

Summary of Legislation Pertaining to Land Use and Property Rights, 2007 Session (As of May 22, 2007)

| Bill No / Short Title / Sponsor(s) / Status | Bill Summary | Department(s) With Expenditure Impact | Total FY 2007-08 Expenditure Impact |
|--|--|--|-------------------------------------|
| Signed Into Law | | | |
| <p>SB 07-090</p> <p>County Authority To Vest Vacated Roadway</p> <p><i>Sen. Kopp</i> <i>Rep. J. Kerr</i></p> <p>Signed into Law</p> | <p>The act authorizes a board of county commissioners to dispose of a vacated roadway upon approval of a resolution by the board. A board may vest title to the following parties:</p> <ul style="list-style-type: none"> • the land owner abutting the roadway; • other land owners who use the vacated roadway to access their land, or • a legal entity (i.e., businesses, corporations) that represent any landowner who uses the vacated roadway as access to their land. <p>The bill also provides that such roadways are subject to public or private access easements to benefit designated properties.</p> | <p>No new state appropriations will be required in FY 2007-08.</p> | |
| <p>SB 07-157</p> <p>Required Notice of a Study Prior to the Exercise of Eminent Domain by Urban Renewal Authorities</p> <p><i>Sen. Ward</i> <i>Rep. Rice</i></p> <p>Signed into Law</p> | <p>The act states that within 30 days of commissioning a study to determine whether an area is a slum or blighted area, the urban renewal authority must provide notice that the area is the subject of a study. The notice would be sent by regular mail to owners of private property located within the study area. If the authority makes a determination that the area is not a slum or blighted area, the authority would mail a notice of the determination to owners of private property within the study area.</p> | <p>No new state appropriations will be required in FY 2007-08.</p> | |
| <p>HB 07-1246</p> <p>Concerning the Creation of Guidelines For the Enhanced Predictability of Discretionary Land Use Decisions Made by Local Governments.</p> <p><i>Sen. Tochtrop</i> <i>Rep. Levy</i></p> <p>Signed into Law</p> | <p>The act enables local governments to change the status of their comprehensive master plan, or parts of a plan, from an advisory document to an enforceable document through zoning, regulations, or land use codes.</p> <p>A master plan is generally a comprehensive policy document creating a framework for local government development over an extended period of time. It provides broad goals and objectives for the development of land, in business, housing, transportation, parking, and open space.</p> | <p>No new state appropriations will be required in FY 2007-08.</p> | |

Summary of Legislation Pertaining to Land Use & Property Rights, 2007 Session (As of April 18, 2007) (Cont.)

| Bill No / Short Title / Sponsor(s) / Status | Bill Summary | Department(s) With Expenditure Impact | Total FY 2007-08 Expenditure Impact |
|---|--|---|--|
| Signed Into Law (Cont.) | | | |
| <p>HB 07-1069</p> <p>Withdraw Consent Federal Eminent Domain</p> <p><i>Rep. McKinley</i> <i>Sen. Kester</i></p> <p>Signed into Law</p> | <p>The act withdraws the state's consent for the acquisition of, or exclusive jurisdiction over any land associated with the expansion of the Pinion Canyon Maneuver Site by the U.S. Department of Defense through the exercise of eminent domain.</p> | <p>Department of Law</p> <p>An attempt by the state of Colorado to prohibit the federal government from condemning land may result in litigation and legal services through the department.</p> | <p>Conditional state fiscal impact</p> |
| Postponed Indefinitely | | | |
| <p>SB 07-089</p> <p>Voter Approval Annex Enclaves</p> <p><i>Sen. Tochtrop</i></p> <p>Postponed Indefinitely by the Senate Local Government Committee</p> | <p>The introduced bill prohibited the municipal annexation of enclaves (unincorporated areas contained entirely within the boundaries of a municipality) unless the question of annexation has been voted on by the enclave's registered electors and approved by a majority. It specified that such an election is to be conducted in accordance with existing statutory provisions that govern such elections.</p> | <p>No new state appropriations would have been required in FY 2007-08.</p> | |
| <p>HB 07-1036</p> <p>Limit Acquisition of Water Rights by Eminent Domain</p> <p><i>Rep. Sonnenberg</i> <i>Sen. Shaffer</i></p> <p>No Conference Committee Report</p> | <p>The rerevised bill authorizes a study by the Water Resource Review Committee during the 2007 legislative interim to study the legal and other implications of imposing restrictions on the ability of governmental bodies to acquire water rights through eminent domain.</p> <p>This study will include the public finance implications resulting from any restriction, the effect of any such restriction on the ability of governmental bodies to provide water to the public in emergency circumstances, and implication for nontributary water rights.</p> | <p>No new state appropriations will be required in FY 2007-08.</p> | |

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| Postponed Indefinitely (Cont.) | | | |
| <p>HB 07-1068</p> <p>Private Toll Road Prerequisites</p> <p><i>Rep. Looper</i> <i>Sen. Williams</i></p> <p>Postponed Indefinitely by the Senate Transportation Committee</p> | <p>The reengrossed bill clarified that the Department of Transportation may only exercise the power of eminent domain for the completion of toll road or toll highway projects that are incorporated into the statewide transportation plan and undertaken as a public-private initiative between the department and a toll company.</p> <p>The bill also listed parties that are immune from civil liability in any lawsuit alleging damages arising out of the filing, recording, voiding, inclusion, or exclusion, or a disclaimer of interest, map, or written notice.</p> <p>The bill also modified several statutory deadlines on private toll companies for the formation of toll projects through a filed formation document. The bill required companies to:</p> <ul style="list-style-type: none"> • submit an annual report to the director of the department detailing the status of its proposed project(s) on or before September 1st of each year; • mail written notice of the intent of a project to the department and each person who owns real property within a three-mile corridor within 90 days of filing a formation document; • file a disclaimer of interest and project map, within 90 days of filing a formation document, with each clerk and recorder's office to indicate that the company provided written notice to each resident that will not have real property affected by the proposed project; • file a map of the right-of-way of a proposed toll project to the department within 90 days after the project is incorporated into the statewide transportation plan; • commence work, no later than 18 months after the formation document has been filed; and • commence actual construction of the toll project within seven years following the date that the map is filed or the company shall forfeit its rights. | <p>Department of State</p> <p>These costs will cover the contract computer programming and the addition of 0.1 FTE.</p> | <p align="right">\$27,355 CF</p> |

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| <p>HB 07-1068 (Cont.)</p> <p>Private Toll Road Prerequisites</p> <p><i>Rep. Looper</i> <i>Sen. Williams</i></p> <p>Postponed Indefinitely by the Senate Transportation Committee</p> | <p>The seven-year deadline could be extended if:</p> <ul style="list-style-type: none"> - administrative or judicial review delayed the commencement of construction; - the company had expended or invested at least \$5 million on the project; or - a deadline extension was approved by the Transportation Commission. | | |

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| Postponed Indefinitely (Cont.) | | | |
| <p>HB 07-1110</p> <p>Land Use Regulations and Private Real Property</p> <p><i>Rep. Lambert</i> <i>Sen. Brophy</i></p> <p>Postponed Indefinitely by the House Local Government Committee</p> | <p>The introduced bill provided remedies to owners of private property for diminution in the value of the property caused by land use regulations imposed by public entities.</p> <p>If a public entity enacts or enforces a land use regulation that diminishes the fair market value of a portion of privately owned real property by 20 percent or more, the public entity was required to either provide just compensation to the owner of the affected portion of real property or exempt the owner from the land use regulation. The bill permitted an owner to bring a civil action in district court to establish a diminution of value or just compensation by clear and convincing evidence. The bill contained several exceptions to certain types of land use regulations, including land use regulations that:</p> <ul style="list-style-type: none"> • were enacted prior to 1970; • were enacted after 1970, but prior to acquisition of the property by the owner; • were necessary to restrict or prohibit activities historically recognized as nuisances; • protect the public health, safety, morals, or welfare; or • comply with the requirements of federal law. <p>The bill did not apply to portions of privately owned real property, if an exemption from the land use regulation:</p> <ul style="list-style-type: none"> • created a decrease in the fair market value of any surrounding real properties; • threatened commonly held community values; or • threatened the natural or built environment. | <p>Significant costs may result from activities conducted by the Department of Natural Resources, the Department of Transportation and the Department of Public Health & Environment, but cannot be quantified.</p> <p>Costs may also be borne by the Judicial Department.</p> | |

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| Postponed Indefinitely (Cont.) | | | |
| <p>HB 07-1264</p> <p>Annexation of Entire Right-Of-Way</p> <p><i>Rep. Gardner C.</i> <i>Sen. Brophy</i></p> <p>Postponed Indefinitely by the Senate Local Government Committee</p> | <p>The reengrossed bill clarified that municipalities must annex the entire width of a street, alley, or road along with the rights-of-way if the boundaries of a proposed annexed area border a street, alley, road, or right-of-way.</p> | <p>No new state appropriations would have been required in FY 2007-08.</p> | |