

CHAPTER 87

GOVERNMENT - COUNTY

SENATE BILL 08-158

BY SENATOR(S) Tochtrop, and Boyd;
also REPRESENTATIVE(S) Hodge.

AN ACT

CONCERNING THE INCLUSION FOR URBAN RENEWAL PURPOSES OF UNINCORPORATED LAND WITHIN A COUNTY THAT IS CONTIGUOUS TO A PORTION OF AN URBAN RENEWAL AREA LOCATED WITHIN A MUNICIPALITY.

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

SECTION 1. Part 1 of article 25 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

31-25-112.5. Inclusion of unincorporated territory in an urban renewal area.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, AN URBAN RENEWAL PLAN, URBAN RENEWAL PROJECT , OR URBAN RENEWAL AREA MAY INCLUDE UNINCORPORATED TERRITORY THAT IS OUTSIDE THE BOUNDARIES OF A MUNICIPALITY BUT CONTIGUOUS TO A PORTION OF THE URBAN RENEWAL AREA LOCATED WITHIN THE MUNICIPALITY. NO SUCH TERRITORY SHALL BE INCLUDED IN THE PLAN, PROJECT, OR AREA WITHOUT THE CONSENT OF THE BOARD OF COUNTY COMMISSIONERS EXERCISING JURISDICTION OVER THE UNINCORPORATED TERRITORY PROPOSED FOR INCLUSION AND THE CONSENT OF EACH OWNER OF, AND EACH HOLDER OF A RECORDED MORTGAGE OR DEED OF TRUST ENCUMBERING, REAL PROPERTY WITHIN THE UNINCORPORATED AREA PROPOSED FOR INCLUSION.

(2) IN ADDITION TO THE PROCEDURES FOR APPROVAL OF A PROPOSED URBAN RENEWAL PLAN BY THE GOVERNING BODY AS REQUIRED BY SECTION 31-25-107, THE UNINCORPORATED TERRITORY MAY BE INCLUDED IN THE URBAN RENEWAL PLAN, PROJECT, OR AREA UPON SATISFACTION OF EACH OF THE FOLLOWING ADDITIONAL REQUIREMENTS:

(a) THE BOARD OF COUNTY COMMISSIONERS MAKES A DETERMINATION THAT THE URBAN RENEWAL AREA PROPOSED FOR INCLUSION IN THE PLAN IS A SLUM OR

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

BLIGHTED AREA IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 31-25-107 (1).

(b) THE BOARD OF COUNTY COMMISSIONERS REFERS THE URBAN RENEWAL PLAN TO THE PLANNING COMMISSION OF THE COUNTY FOR A DETERMINATION AS TO THE CONFORMITY OF THE URBAN RENEWAL PLAN WITH THE GENERAL PLAN FOR DEVELOPMENT FOR THE COUNTY IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 31-25-107 (2).

(c) THE BOARD OF COUNTY COMMISSIONERS CONDUCTS A PUBLIC HEARING AND MAKES FINDINGS AND A DETERMINATION TO APPROVE INCLUSION OF THE UNINCORPORATED TERRITORY IN THE URBAN RENEWAL PLAN, PROJECT, OR AREA IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 31-25-107 (3), (4), (5), AND (6).

(d) THE BOARD OF COUNTY COMMISSIONERS MAKES AN ADDITIONAL FINDING, PRIOR TO APPROVING THE INCLUSION, THAT EACH OWNER OF, AND EACH HOLDER OF A RECORDED MORTGAGE OR DEED OF TRUST ENCUMBERING, REAL PROPERTY IN THE UNINCORPORATED TERRITORY PROPOSED FOR INCLUSION IN THE URBAN RENEWAL PLAN, PROJECT, OR AREA CONSENTS TO THE INCLUSION.

(e) THE BOARD OF COUNTY COMMISSIONERS DETERMINES WHETHER THE UNINCORPORATED TERRITORY SHALL BE INCLUDED IN ANY PROVISION FOR THE DIVISION OF TAXES IN THE URBAN RENEWAL AREA AS AUTHORIZED BY SECTION 31-25-107 (9), AND, IF SO DETERMINED, THE BOARD NOTIFIES THE COUNTY ASSESSOR OF SUCH INCLUSION AS REQUIRED BY SECTION 31-25-107 (10).

(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, THE REQUIREMENTS OF SECTION 31-25-107 (3.5) SHALL NOT APPLY TO ANY URBAN RENEWAL PLAN PROPOSED AND APPROVED PURSUANT TO THIS SECTION.

(4) ANY URBAN RENEWAL PLAN APPROVED IN ACCORDANCE WITH THIS SECTION MAY BE MODIFIED AS PROVIDED IN SECTION 31-25-107 (3) (a); EXCEPT THAT A MODIFICATION SHALL BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY, AND THE AUTHORITY.

(5) AN AUTHORITY, A MUNICIPALITY, AND A COUNTY MAY, CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO FURTHER EFFECTUATE THE PURPOSES OF THIS SECTION AND TO PROVIDE FOR THE INCLUSION OF UNINCORPORATED TERRITORY IN AN URBAN RENEWAL AREA.

SECTION 2. 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 1, 2008