

CHAPTER 257

GOVERNMENT - LOCAL

SENATE BILL 07-157

BY SENATOR(S) Ward, Tochtrop, Kopp, and Taylor;
 also REPRESENTATIVE(S) Rice, Buescher, Butcher, Fischer, Gardner C., Green, Hicks, Jahn, Lambert, Liston, Looper,
 McFadyen, Merrifield, Mitchell V., Roberts, Rose, Sonnenberg, Stafford, Stephens, Labuda, and Marostica.

AN ACT

CONCERNING REQUIRED NOTICE OF A STUDY TO MAKE CERTAIN STATUTORY DETERMINATIONS PRIOR
 TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN BY URBAN RENEWAL AUTHORITIES.

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

SECTION 1. 31-25-107 (1), Colorado Revised Statutes, is amended to read:

31-25-107. Approval of urban renewal plans by the local governing body.

(1) (a) An authority shall not actually undertake an urban renewal project for an urban renewal area unless based on evidence presented at a public hearing the governing body, by resolution, has determined such area to be a slum, blighted area, or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, AND IN ADDITION TO ANY OTHER NOTICE REQUIRED BY LAW, WITHIN THIRTY DAYS OF THE COMMISSIONING OF A STUDY TO DETERMINE WHETHER AN AREA IS A SLUM, BLIGHTED AREA, OR A COMBINATION THEREOF IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1), THE AUTHORITY SHALL PROVIDE NOTICE TO ANY OWNER OF PRIVATE PROPERTY LOCATED IN THE AREA THAT IS THE SUBJECT OF THE STUDY BY MAILING NOTICE TO THE OWNER BY REGULAR MAIL AT THE LAST-KNOWN ADDRESS OF RECORD. THE NOTICE SHALL STATE THAT THE AUTHORITY IS COMMENCING A STUDY NECESSARY FOR MAKING A DETERMINATION AS TO WHETHER THE AREA IN WHICH THE OWNER OWNS PROPERTY IS LOCATED IS A SLUM OR A BLIGHTED AREA. WHERE THE AUTHORITY MAKES A DETERMINATION THAT THE AREA IS NOT A SLUM, BLIGHTED AREA, OR A COMBINATION THEREOF, WITHIN THIRTY DAYS OF MAKING SUCH DETERMINATION, THE AUTHORITY SHALL ALSO SEND NOTICE

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

OF SUCH DETERMINATION TO ANY OWNER OF PRIVATE PROPERTY LOCATED IN THE AREA THAT IS THE SUBJECT OF THE STUDY BY MAILING NOTICE TO THE OWNER BY REGULAR MAIL AT THE LAST-KNOWN ADDRESS OF RECORD. FOR PURPOSES OF THIS PARAGRAPH (b), "PRIVATE PROPERTY" MEANS, AS APPLIED TO REAL PROPERTY, ONLY A FEE OWNERSHIP INTEREST.

(c) Except for urban renewal plans subject to section 31-25-103 (2) (1), the boundaries of an area that the governing body determines to be a blighted area shall be drawn as narrowly as the governing body determines feasible to accomplish the planning and development objectives of the proposed urban renewal area. The governing body shall not approve an urban renewal plan until a general plan for the municipality has been prepared. An authority shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal plan in accordance with subsection (4) of this section. In making the determination as to whether a particular area is blighted pursuant to the provisions of this part 1, any particular condition found to be present may satisfy as many of the factors referenced in section 31-25-103 (2) as are applicable to such condition.

SECTION 2. Effective date - applicability. (1) This act shall take effect September 1, 2007.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to studies for making a determination that an area is a slum, blighted area, or a combination thereof commenced by an urban renewal authority on or after the effective date of this act.

Approved: May 22, 2007