

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0802.01 Rebecca Bayetti x4348

HOUSE BILL 26-1253

HOUSE SPONSORSHIP

Slaugh,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROCESS FOR DISCONNECTION OF PROPERTY FROM**
102 **A STATUTORY MUNICIPALITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, the owners of certain tracts of agricultural or farm land within and adjacent to the boundary of a statutory town may petition the district court for the county to have the land disconnected from the town (disconnection by court decree). The bill changes which tracts of land are eligible to be disconnected from a statutory town using the disconnection by court decree process, so that this process is not

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

available for any tract of land that is included within the boundaries of an urban renewal authority (affected urban renewal authority) or a special district that, by its service plan or pursuant to an intergovernmental agreement, is or will be expected to provide service to the tract of land (affected special district). Instead of using the disconnection by court decree process, owners of these tracts of land must use the process for applications for disconnection from a statutory municipality.

Under current law, the owner of a tract of land within and adjacent to the boundary of a statutory municipality may apply to the governing body of the municipality for the enactment of an ordinance disconnecting the tract of land from the municipality (disconnection by ordinance). The bill also modifies this disconnection by ordinance process by requiring that, in addition to the existing requirement that an owner provide notice and a copy of the application for disconnection to the board of county commissioners of the county in which the tract of land is located and to the board of directors of any affected special district, the owner seeking disconnection must also provide notice and a copy of the application for disconnection to the commissioners of any affected urban renewal authority. Upon receiving the notice and application, these entities may request a meeting with the owner of the land and the governing body of the municipality to discuss and address any negative impacts that would result from the disconnection, including any change in the level or extent of services being provided to the tract of land that is the subject of the disconnection application. The failure of the board of county commissioners, the board of any affected special district, or the commissioners of any affected urban renewal authority to request a meeting constitutes an acknowledgment that the disconnection will not adversely affect the county, the affected special district, or the affected urban renewal authority.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-12-501, **amend**
3 (1) and (2); and **add** (6) as follows:

4 **31-12-501. Application - enactment - filing - definitions.**

5 (1) When the owner of a tract of land within and adjacent to the
6 boundary of a municipality desires to have said tract disconnected from
7 ~~such~~ THE municipality, ~~such~~ THE owner may apply to the governing body
8 of ~~such~~ THE municipality for the enactment of an ordinance disconnecting

1 ~~such~~ THE tract of land from ~~such~~ THE municipality. The owner shall also
2 provide notice and a copy of the application to the board of county
3 commissioners of the county in which the tract of land that is the subject
4 of the application is located, ~~and~~ to the board of directors of any affected
5 special district, AND TO THE COMMISSIONERS OF ANY AFFECTED URBAN
6 RENEWAL AUTHORITY. No later than the effective date of the
7 disconnection of a particular tract of land, any vested property rights
8 affecting the tract that have been established pursuant to article 68 of title
9 24 prior to such date that are possessed by the owner of the tract shall be
10 expired or relinquished.

11 (2) (a) Not more than thirty days after receiving the notice
12 required by subsection (1) of this section, ~~either~~ the board of county
13 commissioners, ~~or~~ the board of directors of any affected special district,
14 OR THE COMMISSIONERS OF ANY AFFECTED URBAN RENEWAL AUTHORITY
15 may request a meeting with the owner and the governing body of the
16 municipality, or its appointee, to discuss and address any negative impacts
17 ~~on the county~~ that would result from the disconnection, INCLUDING ANY
18 CHANGE IN THE LEVEL OR EXTENT OF SERVICES BEING PROVIDED TO THE
19 TRACT OF LAND THAT IS THE SUBJECT OF THE DISCONNECTION
20 APPLICATION. If such meeting is requested, the owner and the governing
21 body or its appointee shall meet with ~~either~~ the board of county
22 commissioners, or its appointee, ~~or~~ the board of any affected special
23 district, or its appointee, OR THE COMMISSIONERS OF ANY AFFECTED
24 URBAN RENEWAL AUTHORITY, OR ITS APPOINTEE, not more than thirty days
25 after the meeting was requested. Failure by ~~either~~ the board of county
26 commissioners, ~~or~~ the board of any affected special district, OR THE
27 COMMISSIONERS OF ANY AFFECTED URBAN RENEWAL AUTHORITY to

1 request a meeting constitutes an acknowledgment by the particular board
2 OR COMMISSIONERS that the disconnection will not adversely affect the
3 county, ~~or an~~ THE affected special district, OR THE AFFECTED URBAN
4 RENEWAL AUTHORITY, as applicable.

5 (b) ~~As used in paragraph (a) of this subsection (2), "affected~~
6 ~~special district" means any special district that by its service plan or~~
7 ~~pursuant to an intergovernmental agreement is or will be expected to~~
8 ~~provide service to the tract of land that is the subject of the disconnection~~
9 ~~application. For purposes of paragraph (a) of this subsection (2),~~
10 ~~"negative impact" includes any change in the level or extent of services~~
11 ~~being provided to the tract of land by any special district.~~

12 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "AFFECTED SPECIAL DISTRICT" MEANS ANY SPECIAL DISTRICT
15 THAT, BY ITS SERVICE PLAN OR PURSUANT TO AN INTERGOVERNMENTAL
16 AGREEMENT, IS OR WILL BE EXPECTED TO PROVIDE SERVICE TO THE TRACT
17 OF LAND THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION.

18 (b) "AFFECTED URBAN RENEWAL AUTHORITY" MEANS ANY URBAN
19 RENEWAL AUTHORITY FORMED PURSUANT TO PART 1 OF ARTICLE 25 OF
20 THIS TITLE 31 THAT COVERS THE TRACT OF LAND THAT IS THE SUBJECT OF
21 THE DISCONNECTION APPLICATION.

22 **SECTION 2.** In Colorado Revised Statutes, **amend** 31-12-702 as
23 follows:

24 **31-12-702. Petition court to disconnect from town.**

25 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
26 SECTION, when a tract or two or more contiguous tracts of agricultural or
27 farm land aggregating twenty or more acres in area are embraced within

1 the corporate limits of any town, the outer boundary of which acreage is
2 adjacent to or upon the border of said town, the owners of ~~said~~ THE tracts
3 of land may petition the district court for the county in which ~~such~~ THE
4 land is situated to have the ~~same~~ land disconnected from ~~said~~ THE
5 incorporated town. Intersecting highways or intervening railroads ~~shall~~
6 DO not render ~~said~~ THE tracts of land noncontiguous or nonadjacent.

7 (2) THE PROCESS FOR DISCONNECTION FROM A STATUTORY TOWN
8 AS PROVIDED IN THIS PART 7 IS NOT AVAILABLE FOR ANY TRACT OF LAND
9 THAT IS INCLUDED WITHIN THE BOUNDARIES OF:

10 (a) AN URBAN RENEWAL AUTHORITY CREATED PURSUANT TO PART
11 1 OF ARTICLE 25 OF THIS TITLE 31; OR

12 (b) A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR PURSUANT
13 TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE EXPECTED TO
14 PROVIDE SERVICE TO THE TRACT OF LAND.

15 **SECTION 3.** In Colorado Revised Statutes, 31-12-703, **amend**
16 (1) introductory portion and (1)(f); and **add** (1)(g) as follows:

17 **31-12-703. Petition - contents.**

18 (1) The petition ~~shall~~ MUST contain the following:

19 (f) A representation that, for a period of six years after the
20 effective date of disconnection, said tracts will not be subdivided into lots
21 or plots of smaller area than is required during said period for lots within
22 said town adjoining said tracts under the applicable ordinances or
23 regulations of the town from which disconnection is sought and will not
24 be used during said period for industrial or commercial use if during said
25 period the applicable ordinances of the town from which disconnection
26 is sought prohibits such use in the area within said town adjoining such
27 tracts; AND

1 (g) AN ALLEGATION THAT THE TRACTS OF LAND ARE NOT LOCATED
2 WITHIN THE BOUNDARIES OF AN URBAN RENEWAL AUTHORITY CREATED
3 PURSUANT TO PART 1 OF ARTICLE 25 OF THIS TITLE 31 OR A SPECIAL
4 DISTRICT THAT, BY ITS SERVICE PLAN OR PURSUANT TO AN
5 INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE EXPECTED TO PROVIDE
6 SERVICE TO THE TRACT OF LAND.

7 **SECTION 4.** In Colorado Revised Statutes, **amend** 31-12-704 as
8 follows:

9 **31-12-704. Hearing - decree - proviso.**

10 (1) Upon the filing of such petition in the district court, the judge
11 shall set a date for a hearing, not less than forty days nor more than sixty
12 days thereafter. The clerk of the court shall serve a copy of the petition
13 and a notice of the date and the time set for such hearing upon the mayor
14 of the town ~~The same must be served~~ at least thirty days prior to the
15 hearing on such petition. ~~by the court~~ Upon the hearing and proof of the
16 facts set forth in such petition, the court shall determine whether the tracts
17 of land should be disconnected from the town, and the judge shall enter
18 an order or decree accordingly.

19 (2) THE PETITIONERS ARE NOT ENTITLED TO DISCONNECT THE LAND
20 UNDER THE PROVISIONS OF THIS PART 7 when:

21 (a) A town has improved any of the highways passing through or
22 adjoining said tracts of land by the construction and maintenance by the
23 town of any special improvements along, under, or over the same for a
24 period of more than two years prior to the presentation of the petition; ~~the~~
25 ~~petitioners are not entitled to disconnect the land under the provisions of~~
26 ~~this part 7~~ OR

27 (b) THE TRACTS OF LAND ARE INCLUDED WITHIN THE BOUNDARIES

1 OF:

2 (I) AN URBAN RENEWAL AUTHORITY CREATED PURSUANT TO PART
3 1 OF ARTICLE 25 OF THIS TITLE 31; OR

4 (II) A SPECIAL DISTRICT THAT, BY ITS SERVICE PLAN OR PURSUANT
5 TO AN INTERGOVERNMENTAL AGREEMENT, IS OR WILL BE EXPECTED TO
6 PROVIDE SERVICE TO THE TRACT OF LAND.

7 (3) Any disconnected land shall be made subject to the applicable
8 county's zoning resolution and map and other land development
9 regulations within ninety days after the effective date of the disconnection
10 as described in section 31-12-501 (5).

11 **SECTION 5. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 12, 2026, if adjournment sine die is on May 13,
15 2026); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2026 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) This act applies to applications for disconnection from a
22 municipality and petitions for disconnection from a statutory town
23 commenced on or after the applicable effective date of this act.