

## CHAPTER 115

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**TAXATION**

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**HOUSE BILL 01-1321**

BY REPRESENTATIVE(S) Decker, Cadman, Garcia, and White;  
also SENATOR(S) Linkhart.

**AN ACT**

CONCERNING THE EFFECT OF THE EXECUTION OF A TAX DEED ON A PREEXISTING EQUITABLE SERVITUDE  
THAT RUNS WITH LAND.

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

**SECTION 1.** 39-11-136 (3), Colorado Revised Statutes, is amended to read:

**39-11-136. Treasurer to execute deed - effect.** (3) Execution of a deed pursuant to this section shall not affect the existence of any public or private roads, rights-of-way, ~~or~~ other easements, OR EQUITABLE SERVITUDES THAT RUN WITH LAND AND HAVE BOTH BENEFITS AND BURDENS, ALL AS claimed or existing prior to the execution of such deed.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 9, 2001

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