

CHAPTER 170

TRANSPORTATION

HOUSE BILL 93-1252

BY REPRESENTATIVES Shoemaker, Eisenach, George, Snyder, and Taylor;
also SENATORS Wattenberg and R. Powers.

AN ACT

CONCERNING PUBLIC RIGHTS IN ROADS THAT HAVE BEEN ESTABLISHED UNDER LAW.

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

SECTION 1. Part 2 of article 1 of title 43, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

43-1-202.5. Public rights in roads - transfer of right-of-way. (1) IF ANY ROAD HAS BEEN ESTABLISHED BY LAW, THE TRANSFER OF ALL OR ANY PART OF THE PROPERTY UPON WHICH SUCH ROAD IS CONSTRUCTED TO ANY PARTY, INCLUDING, BUT NOT LIMITED TO, ANY GOVERNMENT AGENCY, SHALL NOT ACT TO VACATE SUCH ROAD. NO SUCH TRANSFER SHALL ACT TO DIMINISH THE RIGHTS OF ANY PERSON IN SUCH A ROAD.

(2) IF ANY PUBLIC RIGHTS HAVE BEEN ESTABLISHED BY LAW IN A ROAD THAT PROVIDES ACCESS TO ANY PARCEL OF LAND, SUCH RIGHTS MAY BE TRANSFERRED WHEN SUCH PARCEL OF LAND IS TRANSFERRED.

43-1-202.7. Recording of documents establishing, vacating, or abandoning a roadway. IF ANY ROADWAY IS VACATED OR ABANDONED BY THE STATE, BY A COUNTY, OR BY A MUNICIPALITY, THE DOCUMENTS VACATING OR ABANDONING SUCH ROADWAY, INCLUDING BUT NOT NECESSARILY LIMITED TO ANY RESOLUTION, ORDINANCE, DEED, CONVEYANCE DOCUMENT, PLAT, OR SURVEY, SHALL BE RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY IN WHICH SUCH ROADWAY IS LOCATED.

SECTION 2. 43-2-303 (2), Colorado Revised Statutes, 1984 Repl. Vol., as

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

amended, is amended to read:

43-2-303. Methods of vacation. (2) (a) No platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.

(b) IF ANY ROADWAY HAS BEEN ESTABLISHED AS A COUNTY ROAD AT ANY TIME, SUCH ROADWAY SHALL NOT BE VACATED BY ANY METHOD OTHER THAN A RESOLUTION APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY. NO LATER THAN TEN DAYS PRIOR TO ANY COUNTY COMMISSIONER MEETING AT WHICH A RESOLUTION TO VACATE A COUNTY ROADWAY IS TO BE PRESENTED, THE COUNTY COMMISSIONERS SHALL MAIL A NOTICE BY FIRST-CLASS MAIL TO THE LAST-KNOWN ADDRESS OF EACH LANDOWNER WHO OWNS ONE ACRE OR MORE OF LAND ADJACENT TO THE ROADWAY. SUCH NOTICE SHALL INDICATE THE TIME AND PLACE OF THE COUNTY COMMISSIONER MEETING AND SHALL INDICATE THAT A RESOLUTION TO VACATE THE COUNTY ROADWAY WILL BE PRESENTED AT THE MEETING.

(c) IF ANY ROADWAY HAS BEEN ESTABLISHED AS A MUNICIPAL STREET AT ANY TIME, SUCH STREET SHALL NOT BE VACATED BY ANY METHOD OTHER THAN AN ORDINANCE APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY.

(d) IF ANY ROADWAY HAS BEEN ESTABLISHED AS A STATE HIGHWAY, SUCH ROADWAY SHALL NOT BE VACATED OR ABANDONED BY ANY METHOD OTHER THAN A RESOLUTION APPROVED BY THE TRANSPORTATION COMMISSION PURSUANT TO SECTION 43-1-106 (11).

(e) PARAGRAPHS (b), (c), AND (d) OF THIS SUBSECTION (2) SHALL NOT APPLY TO ANY ROADWAY THAT HAS BEEN ESTABLISHED BUT HAS NOT BEEN USED AS A ROADWAY AFTER SUCH ESTABLISHMENT.

(f) IF ANY ROADWAY IS VACATED OR ABANDONED, THE DOCUMENTS VACATING OR ABANDONING SUCH ROADWAY SHALL BE RECORDED PURSUANT TO THE REQUIREMENTS OF SECTION 43-1-202.7.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1993