

CHAPTER 132

GOVERNMENT - COUNTY

SENATE BILL 03-067

BY SENATOR(S) Johnson S., Anderson, Andrews, Arnold, Cairns, Entz, Evans, Hillman, Jones, Lamborn, May R., Taylor, and Teck;
also REPRESENTATIVE(S) Stengel, Berry, Cadman, Crane, Fritz, Hall, Harvey, Hoppe, Lee, May M., Rhodes, Rose, Schultheis, Sinclair, and Spradley.

AN ACT

CONCERNING PROCEDURES TO BE FOLLOWED BY COUNTY GOVERNMENTS IN CONNECTION WITH THE MERGING OF PARCELS OF LAND.

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

SECTION 1. Part 1 of article 28 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

30-28-139. Merger of lots - notice - hearing - assessment of merged parcels.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHERE A COUNTY ORDINANCE, REGULATION, OR RESOLUTION PROVIDES FOR THE MERGER OF TWO OR MORE PARCELS OF LAND FOR THE PURPOSE OF ELIMINATING INTERIOR LOT LINES, OBSOLETE SUBDIVISIONS, OR OTHERWISE, THE ORDINANCE, REGULATION, OR RESOLUTION SHALL PROVIDE THAT:

(a) PRIOR TO THE COMPLETION OF THE MERGER, THE COUNTY SHALL SEND NOTICE OF THE COUNTY'S INTENT TO COMPLETE THE MERGER TO EACH OWNER OF THE AFFECTED PARCELS BY CERTIFIED MAIL. THE NOTICE SHALL ALSO SPECIFY THAT EACH SUCH OWNER MAY REQUEST A HEARING ON THE PROPOSED MERGER PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1), AND SHALL SPECIFY ACTION TO BE TAKEN BY SUCH OWNER TO REQUEST SUCH HEARING, INCLUDING, WITHOUT LIMITATION, THE REQUIREMENT THAT SAID OWNER SHALL REQUEST THE HEARING WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE NOTICE REQUIRED BY THIS PARAGRAPH (a) IS RECEIVED BY SAID OWNER.

(b) (1) PRIOR TO THE COMPLETION OF THE MERGER, WHERE EACH OWNER OF AN AFFECTED PARCEL HAS TIMELY REQUESTED A HEARING ON THE PROPOSED MERGER

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

SATISFYING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1), A PUBLIC HEARING ON SAID MERGER SHALL BE HELD BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY. THE HEARING SHALL BE CONDUCTED FOR THE PURPOSE OF ALLOWING THE BOARD TO DISCUSS WITH THE OWNER OF EACH AFFECTED PARCEL ITS REASONS FOR PROCEEDING WITH THE MERGER AND TO GIVE EACH OWNER THE OPPORTUNITY TO SUBMIT ANY BASIS PROVIDED UNDER LAW FOR CHALLENGING THE MERGER. IN SUCH CASE, NOTICE OF THE TIME, PLACE, AND MANNER OF THE HEARING SHALL BE PROVIDED TO EACH OWNER OF THE AFFECTED PARCELS AND ALSO PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF SAID HEARING.

(II) WHERE THE OWNER OF EACH AFFECTED PARCEL FAILS TO TIMELY REQUEST A HEARING ON THE PROPOSED MERGER SATISFYING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1), NO SUCH HEARING IS REQUIRED, AND THE AFFECTED PARCELS SHALL BE MERGED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (1).

(c) IN ORDER TO GIVE THE OWNER OF THE PARCELS THE OPPORTUNITY TO TAKE WHATEVER REMEDIAL ACTION IS ALLOWED UNDER LAW, THE HEARING AUTHORIZED BY PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL TAKE PLACE NO SOONER THAN NINETY DAYS FOLLOWING THE DATE OF THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) NO MERGER OF PARCELS THAT IS THE SUBJECT OF A HEARING PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE EFFECTIVE UNLESS:

(a) THE OWNER OF THE PARCELS HAS GIVEN HIS, HER, OR ITS CONSENT TO THE MERGER OF SAID PARCELS; AND

(b) THE MERGER HAS BEEN APPROVED BY A MAJORITY OF THE BOARD OF COUNTY COMMISSIONERS.

(3) UPON COMPLETION OF ANY MERGER OF PARCELS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, THE COUNTY SHALL:

(a) FOR PURPOSES OF THE LEVYING AND COLLECTION OF THE TAX ON REAL AND PERSONAL PROPERTY, ASSESS THE MERGED PARCELS AS ONE PARCEL OF REAL PROPERTY; AND

(b) FILE OF RECORD A NOTICE OF MERGER IN THE OFFICE OF THE CLERK AND RECORDER OF DEEDS FOR THE COUNTY IN WHICH THE MERGED PARCELS OF REAL PROPERTY ARE LOCATED, AND SUCH NOTICE SHALL CONSTITUTE PRIMA FACIE EVIDENCE THAT ALL OF THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION HAVE BEEN SATISFIED.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL NOT APPLY TO ANY MERGER OF PARCELS OF LAND THAT IS REQUESTED IN WRITING BY EACH OWNER OF AN AFFECTED PARCEL.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE OR OTHERWISE DIMINISH OR EXPAND ANY RIGHTS A LANDOWNER MAY HAVE UNDER ARTICLE 68 OF TITLE 24, C.R.S., PERTAINING TO VESTED PROPERTY RIGHTS.

SECTION 2. Effective date - applicability. (1) This act shall take effect October 1, 2003, unless a referendum petition is filed during 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. If such 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 shall take effect on the specified date only if approved by the people.

(2) (a) Provisions of this act addressing the requirements of notice and hearing shall only apply to mergers that take effect on or after the effective date of this act.

(b) Provisions of this act addressing the assessment of merged parcels as one parcel of real property for purposes of the levying and collection of the tax on real and personal property shall apply to mergers that take effect prior to, on, and after the effective date of this act, but shall not be construed to require a reassessment of property for property tax years commencing prior to January 1, 2003.

Approved: April 17, 2003