

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

REDRAFT  
9/30/24

Double underlining  
denotes changes from  
prior draft

DRAFT

LLS NO. 25-0106.01 Jason Gelender x4330

HOUSE BILL

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HOUSE SPONSORSHIP

Boesenecker,

SENATE SPONSORSHIP

(None),

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

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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.

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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>.)*

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.

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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 and running over  
24 or through or between such lands and any public roads, boulevards, or  
25 parkways between any such park, OPEN SPACE AND NATURAL AREAS, or  
26 pleasure ground and its municipal boundaries and not included within the  
27 municipal limits of any incorporated city or town.

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

15           **SECTION 3. Safety clause.** The general assembly finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety or for appropriations for  
18 the support and maintenance of the departments of the state and state  
19 institutions.