

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

**PREMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-1014.01 Jason Gelender x4330

**SENATE BILL 22-208**

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**SENATE SPONSORSHIP**

**Winter and Simpson,** Donovan, Jaquez Lewis, Woodward

**HOUSE SPONSORSHIP**

**Lynch and Roberts,**

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**Senate Committees**  
Finance

**House Committees**  
Finance

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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.*

SENATE  
3rd Reading Unamended  
April 27, 2022

SENATE  
2nd Reading Unamended  
April 26, 2022

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, **amend** 38-30.5-107  
3 as follows:

4 **38-30.5-107. Release - termination.** If it is determined that  
5 conditions on or surrounding a property encumbered by a conservation  
6 easement in gross change so that it becomes impossible to fulfill its  
7 conservation purposes that are defined in the deed of conservation  
8 easement, a court with jurisdiction may, at the joint request of both the  
9 owner of property encumbered by a conservation easement and the holder  
10 of the easement, terminate, release, extinguish, or abandon the  
11 conservation easement. If condemnation by a public authority of a part of  
12 a property or of the entire property encumbered by a conservation  
13 easement in gross renders it impossible to fulfill any of the conservation  
14 purposes outlined in the deed of conservation easement, the conservation  
15 easement may be terminated, released, SUBORDINATED, extinguished, or  
16 abandoned IN WHOLE OR IN PART through condemnation proceedings. A  
17 conservation easement in gross for which a Colorado state income tax  
18 credit has been allowed may not in whole or in part be released,  
19 terminated, extinguished, or abandoned by merger with the underlying fee  
20 interest in the servient land or water rights. Any release, termination, or  
21 extinguishment of a conservation easement under this section must be  
22 recorded in the records of the office of the clerk and recorder in the  
23 county where the conservation easement is located.

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

1           **38-30.5-107.5. Condemnation of property encumbered by a**  
2           **conservation easement in gross - determination of just compensation.**

3           IF PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT IN GROSS  
4           CREATED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
5           38-30.5-104 IS CONDEMNED IN ACCORDANCE WITH THE REQUIREMENTS OF  
6           ARTICLES 1 TO 7 OF THIS TITLE 38, AND, AS A RESULT OF THE  
7           CONDEMNATION, IT BECOMES IMPOSSIBLE TO FULFILL THE CONSERVATION  
8           PURPOSES AS DEFINED IN THE DEED OF CONSERVATION EASEMENT, JUST  
9           COMPENSATION MUST BE DETERMINED BASED ON THE VALUE OF THE  
10          PROPERTY AS IF UNENCUMBERED BY THE CONSERVATION EASEMENT IN  
11          GROSS AND MUST BE ALLOCATED BETWEEN THE FEE OWNER AND THE  
12          HOLDER OF THE CONSERVATION EASEMENT BASED UPON THE VALUE OF  
13          THEIR RESPECTIVE INTERESTS IN THE PROPERTY. THIS SECTION DOES NOT  
14          AFFECT OR LIMIT DAMAGES TO WHICH A HOLDER OF A CONSERVATION  
15          EASEMENT IN GROSS IS ENTITLED UNDER SECTION 38-30.5-108 (3).

16          **SECTION 3. Safety clause.** The general assembly hereby finds,  
17          determines, and declares that this act is necessary for the immediate  
18          preservation of the public peace, health, or safety.