

CHAPTER 192

GOVERNMENT - COUNTY

SENATE BILL 96-104

BY SENATOR Bishop;
also REPRESENTATIVES Foster, Entz, and Prinster.

AN ACT

CONCERNING THE AUTHORITY FOR COUNTY SUBDIVISION REGULATIONS TO ALLOW FOR THE PROVISION OF SITES AND LAND AREAS FOR SCHOOLS DIRECTLY TO SCHOOL DISTRICTS.

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

SECTION 1. 30-28-133 (4) (a) (II) and (4.3), Colorado Revised Statutes, 1986 Repl. Vol., are amended to read:

30-28-133. Subdivision regulations. (4) Subdivision regulations adopted by the board of county commissioners pursuant to this section shall also include, as a minimum, provisions governing the following matters:

(a) Sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. Such provisions may include:

(II) Dedication of ~~such~~ THE sites and land areas to the county, TO A SCHOOL DISTRICT, or to the public or, in lieu thereof, payment of a sum of money not exceeding the ~~full~~ FAIR market value of ~~such~~ THE sites and land areas or a combination of such dedication and such payment; except that the value of ~~such~~ THE combination shall not exceed the ~~full~~ FAIR market value of ~~such~~ THE sites and land areas. ANY SUMS, WHEN REQUIRED, OR MONEYS TO BE PAID TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THIS PARAGRAPH (a) MAY, IF APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, BE PAID DIRECTLY TO A SCHOOL DISTRICT. If ~~such~~ THE sites and land areas are dedicated to the county, TO A SCHOOL DISTRICT, or the public, the board of county commissioners may, at the request of the affected entity, sell the land. THE SUBDIVIDER SHALL HAVE A RIGHT OF FIRST REFUSAL TO PURCHASE ALL OR A PORTION OF ANY LAND DEDICATED BY THE SUBDIVIDER TO A

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

COUNTY, SCHOOL DISTRICT, OR OTHER PUBLIC ENTITY PURSUANT TO THIS SUBPARAGRAPH (II) BEFORE THE LAND IS SOLD, TRANSFERRED, OR CONVEYED TO ANY PARTY OTHER THAN A SCHOOL DISTRICT. PRIOR TO SELLING OR OTHERWISE TRANSFERRING OWNERSHIP OF THE LAND, THE COUNTY, SCHOOL DISTRICT, OR OTHER PUBLIC ENTITY SELLING THE LAND SHALL PROVIDE WRITTEN NOTICE TO THE SUBDIVIDER OF ITS INTENTION TO SELL OR TRANSFER OWNERSHIP OF ALL OR ANY PORTION OF THE LAND. THE SUBDIVIDER SHALL THEN HAVE SIXTY DAYS TO PROVIDE WRITTEN NOTICE TO THE COUNTY, SCHOOL DISTRICT, OR OTHER PUBLIC ENTITY OF THE SUBDIVIDER'S INTEREST IN PURCHASING ALL OR A PORTION OF THE LAND TO BE SOLD. THE PURCHASE OF THE LAND BY THE SUBDIVIDER SHALL BE UPON SUCH TERMS AND CONDITIONS AND FOR SUCH CONSIDERATION AS THE PARTIES MAY MUTUALLY AGREE; HOWEVER, IN NO EVENT SHALL THE PURCHASE PRICE EXCEED THE FAIR MARKET VALUE OF THE LAND AT THE TIME THE SUBDIVIDER DEDICATED THE LAND TO THE COUNTY, SCHOOL DISTRICT, OR OTHER PUBLIC ENTITY. ANY RIGHT OF FIRST REFUSAL CREATED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL EXPIRE TWENTY YEARS FROM THE DATE THE LAND WAS DEDICATED BY THE SUBDIVIDER TO A COUNTY, SCHOOL DISTRICT, OR OTHER PUBLIC ENTITY. EXCEPT AS PROVIDED IN SUBSECTION (4.3) OF THIS SECTION, any such sums, when required, or moneys paid to the board of county commissioners from the sale of ~~such~~ THE dedicated sites and land areas shall be held by the board of county commissioners:

- (A) For the acquisition of reasonably necessary sites and land areas or for other capital outlay purposes for schools or parks;
- (B) For the development of ~~said~~ THE sites and land areas for park purposes; or
- (C) For growth-related planning functions by school districts for educational purposes.

(4.3) After final approval of a subdivision plan or plat and receipt of dedications of sites and land areas or payments in lieu thereof required pursuant to subparagraph (II) of paragraph (a) of subsection (4) of this section, the board of county commissioners shall give written notification to the appropriate school districts and local government entities. Following such notice, a school district or local government entity may request ~~and shall demonstrate to the board of county commissioners a need for land or moneys for a use authorized by subparagraph (II) of paragraph (a) of subsection (4) of this section~~ PERIODIC TRANSFER ON NO LONGER THAN AN ANNUAL BASIS OF SUCH LAND OR MONEYS TO THE DISTRICT OR ENTITY. When a board of county commissioners ~~votes to allocate land or moneys for subject project, such~~ DETERMINES THAT THE SCHOOL DISTRICT OR LOCAL GOVERNMENT ENTITY HAS DEMONSTRATED A NEED FOR THE LAND OR MONEYS BASED ON A LONG-RANGE CAPITAL PLAN OR EVIDENCE OF THE IMPACT OF THE SUBDIVISION ON THE DISTRICT OR ENTITY, OR BOTH, IT SHALL PERIODICALLY TRANSFER ON NO LONGER THAN AN ANNUAL BASIS THE land or moneys ~~shall immediately be transferred~~ to the appropriate school district or local government entity. THE DISTRICT OR ENTITY SHALL USE THE TRANSFERRED LAND OR MONEYS ONLY FOR A PURPOSE AUTHORIZED BY SUB-SUBPARAGRAPHS (A) TO (C) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION. ANY MONEYS RECEIVED BY THE BOARD OF COUNTY COMMISSIONERS THAT ARE TRANSFERRED PURSUANT TO THIS SUBSECTION (4.3) ARE NOT COUNTY REVENUE FOR PURPOSES OF PARAGRAPH (d) OF SUBSECTION (7) OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 2. 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: May 23, 1996