

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1014.01 Jason Gelender x4330

SENATE BILL 22-208

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SENATE SPONSORSHIP

Winter and Simpson,

HOUSE SPONSORSHIP

Lynch and Roberts,

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Senate Committees

Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING JUST COMPENSATION FOR THE CONDEMNATION OF  
102 PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT IN  
103 GROSS.

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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>.)*

The bill specifies that if property encumbered by a conservation easement in gross is condemned through an eminent domain proceeding, just compensation must be determined based on the value of the property as if unencumbered by the conservation easement in gross and must be allocated between the fee owner and the holder of the conservation

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.

easement based upon the value of their respective interests in the property.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 38-30.5-107.5  
3 as follows:

4           **38-30.5-107.5. Condemnation of property encumbered by a**  
5 **conservation easement in gross - determination of just compensation.**

6 IF PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT IN GROSS  
7 CREATED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
8 38-30.5-104 IS CONDEMNED IN ACCORDANCE WITH THE REQUIREMENTS OF  
9 ARTICLES 1 TO 7 OF THIS TITLE 38, JUST COMPENSATION MUST BE  
10 DETERMINED BASED ON THE VALUE OF THE PROPERTY AS IF  
11 UNENCUMBERED BY THE CONSERVATION EASEMENT IN GROSS AND MUST  
12 BE ALLOCATED BETWEEN THE FEE OWNER AND THE HOLDER OF THE  
13 CONSERVATION EASEMENT BASED UPON THE VALUE OF THEIR RESPECTIVE  
14 INTERESTS IN THE PROPERTY. THIS SECTION DOES NOT AFFECT OR LIMIT  
15 DAMAGES TO WHICH A HOLDER OF A CONSERVATION EASEMENT IN GROSS  
16 IS ENTITLED UNDER SECTION 38-30.5-108 (3).

17           **SECTION 2. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, or safety.