

## CHAPTER 135

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**NATURAL RESOURCES**


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**SENATE BILL 04-040**

BY SENATOR(S) Entz, Chlouber, Grossman, Hanna, and Phillips;  
also REPRESENTATIVE(S) Larson, Frangas, Hodge, Marshall, McFadyen, McGihon, Merrifield, Paccione, Salazar, and Stengel.

**AN ACT**

**CONCERNING THE ACQUISITION OF PROPERTY BY THE DIVISION OF WILDLIFE, AND, IN CONNECTION THEREWITH, AUTHORIZING THE PURCHASE OF PROPERTY IN RIO GRANDE COUNTY FOR PUBLIC PURPOSES.**

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

**SECTION 1. Legislative declaration – Dieterich acquisition.** It is the policy of the state of Colorado that the state's wildlife and environment are to be protected, preserved, enhanced, and rehabilitated for the mutual benefit and enjoyment of the people of this state, its visitors, and the wildlife. The general assembly determines that Herman and Susan Dieterich operated Frisco Creek wildlife hospital and rehabilitation center (the center) as a nonprofit facility in conjunction with the Colorado division of wildlife (division) for the past 15 years. The division depends on that unique facility to rehabilitate injured or orphaned wildlife for release back to the wild. In connection with the center, the division has constructed holding facilities for lynx on the property, which facilities are critical to the continued success of the lynx reintroduction program. The division has plans for captive rearing and releasing of additional species in the future in a proactive approach to avoiding listings under the federal "Endangered Species Act". In light of the existing association between the division and the center and the unique characteristics of the property, the general assembly declares that, pursuant to section 33-1-105.5 (7), Colorado Revised Statutes, utilizing a bid process would not be effective for acquisition of the Frisco Creek wildlife hospital and rehabilitation center.

**SECTION 2. Acquisition authorization.** (1) The division of wildlife in the department of natural resources is hereby authorized to acquire, via acquisition and exchange, three parcels of land in Rio Grande county, Colorado, commonly referred to as Frisco Creek wildlife hospital and rehabilitation center and consisting of the following: All the real property lying and being in Rio Grande county, Colorado,

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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.*

more particularly described as follows: S1/2NE1/4 of Section 11, and S1/2NW1/4 of Section 12, all in Township 38 North, Range 5 East, of the New Mexico Principal Meridian, together with the improvements thereon and appurtenances thereto, and any and all water and water rights, if any, used in connection with said lands for the irrigation thereof; and a parcel of land in Segregated Tract 44, Township 38 North, Range 5 East, of the New Mexico Principal Meridian, Rio Grande county, Colorado, more particularly described as follows: Beginning at Angle Point No. 6 (AP6) of said Tract 44, as monumented by the pipe and cap set by the General Land Office (GLO), (from which the Northeast Corner of Section 1 bears N 20° 27' 42" E a distance of 7084.65 feet); Thence N 89° 22' 57" W along the south line of Tract 44 a distance of 2792.12 feet to AP5, a GLO pipe and cap; Thence N 89° 47' 20" W along the south line of Tract 44 a distance of 2646.40 feet to AP4, a GLO pipe and cap; Thence N 00° 03' 28" E along the west line of Tract 44 a distance of 100.00 feet; Thence S 89° 47' 20" E a distance of 2647.02 feet; Thence S 89° 22' 57" E a distance of 2783.74 feet; Thence S 37° 19' 59" E a distance of 126.82 feet to the True Point of Beginning, containing 12.40 acres, more or less; and Lots 1 and 2, San Francisco Creek Ranch, Amended Filing No.1 according to the plat thereof recorded September 19, 1996 in Map Drawer 11, Maps No. 45 and 46, Reception No. 348222 of the records in the Office of the Rio Grande County Clerk and Recorder subject to survey.

(2) The amount paid by the division of wildlife in the department of natural resources for the Frisco Creek wildlife hospital and rehabilitation center parcels shall be the contracted sale price, not to exceed one million two hundred thousand dollars (\$1,200,000), to be paid for with moneys previously authorized for this purpose by the state board of the great outdoors Colorado trust fund created in article XXVII, section 2 of the Colorado Constitution.

(3) The division of wildlife in the department of natural resources is further authorized to acquire such rights and improvements, water and water rights, coal and coal rights, minerals and mineral rights, sand, and gravel located on or appurtenant to either parcel that the division may choose to acquire.

**SECTION 3. Repeal.** 33-1-105 (1) (a) (II) and (3) (b), Colorado Revised Statutes, are repealed as follows:

**33-1-105. Powers of commission.** (1) The commission has power to:

(a) (II) ~~This paragraph (a) is repealed, effective July 1, 2005.~~

(3) (b) ~~This subsection (3) is repealed, effective July 1, 2005.~~

**SECTION 4. Repeal.** 33-1-105.5 (10), Colorado Revised Statutes, is repealed as follows:

**33-1-105.5. Acquisition of property - procedure.** (10) ~~This section is repealed, effective July 1, 2005.~~

**SECTION 5. 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: April 13, 2004