

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0153.01 Bob Lackner x4350

SENATE BILL 15-114

---

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

(None),

---

Senate Committees

Local Government

House Committees

---

A BILL FOR AN ACT

101 CONCERNING RESTRICTIONS ON THE ABILITY OF A COUNTY  
102 GOVERNMENT TO EXERCISE ITS EMINENT DOMAIN POWERS FOR  
103 THE ACQUISITION OF OPEN SPACE.

---

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://www.leg.state.co.us/billsummaries>.)*

The bill prohibits a county government from either:

- ! Acquiring by condemnation property located within its territorial boundaries for the purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes; or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

! Providing funding, in whole or in part, to any other public or private party for the acquisition by condemnation of property located within its territorial boundaries for the purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-1-101, **add** (4.5)  
3 as follows:

4 **38-1-101. Compensation - public use - commission - jury -**  
5 **court - prohibition on elimination of nonconforming uses or**  
6 **nonconforming property design by amortization - limitation on**  
7 **extraterritorial condemnation by municipalities - limitation on**  
8 **condemnation by counties for open space - definitions.**

9 (4.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ORDER TO  
10 FURTHER PROTECT PRIVATE PROPERTY RIGHTS IN ACCORDANCE WITH THE  
11 FEDERAL AND STATE CONSTITUTIONS AND THIS SECTION, WITHOUT THE  
12 CONSENT OF THE OWNER OF THE PROPERTY, A COUNTY SHALL NOT:

13 (a) ACQUIRE BY CONDEMNATION PROPERTY LOCATED WITHIN ITS  
14 TERRITORIAL BOUNDARIES FOR THE PURPOSE OF PARKS, RECREATION,  
15 OPEN SPACE, CONSERVATION, PRESERVATION OF VIEWS OR SCENIC VISTAS,  
16 OR SIMILAR PURPOSES; OR

17 (b) PROVIDE FUNDING, IN WHOLE OR IN PART, TO ANY OTHER  
18 PUBLIC OR PRIVATE PARTY FOR THE ACQUISITION BY CONDEMNATION OF  
19 PROPERTY LOCATED WITHIN ITS TERRITORIAL BOUNDARIES FOR THE  
20 PURPOSE OF PARKS, RECREATION, OPEN SPACE, CONSERVATION,  
21 PRESERVATION OF VIEWS OR SCENIC VISTAS, OR SIMILAR PURPOSES.

1           **SECTION 2.** In Colorado Revised Statutes, 30-11-104, **add** (3)  
2 as follows:

3           **30-11-104. County buildings - acquisition of land or buildings**  
4 **by eminent domain authorized - prohibition on eminent domain for**  
5 **open space.** (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
6 WITHOUT THE CONSENT OF THE OWNER OF THE PROPERTY, A COUNTY  
7 SHALL NOT:

8           (a) ACQUIRE BY CONDEMNATION PROPERTY LOCATED WITHIN ITS  
9 TERRITORIAL BOUNDARIES FOR THE PURPOSE OF PARKS, RECREATION,  
10 OPEN SPACE, CONSERVATION, PRESERVATION OF VIEWS OR SCENIC VISTAS,  
11 OR SIMILAR PURPOSES; OR

12           (b) PROVIDE FUNDING, IN WHOLE OR IN PART, TO ANY OTHER  
13 PUBLIC OR PRIVATE PARTY FOR THE ACQUISITION BY CONDEMNATION OF  
14 PROPERTY LOCATED WITHIN ITS TERRITORIAL BOUNDARIES FOR THE  
15 PURPOSE OF PARKS, RECREATION, OPEN SPACE, CONSERVATION,  
16 PRESERVATION OF VIEWS OR SCENIC VISTAS, OR SIMILAR PURPOSES.

17           **SECTION 3. Effective date - applicability.** This act takes effect  
18 July 1, 2015, and applies to condemnation actions commenced on or after  
19 said date.

20           **SECTION 4. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.