY MAY SET ASIDE, DEDICATE, AND DEVOTE PROJECT REAL PROPERTY TO PUBLIC USES IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN OR SET ASIDE, DEDICATE, AND TRANSFER REAL PROPERTY TO THE COUNTY OR TO ANY OTHER APPROPRIATE PUBLIC BODY FOR PUBLIC USES IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN WITH OR WITHOUT COMPENSATION FOR SUCH PROPERTY, WITH OR WITHOUT REGARD TO THE FAIR VALUE OF SUCH PROPERTY AS DETERMINED IN SUBSECTION (1) OF THIS SECTION, AND UPON OR SUBJECT TO SUCH TERMS, CONDITIONS, COVENANTS, RESTRICTIONS, OR LIMITATIONS AS THE AUTHORITY DEEMS TO BE IN THE PUBLIC INTEREST AND AS ARE CONSISTENT WITH THE PURPOSES AND OBJECTIVES AND THE OTHER APPLICABLE PROVISIONS OF THIS ARTICLE 31.

**30-31-109. Approval of county revitalization plans by local governing body - definitions.** (1) (a) AN AUTHORITY MAY NOT UNDERTAKE THE COUNTY REVITALIZATION PROJECT FOR THE COUNTY REVITALIZATION AREA UNLESS, BASED ON EVIDENCE PRESENTED AT A PUBLIC HEARING, THE GOVERNING BODY HAS DETERMINED BY RESOLUTION THAT THE AREA IS A REVITALIZATION AREA AND HAS DESIGNATED THE AREA AS APPROPRIATE FOR A COUNTY REVITALIZATION PROJECT.

(b) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31, WITHIN THIRTY DAYS OF COMMISSIONING A STUDY TO DETERMINE WHETHER AN AREA IS A REVITALIZATION AREA IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION, THE AUTHORITY SHALL PROVIDE NOTICE TO ANY OWNER OF PRIVATE PROPERTY LOCATED IN THE AREA THAT IS THE SUBJECT OF THE STUDY BY MAILING NOTICE TO THE OWNER BY REGULAR MAIL AT THE LAST-KNOWN ADDRESS OF RECORD AND TO ANY MUNICIPALITY WITHIN THREE MILES OF THE PROPOSED AREA. THE NOTICE MUST STATE THAT THE AUTHORITY IS COMMENCING A STUDY NECESSARY FOR MAKING A DETERMINATION AS TO WHETHER THE AREA IN WHICH THE OWNER OWNS PROPERTY IS A REVITALIZATION AREA. WITHIN SEVEN DAYS OF MAKING SUCH DETERMINATION, THE AUTHORITY OR THE COUNTY, AS APPLICABLE, SHALL ALSO PROVIDE NOTICE OF THE DETERMINATION TO ANY OWNER OF PRIVATE PROPERTY LOCATED IN THE AREA THAT IS THE SUBJECT OF THE STUDY BY MAILING NOTICE TO THE OWNER BY REGULAR MAIL AT THE LAST-KNOWN ADDRESS OF RECORD.

(II) AS USED IN THIS SUBSECTION (1)(b), "PRIVATE PROPERTY" MEANS, AS APPLIED TO REAL PROPERTY, ONLY A FEE OWNERSHIP INTEREST.

(c) (I) THE BOUNDARIES OF AN AREA THAT THE GOVERNING BODY DETERMINES TO BE A REVITALIZATION AREA MUST BE DRAWN AS NARROWLY AS THE GOVERNING BODY DETERMINES FEASIBLE TO ACCOMPLISH THE PLANNING AND DEVELOPMENT OBJECTIVES OF THE PROPOSED COUNTY REVITALIZATION PLAN. THE GOVERNING BODY SHALL NOT APPROVE THE COUNTY REVITALIZATION PLAN UNTIL A GENERAL PLAN FOR THE COUNTY HAS BEEN PREPARED. IN MAKING THE DETERMINATION AS TO WHETHER A PARTICULAR AREA IS A REVITALIZATION AREA PURSUANT TO THE PROVISIONS OF THIS ARTICLE 31, ANY PARTICULAR CONDITION FOUND TO BE PRESENT MAY SATISFY AS MANY OF THE FACTORS REFERENCED IN SECTION 30-31-103 (14) AS ARE APPLICABLE TO THE CONDITION.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31, NO COUNTY REVITALIZATION AREA MAY CONTAIN ANY AGRICULTURAL LAND UNLESS:

(A) THE AGRICULTURAL LAND IS A BROWNFIELD SITE;

(B) NOT LESS THAN ONE-HALF OF THE COUNTY REVITALIZATION AREA AS A WHOLE CONSISTS OF PARCELS OF LAND CONTAINING



URBAN-LEVEL DEVELOPMENT THAT, AT THE TIME OF THE DESIGNATION OF SUCH AREA, THE GOVERNING BODY DETERMINES TO BE A REVITALIZATION AREA IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION, AND NOT LESS THAN TWO-THIRDS OF THE PERIMETER OF THE COUNTY REVITALIZATION AREA AS A WHOLE IS CONTIGUOUS WITH URBAN-LEVEL DEVELOPMENT AS DETERMINED AT THE TIME OF THE DESIGNATION OF SUCH AREA;

(C) THE AGRICULTURAL LAND IS AN ENCLAVE WITHIN THE TERRITORIAL BOUNDARIES OF THE COUNTY AND THE ENTIRE PERIMETER OF THE ENCLAVE HAS BEEN CONTIGUOUS WITH URBAN-LEVEL DEVELOPMENT FOR A PERIOD OF NOT LESS THAN THREE YEARS AS DETERMINED AT THE TIME OF THE DESIGNATION OF THE AREA; OR

(D) EACH PUBLIC BODY THAT LEVIES AN AD VALOREM PROPERTY TAX ON THE AGRICULTURAL LAND AGREES IN WRITING TO THE INCLUSION OF THE AGRICULTURAL LAND WITHIN THE COUNTY REVITALIZATION AREA.

(III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31, THE COUNTY REVITALIZATION AUTHORITY MUST NOT OVERLAP WITH AN URBAN RENEWAL AUTHORITY, AND THE BOUNDARIES OF THE COUNTY REVITALIZATION AREA MUST NOT OVERLAP WITH A MUNICIPALITY, EXCEPT WHERE THE PROPERTY IS SUBSEQUENTLY ANNEXED INTO THE MUNICIPALITY OR PURSUANT TO SECTION 30-31-118.

(d) A COUNTY REVITALIZATION PLAN THAT IS APPROVED OR SUBSTANTIALLY MODIFIED MUST INCLUDE A LEGAL DESCRIPTION OF THE COUNTY REVITALIZATION AREA, INCLUDING THE LEGAL DESCRIPTION OF ANY AGRICULTURAL LAND PROPOSED FOR INCLUSION WITHIN THE COUNTY REVITALIZATION AREA PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.

(2) (a) PRIOR TO APPROVING A COUNTY REVITALIZATION PLAN, A GOVERNING BODY SHALL SUBMIT THE PLAN TO THE COUNTY PLANNING COMMISSION FOR REVIEW AND RECOMMENDATIONS AS TO THE PLAN'S CONFORMITY WITH THE GENERAL PLAN FOR THE DEVELOPMENT OF THE COUNTY AS A WHOLE. THE COUNTY PLANNING COMMISSION SHALL ALSO REVIEW AND PROVIDE RECOMMENDATIONS AS TO THE PLAN'S INTERACTION WITH APPLICABLE MUNICIPAL PLANS FOR THE DEVELOPMENT OF UNINCORPORATED TERRITORY IF THE COUNTY REVITALIZATION PLAN

INCLUDES PROPERTY THAT IS INCLUDED WITHIN A MUNICIPAL PLAN ADOPTED PURSUANT TO SECTION 31-12-105 (1)(e)(I) OR SECTION 31-23-212.

(b) THE PLANNING COMMISSION SHALL SUBMIT ITS WRITTEN RECOMMENDATIONS TO THE GOVERNING BODY WITHIN THIRTY DAYS AFTER RECEIPT OF THE PLAN.

(c) UPON RECEIPT OF THE RECOMMENDATIONS OF THE PLANNING COMMISSION OR, IF NO RECOMMENDATIONS ARE RECEIVED WITHIN THIRTY DAYS, WITHOUT SUCH RECOMMENDATIONS, A GOVERNING BODY MAY PROCEED WITH THE HEARING ON THE PROPOSED COUNTY REVITALIZATION PLAN REQUIRED BY SUBSECTION (5) OF THIS SECTION.

(3) (a) AT LEAST THIRTY DAYS PRIOR TO THE HEARING DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION ON A COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO A COUNTY REVITALIZATION PLAN, THE COUNTY OR THE AUTHORITY SHALL SUBMIT A COUNTY REVITALIZATION IMPACT REPORT ALONG WITH THE COUNTY REVITALIZATION PLAN OR MODIFICATION TO A COUNTY REVITALIZATION PLAN TO EVERY MUNICIPALITY WITHIN ONE MILE OF THE COUNTY REVITALIZATION AREA. THE COUNTY REVITALIZATION IMPACT REPORT MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION CONCERNING THE IMPACT OF SUCH A COUNTY REVITALIZATION PLAN:

(I) AN ESTIMATE OF THE IMPACT OF THE COUNTY REVITALIZATION PROJECT ON MUNICIPAL SERVICES AND INFRASTRUCTURE;

(II) AN ESTIMATE OF THE COST AND EXTENT OF ADDITIONAL MUNICIPAL INFRASTRUCTURE AND SERVICES THAT ARE ANTICIPATED TO BE NEEDED TO SERVE DEVELOPMENT WITHIN THE PROPOSED COUNTY REVITALIZATION AREA, AND THE BENEFIT OF IMPROVEMENTS WITHIN THE COUNTY REVITALIZATION AREA TO EXISTING MUNICIPAL INFRASTRUCTURE;

(III) A STATEMENT SETTING FORTH THE METHOD UNDER WHICH THE AUTHORITY OR THE COUNTY WILL FINANCE, OR THAT AGREEMENTS ARE IN PLACE TO FINANCE, ANY ADDITIONAL MUNICIPAL INFRASTRUCTURE AND SERVICES TO SERVE DEVELOPMENT IN THE COUNTY REVITALIZATION AREA FOR THE DURATION OF THE COUNTY REVITALIZATION PROJECT; AND

(IV) ANY OTHER ESTIMATED IMPACTS OF THE COUNTY

REVITALIZATION PROJECT.

(b) THE INADVERTENT FAILURE OF A COUNTY OR AN AUTHORITY TO SUBMIT A COUNTY REVITALIZATION PLAN, SUBSTANTIAL MODIFICATION TO A COUNTY REVITALIZATION PLAN, OR A COUNTY REVITALIZATION IMPACT REPORT, AS APPLICABLE, TO A MUNICIPALITY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION NEITHER CREATES A CAUSE OF ACTION IN FAVOR OF ANY PARTY NOR INVALIDATES ANY COUNTY REVITALIZATION PLAN OR SUBSTANTIAL MODIFICATION TO A COUNTY REVITALIZATION PLAN.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A CITY AND COUNTY IS NOT REQUIRED TO SUBMIT AN URBAN RENEWAL IMPACT REPORT SATISFYING THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION.

(4) UPON REQUEST OF THE COUNTY OR THE AUTHORITY, EACH MUNICIPALITY THAT IS ENTITLED TO RECEIVE A COPY OF A COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO A COUNTY REVITALIZATION PLAN SHALL PROVIDE AVAILABLE MUNICIPAL DATA AND PROJECTIONS TO THE COUNTY OR THE AUTHORITY TO ASSIST IN PREPARING A COUNTY REVITALIZATION IMPACT REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(5) (a) A GOVERNING BODY SHALL HOLD A PUBLIC HEARING ON THE COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION OF AN APPROVED COUNTY REVITALIZATION PLAN NO LESS THAN THIRTY DAYS AFTER GIVING PUBLIC NOTICE OF THE HEARING.

(b) THE NOTICE FOR THE PUBLIC HEARING MUST:

(I) BE PUBLISHED BY THE GOVERNING BODY IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE COUNTY;

(II) DESCRIBE THE TIME, DATE, PLACE, AND PURPOSE OF THE HEARING;

(III) GENERALLY IDENTIFY THE COUNTY REVITALIZATION AREA COVERED BY THE PLAN;

(IV) OUTLINE THE GENERAL SCOPE OF THE COUNTY REVITALIZATION PROJECT UNDER CONSIDERATION; AND

(V) BE PROVIDED BY THE COUNTY TO EVERY MUNICIPALITY WITHIN THREE MILES OF THE AUTHORITY.

(c) IF AN AUTHORITY INTENDS TO ACQUIRE PRIVATE PROPERTY BY EMINENT DOMAIN WITHIN THE COUNTY REVITALIZATION AREA THAT IS TO BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 30-31-106 (2), THE GOVERNING BODY, BEFORE COMMENCING THE ACQUISITION OF THE PROPERTY, SHALL HOLD A PUBLIC HEARING ON THE USE OF EMINENT DOMAIN AS A MEANS TO ACQUIRE THE PROPERTY. THE GOVERNING BODY SHALL ONLY HOLD THIS HEARING AFTER WRITTEN NOTICE OF THE TIME, DATE, PLACE, AND PURPOSE OF THE HEARING HAS BEEN PROVIDED TO EACH OWNER OF PROPERTY, AS PROPERTY IS DEFINED IN SECTION 30-31-106 (4), THAT IS WITHIN THE COUNTY REVITALIZATION AREA AT LEAST THIRTY DAYS BEFORE THE DATE OF THE HEARING. IN ORDER TO AUTHORIZE THE USE OF EMINENT DOMAIN AS A MEANS TO ACQUIRE PROPERTY, A GOVERNING BODY SHALL BASE ITS AUTHORIZATION DECISION ON A FINDING OF REVITALIZATION AREA CONDITIONS WITHOUT REGARD TO THE ECONOMIC PERFORMANCE OF THE PROPERTY TO BE ACQUIRED.

(d) AT THE HEARING HELD PURSUANT TO THE NOTICE DESCRIBED IN THIS SUBSECTION (5), THE GOVERNING BODY SHALL GRANT A FULL OPPORTUNITY TO BE HEARD TO ALL MUNICIPALITIES WITHIN THREE MILES OF THE AUTHORITY.

(6) FOLLOWING THE HEARING DESCRIBED IN SUBSECTION (5) OF THIS SECTION, THE GOVERNING BODY MAY APPROVE THE COUNTY REVITALIZATION PLAN IF THE GOVERNING BODY FINDS THAT:

(a) A FEASIBLE METHOD EXISTS FOR THE RELOCATION OF INDIVIDUALS AND FAMILIES WHO WILL BE DISPLACED BY THE COUNTY REVITALIZATION PROJECT IN DECENT, SAFE, AND SANITARY DWELLING ACCOMMODATIONS WITHIN THEIR MEANS AND WITHOUT UNDUE HARDSHIP TO SUCH INDIVIDUALS AND FAMILIES;

(b) A FEASIBLE METHOD EXISTS FOR THE RELOCATION OF BUSINESS CONCERNS THAT WILL BE DISPLACED BY THE COUNTY REVITALIZATION

PROJECT IN THE COUNTY REVITALIZATION AREA OR IN OTHER AREAS THAT ARE NOT GENERALLY LESS DESIRABLE WITH RESPECT TO PUBLIC UTILITIES AND PUBLIC AND COMMERCIAL FACILITIES;

(c) THE GOVERNING BODY HAS TAKEN REASONABLE EFFORTS TO PROVIDE WRITTEN NOTICE OF THE PUBLIC HEARING PRESCRIBED BY SUBSECTION (5) OF THIS SECTION TO ALL PROPERTY OWNERS, RESIDENTS, AND OWNERS OF BUSINESS CONCERNS IN THE PROPOSED COUNTY REVITALIZATION AREA AT THEIR LAST-KNOWN ADDRESS OF RECORD AT LEAST THIRTY DAYS BEFORE SUCH HEARING. THE NOTICE MUST CONTAIN THE SAME INFORMATION AS REQUIRED FOR THE NOTICE DESCRIBED IN SUBSECTION (5) OF THIS SECTION.

(d) NO MORE THAN ONE HUNDRED TWENTY DAYS HAVE PASSED SINCE THE COMMENCEMENT OF THE FIRST PUBLIC HEARING OF THE COUNTY REVITALIZATION PLAN PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(e) IF THE COUNTY REVITALIZATION PLAN CONTAINS PROPERTY THAT WAS INCLUDED IN A PREVIOUSLY SUBMITTED COUNTY REVITALIZATION PLAN THAT THE GOVERNING BODY FAILED TO APPROVE PURSUANT TO THIS SECTION, AT LEAST TWENTY-FOUR MONTHS HAVE PASSED SINCE THE COMMENCEMENT OF THE PRIOR PUBLIC HEARING CONCERNING SUCH PROPERTY HELD PURSUANT TO SUBSECTION (5) OF THIS SECTION, UNLESS SUBSTANTIAL CHANGES HAVE OCCURRED SINCE THE COMMENCEMENT OF THE HEARING THAT RESULTED IN A DETERMINATION THAT SUCH PROPERTY CONSTITUTED A REVITALIZATION AREA PURSUANT TO SECTION 30-31-103 (14);

(f) THE COUNTY REVITALIZATION PLAN CONFORMS TO THE GENERAL PLAN OF THE COUNTY AS A WHOLE AND CONSIDERS APPLICABLE MUNICIPAL PLANS FOR THE DEVELOPMENT OF UNINCORPORATED TERRITORY, IF THE COUNTY REVITALIZATION PLAN INCLUDES PROPERTY THAT IS INCLUDED WITHIN A MUNICIPAL PLAN ADOPTED PURSUANT TO SECTION 31-12-105 (1)(e)(I) OR SECTION 31-23-212;

(g) THE COUNTY REVITALIZATION PLAN WILL AFFORD MAXIMUM OPPORTUNITY, CONSISTENT WITH THE SOUND NEEDS OF THE COUNTY AS A WHOLE, FOR THE REHABILITATION OR REDEVELOPMENT OF THE COUNTY REVITALIZATION AREA BY PRIVATE ENTERPRISE;

(h) THE AUTHORITY OR THE COUNTY WILL ADEQUATELY FINANCE, OR THAT AGREEMENTS ARE IN PLACE TO FINANCE, ANY ADDITIONAL COUNTY AND MUNICIPAL INFRASTRUCTURE AND SERVICES REQUIRED TO SERVE DEVELOPMENT WITHIN THE COUNTY REVITALIZATION AREA FOR THE PERIOD IN WHICH ALL OR ANY PORTION OF THE PROPERTY TAXES DESCRIBED IN SUBSECTION (13)(a)(II) OF THIS SECTION AND LEVIED BY THE COUNTY ARE PAID TO THE AUTHORITY;

(i) THE ADOPTION OF THE PLAN WILL NOT CREATE AN UNDUE BURDEN ON ANY MUNICIPALITY THAT PROVIDES MUNICIPAL SERVICES OR THAT OWNS, CONTROLS, OR MAINTAINS ANY INFRASTRUCTURE OR FACILITIES THAT ARE IMPACTED BY THE ADOPTION OF THE PLAN, EXCLUDING ANY BURDEN THAT HAS NOT BEEN ADDRESSED PURSUANT TO SUBSECTION (6)(h) OF THIS SECTION; AND

(j) NO PROPERTY IS INCLUDED IN THE COUNTY REVITALIZATION PLAN THAT IS SUBJECT TO A PENDING ANNEXATION AGREEMENT OR FOR WHICH ANNEXATION PROCEEDINGS HAVE BEEN COMMENCED WITHIN THE PAST THREE YEARS.

(7) IN ADDITION TO THE FINDINGS OTHERWISE REQUIRED OF THE GOVERNING BODY PURSUANT TO SUBSECTION (6) OF THIS SECTION, IF THE COUNTY REVITALIZATION PLAN SEEKS THE ACQUISITION OF PRIVATE PROPERTY BY EMINENT DOMAIN FOR SUBSEQUENT TRANSFER TO A PRIVATE PARTY PURSUANT TO SECTION 30-31-106 (2), THE GOVERNING BODY MAY APPROVE THE COUNTY REVITALIZATION PLAN WHERE IT FINDS, IN CONNECTION WITH A HEARING SATISFYING THE REQUIREMENTS OF SUBSECTION (5) OF THIS SECTION, THAT THE COUNTY REVITALIZATION PLAN HAS MET THE REQUIREMENTS OF SECTION 30-31-106 (2) AND THAT THE PRINCIPAL PUBLIC PURPOSE FOR ADOPTING THE COUNTY REVITALIZATION PLAN IS TO FACILITATE REDEVELOPMENT IN ORDER TO TAKE ADVANTAGE OF REVITALIZATION AREAS.

(8) IF THE COUNTY REVITALIZATION AREA CONSISTS OF AN AREA OF OPEN LAND WHICH, UNDER THE COUNTY REVITALIZATION PLAN, IS TO BE DEVELOPED FOR RESIDENTIAL USES, THE GOVERNING BODY MUST FIRST HAVE DETERMINED THAT:

(a) A SHORTAGE OF HOUSING OF SOUND STANDARDS AND DESIGN WHICH IS DECENT, SAFE, AND SANITARY EXISTS IN THE COUNTY;

(b) THE NEED FOR HOUSING ACCOMMODATIONS HAS BEEN OR WILL BE INCREASED AS A RESULT OF TAKING ADVANTAGE OF REVITALIZATION AREAS;

(c) THE OPPORTUNITY FACTORS IN THE COUNTY REVITALIZATION AREA AND THE SHORTAGE OF ATTAINABLE HOUSING CREATE A RISK TO THE PUBLIC HEALTH AND SAFETY; AND

(d) THE ACQUISITION OF THE AREA FOR RESIDENTIAL USES IS AN INTEGRAL PART OF AND ESSENTIAL TO THE PROGRAM OF THE COUNTY.

(9) IF THE COUNTY REVITALIZATION AREA CONSISTS OF AN AREA OF OPEN LAND WHICH, UNDER THE COUNTY REVITALIZATION PLAN, IS TO BE DEVELOPED FOR NONRESIDENTIAL USES, THE LOCAL GOVERNING BODY MUST FIRST HAVE DETERMINED THAT:

(a) SUCH NONRESIDENTIAL USES ARE NECESSARY AND APPROPRIATE TO FACILITATE THE PROPER GROWTH AND DEVELOPMENT OF THE COMMUNITY IN ACCORDANCE WITH SOUND PLANNING STANDARDS AND LOCAL COMMUNITY OBJECTIVES; AND

(b) THE CONTEMPLATED ACQUISITION OF THE AREA MAY REQUIRE THE EXERCISE OF GOVERNMENTAL ACTION, AS PROVIDED IN THIS ARTICLE 31, BECAUSE OF BEING IN A REVITALIZATION AREA.

(10) (a) THE COUNTY REVITALIZATION PLAN MAY BE MODIFIED AT ANY TIME; BUT, IF THE COUNTY REVITALIZATION PLAN IS MODIFIED AFTER THE LEASE OR SALE BY THE AUTHORITY OF REAL PROPERTY IN THE COUNTY REVITALIZATION PROJECT AREA, THE MODIFICATION IS SUBJECT TO SUCH RIGHTS AT LAW OR IN EQUITY AS A LESSEE OR PURCHASER OR THE PURCHASER'S SUCCESSOR IN INTEREST MAY BE ENTITLED TO ASSERT. IF THE MODIFICATION TO A COUNTY REVITALIZATION PLAN WILL SUBSTANTIALLY CHANGE PROVISIONS OF THE COUNTY REVITALIZATION PLAN REGARDING LAND AREA, LAND USE, AUTHORIZATION TO COLLECT INCREMENTAL TAX REVENUE, THE EXTENT OF THE USE OF TAX INCREMENT FINANCING, THE SCOPE OR NATURE OF THE COUNTY REVITALIZATION PROJECT, THE SCOPE OR METHOD OF FINANCING, DESIGN, BUILDING REQUIREMENTS, TIMING, OR PROCEDURE, AS PREVIOUSLY APPROVED, OR WHERE THE MODIFICATION WILL SUBSTANTIALLY CLARIFY A PLAN THAT, WHEN APPROVED, WAS LACKING IN SPECIFICITY AS TO THE COUNTY REVITALIZATION PROJECT OR FINANCING,

THEN THE MODIFICATION IS A SUBSTANTIAL MODIFICATION TO THE COUNTY REVITALIZATION PLAN AND SUBJECT TO ALL OF THE REQUIREMENTS OF THIS SECTION.

(b) ANY PROPOSED COUNTY REVITALIZATION PLAN MODIFICATION MUST BE SUBMITTED TO THE GOVERNING BODY FOR APPROVAL.

(c) NOT LESS THAN THIRTY DAYS BEFORE APPROVING ANY MODIFICATION OF THE COUNTY REVITALIZATION PLAN, THE GOVERNING BODY OR AUTHORITY SHALL PROVIDE A DETAILED WRITTEN DESCRIPTION OF THE PROPOSED MODIFICATION TO EACH TAXING ENTITY THAT LEVIES TAXES ON PROPERTY LOCATED WITHIN THE COUNTY REVITALIZATION AREA AND TO EACH MUNICIPALITY WITHIN THREE MILES OF THE COUNTY REVITALIZATION AREA ALONG WITH A NOTICE OF THE DATE AND TIME OF THE MEETING AT WHICH THE GOVERNING BODY WILL CONSIDER THE MODIFICATION.

(d) IF THE COUNTY REVITALIZATION PLAN IS MODIFIED AFTER THE LEASE OR SALE BY THE AUTHORITY OF REAL PROPERTY IN THE COUNTY REVITALIZATION PROJECT AREA, THAT MODIFICATION IS SUBJECT TO SUCH RIGHTS AT LAW OR IN EQUITY AS A LESSEE OR PURCHASER OR THEIR SUCCESSOR IN INTEREST MAY BE ENTITLED TO ASSERT.

(e) THE COUNTY REVITALIZATION PLAN MODIFICATION IS SUBSTANTIAL AND SUBJECT TO ALL OF THE REQUIREMENTS OF THIS SECTION IF THE MODIFICATION WILL SUBSTANTIALLY:

(I) CHANGE PROVISIONS OF THE COUNTY REVITALIZATION PLAN REGARDING THE FOLLOWING AS PREVIOUSLY APPROVED:

(A) LAND AREA;

(B) LAND USE;

(C) AUTHORIZATION TO COLLECT INCREMENTAL TAX REVENUE;

(D) THE EXTENT OF THE USE OF TAX INCREMENT FINANCING;

(E) THE SCOPE OR NATURE OF THE COUNTY REVITALIZATION PROJECT;



(F) THE SCOPE OR METHOD OF FINANCING;

(G) DESIGN;

(H) BUILDING REQUIREMENTS; OR

(I) TIMING OR PROCEDURE; OR

(II) CLARIFY A PLAN THAT, WHEN APPROVED, WAS LACKING IN SPECIFICITY AS TO THE COUNTY REVITALIZATION PROJECT OR FINANCING.

(f) ANY TAXING ENTITY THAT LEVIES TAXES ON PROPERTY LOCATED WITHIN THE COUNTY REVITALIZATION AREA AND ANY MUNICIPALITY WITH TERRITORY WITHIN THREE MILES OF THE COUNTY REVITALIZATION AREA MAY FILE AN ACTION IN A STATE DISTRICT COURT EXERCISING JURISDICTION OVER THE COUNTY IN WHICH THE COUNTY REVITALIZATION AREA IS LOCATED FOR AN ORDER DETERMINING, UNDER A DE NOVO STANDARD OF REVIEW, WHETHER THE MODIFICATION IS A SUBSTANTIAL MODIFICATION. IF REQUESTED BY THE TAXING ENTITY OR MUNICIPALITY, THE COURT SHALL ENJOIN ANY ACTION BY THE AUTHORITY PURSUANT TO THE MODIFICATION UNTIL THE COURT HAS DETERMINED WHETHER THE MODIFICATION IS A SUBSTANTIAL MODIFICATION AND, IF THE COURT MAKES SUCH A DETERMINATION, THE COURT SHALL FURTHER ENJOIN ANY ACTION BY THE AUTHORITY PURSUANT TO THE MODIFICATION UNTIL THE AUTHORITY COMPLIES WITH SUBSECTION (8) OF THIS SECTION.

(11) (a) NO ACTION MAY BE BROUGHT TO ENJOIN ANY ACTIVITY OF THE AUTHORITY PURSUANT TO THE COUNTY REVITALIZATION PLAN, INCLUDING THE ISSUANCE OF BONDS, THE INCURRENCE OF OTHER FINANCIAL OBLIGATIONS, OR THE PLEDGE OF REVENUE, UNLESS THE ACTION IS COMMENCED WITHIN FORTY-FIVE DAYS AFTER THE DATE ON WHICH THE AUTHORITY PROVIDED NOTICE OF ITS INTENTION REGARDING THE UNDERTAKING OR ACTIVITY.

(b) (I) THE NOTICE REQUIRED BY SUBSECTION (11)(a) OF THIS SECTION MUST:

(A) DESCRIBE THE UNDERTAKING OR ACTIVITY PROPOSED BY THE AUTHORITY AND SPECIFY THAT ANY ACTION TO ENJOIN THE UNDERTAKING OR ACTIVITY MUST BE BROUGHT WITHIN FORTY-FIVE DAYS FROM THE DATE

OF THE NOTICE; AND

(B) BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(II) ON OR BEFORE THE DATE OF PUBLICATION OF THE NOTICE OF INTENTION REQUIRED BY SUBSECTION (11)(a) OF THIS SECTION, THE AUTHORITY SHALL ALSO MAIL A COPY OF THE NOTICE TO EACH TAXING ENTITY THAT LEVIES TAXES ON PROPERTY WITHIN THE COUNTY REVITALIZATION AREA AND TO EACH MUNICIPALITY WITHIN THREE MILES OF THE COUNTY REVITALIZATION AREA.

(12) UPON THE APPROVAL BY THE GOVERNING BODY OF THE COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO THE COUNTY REVITALIZATION PLAN, THE PROVISIONS OF THAT PLAN ARE CONTROLLING WITH RESPECT TO THE LAND AREA, LAND USE, DESIGN, BUILDING REQUIREMENTS, TIMING, OR PROCEDURE APPLICABLE TO THE PROPERTY COVERED BY THAT PLAN, EXCEPT TO THE EXTENT INCONSISTENT WITH THE LAWS OF A MUNICIPALITY FOLLOWING ANNEXATION OF SUCH PROPERTY.

(13) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY COUNTY REVITALIZATION PLAN, AS ORIGINALLY APPROVED OR AS LATER MODIFIED PURSUANT TO THIS ARTICLE 31, MAY CONTAIN A PROVISION THAT THE PROPERTY TAXES OF SPECIFICALLY DESIGNATED PUBLIC BODIES THAT HAVE JOINED THE AUTHORITY PURSUANT TO SECTION 30-31-104 (6), IF ANY, LEVIED AFTER THE EFFECTIVE DATE OF THE APPROVAL OF SUCH COUNTY REVITALIZATION PLAN UPON TAXABLE PROPERTY IN THE COUNTY REVITALIZATION AREA EACH YEAR OR THAT COUNTY SALES TAXES COLLECTED WITHIN SAID AREA, OR BOTH SUCH TAXES, BY OR FOR THE BENEFIT OF THE DESIGNATED PUBLIC BODY MUST BE DIVIDED FOR A PERIOD NOT TO EXCEED THIRTY YEARS AFTER THE EFFECTIVE DATE OF ADOPTION OF SUCH A PROVISION, AS FOLLOWS:

(I) THAT PORTION OF THE TAXES PRODUCED BY THE LEVY AT THE RATE FIXED EACH YEAR BY OR FOR EACH SUCH PUBLIC BODY UPON THE VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY IN THE COUNTY REVITALIZATION AREA LAST CERTIFIED BEFORE THE EFFECTIVE DATE OF APPROVAL OF THE COUNTY REVITALIZATION PLAN OR, AS TO AN AREA LATER ADDED TO THE COUNTY REVITALIZATION AREA, THE EFFECTIVE DATE OF THE MODIFICATION OF THE PLAN, OR THAT PORTION OF COUNTY SALES TAXES

COLLECTED WITHIN THE BOUNDARIES OF SAID COUNTY REVITALIZATION AREA IN THE TWELVE-MONTH PERIOD ENDING ON THE LAST DAY OF THE MONTH BEFORE THE EFFECTIVE DATE OF APPROVAL OF SAID PLAN, OR BOTH SUCH PORTIONS, MUST BE PAID INTO THE FUNDS OF EACH SUCH PUBLIC BODY AS ARE ALL OTHER TAXES COLLECTED BY OR FOR THE PUBLIC BODY.

(II) THAT PORTION OF THE PROPERTY TAXES OR ALL OR ANY PORTION OF THE SALES TAXES, OR BOTH, IN EXCESS OF THE AMOUNT OF PROPERTY TAXES OR SALES TAXES PAID INTO THE FUNDS OF EACH SUCH PUBLIC BODY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (13)(a)(I) OF THIS SECTION MUST BE ALLOCATED TO AND, WHEN COLLECTED, PAID INTO A SPECIAL FUND OF THE AUTHORITY TO PAY THE PRINCIPAL OF, THE INTEREST ON, AND ANY PREMIUMS DUE IN CONNECTION WITH THE BONDS OF, LOANS OR ADVANCES TO, OR INDEBTEDNESS INCURRED BY, WHETHER FUNDED, REFUNDED, ASSUMED, OR OTHERWISE, THE AUTHORITY FOR FINANCING OR REFINANCING, IN WHOLE OR IN PART, THE COUNTY REVITALIZATION PROJECT, TO MAKE PAYMENTS UNDER AN AGREEMENT EXECUTED PURSUANT TO THIS SECTION, OR FOR ANY OTHER PURPOSES AUTHORIZED BY THIS ARTICLE 31. ANY EXCESS COUNTY SALES TAX OR PROPERTY TAX COLLECTIONS NOT ALLOCATED PURSUANT TO THIS SUBSECTION (13)(a)(II) MUST BE PAID INTO THE FUNDS OF THE COUNTY OR OTHER TAXING ENTITY, AS APPLICABLE. UNLESS AND UNTIL THE TOTAL VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN THE COUNTY REVITALIZATION AREA EXCEEDS THE BASE VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN THE COUNTY REVITALIZATION AREA, AS PROVIDED IN SUBSECTION (13)(a)(I) OF THIS SECTION, ALL OF THE TAXES LEVIED UPON THE TAXABLE PROPERTY IN SUCH COUNTY REVITALIZATION AREA MUST BE PAID INTO THE FUNDS OF THE RESPECTIVE PUBLIC BODIES. UNLESS AND UNTIL THE TOTAL COUNTY SALES TAX COLLECTIONS IN THE COUNTY REVITALIZATION AREA EXCEED THE BASE YEAR COUNTY SALES TAX COLLECTIONS IN SUCH COUNTY REVITALIZATION AREA, AS PROVIDED IN SUBSECTION (13)(a)(I) OF THIS SECTION, ALL SUCH SALES TAX COLLECTIONS MUST BE PAID INTO THE FUNDS OF THE COUNTY. WHEN SUCH BONDS, LOANS, ADVANCES, AND INDEBTEDNESS, IF ANY, INCLUDING INTEREST THEREON AND ANY PREMIUMS DUE IN CONNECTION THEREWITH, HAVE BEEN PAID, ALL TAXES UPON THE TAXABLE PROPERTY OR THE TOTAL COUNTY SALES TAX COLLECTIONS, OR BOTH, IN THE COUNTY REVITALIZATION AREA MUST BE PAID INTO THE FUNDS OF THE RESPECTIVE PUBLIC BODIES, AND ALL MONEY REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO THIS SUBSECTION (13)(a)(II) THAT HAS NOT PREVIOUSLY BEEN REBATED AND THAT ORIGINATED AS PROPERTY TAX

INCREMENT GENERATED BASED ON THE MILL LEVY OF A TAXING ENTITY, OTHER THAN THE COUNTY, WITHIN THE BOUNDARIES OF THE COUNTY REVITALIZATION AREA MUST BE REPAYED TO EACH TAXING ENTITY BASED ON THE PRO RATA SHARE OF THE PRIOR YEAR'S PROPERTY TAX INCREMENT ATTRIBUTABLE TO EACH TAXING ENTITY'S CURRENT MILL LEVY IN WHICH PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS SUBSECTION (13). ANY MONEY REMAINING IN THE SPECIAL FUND NOT GENERATED BY PROPERTY TAX INCREMENT IS EXCLUDED FROM ANY SUCH REPAYMENT REQUIREMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ADDITIONAL REVENUES RESULTING BECAUSE THE VOTERS HAVE AUTHORIZED THE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT TO RETAIN AND SPEND SAID REVENUES PURSUANT TO SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND PURSUANT TO THIS SUBSECTION (13)(a)(II) OR AS A RESULT OF AN INCREASE IN THE PROPERTY TAX MILL LEVY APPROVED BY THE VOTERS OF THE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND, TO THE EXTENT THE TOTAL MILL LEVY OF THE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT EXCEEDS THE RESPECTIVE MILL LEVY IN EFFECT AT THE TIME OF APPROVAL OR SUBSTANTIAL MODIFICATION OF THE COUNTY REVITALIZATION PLAN, MUST NOT BE PLEDGED BY AN AUTHORITY FOR THE PAYMENT OF ANY BONDS OF, ANY LOANS OR ADVANCES TO, OR ANY INDEBTEDNESS INCURRED BY THE AUTHORITY WITHOUT THE CONSENT OF THE RELEVANT MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT. TO THE EXTENT THE AUTHORITY HAS RECEIVED THE NOTIFICATION SPECIFIED IN THIS SUBSECTION (13)(a)(II), SUCH ADDITIONAL REVENUES MUST THEN BE PROMPTLY REPAYED BY THE AUTHORITY TO THE COUNTY OR OTHER TAXING ENTITY. THE AUTHORITY MUST BE NOTIFIED OF THE AMOUNT OF ADDITIONAL REVENUES AND THE CALCULATIONS USED IN COMPUTING THE AMOUNT BY THE APPLICABLE COUNTY OR OTHER TAXING ENTITY BEFORE MAKING REPAYMENT AND, IN ANY EVENT, NOT LATER THAN FEBRUARY 1 OF EACH FISCAL YEAR FOLLOWING THE YEAR IN WHICH A VOTER-APPROVED REVENUE INCREASE HAS TAKEN EFFECT. THE AUTHORITY AND COUNTY OR ANY OTHER TAXING ENTITY MAY NEGOTIATE FOR THE PURPOSE OF ENTERING INTO AN AGREEMENT ON THE ISSUES OF THE AMOUNT OF REPAYMENT, THE MECHANICS OF HOW REPAYMENT OF THE ADDITIONAL REVENUES WILL BE ACCOMPLISHED, A METHOD FOR RESOLVING DISPUTES REGARDING THE AMOUNT OF REPAYMENT, AND WHETHER THE COUNTY OR TAXING ENTITY WILL WAIVE THE REPAYMENT REQUIREMENT, SINGULARLY OR IN COMBINATION, AND MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT

REGARDING ANY OF THESE ISSUES.

(III) IN CALCULATING AND MAKING PAYMENTS AS DESCRIBED IN SUBSECTION (13)(a)(II) OF THIS SECTION, THE COUNTY TREASURER MAY OFFSET THE AUTHORITY'S PRO RATA PORTION OF ANY PROPERTY TAXES THAT ARE PAID TO THE AUTHORITY UNDER THE TERMS OF SUBSECTION (13)(a)(II) OF THIS SECTION AND THAT ARE SUBSEQUENTLY REFUNDED TO THE TAXPAYER AGAINST ANY SUBSEQUENT PAYMENTS DUE TO THE AUTHORITY FOR THE COUNTY REVITALIZATION PROJECT. THE AUTHORITY SHALL MAKE ADEQUATE PROVISION FOR THE RETURN OF OVERPAYMENTS IN THE EVENT THAT THERE ARE NOT SUFFICIENT PROPERTY TAXES DUE TO THE AUTHORITY TO OFFSET THE AUTHORITY'S PRO RATA PORTION OF THE REFUNDS. THE PROVISIONS OF THIS SUBSECTION (13)(a)(III) DO NOT APPLY TO A CITY AND COUNTY.

(IV) NO PROPERTY WITHIN A REVITALIZATION AREA PURSUANT TO WHICH ANY BONDS OF, LOANS OR ADVANCES TO, OR INDEBTEDNESS INCURRED BY AN AUTHORITY PURSUANT TO SUBSECTION (13)(a)(II) OF THIS SECTION ARE OUTSTANDING MAY BE INCLUDED WITHIN AN URBAN RENEWAL AREA OR ANY OTHER PROPERTY TAX INCREMENT AREA UNLESS THE AUTHORITY ENTERS INTO AN AGREEMENT THAT PROVIDES FOR EITHER THE ASSUMPTION OR THE DEFEASANCE OF ALL SUCH BONDS, LOANS, ADVANCES, OR INDEBTEDNESS.

(V) A COUNTY REVITALIZATION PLAN SHALL NOT BE AFFECTED BY THE ANNEXATION OF ANY PROPERTY IN THE COUNTY REVITALIZATION AREA.

(b) THE PORTION OF TAXES DESCRIBED IN SUBSECTION (13)(a)(II) OF THIS SECTION MAY BE IRREVOCABLY PLEDGED BY THE AUTHORITY FOR THE PAYMENT OF THE PRINCIPAL OF, THE INTEREST ON, AND ANY PREMIUMS DUE IN CONNECTION WITH SUCH BONDS, LOANS, ADVANCES, AND INDEBTEDNESS. THIS IRREVOCABLE PLEDGE DOES NOT EXTEND TO ANY TAXES THAT ARE PLACED IN A RESERVE FUND TO BE RETURNED TO THE COUNTY FOR REFUNDS OF OVERPAYMENTS BY TAXPAYERS; EXCEPT THAT THIS LIMITATION ON THE EXTENSION OF THE IRREVOCABLE PLEDGE DOES NOT APPLY TO A CITY AND COUNTY.

(c) AS USED IN THIS SUBSECTION (13), "TAXES" INCLUDES, WITHOUT LIMITATION, ALL LEVIES AUTHORIZED TO BE MADE ON AN AD VALOREM BASIS UPON REAL AND PERSONAL PROPERTY OR COUNTY SALES TAXES; BUT

NOTHING IN THIS SUBSECTION (13) REQUIRES ANY PUBLIC BODY TO LEVY TAXES.

(d) IF THE COUNTY REVITALIZATION AREA INCLUDES SINGLE- AND MULTI-FAMILY RESIDENCES, A SCHOOL DISTRICT WHICH INCLUDES ALL OR ANY PART OF THE COUNTY REVITALIZATION AREA MUST BE PERMITTED TO PARTICIPATE IN AN ADVISORY CAPACITY WITH RESPECT TO THE INCLUSION IN THE COUNTY REVITALIZATION PLAN OF THE PROVISION PROVIDED FOR BY THIS SUBSECTION (13).

(e) IF THERE IS A GENERAL REASSESSMENT OF TAXABLE PROPERTY VALUATIONS IN ANY COUNTY INCLUDING ALL OR PART OF THE COUNTY REVITALIZATION AREA SUBJECT TO DIVISION OF VALUATION FOR ASSESSMENT UNDER SUBSECTION (13)(a) OF THIS SECTION OR A CHANGE IN THE SALES TAX RATE LEVIED IN ANY COUNTY INCLUDING ALL OR PART OF THE COUNTY REVITALIZATION AREA SUBJECT TO DIVISION OF SALES TAXES UNDER SUBSECTION (13)(a) OF THIS SECTION, THE PORTIONS OF VALUATIONS FOR ASSESSMENT OR SALES TAXES UNDER SUBSECTIONS (13)(a)(I) AND (13)(a)(II) OF THIS SECTION MUST BE PROPORTIONATELY ADJUSTED IN ACCORDANCE WITH THE REASSESSMENT OR CHANGE.

(f) NOTWITHSTANDING THE THIRTY-YEAR PERIOD OF LIMITATION SET FORTH IN SUBSECTION (13)(a) OF THIS SECTION, ANY COUNTY REVITALIZATION PLAN, AS ORIGINALLY APPROVED OR AS LATER MODIFIED PURSUANT TO THIS ARTICLE 31, MAY CONTAIN A PROVISION THAT THE COUNTY SALES TAXES COLLECTED IN THE COUNTY REVITALIZATION AREA EACH YEAR OR THE COUNTY PORTION OF TAXES LEVIED UPON TAXABLE PROPERTY WITHIN THE AREA, OR BOTH SUCH TAXES, MAY BE ALLOCATED AS DESCRIBED IN THIS SUBSECTION (13) FOR A PERIOD IN EXCESS OF THIRTY YEARS AFTER THE EFFECTIVE DATE OF THE ADOPTION OF THE PROVISION IF THE EXISTING BONDS ARE IN DEFAULT OR ABOUT TO GO INTO DEFAULT; EXCEPT THAT THE TAXES MAY NOT BE ALLOCATED AFTER ALL BONDS OF THE AUTHORITY ISSUED PURSUANT TO SUCH PLAN INCLUDING LOANS, ADVANCES, AND INDEBTEDNESS, IF ANY, AND INTEREST THEREON, AND ANY PREMIUMS DUE IN CONNECTION THEREWITH HAVE BEEN REPAYED.

(g) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF ONE OR MORE OF THE CONDITIONS SPECIFIED IN SUBSECTION (1)(c)(II) OF THIS SECTION HAVE BEEN SATISFIED SO THAT AGRICULTURAL LAND IS INCLUDED WITHIN THE COUNTY REVITALIZATION AREA, THE COUNTY

ASSESSOR SHALL VALUE THE AGRICULTURAL LAND AT ITS FAIR MARKET VALUE IN MAKING THE CALCULATION OF THE TAXES TO BE PAID TO THE PUBLIC BODIES PURSUANT TO SUBSECTION (13)(a)(I) OF THIS SECTION SOLELY FOR THE PURPOSE OF DETERMINING THE TAX INCREMENT AVAILABLE PURSUANT TO SUBSECTION (13)(a)(II) OF THIS SECTION. NOTHING IN THIS SECTION AFFECTS THE ACTUAL OR REQUIRED CLASSIFICATION OF AGRICULTURAL LAND FOR PROPERTY TAX PURPOSES, AND NOTHING IN THIS SECTION AFFECTS THE TAXES ACTUALLY TO BE PAID TO THE PUBLIC BODIES PURSUANT TO SUBSECTION (13)(a)(I) OF THIS SECTION, WHICH MUST CONTINUE TO BE BASED ON THE AGRICULTURAL CLASSIFICATION OF SUCH LAND UNLESS AND UNTIL IT HAS BEEN RECLASSIFIED IN THE NORMAL COURSE OF THE ASSESSMENT PROCESS.

(h) THE MANNER AND METHODS BY WHICH THE REQUIREMENTS OF THIS SUBSECTION (13) ARE TO BE IMPLEMENTED BY COUNTY ASSESSORS MUST BE CONTAINED IN SUCH MANUALS, APPRAISAL PROCEDURES, AND INSTRUCTIONS, AS APPLICABLE, THAT THE PROPERTY TAX ADMINISTRATOR IS AUTHORIZED TO PREPARE AND PUBLISH PURSUANT TO SECTION 39-2-109 (1)(e).

(i) WITHIN THE TWELVE-MONTH PERIOD BEFORE THE EFFECTIVE DATE OF THE APPROVAL OR MODIFICATION OF THE COUNTY REVITALIZATION PLAN REQUIRING THE ALLOCATION OF MONEY TO THE AUTHORITY PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION, THE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT IS ENTITLED TO THE REIMBURSEMENT OF ANY MONEY THAT THE MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT PAYS TO, CONTRIBUTES TO, OR INVESTS IN THE AUTHORITY FOR THE PROJECT. THE REIMBURSEMENT MUST BE PAID FROM THE SPECIAL FUND OF THE AUTHORITY ESTABLISHED PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION.

(14) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNING BODY MAY PROVIDE IN THE COUNTY REVITALIZATION PLAN THAT THE VALUATION ATTRIBUTABLE TO THE EXTRACTION OF MINERAL RESOURCES LOCATED WITHIN THE COUNTY REVITALIZATION AREA IS NOT SUBJECT TO THE DIVISION THAT IS OTHERWISE REQUIRED BY SUBSECTION (13)(a) OF THIS SECTION. IN SUCH CIRCUMSTANCES, THE TAXES LEVIED ON THE VALUATION MUST BE DISTRIBUTED TO THE TAXING ENTITIES AS IF THE COUNTY REVITALIZATION PLAN WAS NOT IN EFFECT.

(b) AS USED IN THIS SUBSECTION (14):

(I) "MINERAL RESOURCES" HAS THE SAME MEANING AS SPECIFIED IN SECTION 36-1-100.3 (3).

(II) "VALUATION ATTRIBUTABLE TO THE EXTRACTION OF MINERAL RESOURCES" INCLUDES:

(A) THE VALUE OF OIL AND GAS LEASEHOLDS AND LAND AND SUBSURFACE OIL AND GAS WELL EQUIPMENT THAT IS VALUED FOR ASSESSMENT PURPOSES AS REAL PROPERTY UNDER SECTIONS 39-7-102 AND 39-7-103; AND

(B) SURFACE OIL AND GAS WELL EQUIPMENT AND SUBMERSIBLE PUMPS AND SUCKER RODS THAT ARE LOCATED ON OIL AND GAS LEASEHOLDS AND LAND AND THAT ARE VALUED FOR ASSESSMENT PURPOSES AS PERSONAL PROPERTY UNDER SECTION 39-7-103.

(15) THE COUNTY IN WHICH THE COUNTY REVITALIZATION AUTHORITY HAS BEEN ESTABLISHED SHALL TIMELY NOTIFY THE ASSESSOR WHEN:

(a) THE COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION OF THE PLAN HAS BEEN APPROVED THAT CONTAINS THE PROVISIONS REFERENCED IN SUBSECTION (13)(a) OF THIS SECTION OR A SUBSTANTIAL MODIFICATION OF THE PLAN ADDS LAND TO THE PLAN, WHICH PLAN CONTAINS THE PROVISIONS REFERENCED IN SUBSECTION (13)(a) OF THIS SECTION;

(b) ANY OUTSTANDING OBLIGATION INCURRED BY THE AUTHORITY PURSUANT TO THE PROVISIONS OF SUBSECTION (13) OF THIS SECTION HAS BEEN PAID OFF; AND

(c) THE PURPOSES OF THE AUTHORITY HAVE OTHERWISE BEEN ACHIEVED.

(16) (a) NOT LATER THAN THIRTY DAYS AFTER THE COUNTY HAS PROVIDED THE COUNTY ASSESSOR THE NOTICE REQUIRED BY SUBSECTION (15)(a) OF THIS SECTION, THE COUNTY ASSESSOR MAY PROVIDE WRITTEN NOTICE TO THE COUNTY IF THE ASSESSOR BELIEVES THAT AGRICULTURAL LAND HAS BEEN IMPROPERLY INCLUDED IN THE COUNTY REVITALIZATION AREA IN VIOLATION OF SUBSECTION (1)(c)(II) OF THIS SECTION.



(b) IF THE NOTICE DESCRIBED IN SUBSECTION (15)(a) OF THIS SECTION IS NOT DELIVERED WITHIN THE REQUIRED THIRTY-DAY PERIOD, THE INCLUSION OF THE LAND IN THE COUNTY REVITALIZATION AREA AS DESCRIBED IN THE COUNTY REVITALIZATION PLAN IS INCONTESTABLE IN ANY SUIT OR PROCEEDING NOTWITHSTANDING THE PRESENCE OF ANY CAUSE.

**30-31-110. Disaster areas.** (1) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE 31, WHEN THE GOVERNING BODY CERTIFIES THAT AN AREA IS IN NEED OF REDEVELOPMENT OR REHABILITATION AS A RESULT OF A FLOOD, FIRE, HURRICANE, EARTHQUAKE, STORM, OR OTHER CATASTROPHE FOR WHICH THE GOVERNOR HAS CERTIFIED THE NEED FOR DISASTER ASSISTANCE PURSUANT TO THE "FEDERAL DISASTER RELIEF ACT", PUB. L. 81-875, AS AMENDED, OR ANY OTHER RELEVANT FEDERAL LAW, THE GOVERNING BODY MAY DEEM SUCH AN AREA TO BE A REVITALIZATION AREA.

(2) THE AUTHORITY MAY PREPARE AND SUBMIT TO THE GOVERNING BODY A PROPOSED COUNTY REVITALIZATION PLAN AND PROPOSED COUNTY REVITALIZATION PROJECT FOR AN AREA DEEMED A REVITALIZATION AREA PURSUANT TO SUBSECTION (1) OF THIS SECTION OR FOR ANY PORTION THEREOF, AND THE GOVERNING BODY MAY, BY RESOLUTION, APPROVE SUCH A PROPOSED COUNTY REVITALIZATION PLAN AND COUNTY REVITALIZATION PROJECT WITH OR WITHOUT MODIFICATIONS WITHOUT REGARD TO THE PROVISIONS OF THIS ARTICLE 31 REQUIRING A GENERAL OR MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE COUNTY AS A WHOLE, REVIEW BY THE PLANNING COMMISSION, OR A PUBLIC HEARING.

**30-31-111. Issuance of bonds by an authority.** (1) AN AUTHORITY HAS POWER TO ISSUE BONDS OF THE AUTHORITY FROM TIME TO TIME IN ITS DISCRETION TO FINANCE ITS ACTIVITIES OR OPERATIONS PURSUANT TO THIS ARTICLE 31, INCLUDING THE REPAYMENT WITH INTEREST OF ANY ADVANCES OR LOANS OF FUNDS MADE TO THE AUTHORITY BY THE FEDERAL GOVERNMENT OR OTHER SOURCE FOR ANY SURVEYS OR PLANS MADE OR TO BE MADE BY THE AUTHORITY IN EXERCISING ITS POWERS PURSUANT TO THIS ARTICLE 31 AND ALSO HAS POWER TO ISSUE REFUNDING OR OTHER BONDS OF THE AUTHORITY IN ITS DISCRETION FOR THE PAYMENT, RETIREMENT, RENEWAL, OR EXTENSION OF ANY BONDS PREVIOUSLY ISSUED PURSUANT TO THIS SECTION AND TO PROVIDE FOR THE REPLACEMENT OF LOST, DESTROYED, OR MUTILATED BONDS PREVIOUSLY ISSUED PURSUANT TO THIS SECTION.

(2) (a) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE GENERAL

OBLIGATION BONDS OF THE AUTHORITY THE PAYMENT OF WHICH, AS TO PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, THE FULL FAITH, CREDIT, AND ASSETS, ACQUIRED AND TO BE ACQUIRED, OF THE AUTHORITY ARE IRREVOCABLY PLEDGED.

(b) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SPECIAL OBLIGATIONS OF THE AUTHORITY WHICH, AS TO PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM AND SECURED ONLY BY A PLEDGE OF ANY INCOME, PROCEEDS, REVENUES, OR FUNDS OF THE AUTHORITY DERIVED OR TO BE DERIVED BY IT FROM OR HELD OR TO BE HELD BY IT IN CONNECTION WITH ITS UNDERTAKING OF ANY PROJECT OF THE AUTHORITY, INCLUDING MONEY TO BE PAID TO AN AUTHORITY PURSUANT TO SECTION 30-31-109 (13) AND INCLUDING ANY GRANTS OR CONTRIBUTIONS OF MONEY MADE OR TO BE MADE BY IT WITH RESPECT TO ANY SUCH PROJECT AND ANY MONEY DERIVED OR TO BE DERIVED BY IT FROM OR HELD OR TO BE HELD BY IT IN CONNECTION WITH ITS SALE, LEASE, RENTAL, TRANSFER, RETENTION, MANAGEMENT, REHABILITATION, CLEARANCE, DEVELOPMENT, REDEVELOPMENT, PREPARATION FOR DEVELOPMENT OR REDEVELOPMENT, OR ITS OPERATION OR OTHER UTILIZATION OR DISPOSITION OF ANY REAL OR PERSONAL PROPERTY ACQUIRED OR TO BE ACQUIRED BY IT OR HELD OR TO BE HELD BY IT FOR ANY OF THE PURPOSES OF THIS ARTICLE 31 AND INCLUDING ANY LOANS, GRANTS, OR CONTRIBUTIONS OF FUNDS MADE OR TO BE MADE TO IT BY THE FEDERAL GOVERNMENT IN AID OF ANY PROJECT OF THE AUTHORITY OR IN AID OF ANY OF ITS OTHER ACTIVITIES OR OPERATIONS.

(c) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SPECIAL OBLIGATIONS OF THE AUTHORITY THAT, AS TO PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM AND SECURED ONLY BY A PLEDGE OF ANY LOANS, GRANTS, OR CONTRIBUTIONS OF MONEY MADE OR TO BE MADE TO IT BY THE FEDERAL GOVERNMENT OR OTHER SOURCE IN AID OF ANY PROJECT OF THE AUTHORITY OR IN AID OF ANY OF ITS OTHER ACTIVITIES OR OPERATIONS.

(d) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE CONTINGENT SPECIAL OBLIGATIONS OF THE AUTHORITY WHICH, AS TO PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM ANY MONEY AVAILABLE OR BECOMING AVAILABLE TO THE AUTHORITY FOR ITS UNDERTAKING OF THE PROJECT INVOLVED IN THE PARTICULAR ACTIVITIES OR OPERATIONS WITH RESPECT TO WHICH THE CONTINGENT SPECIAL OBLIGATIONS ARE ISSUED BUT PAYABLE ONLY IF MONEY IS OR BECOMES

AVAILABLE AS PROVIDED IN THIS SUBSECTION (2).

(3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, ANY BONDS ISSUED PURSUANT TO THIS SECTION, OTHER THAN THE CONTINGENT SPECIAL OBLIGATIONS COVERED BY SUBSECTION (2)(d) OF THIS SECTION, MAY BE ADDITIONALLY SECURED AS TO THE PAYMENT OF THE PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, BY A MORTGAGE OF ANY COUNTY REVITALIZATION PROJECT, OR ANY PART THEREOF, TITLE TO WHICH IS THEN OR THEREAFTER IN THE AUTHORITY OR OF ANY OTHER REAL OR PERSONAL PROPERTY OR INTERESTS THEREIN THEN OWNED OR THEREAFTER ACQUIRED BY THE AUTHORITY.

(4) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, GENERAL OBLIGATION BONDS ISSUED PURSUANT TO THIS SECTION MAY BE ADDITIONALLY SECURED AS TO PAYMENT OF THE PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, AS PROVIDED IN EITHER SUBSECTION (2)(b) OR SUBSECTION (2)(c) OF THIS SECTION, WITH OR WITHOUT BEING ALSO ADDITIONALLY SECURED AS TO PAYMENT OF THE PRINCIPAL, INTEREST, AND PREMIUMS, IF ANY, BY A MORTGAGE AS PROVIDED IN SUBSECTION (3) OF THIS SECTION OR A TRUST AGREEMENT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY BONDS PURSUANT TO THIS SECTION MAY BE ADDITIONALLY SECURED AS TO THE PAYMENT OF THE PRINCIPAL, INTEREST, AND PREMIUMS, IF ANY, BY A TRUST AGREEMENT BY AND BETWEEN THE AUTHORITY AND A CORPORATE TRUSTEE, WHICH MAY BE ANY TRUST COMPANY OR BANK HAVING THE POWERS OF A TRUST COMPANY WITHIN OR WITHOUT THE STATE OF COLORADO.

(6) BONDS ISSUED PURSUANT TO THIS SECTION DO NOT CONSTITUTE AN INDEBTEDNESS OF THE STATE OF COLORADO OR OF ANY COUNTY, MUNICIPALITY, OR PUBLIC BODY OF THE STATE OF COLORADO OTHER THAN THE COUNTY REVITALIZATION AUTHORITY ISSUING SUCH BONDS AND ARE NOT SUBJECT TO THE PROVISIONS OF ANY OTHER LAW OR OF THE CHARTER OF ANY COUNTY RELATING TO THE AUTHORIZATION, ISSUANCE, OR SALE OF BONDS.

(7) BONDS ISSUED PURSUANT TO THIS SECTION ARE ISSUED FOR AN ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSE AND, TOGETHER WITH

INTEREST THEREON AND INCOME THEREFROM, ARE EXEMPT FROM ALL TAXES.

(8) (a) BONDS ISSUED PURSUANT TO THIS SECTION MUST BE AUTHORIZED BY A RESOLUTION OF THE AUTHORITY AND MAY BE ISSUED IN ONE OR MORE SERIES AND MUST BEAR SUCH DATE, BE PAYABLE UPON DEMAND OR MATURE AT SUCH TIME, BEAR INTEREST AT SUCH RATE, BE IN SUCH DENOMINATION, BE IN SUCH FORM, EITHER COUPON OR REGISTERED OR OTHERWISE, CARRY SUCH CONVERSION OR REGISTRATION PRIVILEGES, HAVE SUCH RANK OR PRIORITY, BE EXECUTED IN THE NAME OF THE AUTHORITY IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT, BE PAYABLE AT SUCH PLACE, BE SUBJECT TO SUCH CALLABILITY PROVISIONS OR TERMS OF REDEMPTION, WITH OR WITHOUT PREMIUMS, BE SECURED IN SUCH MANNER, BE OF SUCH DESCRIPTION, CONTAIN OR BE SUBJECT TO SUCH COVENANTS, PROVISIONS, TERMS, CONDITIONS, AND AGREEMENTS INCLUDING PROVISIONS CONCERNING EVENTS OF DEFAULT, AND HAVE SUCH OTHER CHARACTERISTICS AS MAY BE PROVIDED BY THE RESOLUTION OR BY THE TRUST AGREEMENT, INDENTURE, OR MORTGAGE, IF ANY, ISSUED PURSUANT TO THE RESOLUTION.

(b) THE SEAL, OR A FACSIMILE THEREOF, OF THE AUTHORITY MUST BE AFFIXED, IMPRINTED, ENGRAVED, OR OTHERWISE REPRODUCED UPON EACH OF ITS BONDS ISSUED PURSUANT TO THIS SECTION.

(c) BONDS ISSUED PURSUANT TO THIS SECTION MUST BE EXECUTED IN THE NAME OF THE AUTHORITY BY THE MANUAL, OR FACSIMILE SIGNATURES OF SUCH OF ITS OFFICIALS AS MAY BE DESIGNATED IN THE SAID RESOLUTION OR TRUST AGREEMENT, INDENTURE, OR MORTGAGE; EXCEPT THAT AT LEAST ONE SIGNATURE ON EACH SUCH BOND MUST BE A MANUAL SIGNATURE.

(d) COUPONS, IF ANY, ATTACHED TO BONDS ISSUED PURSUANT TO THIS SECTION MUST BEAR THE FACSIMILE SIGNATURE OF AN OFFICIAL OF THE AUTHORITY DESIGNATED PURSUANT TO THIS SUBSECTION (8).

(e) A RESOLUTION OR TRUST AGREEMENT, INDENTURE, OR MORTGAGE MAY PROVIDE FOR THE AUTHENTICATION OF THE PERTINENT BONDS BY THE TRUSTEE.

(9) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SOLD BY THE

AUTHORITY IN SUCH MANNER AND FOR SUCH PRICE AS THE AUTHORITY MAY DETERMINE, AT PAR, BELOW PAR, OR ABOVE PAR, AT PRIVATE SALE OR AT PUBLIC SALE AFTER NOTICE PUBLISHED BEFORE SALE IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY OR IN ANOTHER MEDIUM OF PUBLICATION THAT THE AUTHORITY MAY DEEM APPROPRIATE.

(10) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE EXCHANGED BY THE AUTHORITY FOR OTHER BONDS ISSUED BY IT PURSUANT TO THIS SECTION.

(11) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SOLD BY AN AUTHORITY TO THE FEDERAL GOVERNMENT IF THE AUTHORITY SELLS LESS THAN ALL OF THE AUTHORIZED PRINCIPAL AMOUNT OF THE BONDS TO THE FEDERAL GOVERNMENT, THE AUTHORITY MAY SELL THE BALANCE OR ANY PORTION OF THE BALANCE AT PRIVATE SALE AT PAR, BELOW PAR, OR ABOVE PAR, AT AN INTEREST COST TO THE AUTHORITY NOT TO EXCEED THE INTEREST COST TO THE AUTHORITY OF THE PORTION OF THE BONDS SOLD BY THE AUTHORITY TO THE FEDERAL GOVERNMENT.

**30-31-112. Property of an authority exempt from taxes and from levy and sale by virtue of an execution.** (1) (a) ALL PROPERTY OF AN AUTHORITY, INCLUDING ALL MONEY OWNED OR HELD BY IT FOR ANY OF THE PURPOSES OF THIS ARTICLE 31, IS EXEMPT FROM BOTH THE LEVY OF PROPERTY TAXES AND SALE BY VIRTUE OF AN EXECUTION, AND NO SUCH EXECUTION OR OTHER JUDICIAL PROCESS MAY ISSUE AGAINST THE PROPERTY OF AN AUTHORITY NOR MAY A JUDGMENT AGAINST THE AUTHORITY BE A CHARGE OR LIEN UPON SUCH PROPERTY.

(b) THIS SUBSECTION (1) DOES NOT APPLY TO OR LIMIT EITHER:

(I) THE RIGHT OF OBLIGEEES TO FORECLOSE OR OTHERWISE ENFORCE ANY MORTGAGE, DEED OF TRUST, TRUST AGREEMENT, INDENTURE, OR OTHER ENCUMBRANCE OF THE AUTHORITY; OR

(II) THE RIGHT OF OBLIGEEES TO PURSUE ANY REMEDIES FOR THE ENFORCEMENT OF ANY PLEDGE OR LIEN GIVEN BY THE AUTHORITY PURSUANT TO THIS ARTICLE 31 ON ITS RENTS, INCOME, PROCEEDS, REVENUES, LOANS, GRANTS, CONTRIBUTIONS, AND OTHER MONEY AND ASSETS DERIVED OR ARISING FROM ANY PROJECT OF THE AUTHORITY OR FROM ANY OF ITS OPERATIONS OR ACTIVITIES PURSUANT TO THIS ARTICLE 31.

(2) ALL PROPERTY OF AN AUTHORITY ACQUIRED OR HELD BY IT FOR ANY OF THE PURPOSES OF THIS ARTICLE 31, INCLUDING ALL MONEY OF AN AUTHORITY ACQUIRED OR HELD BY IT FOR ANY OF THESE PURPOSES, IS PUBLIC PROPERTY USED FOR ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSES, AND BOTH THE PROPERTY AND THE AUTHORITY ARE EXEMPT FROM ALL TAXES OF THE STATE OF COLORADO OR ANY OTHER PUBLIC BODY; EXCEPT THAT THIS TAX EXEMPTION FOR ANY PROPERTY ENDS WHEN THE AUTHORITY SELLS, LEASES, OR OTHERWISE DISPOSES OF THE PARTICULAR PROPERTY TO A PURCHASER, LESSEE, OR OTHER ALIENEE THAT IS NOT A PUBLIC BODY ENTITLED TO TAX EXEMPTION WITH RESPECT TO THE PARTICULAR PROPERTY.

**30-31-113. Title of purchaser, lessee, or transferee.** ANY INSTRUMENT EXECUTED BY AN AUTHORITY AND PURPORTING TO CONVEY ANY RIGHT, TITLE, OR INTEREST OF THE AUTHORITY IN ANY PROPERTY PURSUANT TO THIS ARTICLE 31 IS CONCLUSIVELY PRESUMED TO HAVE BEEN MADE AND EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE 31 INSOFAR AS TITLE OR OTHER INTEREST OF ANY BONA FIDE PURCHASERS, LESSEES, OR TRANSFEREES OF SUCH PROPERTY IS CONCERNED.

**30-31-114. Cooperation by public bodies with county revitalization authorities.** (1) ANY PUBLIC BODY, WITHIN ITS POWERS, PURPOSES, AND FUNCTIONS AND FOR THE PURPOSE OF AIDING AN AUTHORITY IN OR IN CONNECTION WITH THE PLANNING OR UNDERTAKING PURSUANT TO THIS ARTICLE 31 OF ANY PLANS, PROJECTS, PROGRAMS, WORKS, OPERATIONS, OR ACTIVITIES OF AN AUTHORITY WHOSE AREA OF OPERATION IS SITUATED IN WHOLE OR IN PART WITHIN THE AREA IN WHICH THE PUBLIC BODY IS AUTHORIZED TO ACT, UPON TERMS AS THE PUBLIC BODY SHALL DETERMINE, MAY:

(a) SELL, CONVEY, OR LEASE ANY OF THE PUBLIC BODY'S PROPERTY OR GRANT EASEMENTS, LICENSES, OR OTHER RIGHTS OR PRIVILEGES THEREIN TO THE AUTHORITY;

(b) INCUR THE ENTIRE EXPENSE OF ANY PUBLIC IMPROVEMENTS MADE BY THE PUBLIC BODY IN EXERCISING THE POWERS MENTIONED IN THIS SECTION;

(c) DO EVERYTHING NECESSARY TO AID OR COOPERATE WITH THE AUTHORITY IN OR IN CONNECTION WITH THE PLANNING OR UNDERTAKING OF

ANY PLANS, PROJECTS, PROGRAMS, WORKS, OPERATIONS, OR ACTIVITIES;

(d) ENTER INTO AGREEMENTS WITH THE AUTHORITY RESPECTING ACTION TO BE TAKEN PURSUANT TO ANY OF THE POWERS SET FORTH IN THIS ARTICLE 31, INCLUDING AGREEMENTS RESPECTING THE PLANNING OR UNDERTAKING OF ANY PLANS, PROJECTS, PROGRAMS, WORKS, OPERATIONS, OR ACTIVITIES WHICH THE PUBLIC BODY IS OTHERWISE EMPOWERED TO UNDERTAKE;

(e) CAUSE PUBLIC BUILDINGS AND PUBLIC FACILITIES, INCLUDING PARKS, PLAYGROUNDS, RECREATIONAL, COMMUNITY, EDUCATIONAL, WATER, GARBAGE DISPOSAL, SEWER, SEWAGE, SEWERAGE, OR DRAINAGE FACILITIES, OR ANY OTHER PUBLIC WORKS, IMPROVEMENTS, FACILITIES, OR UTILITIES WHICH THE PUBLIC BODY IS OTHERWISE EMPOWERED TO UNDERTAKE, TO BE FURNISHED WITHIN THE AREA IN WHICH THE PUBLIC BODY IS AUTHORIZED TO ACT;

(f) FURNISH, DEDICATE, ACCEPT DEDICATION OF, OPEN, CLOSE, VACATE, INSTALL, CONSTRUCT, RECONSTRUCT, PAVE, REPAVE, REPAIR, REHABILITATE, IMPROVE, GRADE, REGRADE, PLAN, OR REPLAN PUBLIC STREETS, ROADS, ROADWAYS, PARKWAYS, ALLEYS, SIDEWALKS, AND OTHER PUBLIC WAYS OR PLACES WITHIN THE AREA IN WHICH THE PUBLIC BODY IS AUTHORIZED TO ACT TO THE EXTENT THAT THE ITEMS OR MATTERS ARE, UNDER ANY OTHER LAW, OTHERWISE WITHIN THE JURISDICTION OF THE PUBLIC BODY;

(g) PLAN OR REPLAN AND ZONE OR REZONE ANY PART OF THE AREA UNDER THE JURISDICTION OF THE PUBLIC BODY OR MAKE EXCEPTIONS FROM ITS BUILDING REGULATIONS;

(h) CAUSE ADMINISTRATIVE OR OTHER SERVICES TO BE FURNISHED TO THE AUTHORITY; OR

(i) DESIGNATE ANY PORTION OF THE SALES TAX REVENUE IT RECEIVES TO THE AUTHORITY.

(2) IF AT ANY TIME TITLE TO OR POSSESSION OF THE WHOLE OR ANY PORTION OF ANY PROJECT OF THE AUTHORITY UNDER THIS ARTICLE 31 IS HELD BY ANY GOVERNMENTAL AGENCY OR PUBLIC BODY, OTHER THAN THE AUTHORITY, WHICH IS AUTHORIZED BY LAW TO ENGAGE IN THE

UNDERTAKING, CARRYING OUT, OR ADMINISTRATION OF ANY PROJECT, INCLUDING ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES, THE PROVISIONS OF THE AGREEMENTS REFERRED TO IN SUBSECTION (1)(d) OF THIS SECTION INURE TO THE BENEFIT OF AND MAY BE ENFORCED BY THE GOVERNMENTAL AGENCY OR PUBLIC BODY.

(3) ANY PUBLIC BODY REFERRED TO IN SUBSECTION (1) OF THIS SECTION MAY, IN ADDITION TO ITS AUTHORITY PURSUANT TO ANY OTHER LAW TO ISSUE ITS BONDS FOR ANY PURPOSES, ISSUE AND SELL ITS BONDS FOR ANY OF THE PURPOSES OF THE PUBLIC BODY STATED IN THIS SECTION.

(4) FOR THE ADVANCEMENT OF THE PUBLIC INTEREST AND FOR THE PURPOSE OF AIDING AND COOPERATING IN THE PLANNING, ACQUISITION, DEMOLITION, REHABILITATION, CONSTRUCTION, OR RELOCATION, OR OTHERWISE ASSISTING THE OPERATION OR ACTIVITIES OF THE COUNTY REVITALIZATION PROJECT LOCATED WHOLLY OR PARTLY WITHIN THE AREA IN WHICH IT IS AUTHORIZED TO ACT, A PUBLIC BODY MAY ENTER INTO AGREEMENTS, WHICH MAY EXTEND OVER ANY PERIOD NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WITH AN AUTHORITY RESPECTING ACTION TAKEN OR TO BE TAKEN PURSUANT TO ANY OF THE POWERS GRANTED BY THIS ARTICLE 31.

**30-31-115. Designation - transfer - abolishment.**

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31, THE GOVERNING BODY MAY DESIGNATE ITSELF AS THE AUTHORITY WHEN ORIGINALLY ESTABLISHING AN AUTHORITY. A TRANSFER OF AN EXISTING AUTHORITY TO THE GOVERNING BODY MAY BE ACCOMPLISHED ONLY BY MAJORITY VOTE AT A REGULAR ELECTION.

(2) WHEN THE GOVERNING BODY DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE GOVERNING BODY SHALL APPOINT THE AUTHORITY COMMISSIONERS IN ACCORDANCE WITH SECTION 30-31-104 (2).

(3) THE GOVERNING BODY OF THE COUNTY MAY, BY RESOLUTION, PROVIDE FOR THE ABOLISHMENT OF THE COUNTY REVITALIZATION AUTHORITY SO LONG AS ADEQUATE ARRANGEMENTS HAVE BEEN MADE FOR PAYMENT OF ANY OUTSTANDING INDEBTEDNESS AND OTHER OBLIGATIONS OF THE AUTHORITY. ANY SUCH ABOLISHMENT IS EFFECTIVE UPON A DATE SET



FORTH IN THE ORDINANCE AND THIS DATE MUST NOT BE LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE ORDINANCE.

**30-31-116. Regional tourism projects.** (1) A COUNTY REVITALIZATION AUTHORITY THAT IS DESIGNATED AS A FINANCING ENTITY PURSUANT TO PART 3 OF ARTICLE 46 OF TITLE 24, HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE THE PURPOSES AND PROVISIONS OF PART 3 OF ARTICLE 46 OF TITLE 24, INCLUDING THE POWER TO RECEIVE STATE SALES TAX INCREMENT REVENUE GENERATED WITHIN AN APPROVED REGIONAL TOURISM ZONE, AS DEFINED IN SECTION 24-46-303 (11), AND TO DISBURSE AND OTHERWISE UTILIZE SUCH REVENUE FOR ALL LAWFUL PURPOSES, INCLUDING FINANCING ELIGIBLE COSTS AND THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF ELIGIBLE IMPROVEMENTS, AS SUCH TERMS ARE DEFINED IN SECTION 24-46-303 OR OTHERWISE INCORPORATED INTO THE COMMISSION'S CONDITIONS OF APPROVAL.

(2) NOTWITHSTANDING SECTION 30-31-109(8), AUTHORIZATION TO RECEIVE STATE SALES TAX INCREMENT REVENUE PURSUANT TO PART 3 OF ARTICLE 46 OF TITLE 24, IS A MATERIAL MODIFICATION TO THE PLAN, AND CORRESPONDING CHANGES TO THE PLAN MAY BE MADE BY THE GOVERNING BODY OF THE AUTHORITY TO INCORPORATE THE USE OF STATE SALES TAX INCREMENT REVENUE WITHOUT THE REQUIREMENT OF SUBMISSION TO OR APPROVAL BY THE GOVERNING BODY OF THE COUNTY THAT HAS ESTABLISHED THE AUTHORITY.

(3) ANY COUNTY REVITALIZATION AUTHORITY THAT RECEIVES STATE SALES TAX INCREMENT REVENUE, WHETHER PURSUANT TO DESIGNATION AS A FINANCING ENTITY PURSUANT TO PART 3 OF ARTICLE 46 OF TITLE 24, OR PURSUANT TO A CONTRACT ENTERED INTO WITH ANY SUCH FINANCING ENTITY, SHALL NOT USE THE STATE SALES TAX INCREMENT REVENUE TO ACQUIRE PROPERTY THROUGH THE EXERCISE OF EMINENT DOMAIN.

(4) NOTHING IN THIS SECTION ELIMINATES THE REQUIREMENTS FOR THE AUTHORIZATION OF A NEW COUNTY REVITALIZATION AUTHORITY PURSUANT TO THIS ARTICLE 31.

**30-31-117. Cumulative powers.** THE POWERS CONFERRED BY THIS ARTICLE 31 ARE IN ADDITION AND SUPPLEMENTAL TO THE POWERS CONFERRED BY ANY OTHER LAW.

**30-31-118. Inclusion of incorporated territory in a county revitalization area.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31, A COUNTY REVITALIZATION PLAN, COUNTY REVITALIZATION PROJECT, OR COUNTY REVITALIZATION AREA MAY INCLUDE INCORPORATED TERRITORY THAT IS WITHIN THE BOUNDARIES OF A MUNICIPALITY AND CONTIGUOUS TO A PORTION OF AN URBAN RENEWAL AREA LOCATED OUTSIDE OF THE MUNICIPALITY'S BOUNDARIES. NO SUCH TERRITORY SHALL BE INCLUDED IN THE PLAN, PROJECT, OR AREA WITHOUT THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY EXERCISING JURISDICTION OVER THE INCORPORATED TERRITORY PROPOSED FOR INCLUSION AND THE CONSENT OF EACH OWNER OF, AND EACH HOLDER OF A RECORDED MORTGAGE OR DEED OF TRUST ENCUMBERING, REAL PROPERTY WITHIN THE INCORPORATED AREA PROPOSED FOR INCLUSION.

(2) IN ADDITION TO THE PROCEDURES FOR APPROVAL OF A PROPOSED COUNTY REVITALIZATION PLAN BY THE COUNTY PURSUANT TO SECTION 30-31-109, INCORPORATED TERRITORY MUST ONLY BE INCLUDED IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA UPON THE APPROVAL OF THE GOVERNING BODY OF THE MUNICIPALITY:

(a) MAKING A DETERMINATION THAT THE AREA PROPOSED FOR INCLUSION IN THE COUNTY REVITALIZATION PLAN IS A REVITALIZATION AREA AND DESIGNATING THE AREA AS APPROPRIATE FOR A COUNTY REVITALIZATION PROJECT IN THE MANNER PROVIDED IN SECTION 30-31-109 (1);

(b) REFERRING THE COUNTY REVITALIZATION PLAN TO THE PLANNING COMMISSION OF THE MUNICIPALITY FOR A DETERMINATION AS TO THE CONFORMITY OF THE COUNTY REVITALIZATION PLAN WITH THE GENERAL PLAN FOR DEVELOPMENT FOR THE MUNICIPALITY IN THE MANNER PROVIDED IN SECTION 30-31-109 (2);

(c) CONDUCTING A PUBLIC HEARING AND MAKING FINDINGS AND A DETERMINATION TO APPROVE INCLUSION OF THE INCORPORATED TERRITORY IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA IN THE MANNER PROVIDED IN SECTION 30-31-109 (5)(a), (5)(b)(I) THROUGH (5)(b)(IV), (5)(c), (5)(d), (6), (8), AND (9);

(d) MAKING AN ADDITIONAL FINDING THAT EACH OWNER OF, AND EACH HOLDER OF A RECORDED MORTGAGE OR DEED OF TRUST

ENCUMBERING, REAL PROPERTY IN THE INCORPORATED TERRITORY PROPOSED FOR INCLUSION IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA CONSENTS TO THE INCLUSION; AND

(e) DETERMINING WHETHER THE INCORPORATED TERRITORY MUST BE INCLUDED IN ANY PROVISION FOR THE DIVISION OF TAXES IN THE COUNTY REVITALIZATION AREA AS AUTHORIZED BY SECTION 30-31-109 (13), AND, IF SO DETERMINED, NOTIFYING THE COUNTY ASSESSOR OF SUCH INCLUSION AS REQUIRED BY SECTION 30-31-109 (15).

(4) ANY COUNTY REVITALIZATION PLAN APPROVED IN ACCORDANCE WITH THIS SECTION MAY BE MODIFIED AS PROVIDED IN SECTION 30-31-109 (10); EXCEPT THAT A MODIFICATION MUST BE APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY, THE COUNTY, AND THE AUTHORITY.

(5) AN AUTHORITY, A COUNTY, AND A MUNICIPALITY MAY, CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO FURTHER EFFECTUATE THE PURPOSES OF THIS SECTION AND TO PROVIDE FOR THE INCLUSION OF INCORPORATED TERRITORY IN A COUNTY REVITALIZATION AREA.

(6) THIS SECTION DOES NOT APPLY TO THE INCLUSION OF TERRITORY IN A COUNTY REVITALIZATION AREA AS A RESULT OF ANNEXATION.

**SECTION 2.** In Colorado Revised Statutes, **add** article 7.5 to title 38 as follows:

#### **ARTICLE 7.5**

#### **Eminent Domain by County Revitalization Authorities - Vesting**

**38-7.5-101. Motion for vesting - contents.** (1) (a) IN ANY PROCEEDING INITIATED BY A COUNTY REVITALIZATION AUTHORITY, AS DEFINED IN SECTION 30-31-103 (6), UNDER THE PROVISIONS OF ARTICLE 1 OF THIS TITLE, THE PETITIONER OR ANY RESPONDENT, AT ANY TIME AFTER THE PETITION HAS BEEN FILED AND BEFORE JUDGMENT IS ENTERED IN THE PROCEEDING, MAY FILE A WRITTEN VERIFIED MOTION REQUESTING THAT, IMMEDIATELY OR AT SOME SPECIFIED LATER DATE, THE PETITIONER BE VESTED WITH FEE SIMPLE TITLE, OR SOME LESSER ESTATE, INTEREST, OR EASEMENT, AS MAY BE REQUIRED, TO THE REAL PROPERTY, OR A SPECIFIED PORTION THEREOF, WHICH IS THE SUBJECT OF THE PROCEEDING, AND BE

AUTHORIZED TO TAKE POSSESSION OF AND USE SUCH PROPERTY.

(b) ANY MOTION FILED BY ANY RESPONDENT AFFECTS, AND IS LIMITED IN APPLICATION TO, THE PROPERTY IN WHICH THE RESPONDENT HAS AN INTEREST.

(c) ALL THE OWNERS OF RECORD OF PROPERTY SHALL JOIN IN ANY MOTION FILED BY ANY RESPONDENT UNDER THIS SECTION, UNLESS ONE OR MORE OF THE OWNERS OF RECORD CANNOT BY DUE DILIGENCE BE FOUND, IN WHICH INSTANCE THIS FACT MUST BE STATED IN THE MOTION.

(2) THE MOTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION, REFERRED TO IN THIS ARTICLE 7.5 AS THE "MOTION FOR VESTING", MUST SET FORTH:

(a) AN ACCURATE DESCRIPTION OF THE PROPERTY TO WHICH THE MOTION RELATES AND THE ESTATE OR INTEREST SOUGHT TO BE ACQUIRED OR DIVESTED; BUT, IN ANY MOTION FOR VESTING FILED BY ANY RESPONDENT, THE INTEREST SOUGHT TO BE DIVESTED MUST BE THE INTEREST DESCRIBED IN THE PETITION IN EMINENT DOMAIN;

(b) THE NAMES OF THE OWNERS OF RECORD OF THE PROPERTY DESCRIBED IN THE MOTION FOR VESTING; AND

(c) THE DATE UPON WHICH IT IS REQUESTED THAT THE ESTATE OR INTEREST SOUGHT TO BE ACQUIRED OR DIVESTED VEST IN THE PETITIONER AND THE DATE UPON WHICH IT IS REQUESTED THAT THE PETITIONER BE ENTITLED TO POSSESSION AND USE OF THE SUBJECT PROPERTY.

**38-7.5-102. Motion for vesting - procedure with respect thereto.**

(1) (a) THE COURT SHALL SET A DATE, NOT LESS THAN TWENTY-ONE DAYS AFTER THE FILING OF A MOTION FOR VESTING, FOR THE HEARING THEREON, AND THE COURT SHALL REQUIRE AT LEAST FOURTEEN DAYS NOTICE TO BE GIVEN TO EACH PARTY TO THE PROCEEDING WHOSE INTERESTS WOULD BE AFFECTED BY THE TAKING REQUESTED.

(b) THE AVERMENTS IN THE MOTION AND THE NECESSITY FOR THE VESTING OF TITLE, OR SOME LESSER ESTATE, BEFORE THE FINAL DETERMINATION OF JUST COMPENSATION ARE DEEMED ADMITTED UNLESS SUCH AVERMENTS ARE CONTROVERTED IN A RESPONSIVE PLEADING FILED AT

OR BEFORE THE HEARING ON THE MOTION FOR VESTING.

(2) AT THE HEARING ON A MOTION FOR VESTING, IF THE AVERMENTS IN THE MOTION HAVE BEEN CONTROVERTED IN RESPONSIVE PLEADINGS FILED AT OR BEFORE THE HEARING AND IF THE COURT HAS NOT PREVIOUSLY, IN THE SAME PROCEEDING, DETERMINED THAT THE AVERMENTS ARE TRUE, THE COURT SHALL FIRST HEAR AND DETERMINE:

(a) THE AUTHORITY OF THE PETITIONER TO EXERCISE THE RIGHT OF EMINENT DOMAIN;

(b) WHETHER THE PROPERTY DESCRIBED IN THE MOTION FOR VESTING IS SUBJECT TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN; AND

(c) WHETHER THE RIGHT OF EMINENT DOMAIN IS BEING PROPERLY EXERCISED IN THE PARTICULAR PROCEEDING.

(3) FAILURE TO RAISE THE ISSUES ENUMERATED IN SUBSECTION (2) OF THIS SECTION, AT OR BEFORE THE HEARING ON THE MOTION FOR VESTING, CONSTITUTES A WAIVER INsofar AS THE ISSUES RELATE TO THE PROPERTY DESCRIBED IN THE MOTION FOR VESTING. THE COURT'S ORDER THEREON IS A FINAL ORDER, AND AN APPEAL MAY BE OBTAINED FOR THE REVIEW THEREOF BY EITHER PARTY WITHIN TWENTY-ONE DAYS AFTER THE ENTRY OF THE ORDER BUT NOT THEREAFTER UNLESS THE APPELLATE COURT, ON GOOD CAUSE SHOWN, EXTENDS THE TIME FOR OBTAINING AN APPEAL WITHIN TWENTY-ONE DAYS. APPELLATE REVIEW DOES NOT STAY THE OTHER PROCEEDINGS UNDER THIS ARTICLE 7.5 UNLESS THE APPEAL WAS OBTAINED BY THE PETITIONER OR UNLESS AN ORDER STAYING SUCH FURTHER PROCEEDINGS IS ENTERED BY THE APPELLATE COURT UPON A SHOWING OF IRREPARABLE INJURY.

(4) IF THE ISSUES ENUMERATED UNDER SUBSECTION (2) OF THIS SECTION ARE DETERMINED IN FAVOR OF THE PETITIONER AND FURTHER PROCEEDINGS ARE NOT STAYED OR IF FURTHER PROCEEDINGS ARE STAYED AND THE APPEAL RESULTS IN A DETERMINATION IN FAVOR OF THE PETITIONER, THE COURT SHALL HEAR AND DETERMINE ALL MATTERS RAISED IN AND RELATING TO THE MOTION FOR VESTING. IF THE FOREGOING MATTERS ARE DETERMINED IN FAVOR OF THE PETITIONER, THE COURT SHALL APPOINT THREE DISINTERESTED COMMISSIONERS, WHO MUST BE FREEHOLDERS, TO

ASSESS THE COMPENSATION TO WHICH THE RESPONDENTS NAMED IN THE MOTION FOR VESTING MAY BE ENTITLED BY REASON OF THE APPROPRIATION OF THE PETITIONER.

(5) (a) THE COMMISSIONERS, BEFORE ENTERING UPON THE DUTIES OF THEIR OFFICE, SHALL TAKE AN OATH TO FAITHFULLY AND IMPARTIALLY DISCHARGE THEIR DUTIES AS COMMISSIONERS. ANY ONE OF THE COMMISSIONERS MAY ADMINISTER OATHS TO WITNESSES PRODUCED BEFORE THEM.

(b) AFTER TAKING THEIR OATH, THE COMMISSIONERS SHALL VIEW THE PROPERTY, HEAR TESTIMONY, AND CONSIDER EVIDENCE AS IS REASONABLY NECESSARY TO ENABLE THEM TO MAKE A PRELIMINARY FINDING OF AN AMOUNT CONSTITUTING JUST COMPENSATION FOR THE TAKING OF THE PROPERTY OF THE RESPONDENTS NAMED IN THE MOTION FOR VESTING.

(c) AFTER MAKING A PRELIMINARY FINDING, THE COMMISSIONERS SHALL MAKE, SUBSCRIBE, AND FILE A CERTIFIED REPORT MEETING THE REQUIREMENTS OF SECTION 38-1-115 WITH THE CLERK OF THE COURT IN WHICH SUCH PROCEEDINGS OCCUR.

(d) UPON THE MOTION OF THE PETITIONER FILED WITHIN FOURTEEN DAYS OF RECEIPT OF THE NOTICE PROVIDED FOR IN SECTION 38-7.5-103 (1), THE COURT SHALL REVIEW THE REPORT OF THE COMMISSIONERS, AND, UPON GOOD CAUSE SHOWN BY THE PETITIONER, THE COURT MAY ORDER A NEW REPORT BY THE SAME OR DIFFERENT COMMISSIONERS AND VOID THE REPORT OBJECTED TO. THE APPOINTMENT OF ANY NEW COMMISSIONERS AND THE PREPARATION OF THE NEW REPORT MUST BE DONE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE 7.5.

(6) A PRELIMINARY FINDING OF JUST COMPENSATION AND ANY DEPOSIT MADE OR SECURITY PROVIDED PURSUANT THERETO IS NOT EVIDENCE IN THE FURTHER PROCEEDINGS TO ASCERTAIN THE JUST COMPENSATION TO BE PAID AND MAY NOT BE DISCLOSED IN ANY MANNER TO A JURY IMPANELED IN SUCH PROCEEDINGS.

**38-7.5-103. Vesting of title - procedure.** (1) WHEN THE CERTIFIED REPORT OF THE COMMISSIONERS IS FILED WITH THE CLERK OF THE COURT, THE CLERK SHALL NOTIFY ALL PARTIES NAMED IN THE MOTION FOR VESTING

OF THE FILING OF THE REPORT AND OF THE AMOUNT PRELIMINARILY FOUND TO CONSTITUTE JUST COMPENSATION.

(2) (a) WITHIN SEVEN DAYS OF RECEIPT OF THE NOTICE DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE PETITIONER SHALL DEPOSIT THE SUM OF MONEY PRELIMINARILY FOUND TO CONSTITUTE JUST COMPENSATION BY THE COMMISSIONERS TO THE COURT OR THE CLERK OF THE COURT FOR THE USE OF THE RESPONDENT NAMED IN THE MOTION FOR VESTING.

(b) IF THE PETITIONER HAS FILED A MOTION FOR A NEW REPORT UNDER SECTION 38-7.5-102 (5) AND THE MOTION IS DENIED, THE DEPOSIT IS NOT DUE UNTIL SEVEN DAYS FOLLOWING THE COURT'S RULING ON THE MOTION. IF THE MOTION IS GRANTED BY THE COURT, THE CLERK OF THE COURT SHALL PROVIDE A NEW NOTICE UPON RECEIPT OF THE NEW REPORT.

(3) (a) UPON PAYMENT TO THE COURT OR THE CLERK OF THE COURT OF THE SUM DESCRIBED IN SUBSECTION (2) OF THIS SECTION BY THE PETITIONER, THE COURT SHALL ENTER AN ORDER VESTING IN THE PETITIONER THE FEE SIMPLE TITLE, OR SUCH LESSER ESTATE, INTEREST, OR EASEMENT AS MAY BE REQUIRED, TO THE PROPERTY AS REQUESTED IN THE MOTION FOR VESTING ON SUCH DATE AS THE COURT CONSIDERS PROPER, AND SHALL FIX A DATE ON WHICH THE PETITIONER IS AUTHORIZED TO TAKE POSSESSION OF AND TO USE THE PROPERTY. A CERTIFIED COPY OF THE ORDER MUST BE RECORDED AND INDEXED IN THE CLERK AND RECORDER'S OFFICE OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN LIKE MANNER AND WITH LIKE EFFECT AS IF IT WERE A DEED OF CONVEYANCE FROM THE OWNERS AND PARTIES INTERESTED TO THE PROPER PARTIES.

(b) IF THERE IS MORE THAN ONE PERSON INTERESTED AS OWNER OR OTHERWISE IN THE PROPERTY AND THEY ARE UNABLE TO AGREE UPON THE NATURE, EXTENT, OR VALUE OF THEIR RESPECTIVE INTERESTS IN THE TOTAL AMOUNT OF COMPENSATION SO ASCERTAINED AND ASSESSED ON AN UNDIVIDED BASIS, THE NATURE, EXTENT, OR VALUE OF SAID INTERESTS MUST BE DETERMINED ACCORDING TO LAW IN A SEPARATE AND SUBSEQUENT PROCEEDING AND DISTRIBUTION MADE AMONG THE SEVERAL CLAIMANTS.

(4) AT THE REQUEST OF ANY AFFECTED PARTY AND UPON A SHOWING OF UNDUE HARDSHIP OR OTHER GOOD CAUSE, THE PETITIONER'S AUTHORITY TO TAKE POSSESSION OF THE PROPERTY MUST BE POSTPONED FOR MORE THAN FOURTEEN DAYS AFTER THE DATE OF VESTING OF TITLE OR MORE THAN

TWENTY-ONE DAYS AFTER THE ENTRY OF AN ORDER THAT DOES NOT VEST TITLE IN THE PETITIONER. IF POSTPONEMENT OCCURS, THE AFFECTED PARTY SHALL PAY TO THE PETITIONER A REASONABLE RENTAL FOR SUCH PROPERTY, THE AMOUNT THEREOF TO BE DETERMINED BY THE COURT.

**38-7.5-104. Withdrawals from deposit.** (1) UPON PROPER APPLICATION TO THE COURT OR BY STIPULATION BETWEEN THE PARTIES, THE RESPONDENT MAY WITHDRAW FROM THE SUM DEPOSITED PURSUANT TO SECTION 38-7.5-103 (2) AN AMOUNT NOT TO EXCEED THREE-FOURTHS OF THE HIGHEST VALUATION EVIDENCED BY TESTIMONY PRESENTED BY THE PETITIONER TO THE COMMISSIONERS UNLESS THE PETITIONER AGREES TO A LARGER WITHDRAWAL. ALL PARTIES INTERESTED IN THE PROPERTY SOUGHT TO BE ACQUIRED ARE REQUIRED TO CONSENT AND AGREE TO ANY LARGER WITHDRAWAL.

(2) ANY WITHDRAWAL OF A DEPOSIT IS A PARTIAL PAYMENT OF THE AMOUNT OF TOTAL COMPENSATION TO BE PAID AND MUST BE DEDUCTED BY THE CLERK OF THE COURT FROM ANY AWARD OR VERDICT ENTERED THEREAFTER.

(3) ANY PARTY MAKING A WITHDRAWAL OF A DEPOSIT SHALL REFUND TO THE CLERK OF THE COURT, UPON THE ENTRY OF A PROPER COURT ORDER, ANY PORTION OF THE AMOUNT SO WITHDRAWN WHICH EXCEEDS THE AMOUNT FINALLY ASCERTAINED IN THE PROCEEDING TO BE JUST COMPENSATION OR DAMAGES, COSTS, OR EXPENSES OWING TO THE PARTY.

**38-7.5-105. Construction of article.** THE RIGHT TO TAKE POSSESSION AND TITLE BEFORE THE FINAL JUDGMENT AS PRESCRIBED IN THIS ARTICLE 7.5 IS IN ADDITION TO ANY OTHER RIGHT, POWER, OR AUTHORITY OTHERWISE CONFERRED BY LAW AND MAY NOT BE CONSTRUED AS ABROGATING, LIMITING, OR MODIFYING ANY SUCH OTHER RIGHT, POWER, OR AUTHORITY, INCLUDING THE RIGHTS, POWERS, AND AUTHORITIES GRANTED IN ARTICLES 1 TO 7 OF THIS TITLE 38. SHOULD THE PROVISIONS OF THIS ARTICLE 7.5 BE INVOKED BY ANY PARTY, THE FINAL DETERMINATION OF THE AMOUNT CONSTITUTING JUST COMPENSATION MUST BE DETERMINED PURSUANT TO THE PROVISIONS OF ARTICLE 1 OF THIS TITLE 38. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 7.5, A COUNTY REVITALIZATION AUTHORITY'S EMINENT DOMAIN AUTHORITY SHALL NOT EXCEED THAT OF THE COUNTY WHERE THE AUTHORITY IS LOCATED.



**38-7.5-106. Commissioners - other articles.** NOTHING IN THIS ARTICLE 7.5 PREVENTS A COMMISSIONER APPOINTED UNDER THIS ARTICLE 7.5 FROM BEING APPOINTED PURSUANT TO THE PROVISIONS OF ARTICLES 1 TO 7 OF THIS TITLE 38 IN THE SAME EMINENT DOMAIN PROCEEDING. NOTHING IN THIS ARTICLE 7.5 PREVENTS THE APPOINTMENT OF A COMMISSIONER, FOR PURPOSES OF THIS ARTICLE 7.5, WHO HAS PREVIOUSLY BEEN APPOINTED IN THE SAME PROCEEDING UNDER THE PROVISIONS OF ARTICLE 1 OF THIS TITLE 38.

**38-7.5-107. Interest.** THE PETITIONER SHALL PAY INTEREST AS PROVIDED IN SECTION 38-1-116; EXCEPT THAT NO INTEREST IS ALLOWED ON THAT PORTION OF THE AWARD WHICH THE RESPONDENT RECEIVED OR COULD HAVE RECEIVED AS A PARTIAL PAYMENT BY WITHDRAWAL FROM THE SUM DEPOSITED BY THE PETITIONER PURSUANT TO SECTION 38-7.5-103 (2).

**SECTION 3.** In Colorado Revised Statutes, amend 11-58-105 as follows:

**11-58-105. Annual information report.** Each issuer of nonrated public securities issued pursuant to sections ~~30-31-109 (13)~~, 31-25-107 (9), and 31-25-807 (3), ~~C.R.S.~~, and title 32, ~~C.R.S.~~, shall make public within sixty days following the end of each of such issuer's fiscal year ~~ending on or after December 31, 1991~~; an annual information report or reports with respect to any of such issuer's nonrated public securities which are outstanding as of the end of each such fiscal year. Nothing ~~shall preclude~~ PRECLUDES any issuer not so required by ~~this article~~ THIS ARTICLE 58 from filing a report pursuant to ~~this article~~ THIS ARTICLE 58.

**SECTION 4.** In Colorado Revised Statutes, 22-54-112, amend (3) as follows:

**22-54-112. Reports to the state board.** (3) (a) If the valuation for assessment for all or a part of any district has been divided for an urban renewal area, pursuant to section 31-25-107 (9)(a), ~~C.R.S.~~, any report under this section ~~shall~~ MUST be based upon that portion of the valuation for assessment under ~~said~~ section 31-25-107 (9)(a)(I), ~~C.R.S.~~, so long as ~~such~~ THE division remains in effect.

(b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR A PART OF ANY DISTRICT HAS BEEN DIVIDED FOR A COUNTY REVITALIZATION AREA

PURSUANT TO SECTION 30-31-109 (13)(a) ANY REPORT UNDER THIS SECTION MUST BE BASED UPON THAT PORTION OF THE VALUATION FOR ASSESSMENT UNDER SECTION 30-31-109 (13)(a)(I), SO LONG AS THE DIVISION REMAINS IN EFFECT.

**SECTION 5.** In Colorado Revised Statutes, 24-46-303, **amend** (6) as follows:

**24-46-303. Definitions.** As used in this part 3, unless the context otherwise requires:

(6) "Financing entity" means the entity designated by the commission in connection with its approval of a regional tourism project to receive and utilize state sales tax increment revenue. A financing entity may be A COUNTY REVITALIZATION AUTHORITY CREATED PURSUANT TO ARTICLE 31 OF TITLE 30, a metropolitan district created pursuant to title 32, ~~C.R.S.~~, an urban renewal authority created pursuant to part 1 of article 25 of title 31, ~~C.R.S.~~, or any regional tourism authority to be formed pursuant to this part 3.

**SECTION 6.** In Colorado Revised Statutes, 24-46-304, **amend** (2)(d) as follows:

**24-46-304. Regional tourism project - application - requirements.** (2) A local government shall submit an application for a regional tourism project to the Colorado office of economic development in a form and manner to be determined by the commission. The office shall provide the commission with each application received after the director's review pursuant to section 24-46-305. The application shall include, but need not be limited to, the following:

(d) A discussion of each of the application criteria and how the project will meet each of the criteria, including an economic analysis detailing projected economic development, impact on future state sales tax revenue during and after the financing term, the number of new jobs to be created by the project by job category as defined by the Colorado department of labor and employment occupational employment statistics survey and the wages and, to the extent that it is reasonably possible, information on health benefits for jobs in each category, market impact, anticipated regional and in-state competition, the ability to attract

out-of-state tourists, the fiscal impact to local governments within and adjacent to the regional tourism zone, an analysis of the impact to local school districts and an estimate of the percentage of total program that the state will become responsible to fund through the state's share of total program pursuant to section 22-54-106, ~~C.R.S., in the event that~~ IF THE COUNTY REVITALIZATION AUTHORITY OR an urban renewal authority is the financing entity for the regional tourism project and uses property tax revenue to finance the project, and any other information reasonably requested by the commission;

**SECTION 7.** In Colorado Revised Statutes, 24-46-306, **amend** (3)(g) as follows:

**24-46-306. Regional tourism authority - board - creation - powers and duties.** (3) Unless limited by the commission's conditions of approval, each authority shall have all of the powers necessary or convenient to carry out and effect the purposes and provisions of this part 3, including but not limited to the following powers:

(g) To assign and pledge to any COUNTY REVITALIZATION AUTHORITY, metropolitan district, or urban renewal authority having all or any portion of the regional tourism zone within its boundaries or service area the authority's right to receive and utilize state sales tax increment revenue to support bonds or other financing instruments issued or entered into by the metropolitan district or urban renewal authority for eligible costs or to acquire eligible improvements, including but not limited to loans or funding and reimbursement agreements with developers involved in the regional tourism project or other third parties;

**SECTION 8.** In Colorado Revised Statutes, 24-46-308, **amend** (4) as follows:

**24-46-308. Annual report - audit.** (4) If the financing entity is a COUNTY REVITALIZATION AUTHORITY, A metropolitan district, or an urban renewal authority, it may comply with the requirements of this section by submitting to the commission a copy of the report that the metropolitan district or urban renewal authority is otherwise required to submit to a local government pursuant to law. Such copy ~~shall~~ **MUST** be delivered to the commission concurrently with the delivery of the annual report and audit when otherwise required by law.

**SECTION 9.** In Colorado Revised Statutes, 24-68-102, **amend** the introductory portion and (2) as follows:

**24-68-102. Definitions.** As used in this ~~article~~ ARTICLE 68, unless the context otherwise requires:

(2) "Local government" means any county, city and county, city, or town, whether statutory or home rule, acting through its governing body or any board, commission, or agency thereof having final approval authority over a site specific development plan, including ~~without limitation~~ any legally empowered COUNTY REVITALIZATION AUTHORITY OR urban renewal authority.

**SECTION 10.** In Colorado Revised Statutes, 29-25-108, **amend** (1)(c) as follows:

**29-25-108. Board of directors - duties.** (1) (c) If more than one-half of the property located within the district is also located within A COUNTY REVITALIZATION AREA, an urban renewal area, a downtown development authority, or a general improvement district, the governing body may, at any time, provide by ordinance that the governing body of the COUNTY REVITALIZATION AUTHORITY, urban renewal authority, downtown development authority, or general improvement district shall constitute ex officio the board of directors of the district. In such event, the officers of such entity ~~shall be~~ ARE ex officio the officers of the board. A quorum of the board of directors of such entity ~~shall constitute~~ CONSTITUTES a quorum of the board.

**SECTION 11.** In Colorado Revised Statutes, 31-30-1102, **amend** (7.5) as follows:

**31-30-1102. Definitions.** As used in this part 11, unless the context otherwise requires:

(7.5) "Previous net valuation" means an amount equal to the total valuation for assessment certified by the county assessor pursuant to section 39-5-128, ~~C.R.S.~~, and amended pursuant to section 39-1-111 (5), ~~C.R.S.~~, less the valuation for assessment that has been divided for THE COUNTY REVITALIZATION AREA PURSUANT TO SECTION 30-31-109 (13), an urban renewal area pursuant to section 31-25-107 (9), or ~~for~~ a downtown

development authority pursuant to section 31-25-807 (3) for the property tax year in which the municipality or district made a contribution to the fund. If the total valuation for assessment certified by the county assessor, as amended, does not include the valuation for assessment that has been divided for an urban renewal area, such urban renewal valuation for assessment shall not be subtracted from the total valuation for assessment.

**SECTION 12.** In Colorado Revised Statutes, 32-9-119.8, **amend** (1)(a.3) as follows:

**32-9-119.8. Provision of retail and commercial goods and services at district transfer facilities - residential and other uses at district transfer facilities permitted - definitions.** (1) As used in this section, unless the context otherwise requires:

(a.3) "Public entity" includes, but is not limited to, a public body, as that term is defined in section 32-9-103 (11), and any other governmental entity, agency, or official, including A COUNTY REVITALIZATION AUTHORITY, an urban renewal authority, and the department of transportation.

**SECTION 13.** In Colorado Revised Statutes, 32-11-104, **amend** (46)(a) as follows:

**32-11-104. Definitions.** As used in this article 11, unless the context otherwise requires:

(46) (a) "Public body" means the state of Colorado or any agency, instrumentality, or corporation thereof, or any county, municipality, corporate district, housing authority, COUNTY REVITALIZATION AUTHORITY, urban renewal authority, other type of authority, the regents of the university of Colorado, the state board for community colleges and occupational education, or any other body corporate and politic and political subdivision of the state.

**SECTION 14.** In Colorado Revised Statutes, 38-1-101, **amend** (5)(b) as follows:

**38-1-101. Compensation - public use - commission - jury - court - prohibition on elimination of nonconforming uses or nonconforming property design by amortization - limitation on extraterritorial**

**condemnation by municipalities - definitions.** (5) For purposes of this section, unless the context otherwise requires:

(b) "Political subdivision" means a county; city and county; city; town; service authority; school district; local improvement district; law enforcement authority; COUNTY REVITALIZATION AUTHORITY; urban renewal authority; city or county housing authority; water, sanitation, fire protection, metropolitan, irrigation, drainage, or other special district; or any other kind of municipal, quasi-municipal, or public corporation organized pursuant to law.

**SECTION 15.** In Colorado Revised Statutes, 38-1-202, **amend** (1)(f)(XLI) and (1)(f)(XLII); and **add** (1)(f)(XLIII) as follows:

**38-1-202. Governmental entities, corporations, and persons authorized to use eminent domain.** (1) The following governmental entities, types of governmental entities, and public corporations, in accordance with all procedural and other requirements specified in this article 1 and articles 2 to 7 of this title 38 and to the extent and within any time frame specified in the applicable authorizing statute, may exercise the power of eminent domain:

(f) The following types of single purpose districts, special districts, authorities, boards, commissions, and other governmental entities that serve limited governmental purposes or that may exercise eminent domain for limited purposes:

(XLI) The front range passenger rail district created in section 32-22-103 (1), as authorized in section 32-22-106 (1)(k); ~~and~~

(XLII) The Colorado electric transmission authority created in section 40-42-103 (1) as authorized in section 40-42-104 (1)(p); AND

(XLIII) A COUNTY REVITALIZATION AUTHORITY CREATED PURSUANT TO SECTION 30-31-104 AND IN ACCORDANCE WITH THE VESTING REQUIREMENTS SPECIFIED IN ARTICLE 7 OF THIS TITLE 38;

**SECTION 16.** In Colorado Revised Statutes, 39-1-111, **amend** (4) as follows:

**39-1-111. Taxes levied by board of county commissioners.**

(4) (a) If the valuation for assessment for all or any part of any body authorized to levy taxes has been divided for an urban renewal area, pursuant to section 31-25-107 (9)(a), ~~C.R.S.~~, the board of county commissioners shall make the same levy on the portion of valuation for assessment divided under ~~subparagraph (H) as under subparagraph (I) of said section 31-25-107 (9)(a), C.R.S.~~ SECTION 31-25-107 (9)(a)(II) AS UNDER SECTION 31-25-107 (9)(a)(I) for payment of taxes according to the provisions of ~~said~~ SECTION 31-25-107 (9)(a), so long as ~~said~~ THE division remains in effect.

(b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR ANY PART OF ANY BODY AUTHORIZED TO LEVY TAXES HAS BEEN DIVIDED FOR A COUNTY REVITALIZATION AREA, PURSUANT TO SECTION 30-31-109 (13)(a), THE BOARD OF COUNTY COMMISSIONERS SHALL MAKE THE SAME LEVY ON THE PORTION OF VALUATION FOR ASSESSMENT DIVIDED UNDER SECTION 30-31-109 (13)(a)(II) AS UNDER SECTION 30-31-109 (13)(a)(I) FOR PAYMENT OF TAXES ACCORDING TO THE PROVISIONS OF SECTION 30-31-109 (13)(a), SO LONG AS THE DIVISION REMAINS IN EFFECT.

**SECTION 17.** In Colorado Revised Statutes, 39-5-128, **amend (3)** as follows:

**39-5-128. Certification of valuation for assessment.** (3) (a) If the valuation for assessment for all or part of any such political subdivision has been divided for an urban renewal area, pursuant to section 31-25-107 (9)(a), ~~C.R.S.~~, any certification under this section ~~shall~~ MUST be based upon that portion of the valuation for assessment under ~~subparagraph (I) of said section 31-25-107 (9)(a), C.R.S.~~ SECTION 31-25-107 (9)(a)(I) so long as ~~such~~ THE division remains in effect.

(b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR PART OF ANY SUCH POLITICAL SUBDIVISION HAS BEEN DIVIDED FOR A COUNTY REVITALIZATION AREA, PURSUANT TO SECTION 30-31-109 (13)(a), ANY CERTIFICATION UNDER THIS SECTION MUST BE BASED UPON THAT PORTION OF THE VALUATION FOR ASSESSMENT UNDER SECTION 30-31-109 (13)(a)(I), SO LONG AS THE DIVISION REMAINS IN EFFECT.

**SECTION 18.** In Colorado Revised Statutes, 39-5-132, **amend (7)** as follows:

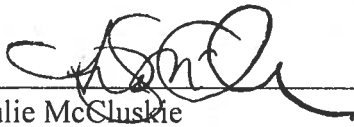
**39-5-132. Assessment and taxation of new construction.**

(7) Nothing in this section ~~shall be construed to affect~~ AFFECTS tax increment financing ~~as said financing is~~ implemented pursuant to sections 31-25-107 (9), ~~30-31-109 (13)~~, and 31-25-807 (3), ~~C.R.S.~~, nor the distribution of specific ownership taxes pursuant to section 42-3-107 (24).  
~~C.R.S.~~

**SECTION 19. Act subject to petition - effective date.** 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; 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



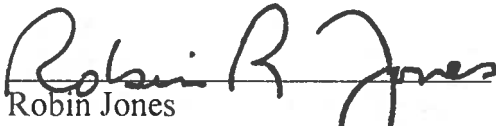
November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE

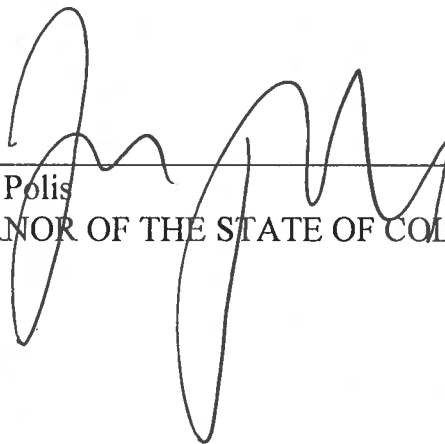


Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED Tuesday June 4<sup>th</sup> 2024 at 7:00pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO