

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0454.01 Bob Lackner x4350

HOUSE BILL 16-1272

HOUSE SPONSORSHIP

Kraft-Tharp,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROCEDURES TO BE FOLLOWED IN CONNECTION WITH
102 THE DISCONNECTION BY ORDINANCE OF LAND FROM A
103 MUNICIPALITY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill modifies existing procedures to be followed in connection with the disconnection by ordinance of land from statutory cities and towns.

In connection with a disconnection application, the bill:

! Requires the municipality to provide notice of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

application to the board of county commissioners of the county (county board) in which the tract of land that is the subject of the application is located.

- ! Permits the county board to request a meeting with the governing body of the municipality, or its appointee, to discuss and address any negative impacts on the county that would result from the disconnection. Failure by the county board to request a meeting constitutes an acknowledgment that the disconnection will not adversely affect the county.
- ! Requires the municipality to enact an ordinance effecting the disconnection if the disconnection satisfies 5 specific criteria.

The bill also substitutes the term "municipality" for "city or town" in connection with statutory provisions governing the disconnection process.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** part 5 of
3 article 12 of title 31 as follows:

4 **31-12-501. Application - enactment - filing.** (1) When the
5 owner of a tract of land within and adjacent to the boundary of a ~~city or~~
6 ~~town~~ MUNICIPALITY desires to have said tract disconnected from such ~~city~~
7 ~~or town~~ MUNICIPALITY, such owner may apply to the governing body of
8 such ~~city or town~~ MUNICIPALITY for the enactment of an ordinance
9 disconnecting such tract of land from such ~~city or town~~ MUNICIPALITY.

10 (2) NOT MORE THAN THIRTY DAYS AFTER RECEIVING A
11 DISCONNECTION APPLICATION, THE MUNICIPALITY SHALL PROVIDE NOTICE
12 OF THE APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS OF THE
13 COUNTY IN WHICH THE TRACT OF LAND THAT IS THE SUBJECT OF THE
14 APPLICATION IS LOCATED. NOT MORE THAN THIRTY DAYS AFTER
15 RECEIVING SUCH NOTICE, THE BOARD OF COUNTY COMMISSIONERS MAY
16 REQUEST A MEETING WITH THE GOVERNING BODY OF THE MUNICIPALITY,
17 OR ITS APPOINTEE, TO DISCUSS AND ADDRESS ANY NEGATIVE IMPACTS ON

1 THE COUNTY THAT WOULD RESULT FROM THE DISCONNECTION. FOR
2 PURPOSES OF THIS SUBSECTION (2), "NEGATIVE IMPACT" INCLUDES ANY
3 CHANGE IN THE LEVEL OR EXTENT OF SERVICES BEING PROVIDED TO THE
4 TRACT OF LAND BY ANY SPECIAL DISTRICT. IF SUCH MEETING IS
5 REQUESTED, THE GOVERNING BODY OR ITS APPOINTEE SHALL MEET WITH
6 THE BOARD OF COUNTY COMMISSIONERS, OR ITS APPOINTEE, NOT MORE
7 THAN THIRTY DAYS AFTER THE MEETING WAS REQUESTED. FAILURE BY
8 THE BOARD OF COUNTY COMMISSIONERS TO REQUEST A MEETING
9 CONSTITUTES AN ACKNOWLEDGMENT BY THE BOARD THAT THE
10 DISCONNECTION WILL NOT ADVERSELY AFFECT THE COUNTY.

11 ~~(3) On receipt of such application, it is the duty of such~~ THE
12 governing body ~~to~~ OF THE MUNICIPALITY SHALL give due consideration to
13 ~~such~~ THE DISCONNECTION application and ~~if such governing body is of the~~
14 ~~opinion that the best interests of the city or town will not be prejudiced by~~
15 ~~the disconnection of such tract,~~ it shall enact an ordinance effecting such
16 disconnection IF IT FINDS THAT:

17 (a) THE BEST INTERESTS OF THE MUNICIPALITY WILL NOT BE
18 PREJUDICED BY THE DISCONNECTION OF THE TRACT OF LAND THAT IS THE
19 SUBJECT OF THE APPLICATION;

20 (b) THE TRACT OF LAND CONTAINS IN THE AGGREGATE AN AREA OF
21 TWENTY OR MORE ACRES AND IS LOCATED UPON OR ADJACENT TO THE
22 BORDER OF THE MUNICIPALITY;

23 (c) NO PART OF THE LAND HAS BEEN DULY PLATTED INTO LOTS
24 AND BLOCKS AS A PART OF OR ADDITION TO THE MUNICIPALITY;

25 (d) ALL TAXES AND ASSESSMENTS LAWFULLY DUE UPON THE LAND
26 UP THROUGH THE TIME OF THE FILING OF THE APPLICATION HAVE BEEN
27 PAID; AND

1 (e) THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN
2 WHICH THE TRACT OF LAND THAT IS THE SUBJECT OF THE DISCONNECTION
3 APPLICATION IS LOCATED HAS BEEN NOTIFIED OF THE APPLICATION
4 PURSUANT TO SUBSECTION (2) OF THIS SECTION AND ANY NEGATIVE
5 IMPACTS RESULTING FROM THE DISCONNECTION AS DETERMINED BY THE
6 BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITY HAVE BEEN
7 ADEQUATELY ADDRESSED.

8 (4) If such an ordinance is enacted, it ~~shall be~~ IS immediately
9 effective upon the required filing with the county clerk and recorder to
10 accomplish the disconnection, and two certified copies thereof shall be
11 filed by the clerk in the office of the county clerk and recorder of the
12 county in which such tract lies. The county clerk and recorder shall file
13 the second certified copy with the division of local government in the
14 department of local affairs, as provided by section 24-32-109, C.R.S.

15 **31-12-502. Liability for taxes.** The land so disconnected shall not
16 thereby be exempt from the payment of any taxes lawfully assessed
17 against it for the purpose of paying any indebtedness lawfully contracted
18 by the governing body of such ~~city or town~~ MUNICIPALITY while such land
19 was within the limits thereof and which remains unpaid and for the
20 payment of which said land could be lawfully taxed.

21 **31-12-503. Future levies - prepayment.** When the governing
22 body of such ~~city or town~~ MUNICIPALITY levies a tax upon the property
23 within such ~~city or town~~ MUNICIPALITY for the purpose of paying such
24 indebtedness or any part thereof or interest thereon, such governing body
25 ~~has the authority to~~ MAY levy a tax at the same rate and for the same
26 purpose on the land so disconnected. The county treasurer shall pay over
27 to such ~~city or town~~ MUNICIPALITY all moneys collected by ~~him~~ THE

1 TREASURER on account of such tax, to be applied only to the payment of
2 such indebtedness. In case the owner of any land so disconnected pays off
3 and discharges a portion of such indebtedness equal in amount to the
4 same proportion of the indebtedness which the valuation for assessment
5 of ~~his~~ THE land bears to the entire valuation for assessment of all the
6 property subject to taxation for the payment of such indebtedness,
7 calculated according to the last assessment previous to such payment, said
8 land ~~shall be~~ IS exempted from further taxation to pay such indebtedness.
9 Upon such payment being made, the canceled bonds or other evidences
10 of payment of such portion of said indebtedness ~~shall~~ MUST be deposited
11 with the treasurer of such ~~city or town~~ MUNICIPALITY, and a certificate
12 shall be given by ~~him~~ THE TREASURER stating that such payment has been
13 made.

14 **SECTION 2. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 10, 2016, if adjournment sine die is on May 11,
18 2016); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2016 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

24 (2) This act applies to disconnection applications submitted on or
25 after the applicable effective date of this act.