

CHAPTER 8

GOVERNMENT - MUNICIPAL

HOUSE BILL 01S2-1001

BY REPRESENTATIVE(S) Kester, Boyd, Coleman, Crane, Daniel, Garcia, Groff, Johnson, Larson, Mace, Miller, Romanoff, Scott, Stafford, Stengel, Tapia, White, and Williams S.;
also SENATOR(S) Phillips, Anderson, Entz, Evans, Fitz-Gerald, Hagedorn, Hernandez, Hillman, McElhany, Perlmutter, Reeves, Taylor, Teck, and Tupa.

AN ACT

CONCERNING THE OPPORTUNITY FOR PROPERTY OWNERS ADJACENT TO AN AREA PROPOSED TO BE ANNEXED TO BE INCLUDED IN SUCH ANNEXATION WHEN THE CONTIGUITY REQUIREMENT IS ACHIEVED BY ANNEXING CERTAIN PARCELS OF LAND.

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

SECTION 1. 29-20-105 (2) (f), Colorado Revised Statutes, is amended to read:

29-20-105. Intergovernmental cooperation. (2) (f) (I) An intergovernmental agreement may contain ~~a provision~~ PROVISIONS CONCERNING ANNEXATION, INCLUDING, BUT NOT LIMITED TO PROVISIONS:

(A) That a comprehensive development plan shall continue to control a particular land ~~area~~ AREAS even though the land ~~area is~~ AREAS ARE annexed or jurisdiction over the land ~~area~~ AREAS is otherwise transferred pursuant to law between the local governmental entities who are parties to the agreement;

(B) FOR REVENUE SHARING BETWEEN LOCAL GOVERNMENTS; AND

(C) CONCERNING LAND AREAS THAT MAY BE ANNEXED BY MUNICIPALITIES AND THE CONDITIONS RELATED TO SUCH ANNEXATIONS AS ESTABLISHED IN THE COMPREHENSIVE DEVELOPMENT PLAN.

(II) NOTHING IN THIS PARAGRAPH (f) SHALL BE CONSTRUED TO RENDER INVALID ANY INTERGOVERNMENTAL AGREEMENT OR COMPREHENSIVE DEVELOPMENT PLAN ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (f), AS AMENDED.

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. 31-12-105 (1) (e), Colorado Revised Statutes, is amended, and the said 31-12-105 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

31-12-105. Limitations. (1) Notwithstanding any provisions of this part 1 to the contrary, the following limitations shall apply to all annexations:

(e) (I) Except as otherwise provided in this paragraph (e), no annexation may take place ~~which~~ THAT would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three-mile area, the contiguity required by section 31-12-104 (1) (a) may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area ~~which~~ THAT generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

(II) PRIOR TO COMPLETION OF AN ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), THE MUNICIPALITY SHALL ANNEX ANY OF THE FOLLOWING PARCELS THAT ABUT A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY, WHERE THE PARCEL SATISFIES ALL OF THE ELIGIBILITY REQUIREMENTS PURSUANT TO SECTION 31-12-104 AND FOR WHICH AN ANNEXATION PETITION HAS BEEN RECEIVED BY THE MUNICIPALITY NO LATER THAN FORTY-FIVE DAYS PRIOR TO THE DATE OF THE HEARING SET PURSUANT TO SECTION 31-12-108 (1):

(A) ANY PARCEL OF PROPERTY THAT HAS AN INDIVIDUAL SCHEDULE NUMBER FOR COUNTY TAX FILING PURPOSES UPON THE PETITION OF THE OWNER OF SUCH PARCEL;

(B) ANY SUBDIVISION THAT CONSISTS OF ONLY ONE SUBDIVISION FILING UPON THE PETITION OF THE REQUISITE NUMBER OF PROPERTY OWNERS WITHIN THE SUBDIVISION AS DETERMINED PURSUANT TO SECTION 31-12-107; AND

(C) ANY SUBDIVISION FILING WITHIN A SUBDIVISION THAT CONSISTS OF MORE THAN ONE SUBDIVISION FILING UPON THE PETITION OF THE REQUISITE NUMBER OF PROPERTY OWNERS WITHIN THE SUBDIVISION FILING AS DETERMINED PURSUANT TO SECTION 31-12-107.

(e.1) THE PARCELS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (e) OF THIS

SUBSECTION (1) SHALL BE ANNEXED UNDER THE SAME OR SUBSTANTIALLY SIMILAR TERMS AND CONDITIONS AND CONSIDERED AT THE SAME HEARING AND IN THE SAME IMPACT REPORT AS THE INITIAL ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED BY ANNEXING A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY. IMPACTS OF THE ANNEXATION UPON THE PARCELS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (e) OF THIS SUBSECTION (1) THAT ABUT SUCH PLATTED STREET OR ALLEY, PUBLIC OR PRIVATE RIGHT-OF-WAY, PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY SHALL BE CONSIDERED IN THE IMPACT REPORT REQUIRED BY SECTION 31-12-108.5. AS PART OF THE SAME HEARING, THE MUNICIPALITY SHALL CONSIDER AND DECIDE UPON ANY PETITION FOR ANNEXATION OF ANY PARCEL OF PROPERTY HAVING AN INDIVIDUAL SCHEDULE NUMBER FOR COUNTY TAX FILING PURPOSES, WHICH PETITION WAS RECEIVED NOT LATER THAN FORTY-FIVE DAYS PRIOR TO THE HEARING DATE, WHERE THE PARCEL ABUTS ANY PARCEL DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (e) OF THIS SUBSECTION (1) AND WHERE THE PARCEL OTHERWISE SATISFIES ALL OF THE ELIGIBILITY REQUIREMENTS OF SECTION 31-12-104.

(e.3) IN CONNECTION WITH ANY ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED BY ANNEXING A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY, UPON THE LATTER OF NINETY DAYS PRIOR TO THE DATE OF THE HEARING SET PURSUANT TO SECTION 31-12-108 OR UPON THE FILING OF THE ANNEXATION PETITION, THE MUNICIPALITY SHALL PROVIDE, BY REGULAR MAIL TO THE OWNER OF ANY ABUTTING PARCEL AS REFLECTED IN THE RECORDS OF THE COUNTY ASSESSOR, WRITTEN NOTICE OF THE ANNEXATION AND OF THE LANDOWNER'S RIGHT TO PETITION FOR ANNEXATION PURSUANT TO SECTION 31-12-107. INADVERTENT FAILURE TO PROVIDE SUCH NOTICE SHALL NEITHER CREATE A CAUSE OF ACTION IN FAVOR OF ANY LANDOWNER NOR INVALIDATE ANY ANNEXATION PROCEEDING.

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: November 6, 2001