

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
9/23/24

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LLS NO. 25-0106.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Boesenecker,

SENATE SPONSORSHIP

(None),

BILL TOPIC: Municipal Authority over Certain Land
DEADLINES: Finalize by: 1/21/2025 File by: 1/24/2025

A BILL FOR AN ACT

101 CONCERNING THE SCOPE OF MUNICIPAL AUTHORITY OVER LAND THAT
102 A MUNICIPALITY ACQUIRES THAT IS OUTSIDE ITS MUNICIPAL
103 LIMITS.

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>.)

Current law grants a municipality full police power and control (authority) over land that it acquires outside its municipal limits for use as parks, parkways, boulevards, or roads. The bill extends this authority to land that a municipality acquires for open space and natural areas and clarifies that it extends to all such acquired land whether or not it is open

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

or closed to the public.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-25-201, **amend**
3 (1) introductory portion as follows:

4 **31-25-201. Cities may establish parks - recreational facilities**
5 **- conservation easements.** (1) Any city has authority, in the manner
6 provided in this part 2, to establish, maintain, and acquire by gift, devise,
7 purchase, or right of eminent domain such lands or interest in land, within
8 or without the municipal limits of such city, as in the judgment of the
9 governing body of such city may be necessary, suitable, or proper for
10 boulevards, parkways, avenues, driveways, and roadways or for park or
11 recreational purposes for the preservation or conservation of sites, scenes,
12 open space AND NATURAL AREAS, and vistas of scientific, historic,
13 aesthetic, or other public interest. The power of eminent domain granted
14 by this section, with respect to the acquisition of lands for parks or
15 recreational purposes for the preservation or conservation of sites, scenes,
16 open space AND NATURAL AREAS, and vistas of scientific, historic,
17 aesthetic, or other public interest may not be used by any city or city and
18 county to condemn property lying five miles or further from its corporate
19 limits, unless:

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 31-25-216 as
21 follows:

22 **31-25-216. Cities control park grounds outside limits.** (1) In
23 all cases ~~where~~ IN WHICH any city, ~~or~~ INCLUDING any city or city and
24 county organized under a special charter or created under the state
25 constitution, has acquired lands outside its municipal limits for parks,

1 OPEN SPACE AND NATURAL AREAS, parkways, boulevards, or roads, said
2 THE city or city and county has full police power and jurisdiction and full
3 municipal control and full power and authority in the management,
4 control, improvement, and maintenance of and over any such lands so
5 acquired ~~It~~ WHETHER OR NOT THE LANDS ARE OPEN OR CLOSED TO THE
6 PUBLIC. SUCH A CITY OR CITY AND COUNTY has power and authority to
7 provide by ordinance for the regulation and control of its lands so
8 acquired, to prevent the commission of any acts which are or may be
9 declared unlawful pursuant to the provisions of this part 2, and to
10 prosecute and punish the violation of any ordinances in its municipal
11 courts. Such A city or city and county also has like power and jurisdiction
12 to prevent pollution of the water in all reservoirs, streams, and pipes
13 ~~which~~ THAT may be included within any such parks, OPEN SPACE AND
14 NATURAL AREAS, parkways, boulevards, or roads and over the stream or
15 source from which such water is taken as far as ten miles above the point
16 from which it is diverted. Such A city or city and county has like power
17 and jurisdiction to regulate and prevent the erection, construction, and
18 maintenance, within three hundred feet of any such park, OPEN SPACE OR
19 NATURAL AREA, parkway, boulevard, or road outside its municipal limits,
20 of any advertisement or of any billboard or other structure for
21 advertisements. Such A city or city and county also has like power and
22 jurisdiction over the use of any public roads, boulevards, or parkways
23 within such parks **OR OPEN SPACE AND NATURAL AREAS** <{*I don't know*
24 *whether or not the highlighted language is needed as I don't know*
25 *whether there are any public roads running through open space or*
26 *natural areas.*}> and running over or through or between such lands and
27 any public roads, boulevards, or parkways between any such park, **OPEN**

1 **SPACE AND NATURAL AREAS,** or pleasure ground and its municipal
2 boundaries and not included within the municipal limits of any
3 incorporated city or town.

4 (2) In all cases ~~where~~ IN WHICH the right to take private property
5 for public use without the owner's consent or to acquire lands for parks,
6 OPEN SPACE AND NATURAL AREAS, parkways, boulevards, or roads outside
7 the municipal limits of any such city or city and county is conferred by
8 general laws or by the charter of any such city or city and county, it is
9 lawful for any such city or city and county, or the department or branch
10 thereof having authority in the premises, to take, by right of eminent
11 domain, the property so sought to be taken and appropriated, such
12 condemnation proceedings to be in accordance with the general laws of
13 the state, insofar as the same are applicable, relating to any such city or
14 city and county. The power and authority to so acquire lands for such
15 purposes outside the municipal limits of any such city or city and county
16 by gift, devise, purchase, or right of eminent domain is granted by this
17 section, subject to the limitation imposed by section 31-25-201 (1).

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2026 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor. <{*Let me know*
27 *if you prefer a safety clause so the bill can take effect upon signature*

- 1 *rather than, assuming a referendum petition isn't filed against it, in*
- 2 *August 2025.*>