

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

INTRODUCED

LLS NO. 25-0106.01 Jason Gelender x4330

HOUSE BILL 25-1029

HOUSE SPONSORSHIP

Boesenecker, Zokaie

SENATE SPONSORSHIP

Kipp,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SCOPE OF MUNICIPAL AUTHORITY OVER LAND THAT**
102 **A MUNICIPALITY ACQUIRES THAT IS OUTSIDE ITS MUNICIPAL**
103 **LIMITS.**

Bill Summary

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

Current law grants a municipality full police power and control (authority) over land that it acquires outside its municipal limits for use as parks, parkways, boulevards, or roads. The bill extends this authority to land that a municipality acquires for open space and natural areas and clarifies that it extends to all such acquired land whether or not it is open

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

or closed to the public.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-25-201, **amend**
3 (1) introductory portion as follows:

4 **31-25-201. Cities may establish parks - recreational facilities**
5 **- conservation easements - definition.** (1) Any city has authority, in the
6 manner provided in this part 2, to establish, maintain, and acquire by gift,
7 devise, purchase, or right of eminent domain such lands or interest in
8 land, within or without the municipal limits of such city, as in the
9 judgment of the governing body of such city may be necessary, suitable,
10 or proper for boulevards, parkways, avenues, driveways, and roadways
11 or for park or recreational purposes for the preservation or conservation
12 of sites, scenes, open space AND NATURAL AREAS, and vistas of scientific,
13 historic, aesthetic, or other public interest. The power of eminent domain
14 granted by this section, with respect to the acquisition of lands for parks
15 or recreational purposes for the preservation or conservation of sites,
16 scenes, open space AND NATURAL AREAS, and vistas of scientific, historic,
17 aesthetic, or other public interest may not be used by any city or city and
18 county to condemn property lying five miles or further from its corporate
19 limits, unless:

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 31-25-216 as
21 follows:

22 **31-25-216. Cities control park grounds outside limits.** (1) In
23 all cases ~~where~~ IN WHICH any city, ~~or~~ INCLUDING any city or city and
24 county organized under a special charter or created under the state
25 constitution, has acquired lands outside its municipal limits for parks,

1 OPEN SPACE AND NATURAL AREAS, parkways, boulevards, or roads, ~~said~~
2 THE city or city and county has full police power and jurisdiction and full
3 municipal control and full power and authority in the management,
4 control, improvement, and maintenance of and over any such lands so
5 acquired ~~It~~ WHETHER OR NOT THE LANDS ARE OPEN OR CLOSED TO THE
6 PUBLIC. SUCH A CITY OR CITY AND COUNTY has power and authority to
7 provide by ordinance for the regulation and control of its lands so
8 acquired, to prevent the commission of any acts which are or may be
9 declared unlawful pursuant to the provisions of this part 2, and to
10 prosecute and punish the violation of any ordinances in its municipal
11 courts. Such A city or city and county also has like power and jurisdiction
12 to prevent pollution of the water in all reservoirs, streams, and pipes
13 ~~which~~ THAT may be included within any such parks, OPEN SPACE AND
14 NATURAL AREAS, parkways, boulevards, or roads and over the stream or
15 source from which such water is taken as far as ten miles above the point
16 from which it is diverted. Such A city or city and county has like power
17 and jurisdiction to regulate and prevent the erection, construction, and
18 maintenance, within three hundred feet of any such park, OPEN SPACE OR
19 NATURAL AREA, parkway, boulevard, or road outside its municipal limits,
20 of any advertisement or of any billboard or other structure for
21 advertisements. Such A city or city and county also has like power and
22 jurisdiction over the use of any public roads, boulevards, or parkways
23 within such parks OR OPEN SPACE AND NATURAL AREAS and running over
24 or through or between such lands and any public roads, boulevards, or
25 parkways between any such park, OPEN SPACE AND NATURAL AREAS, or
26 pleasure ground and its municipal boundaries and not included within the
27 municipal limits of any incorporated city or town.

1 (2) In all cases ~~where~~ IN WHICH the right to take private property
2 for public use without the owner's consent or to acquire lands for parks,
3 OPEN SPACE AND NATURAL AREAS, parkways, boulevards, or roads outside
4 the municipal limits of any such city or city and county is conferred by
5 general laws or by the charter of any such city or city and county, it is
6 lawful for any such city or city and county, or the department or branch
7 thereof having authority in the premises, to take, by right of eminent
8 domain, the property so sought to be taken and appropriated, such
9 condemnation proceedings to be in accordance with the general laws of
10 the state, insofar as the same are applicable, relating to any such city or
11 city and county. The power and authority to so acquire lands for such
12 purposes outside the municipal limits of any such city or city and county
13 by gift, devise, purchase, or right of eminent domain is granted by this
14 section, subject to the limitation imposed by section 31-25-201 (1).

15 **SECTION 3. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.