

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0558.02 Jason Gelender x4330

SENATE BILL 20-157

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION FOR A MUNICIPALITY OR COUNTY TO
102 CHARGE FAIR MARKET VALUE FOR VACATION OF ALL OR A
103 PORTION OF A PUBLIC ROADWAY.

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, when a municipality or a county vacates all or a portion of a roadway, title to the vacated land within the roadway automatically vests, without the payment of compensation to the county or municipality for the fair market value of the vacated land and with limited exceptions, in the owners of abutting land. The bill authorizes a

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

county or municipality to condition vacation of all or a portion of a roadway upon payment to the county or municipality of fair market value for the land included within the roadway or portion of a roadway by any person in whom title to the land being vacated will vest upon vacation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-2-303, **add** (5) as
3 follows:

4 **43-2-303. Methods of vacation.** (5) THE GOVERNING BODY OF A
5 COUNTY OR MUNICIPALITY VACATING ALL OR ANY PART OF A ROADWAY
6 MAY CONDITION THE VACATION UPON PAYMENT TO THE COUNTY OR
7 MUNICIPALITY OF FAIR MARKET VALUE FOR THE LAND INCLUDED WITHIN
8 THE ROADWAY OR PORTION OF A ROADWAY BY ANY PERSON IN WHOM
9 TITLE TO THE LAND BEING VACATED WILL VEST, AS SPECIFIED IN SECTION
10 43-2-302, UPON VACATION.

11 **SECTION 2. 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 5, 2020, if adjournment sine die is on May 6,
15 2020); 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 2020 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 any determination by a municipality or
22 county that it is appropriate to vacate a roadway that is made on or after
23 the applicable effective date of this act.