



SENATE BILL 03-067

BY SENATOR(S) Johnson S., Anderson, Andrews, Arnold, Cairns, Entz, Evans, Hillman, Jones, Lamborn, May R., Taylor, and Teck;
also REPRESENTATIVE(S) Stengel, Berry, Cadman, Crane, Fritz, Hall, Harvey, Hoppe, Lee, May M., Rhodes, Rose, Schultheis, Sinclair, and Spradley.

CONCERNING PROCEDURES TO BE FOLLOWED BY COUNTY
GOVERNMENTS IN
CONNECTION WITH THE MERGING OF PARCELS OF LAND.

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

SECTION 1. Part 1 of article 28 of title 30, Colorado
Revised

Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**30-28-139. Merger of lots - notice - hearing -
assessment of
merged parcels.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
LAW,
WHERE A COUNTY ORDINANCE, REGULATION, OR RESOLUTION PROVIDES
FOR
THE MERGER OF TWO OR MORE PARCELS OF LAND FOR THE
PURPOSE OF
ELIMINATING INTERIOR LOT LINES, OBSOLETE SUBDIVISIONS, OR
OTHERWISE,
THE ORDINANCE, REGULATION, OR RESOLUTION SHALL PROVIDE THAT:

(a) PRIOR TO THE COMPLETION OF THE MERGER, THE COUNTY
SHALL

[] denotes HOUSE amendment. { } denotes SENATE
amendment.

Capital letters indicate new material to be added to existing

statute.

Dashes through the words indicate material to be deleted from existing statute.

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SEND NOTICE OF THE COUNTY'S INTENT TO COMPLETE THE MERGER TO EACH

OWNER OF THE AFFECTED PARCELS BY CERTIFIED MAIL. THE NOTICE SHALL

ALSO SPECIFY THAT EACH SUCH OWNER MAY REQUEST A HEARING ON THE

PROPOSED MERGER PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1),

AND SHALL SPECIFY ACTION TO BE TAKEN BY SUCH OWNER TO REQUEST SUCH

HEARING, INCLUDING, WITHOUT LIMITATION, THE REQUIREMENT THAT SAID

OWNER SHALL REQUEST THE HEARING WITHIN ONE HUNDRED TWENTY DAYS

OF THE DATE THE NOTICE REQUIRED BY THIS PARAGRAPH (a) IS RECEIVED BY

SAID OWNER.

(b) (I) PRIOR TO THE COMPLETION OF THE MERGER, WHERE EACH

OWNER OF AN AFFECTED PARCEL HAS TIMELY REQUESTED A HEARING ON THE

PROPOSED MERGER SATISFYING THE REQUIREMENTS OF PARAGRAPH (a) OF

THIS SUBSECTION (1), A PUBLIC HEARING ON SAID MERGER SHALL BE HELD

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY. THE

HEARING SHALL BE CONDUCTED FOR THE PURPOSE OF ALLOWING THE BOARD

TO DISCUSS WITH THE OWNER OF EACH AFFECTED PARCEL ITS REASONS FOR

PROCEEDING WITH THE MERGER AND TO GIVE EACH OWNER THE

OPPORTUNITY TO SUBMIT ANY BASIS PROVIDED UNDER LAW FOR

CHALLENGING THE MERGER. IN SUCH CASE, NOTICE OF THE TIME, PLACE,

AND
MANNER OF THE HEARING SHALL BE PROVIDED TO EACH OWNER OF
THE
AFFECTED PARCELS AND ALSO PUBLISHED IN A NEWSPAPER OF
GENERAL
CIRCULATION IN THE COUNTY IN A MANNER SUFFICIENT TO NOTIFY
THE
PUBLIC OF THE TIME, PLACE, AND NATURE OF SAID HEARING.

(II) WHERE THE OWNER OF EACH AFFECTED PARCEL FAILS TO
TIMELY
REQUEST A HEARING ON THE PROPOSED MERGER SATISFYING
THE
REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (1), NO
SUCH
HEARING IS REQUIRED, AND THE AFFECTED PARCELS SHALL BE
MERGED IN
ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (1).

(c) IN ORDER TO GIVE THE OWNER OF THE PARCELS
THE
OPPORTUNITY TO TAKE WHATEVER REMEDIAL ACTION IS ALLOWED
UNDER
LAW, THE HEARING AUTHORIZED BY PARAGRAPH (b) OF THIS
SUBSECTION (1)
SHALL TAKE PLACE NO SOONER THAN NINETY DAYS FOLLOWING THE
DATE OF
THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) NO MERGER OF PARCELS THAT IS THE SUBJECT OF A
HEARING
PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE
EFFECTIVE
UNLESS:

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(a) THE OWNER OF THE PARCELS HAS GIVEN HIS, HER, OR ITS
CONSENT
TO THE MERGER OF SAID PARCELS; AND

(b) THE MERGER HAS BEEN APPROVED BY A MAJORITY OF THE
BOARD

OF COUNTY COMMISSIONERS.

(3) UPON COMPLETION OF ANY MERGER OF PARCELS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, THE COUNTY SHALL:

(a) FOR PURPOSES OF THE LEVYING AND COLLECTION OF THE TAX ON REAL AND PERSONAL PROPERTY, ASSESS THE MERGED PARCELS AS ONE PARCEL OF REAL PROPERTY; AND

(b) FILE OF RECORD A NOTICE OF MERGER IN THE OFFICE OF THE CLERK AND RECORDER OF DEEDS FOR THE COUNTY IN WHICH THE MERGED PARCELS OF REAL PROPERTY ARE LOCATED, AND SUCH NOTICE SHALL CONSTITUTE PRIMA FACIE EVIDENCE THAT ALL OF THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION HAVE BEEN SATISFIED.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL NOT APPLY TO ANY MERGER OF PARCELS OF LAND THAT IS REQUESTED IN WRITING BY EACH OWNER OF AN AFFECTED PARCEL.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE OR OTHERWISE DIMINISH OR EXPAND ANY RIGHTS A LANDOWNER MAY HAVE UNDER ARTICLE 68 OF TITLE 24, C.R.S., PERTAINING TO VESTED PROPERTY RIGHTS.

SECTION 2. Effective date - applicability. (1) This act shall take effect October 1, 2003, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section

1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall take effect on the specified date only if approved by the people.

(2) (a) Provisions of this act addressing the requirements of notice and hearing shall only apply to mergers that take effect on or after the effective date of this act..

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(b) Provisions of this act addressing the assessment of merged parcels as one parcel of real property for purposes of the levying and collection of the tax on real and personal property shall apply to mergers that take effect prior to, on, and after the effective date of this act, but shall not be construed to require a reassessment of property for property tax years commencing prior to January 1, 2003.

John Andrews
Spradley
PRESIDENT OF
HOUSE
THE SENATE
REPRESENTATIVES

Lola
SPEAKER OF THE
OF

Mona Heustis
Rodrigue
SECRETARY OF
HOUSE

Judith
CHIEF CLERK OF THE

THE SENATE
REPRESENTATIVES

OF

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO