

CHAPTER 238

**GOVERNMENT - SPECIAL DISTRICTS**

**HOUSE BILL 01-1132**

BY REPRESENTATIVE(S) Scott, Witwer, Mitchell, Boyd, Groff, Mace, Madden, Plant, Swenson, Veiga, Kester, Ragsdale, Weddig, and Williams S.; also SENATOR(S) Tupa, and Perlmutter.

**AN ACT**

CONCERNING THE ANNEXATION BY A SPECIAL STATUTORY DISTRICT OF UNINCORPORATED TERRITORY THAT IS ENTIRELY SURROUNDED BY THE DISTRICT.

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

**SECTION 1.** Article 9 of Title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**32-9-106.8. Additional district areas - annexation of unincorporated territory that is entirely surrounded by the district.** (1) WHEN ANY UNINCORPORATED TERRITORY IS ENTIRELY CONTAINED WITHIN THE BOUNDARIES OF THE DISTRICT, THE BOARD MAY, BY RESOLUTION, ANNEX THE TERRITORY TO THE DISTRICT. THE BOARD SHALL GIVE NOTICE OF A PROPOSED ANNEXATION RESOLUTION BY PUBLISHING A COPY OF THE RESOLUTION ONCE A WEEK FOR FOUR SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TERRITORY PROPOSED TO BE ANNEXED. THE BOARD SHALL ALSO SEND A COPY OF THE PROPOSED ANNEXATION RESOLUTION BY REGISTERED MAIL TO THE BOARD OF COUNTY COMMISSIONERS AND COUNTY ATTORNEY OF THE COUNTY CONTAINING THE TERRITORY TO BE ANNEXED, TO ANY SPECIAL DISTRICT OR SCHOOL DISTRICT HAVING TERRITORY WITHIN THE TERRITORY TO BE ANNEXED, AND TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE. THE FIRST PUBLICATION OF THE NOTICE AND THE MAILING OF THE PROPOSED ANNEXATION RESOLUTION SHALL OCCUR AT LEAST THIRTY DAYS PRIOR TO THE FINAL ADOPTION OF THE RESOLUTION, AND THE BOARD SHALL ALLOW INTERESTED PERSONS TO TESTIFY FOR OR AGAINST THE RESOLUTION AT A PUBLIC HEARING HELD PRIOR TO THE FINAL ADOPTION OF THE RESOLUTION.

(2) NO TERRITORY MAY BE ANNEXED PURSUANT TO SUBSECTION (1) OF THIS SECTION IF ANY PART OF THE DISTRICT BOUNDARY OR AREA SURROUNDING THE

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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.*

TERRITORY CONSISTS OF PUBLIC RIGHTS-OF-WAY, INCLUDING STREETS AND ALLEYS, THAT ARE NOT IMMEDIATELY ADJACENT TO THE DISTRICT ON THE SIDE OF THE RIGHT-OF-WAY OPPOSITE TO THE TERRITORY.

**SECTION 2.** Article 13 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**32-13-104.7. Annexation of enclaves.** (1) WHEN ANY UNINCORPORATED TERRITORY HAS BEEN ENTIRELY CONTAINED WITHIN THE BOUNDARIES OF THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT, THE BOARD MAY, BY RESOLUTION, ANNEX THE TERRITORY TO THE DISTRICT. THE BOARD SHALL GIVE NOTICE OF A PROPOSED ANNEXATION RESOLUTION BY PUBLISHING A COPY OF THE RESOLUTION ONCE A WEEK FOR FOUR SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TERRITORY PROPOSED TO BE ANNEXED. THE BOARD SHALL ALSO SEND A COPY OF THE PROPOSED ANNEXATION RESOLUTION BY REGISTERED MAIL TO THE BOARD OF COUNTY COMMISSIONERS AND COUNTY ATTORNEY OF THE COUNTY CONTAINING THE TERRITORY TO BE ANNEXED, TO ANY SPECIAL DISTRICT OR SCHOOL DISTRICT HAVING TERRITORY WITHIN THE TERRITORY TO BE ANNEXED, AND TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE. THE FIRST PUBLICATION OF THE NOTICE AND THE MAILING OF THE PROPOSED ANNEXATION RESOLUTION SHALL OCCUR AT LEAST THIRTY DAYS PRIOR TO THE FINAL ADOPTION OF THE RESOLUTION, AND THE BOARD SHALL ALLOW INTERESTED PERSONS TO TESTIFY FOR OR AGAINST THE RESOLUTION AT A PUBLIC HEARING HELD PRIOR TO THE FINAL ADOPTION OF THE RESOLUTION.

(2) NO TERRITORY MAY BE ANNEXED PURSUANT TO SUBSECTION (1) OF THIS SECTION IF ANY PART OF THE DISTRICT BOUNDARY OR AREA SURROUNDING THE TERRITORY CONSISTS OF PUBLIC RIGHTS-OF-WAY, INCLUDING STREETS AND ALLEYS, THAT ARE NOT IMMEDIATELY ADJACENT TO THE DISTRICT ON THE SIDE OF THE RIGHT-OF-WAY OPPOSITE TO THE TERRITORY.

**SECTION 3.** Article 15 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**32-15-104.5. Annexation of enclaves.** (1) WHEN ANY UNINCORPORATED TERRITORY IS ENTIRELY CONTAINED WITHIN THE BOUNDARIES OF THE DISTRICT, THE BOARD MAY, BY RESOLUTION, ANNEX THE TERRITORY TO THE DISTRICT. THE BOARD SHALL GIVE NOTICE OF A PROPOSED ANNEXATION RESOLUTION BY PUBLISHING A COPY OF THE RESOLUTION ONCE A WEEK FOR FOUR SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TERRITORY PROPOSED TO BE ANNEXED. THE BOARD SHALL ALSO SEND A COPY OF THE PROPOSED ANNEXATION RESOLUTION BY REGISTERED MAIL TO THE BOARD OF COUNTY COMMISSIONERS AND COUNTY ATTORNEY OF THE COUNTY CONTAINING THE TERRITORY TO BE ANNEXED, TO ANY SPECIAL DISTRICT OR SCHOOL DISTRICT HAVING TERRITORY WITHIN THE TERRITORY TO BE ANNEXED, AND TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE. THE FIRST PUBLICATION OF THE NOTICE AND THE MAILING OF THE PROPOSED ANNEXATION RESOLUTION SHALL OCCUR AT LEAST THIRTY DAYS PRIOR TO THE FINAL ADOPTION OF THE RESOLUTION, AND THE BOARD SHALL ALLOW INTERESTED PERSONS TO TESTIFY FOR OR AGAINST THE RESOLUTION AT A PUBLIC HEARING HELD PRIOR TO THE FINAL ADOPTION OF THE RESOLUTION.

(2) NO TERRITORY MAY BE ANNEXED PURSUANT TO SUBSECTION (1) OF THIS SECTION IF ANY PART OF THE DISTRICT BOUNDARY OR AREA SURROUNDING THE TERRITORY CONSISTS OF PUBLIC RIGHTS-OF-WAY, INCLUDING STREETS AND ALLEYS, THAT ARE NOT IMMEDIATELY ADJACENT TO THE DISTRICT ON THE SIDE OF THE RIGHT-OF-WAY OPPOSITE TO THE TERRITORY.

**SECTION 4. 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: June 1, 2001