

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

PREAMENDED

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

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, 31-25-216, **amend**
21 (1) as 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 [REDACTED] city or city and county also has like power and
12 jurisdiction to prevent pollution of the water in all reservoirs, streams, and
13 pipes which may be included within any such parks, [REDACTED] parkways,
14 boulevards, or roads and over the stream or source from which such water
15 is taken as far as ten miles above the point from which it is diverted. Such
16 A city or city and county has like power and jurisdiction to regulate and
17 prevent the erection, construction, and maintenance, within three hundred
18 feet of any such park, OPEN SPACE OR NATURAL AREA, parkway,
19 boulevard, or road outside its municipal limits, of any advertisement or
20 of any billboard or other structure for advertisements. Such A city or city
21 and county also has like power and jurisdiction over the use of any public
22 roads, boulevards, or parkways within such parks OR OPEN SPACE AND
23 NATURAL AREAS and running over or through or between such lands and
24 any public roads, boulevards, or parkways between any such park, OPEN
25 SPACE AND NATURAL AREAS, or pleasure ground and its municipal
26 boundaries and not included within the municipal limits of any
27 incorporated city or town.

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