

CHAPTER 99

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**GOVERNMENT - COUNTY**

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SENATE BILL 01-038

BY SENATOR(S) McElhany;  
also REPRESENTATIVE(S) Rippy.

**AN ACT**

CONCERNING THE AUTHORITY OF COUNTIES TO ADOPT SUBDIVISION REGULATIONS THAT ENTITLE SUBDIVIDERS TO FAIR-SHARE REIMBURSEMENT OF THE COST OF IMPROVEMENTS FROM OWNERS OF PROPERTY THAT BENEFITS FROM THE IMPROVEMENTS.

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

**SECTION 1.** 30-28-133, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**30-28-133. Subdivision regulations.** (12) THE SUBDIVISION REGULATIONS ADOPTED UNDER THIS SECTION MAY PROVIDE THAT A SUBDIVIDER IS ENTITLED TO FAIR-SHARE REIMBURSEMENT OF THE COST OF ANY STREETS AND RELATED FACILITIES, WATER DISTRIBUTION SYSTEMS, SEWAGE COLLECTION SYSTEMS, STORM DRAINAGE FACILITIES, AND OTHER IMPROVEMENTS THE COUNTY REQUIRES THE SUBDIVIDER TO CONSTRUCT ADJACENT TO OR OUTSIDE THE SUBDIVISION. ANY SUCH REIMBURSABLE COSTS SHALL BE PAID TO THE SUBDIVIDER, LESS ANY REIMBURSEMENT BY THE COUNTY, BY THE OWNER OR OWNERS OF PROPERTY THAT IS ADJACENT TO OR HAS PRESUMED USE OF THE IMPROVEMENTS WHEN THAT PROPERTY IS DEVELOPED. SUBDIVISION REGULATIONS PROVIDING FOR SUCH REIMBURSEMENT SHALL PRESCRIBE THE PERIOD, NOT TO EXCEED FIFTEEN YEARS FROM THE DATE OF COMPLETION OF AN IMPROVEMENT, DURING WHICH A SUBDIVIDER MAY SEEK REIMBURSEMENT. SUBDIVISION REGULATIONS PROVIDING FOR SUCH REIMBURSEMENT MAY ENTITLE SUBDIVIDERS TO INTEREST ON THE AMOUNT TO BE REIMBURSED.

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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.*

**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: March 29, 2001