

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

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LLS NO. 23-0862.01 Pierce Lively x2059

SENATE BILL

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

(None),

BILL TOPIC: County Revitalization Authorities

A BILL FOR AN ACT

101 **CONCERNING COUNTY REVITALIZATION AUTHORITIES.**

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 creates a process for the establishment of a county revitalization authority (authority). An authority is a corporate body that uses tax increment and private financing to conduct a county revitalization project (project) in revitalization areas in accordance with a county revitalization plan.

A county revitalization plan (plan) is a plan for the project. A plan must be: Reviewed by the county planning commission, the subject of a public hearing, and approved by the board of county commissioners (the

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

governing body). Any modifications to the plan must also be approved by the governing body. A plan may provide for tax increment financing.

An authority may not undertake a project unless, based on evidence presented at a public hearing, the governing body has determined by resolution that the area is a revitalization area and has designated the area as appropriate for the project. A revitalization area is an area that, upon the implementation of a plan, could substantially promote the sound growth of the county, improve economic and social conditions, and further the health, safety, and well-being of the public.

The creation of an authority may be initiated by the registered electors of a county filing a petition with the governing body or by the governing body adopting a resolution. In either case, there is a public hearing and, after that hearing, the governing body determines whether to create the authority. If a governing body decides to create an authority, the governing body appoints the authority commissioners, except for commissioners who are appointed by and as representatives of special districts and school districts that have joined the authority.

Any taxing entity, other than the county itself, that levies taxes in an area that would fall under the plan proposed by an authority may file a petition with the authority requesting to join the authority. The authority shall hold a hearing to determine whether to allow the taxing entity to join the authority.

An authority may:

- Undertake projects;
- Agree with the county, or other relevant public body, to plan, replan, zone, or rezone any part of the county or other public body in connection with a project;
- Make bylaws, orders, rules, and regulations;
- Make and execute contracts;
- Acquire property by purchase, lease, option, gift, grant, devise, condemnation, or eminent domain;
- Dedicate property acquired by the authority for public works, improvements, facilities, utilities, and other purposes;
- Mortgage, pledge, hypothecate, or otherwise encumber or dispose of its property;
- Set aside, dedicate, and devote project real property to public uses in accordance with the plan or set aside, dedicate, and transfer real property to an appropriate public body for public uses in accordance with the plan;
- Sell, lease, or otherwise transfer real property or any interest therein acquired by the authority as part of a project;
- Insure any of its properties or operations;
- Invest any of its money in the same manner as a public

1 EITHER THE DATE OF ADOPTION OF A COUNTY REVITALIZATION PLAN OR
2 ANY MODIFICATION OF A COUNTY REVITALIZATION A PLAN.

3 (2) "BONDS" MEANS ANY BONDS, INCLUDING REFUNDING BONDS,
4 NOTES, INTERIM CERTIFICATES OR RECEIPTS, TEMPORARY BONDS,
5 CERTIFICATES OF INDEBTEDNESS, DEBENTURES, OR OTHER OBLIGATIONS.

6 (3) "BROWNFIELD SITE" MEANS REAL PROPERTY AND THE
7 DEVELOPMENT, EXPANSION, REDEVELOPMENT, OR REUSE OF REAL
8 PROPERTY THAT IS COMPLICATED BY THE PRESENCE OF A SUBSTANTIAL
9 AMOUNT OF ONE OR MORE HAZARDOUS SUBSTANCES, POLLUTANTS, OR
10 CONTAMINANTS, AS DESIGNATED BY THE UNITED STATES
11 ENVIRONMENTAL PROTECTION AGENCY.

12 (4) "BUSINESS CONCERN" HAS THE SAME MEANING AS "BUSINESS"
13 AS SET FORTH IN SECTION 24-56-102 (1).

14 (5) "COUNTY REVITALIZATION AREA" MEANS A REVITALIZATION
15 AREA THAT THE GOVERNING BODY DESIGNATES AS APPROPRIATE FOR THE
16 COUNTY REVITALIZATION PROJECT.

17 (6) "COUNTY REVITALIZATION AUTHORITY" OR "AUTHORITY"
18 MEANS A CORPORATE BODY ORGANIZED PURSUANT TO THIS PART 1.

19 (7) "COUNTY REVITALIZATION PLAN" MEANS A PLAN FOR THE
20 COUNTY REVITALIZATION PROJECT THAT:

21 (a) CONFORMS TO A GENERAL OR MASTER PLAN FOR THE PHYSICAL
22 DEVELOPMENT OF THE COUNTY AS A WHOLE;

23 (b) INDICATES LAND ACQUISITION, DEVELOPMENT,
24 REDEVELOPMENT, REHABILITATION, AND ADDITIONAL LAND AND CAPITAL
25 IMPROVEMENTS;

26 (c) INCLUDES ZONING AND PLANNING CHANGES, IF ANY, LAND
27 USES, MAXIMUM DENSITIES, AND BUILDING REQUIREMENTS; AND

1 (d) DEFINES THE PLAN'S RELATIONSHIP TO DEFINED LOCAL
2 OBJECTIVES RESPECTING APPROPRIATE LAND USES, IMPROVED TRAFFIC,
3 PUBLIC TRANSPORTATION, PUBLIC UTILITIES, RECREATIONAL AND
4 COMMUNITY FACILITIES, AND OTHER PUBLIC IMPROVEMENTS.

5 (8) "COUNTY REVITALIZATION PROJECT" MEANS UNDERTAKINGS
6 AND ACTIVITIES THAT TAKE ADVANTAGE OF REVITALIZATION AREAS IN
7 ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN. SUCH
8 UNDERTAKINGS AND ACTIVITIES MAY INCLUDE:

9 (a) ACQUISITION OF A REVITALIZATION AREA OR ANY PORTION
10 THEREOF;

11 (b) DEMOLITION AND REMOVAL OF BUILDINGS AND
12 IMPROVEMENTS;

13 (c) INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION OF
14 STREETS, UTILITIES, PARKS, PLAYGROUNDS, AND OTHER IMPROVEMENTS;

15 (d) DISPOSITION OF ANY PROPERTY ACQUIRED OR HELD BY THE
16 AUTHORITY AS A PART OF THE COUNTY REVITALIZATION PROJECT FOR
17 COUNTY REVITALIZATION AREAS. DISPOSITION INCLUDES SALE, INITIAL
18 LEASING, OR TEMPORARY RETENTION BY THE AUTHORITY AT THE FAIR
19 VALUE OF THE PROPERTY FOR USE IN ACCORDANCE WITH THE COUNTY
20 REVITALIZATION PLAN;

21 (e) CARRYING OUT PLANS FOR A PROGRAM THROUGH VOLUNTARY
22 ACTION AND THE REGULATORY PROCESS FOR THE REPAIR, ALTERATION,
23 AND REHABILITATION OF BUILDINGS OR OTHER IMPROVEMENTS IN
24 ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN; AND

25 (f) ACQUISITION OF ANY PROPERTY NECESSARY TO ACHIEVE THE
26 OBJECTIVES OF THE COUNTY REVITALIZATION PLAN.

27 (9) "DISPLACED PERSON" HAS THE SAME MEANING AS IN SECTION

1 24-56-102 (2), AND ALSO INCLUDES ANY INDIVIDUAL, FAMILY, OR
2 BUSINESS CONCERN DISPLACED BY AN AUTHORITY ACQUIRING REAL
3 PROPERTY THROUGH THE EXERCISE OF EMINENT DOMAIN.

4 (10) "GOVERNING BODY" MEANS THE BOARD OF COUNTY
5 COMMISSIONERS OF THE COUNTY WITHIN WHICH AN AUTHORITY IS
6 ESTABLISHED OR PROPOSED TO BE ESTABLISHED.

7 (11) "OBLIGEE" MEANS ANY BONDHOLDER, AGENT, TRUSTEE FOR
8 ANY BONDHOLDER, LESSOR DEMISING TO AN AUTHORITY PROPERTY USED
9 IN CONNECTION WITH THE COUNTY REVITALIZATION PROJECT OF THE
10 AUTHORITY, ASSIGNEE OF SUCH LESSOR'S INTEREST OR ANY PART
11 THEREOF, OR THE FEDERAL GOVERNMENT WHEN IT IS A PARTY TO ANY
12 CONTRACT OR AGREEMENT WITH AN AUTHORITY.

13 (12) "PUBLIC BODY" MEANS THE STATE OF COLORADO AND ANY
14 COUNTY, QUASI-MUNICIPAL CORPORATION, BOARD, COMMISSION,
15 AUTHORITY, POLITICAL SUBDIVISION, OR PUBLIC CORPORATE BODY OF THE
16 STATE.

17 (13) "REAL PROPERTY" MEANS LANDS, LANDS UNDER WATER,
18 STRUCTURES, EASEMENTS, FRANCHISES, AND INCORPOREAL
19 HEREDITAMENTS AND EVERY ESTATE AND RIGHT THEREIN, LEGAL AND
20 EQUITABLE, INCLUDING TERMS FOR YEARS AND LIENS BY WAY OF
21 JUDGMENT, MORTGAGE, OR OTHERWISE.

22 (14) "REVITALIZATION AREA" MEANS AN AREA THAT, UPON THE
23 IMPLEMENTATION OF THE COUNTY REVITALIZATION PLAN, SUBSTANTIALLY
24 PROMOTES THE SOUND GROWTH OF THE COUNTY, IMPROVES ECONOMIC
25 AND SOCIAL CONDITIONS, AND FURTHERS THE HEALTH, SAFETY, AND
26 WELL-BEING OF THE PUBLIC BY THE ACTUALIZATION OF ONE OF THE
27 FOLLOWING OPPORTUNITY FACTORS:

1 (a) INVESTMENT IN CRITICAL INFRASTRUCTURE, INCLUDING
2 WATER, SANITARY SEWER AND STORM WATER SYSTEMS AND
3 MANAGEMENT, ELECTRICITY, AND OTHER PUBLIC UTILITIES TO ACHIEVE
4 DESIRED LEVELS OF RESIDENTIAL DENSITY AND EMPLOYMENT GROWTH;

5 (b) IMPROVEMENT OF MOBILITY AND INCREASED ACCESS TO
6 TRANSPORTATION CORRIDORS AND MULTIMODAL TRANSPORTATION
7 OPTIONS;

8 (c) DEVELOPMENT OF AFFORDABLE HOUSING PROXIMATE TO
9 ENHANCED TRANSPORTATION HUBS AND CORRIDORS;

10 (d) DEVELOPMENT OF ECONOMIC OPPORTUNITIES FOR JOB
11 CREATION AND GROWTH IN ENTREPRENEURSHIP AND SUCCESSFUL
12 LOCATION OF EXISTING BUSINESSES;

13 (e) EXPANSION OF ACCESS TO HEALTHY FOOD SYSTEMS,
14 COMMUNITY MEDICAL SERVICES, PUBLIC PARKS, OR PUBLIC EDUCATION
15 OPPORTUNITIES;

16 (f) IMPROVEMENT OF CIRCULATION PATTERNS AND ENHANCEMENT
17 OF SAFE AND RELIABLE PUBLIC TRANSPORTATION SYSTEMS;

18 (g) REMEDIATION OF CONTAMINATED SOILS OR WATER;

19 (h) CLEARANCE, ABATEMENT, OR REHABILITATION OF
20 STRUCTURALLY UNSOUND, DETERIORATING, OR OTHERWISE UNSAFE
21 STRUCTURES; OR

22 (i) REDEVELOPMENT OF FORMER LANDFILLS, FLOODPLAINS, OR
23 OTHER AREAS CHALLENGED BY TOPOGRAPHY THAT, IN THEIR PRESENT
24 CONDITION, POSE A THREAT TO PUBLIC HEALTH AND SAFETY.

25 (15) "URBAN-LEVEL DEVELOPMENT" MEANS AN AREA IN WHICH
26 THERE IS A PREDOMINANCE OF EITHER PERMANENT STRUCTURES OR
27 ABOVE-GROUND OR AT-GRADE INFRASTRUCTURE.

1 **30-31-104. County revitalization authority.** (1) (a) ANY
2 TWENTY-FIVE REGISTERED ELECTORS OF A COUNTY MAY FILE A PETITION
3 WITH THE GOVERNING BODY OR ITS DESIGNEE, OR THE GOVERNING BODY
4 MAY ADOPT A RESOLUTION, SETTING FORTH THAT THERE IS A NEED FOR A
5 COUNTY REVITALIZATION AUTHORITY IN THE COUNTY.

6 (b) (I) UPON THE FILING OF A PETITION OR THE ADOPTION OF A
7 RESOLUTION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, A COUNTY
8 SHALL GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF A PUBLIC
9 HEARING WHERE THE GOVERNING BODY WILL DETERMINE THE NEED FOR
10 THE COUNTY REVITALIZATION AUTHORITY IN THE COUNTY. THIS NOTICE
11 MUST ALSO INCLUDE A GENERAL DESCRIPTION OF THE LAND THAT WOULD
12 BE PART OF THE COUNTY REVITALIZATION AREA.

13 (II) A COUNTY SHALL PROVIDE THE NOTICE DESCRIBED IN THIS
14 SUBSECTION (1)(b) AT ITS OWN EXPENSE BY PUBLISHING THE NOTICE AT
15 LEAST THIRTY DAYS PRECEDING THE DAY ON WHICH THE HEARING IS TO BE
16 HELD IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE COUNTY
17 OR, IF THERE IS NO SUCH NEWSPAPER, BY POSTING THE NOTICE IN AT LEAST
18 THREE PUBLIC PLACES WITHIN THE COUNTY AT LEAST THIRTY DAYS
19 PRECEDING THE DAY ON WHICH THE HEARING IS TO BE HELD.

20 (III) AT THE HEARING HELD PURSUANT TO THE NOTICE DESCRIBED
21 IN THIS SUBSECTION (1)(b), THE GOVERNING BODY SHALL GRANT A FULL
22 OPPORTUNITY TO BE HEARD TO ALL COUNTY RESIDENTS, TAXPAYERS, AND
23 OTHER INTERESTED PERSONS.

24 (c) AFTER THE HEARING HELD PURSUANT TO THE NOTICE
25 DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, THE GOVERNING BODY
26 SHALL ADOPT A RESOLUTION FINDING A NEED FOR AND CREATING THE
27 COUNTY REVITALIZATION AUTHORITY IF THE GOVERNING BODY:

1 (I) DETERMINES THAT THERE ARE ONE OR MORE REVITALIZATION
2 AREAS IN THE COUNTY OUTSIDE OF EXISTING URBAN RENEWAL
3 AUTHORITIES AND COLORADO RIVER WATER CONSERVATION DISTRICTS;

4 (II) DETERMINES THAT THE ACQUISITION, CLEARANCE,
5 REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT, OR
6 ANY COMBINATION THEREOF OF SUCH REVITALIZATION AREAS IS
7 NECESSARY AND IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, OR
8 WELFARE OF THE COUNTY RESIDENTS; AND

9 (III) DECLARES IT TO BE IN THE PUBLIC INTEREST THAT THE
10 COUNTY REVITALIZATION AUTHORITY BE CREATED AND EXERCISES THE
11 POWERS PROVIDED IN THIS PART 1.

12 (d) (I) IF THE GOVERNING BODY ADOPTS A RESOLUTION IN
13 ACCORDANCE WITH SUBSECTION (1)(c) OF THIS SECTION, THE GOVERNING
14 BODY SHALL APPOINT AUTHORITY COMMISSIONERS AS PROVIDED IN
15 SUBSECTION (2) OF THIS SECTION.

16 (II) IF THE GOVERNING BODY, AFTER A HEARING HELD PURSUANT
17 TO SUBSECTION (1)(b) OF THIS SECTION, DETERMINES THAT IT CANNOT
18 MAKE THE DETERMINATIONS AND DECLARATION ENUMERATED IN
19 SUBSECTION (1)(c) OF THIS SECTION, IT SHALL ADOPT A RESOLUTION
20 DENYING THE PETITION FILED PURSUANT TO SUBSECTION (1)(a) OF THIS
21 SECTION. ONLY BEGINNING SIX MONTHS AFTER THE DENIAL OF SUCH A
22 PETITION MAY REGISTERED ELECTORS FILE SUBSEQUENT PETITIONS WITH
23 THE GOVERNING BODY OR ITS DESIGNEE, SETTING FORTH THAT THERE IS A
24 NEED FOR THE COUNTY REVITALIZATION AUTHORITY IN THE COUNTY.

25 (2) (a) (I) AN AUTHORITY CONSISTS OF NO FEWER THAN THREE
26 AND NO MORE THAN EIGHT AUTHORITY COMMISSIONERS.

27 (II) (A) IF AT LEAST ONE TAXING ENTITY HAS JOINED THE

1 AUTHORITY PURSUANT TO SUBSECTION (6) OF THIS SECTION, ONE
2 AUTHORITY COMMISSIONER MUST BE A BOARD MEMBER OF A SPECIAL
3 DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING
4 A MILL LEVY WITHIN THE BOUNDARIES OF THE COUNTY REVITALIZATION
5 AUTHORITY AREA THAT HAVE JOINED THE COUNTY REVITALIZATION
6 AUTHORITY AND ONE AUTHORITY COMMISSIONER MUST BE AN ELECTED
7 MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A
8 MILL LEVY WITHIN THE BOUNDARIES OF THE COUNTY REVITALIZATION
9 AUTHORITY AREA WHO IS SELECTED BY AGREEMENT OF THE SCHOOL
10 DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE COUNTY
11 REVITALIZATION AREA THAT HAVE JOINED THE COUNTY REVITALIZATION
12 AUTHORITY.

13 (B) IF NO SPECIAL DISTRICT OR SCHOOL DISTRICT APPOINTS AN
14 AUTHORITY COMMISSIONER, THEN THE SPECIAL DISTRICT OR SCHOOL
15 DISTRICT APPOINTMENT REMAINS VACANT UNTIL THE APPLICABLE
16 APPOINTING AUTHORITY MAKES THE APPOINTMENT PURSUANT TO THIS
17 SUBSECTION (2)(a).

18 (III) IF THE GOVERNING BODY APPOINTS AN EVEN NUMBER OF
19 AUTHORITY COMMISSIONERS, THE GOVERNING BODY SHALL DESIGNATE AN
20 AUTHORITY COMMISSIONER AS THE AUTHORITY COMMISSIONER WHO
21 CASTS THE DECIDING VOTE IN THE CASE OF AN OTHERWISE TIE VOTE.

22 (b) (I) AUTHORITY COMMISSIONER TERMS ARE FOR FOUR YEARS;
23 EXCEPT THAT THE GOVERNING BODY SHALL ASSIGN TERMS OF FOUR YEARS
24 OR FEWER FOR THE INITIAL AUTHORITY COMMISSIONERS SO THAT
25 AUTHORITY COMMISSIONERS SERVE FOR STAGGERED TERMS.

26 (II) THE GOVERNING BODY SHALL FILL AUTHORITY COMMISSIONER
27 VACANCIES, OTHER THAN THOSE THAT OCCUR DUE TO THE EXPIRATION OF

1 TERMS, FOR THE REMAINING UNEXPIRED TERM; EXCEPT THAT A VACANCY
2 OF THE SPECIAL-DISTRICT APPOINTED SEAT MUST BE FILLED BY
3 AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS AND A VACANCY OF THE
4 SCHOOL-DISTRICT APPOINTED SEAT MUST BE FILLED BY AGREEMENT OF
5 THE AFFECTED SCHOOL DISTRICTS.

6 (III) AN AUTHORITY COMMISSIONER HOLDS OFFICE UNTIL THE
7 GOVERNING BODY APPOINTS THE AUTHORITY COMMISSIONER'S QUALIFIED
8 SUCCESSOR.

9 (c) (I) THE GOVERNING BODY SHALL DESIGNATE THE CHAIRPERSON
10 FOR THE FIRST YEAR OF THE AUTHORITY. WHEN THE OFFICE OF THE FIRST
11 CHAIRPERSON OF THE AUTHORITY BECOMES VACANT AND ANNUALLY
12 THEREAFTER, THE AUTHORITY SHALL SELECT A CHAIRPERSON AND
13 VICE-CHAIRPERSON FROM AMONG ITS MEMBERS.

14 (II) AN AUTHORITY MAY EMPLOY A SECRETARY, AN EXECUTIVE
15 DIRECTOR, TECHNICAL EXPERTS, AND SUCH OTHER OFFICERS, AGENTS, AND
16 EMPLOYEES AS IT MAY REQUIRE AND SHALL DETERMINE THEIR
17 QUALIFICATIONS, DUTIES, AND COMPENSATION.

18 (III) AN AUTHORITY MAY CALL UPON THE COUNTY ATTORNEY, AND
19 EMPLOY ITS OWN COUNSEL AND LEGAL STAFF, FOR LEGAL SERVICES.

20 (IV) AN AUTHORITY MAY DELEGATE POWERS AND DUTIES TO ONE
21 OR MORE OF ITS AGENTS OR EMPLOYEES AS IT DEEMS PROPER.

22 (d) THE GOVERNING BODY SHALL FILE WITH THE COUNTY CLERK
23 AND RECORDER A CERTIFICATE OF THE APPOINTMENT OR REAPPOINTMENT
24 OF ANY AUTHORITY COMMISSIONER, AND THE CERTIFICATE IS CONCLUSIVE
25 EVIDENCE OF THE DUE AND PROPER APPOINTMENT OF AUTHORITY
26 COMMISSIONER.

27 (e) AN AUTHORITY COMMISSIONER RECEIVES NO COMPENSATION

1 FOR SERVICES RENDERED, BUT IS ENTITLED TO REIMBURSEMENT FOR
2 NECESSARY EXPENSES, INCLUDING TRAVELING EXPENSES, INCURRED IN
3 THE DISCHARGE OF THE DUTIES DESCRIBED IN THIS ARTICLE 31.

4 (f) A MAJORITY OF THE AUTHORITY COMMISSIONERS CONSTITUTES
5 A QUORUM.

6 (3) (a) (I) UPON APPOINTMENT AS AN AUTHORITY COMMISSIONER,
7 AN AUTHORITY COMMISSIONER SHALL FILE A CERTIFICATE WITH THE
8 DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS
9 SETTING FORTH THAT THE GOVERNING BODY, AFTER THE HEARING
10 REQUIRED BY SUBSECTION (1)(b) OF THIS SECTION, MADE THE FINDINGS
11 AND DECLARATION REQUIRED IN SUBSECTION (1)(c) OF THIS SECTION AND
12 APPOINTED THE AUTHORITY COMMISSIONER.

13 (II) UPON AN AUTHORITY COMMISSIONER FILING SUCH A
14 CERTIFICATE, THE AUTHORITY COMMISSIONER AND ANY SUCCESSOR
15 CONSTITUTES THE COUNTY REVITALIZATION AUTHORITY, WHICH IS A BODY
16 CORPORATE AND POLITIC.

17 (b) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE
18 VALIDITY OR ENFORCEMENT OF ANY BOND, CONTRACT, MORTGAGE, TRUST
19 INDENTURE, OR OTHER AGREEMENT OF THE AUTHORITY, THE AUTHORITY
20 MUST BE CONCLUSIVELY DEEMED TO HAVE BEEN ESTABLISHED IN
21 ACCORDANCE WITH THE PROVISIONS OF THIS PART 1 UPON PROOF OF THE
22 FILING OF THE CERTIFICATE DESCRIBED IN THIS SUBSECTION (3). A COPY
23 OF THE CERTIFICATE, DULY CERTIFIED BY THE DIRECTOR OF THE DIVISION
24 OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, IS
25 ADMISSIBLE IN EVIDENCE IN ANY SUCH SUIT, ACTION, OR PROCEEDING.

26 (4) (a) (I) NEITHER ANY AUTHORITY COMMISSIONER, AUTHORITY
27 OFFICER, OR EMPLOYEE OF AN AUTHORITY NOR ANY IMMEDIATE FAMILY

1 MEMBER OF ANY SUCH AUTHORITY COMMISSIONER, OFFICER, OR
2 EMPLOYEE MAY ACQUIRE ANY INTEREST, DIRECT OR INDIRECT, IN ANY
3 COUNTY REVITALIZATION PROJECT OR IN ANY PROPERTY INCLUDED OR
4 PLANNED TO BE INCLUDED IN ANY COUNTY REVITALIZATION PROJECT.

5 (II) AN AUTHORITY COMMISSIONER SHALL NOT HAVE ANY
6 INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT OR PROPOSED
7 CONTRACT FOR MATERIALS OR SERVICES TO BE FURNISHED OR USED IN
8 CONNECTION WITH ANY COUNTY REVITALIZATION PROJECT.

9 (b) (I) (A) IF AN AUTHORITY COMMISSIONER, AUTHORITY OFFICER,
10 OR EMPLOYEE OF AN AUTHORITY OWNS OR CONTROLS AN INTEREST,
11 DIRECT OR INDIRECT, IN ANY PROPERTY INCLUDED OR PLANNED TO BE
12 INCLUDED IN THE COUNTY REVITALIZATION PROJECT, THE AUTHORITY
13 COMMISSIONER SHALL IMMEDIATELY DISCLOSE THE INTEREST IN WRITING
14 TO THE AUTHORITY. THE DISCLOSURE MUST BE ENTERED UPON THE
15 MINUTES OF THE AUTHORITY.

16 (B) UPON A DISCLOSURE MADE PURSUANT TO SUBSECTION
17 (4)(b)(I)(A) OF THIS SECTION, THE AUTHORITY COMMISSIONER, OFFICER,
18 OR OTHER EMPLOYEE SHALL NOT PARTICIPATE IN ANY ACTION BY THE
19 AUTHORITY AFFECTING THE CARRYING OUT OF THE COUNTY
20 REVITALIZATION PROJECT PLANNING OR THE UNDERTAKING OF THE
21 PROJECT, UNLESS THE AUTHORITY DETERMINES THAT, NOTWITHSTANDING
22 THE PERSONAL INTEREST, THE PARTICIPATION OF THE AUTHORITY
23 COMMISSIONER, OFFICER, OR EMPLOYEE WOULD NOT BE CONTRARY TO THE
24 PUBLIC INTEREST.

25 (II) ACQUISITION OR RETENTION OF ANY INTEREST DESCRIBED IN
26 SUBSECTION (4)(b)(I)(A) OF THIS SECTION WITHOUT A DETERMINATION BY
27 THE AUTHORITY THAT THE INTEREST IS NOT CONTRARY TO THE PUBLIC

1 INTEREST OR WILLFUL FAILURE TO DISCLOSE ANY SUCH INTEREST
2 CONSTITUTES MISCONDUCT IN OFFICE.

3 (5) (a) THE GOVERNING BODY MAY REMOVE AN AUTHORITY
4 COMMISSIONER FOR INEFFICIENCY OR NEGLECT OF DUTY OR MISCONDUCT
5 IN OFFICE ONLY AFTER THE AUTHORITY COMMISSIONER HAS BEEN GIVEN
6 A COPY OF THE CHARGES THAT THE GOVERNING BODY MADE AGAINST THE
7 AUTHORITY COMMISSIONER AND THE AUTHORITY COMMISSIONER HAS HAD
8 AN OPPORTUNITY TO BE HEARD IN PERSON OR THROUGH COUNSEL BEFORE
9 THE GOVERNING BODY.

10 (b) IF ANY AUTHORITY COMMISSIONER IS REMOVED, THE
11 GOVERNING BODY SHALL FILE A RECORD OF THE PROCEEDINGS, TOGETHER
12 WITH THE CHARGES MADE AGAINST THE AUTHORITY COMMISSIONER AND
13 ANY RELATED FINDINGS, IN THE OFFICE OF THE COUNTY CLERK AND
14 RECORDER.

15 (6) (a) ANY TAXING ENTITY, OTHER THAN THE COUNTY, THAT
16 LEVIES TAXES IN AN AREA THAT WOULD FALL UNDER THE COUNTY
17 REVITALIZATION PLAN PROPOSED BY THE AUTHORITY MAY FILE A PETITION
18 WITH THE AUTHORITY REQUESTING TO JOIN THE AUTHORITY.

19 (b) WITHIN THIRTY DAYS OF RECEIVING THE NOTICE DESCRIBED IN
20 SUBSECTION (6)(a) OF THIS SECTION, THE AUTHORITY SHALL HOLD A
21 PUBLIC HEARING TO DETERMINE WHETHER THE TAXING ENTITY THAT FILED
22 A PETITION SHOULD BE INCLUDED IN THE AUTHORITY.

23 (c) THE INCREMENTAL PROPERTY TAX REVENUE OF A TAXING
24 ENTITY THAT EITHER DOES NOT FILE A PETITION IN ACCORDANCE WITH
25 SUBSECTION (6)(a) OF THIS SECTION OR THAT THE AUTHORITY DECIDES
26 NOT TO INCLUDE IN THE AUTHORITY DURING A HEARING HELD IN
27 ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION SHALL NOT BE

1 ALLOCATED UNDER THE COUNTY REVITALIZATION PLAN PROPOSED BY THE
2 AUTHORITY.

3 **30-31-105. Powers of an authority.** (1) AN AUTHORITY HAS ALL
4 THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE
5 THE PURPOSES AND PROVISIONS OF THIS ARTICLE 31, INCLUDING THE
6 POWER TO:

7 (a) SUE AND TO BE SUED;

8 (b) ADOPT AND ALTER A SEAL;

9 (c) HAVE PERPETUAL SUCCESSION;

10 (d) MAKE, AND FROM TIME TO TIME AMEND AND REPEAL, BYLAWS,
11 ORDERS, RULES, AND REGULATIONS TO EFFECTUATE THE PROVISIONS OF
12 THIS ARTICLE 31;

13 (e) UNDERTAKE COUNTY REVITALIZATION PROJECTS;

14 (f) MAKE AND EXECUTE ANY AND ALL CONTRACTS AND OTHER
15 INSTRUMENTS WHICH IT MAY DEEM NECESSARY OR CONVENIENT TO THE
16 EXERCISE OF ITS POWERS UNDER THIS ARTICLE 31, INCLUDING CONTRACTS
17 FOR ADVANCES, LOANS, GRANTS, AND CONTRIBUTIONS FROM THE FEDERAL
18 GOVERNMENT OR ANY OTHER SOURCE;

19 (g) ARRANGE FOR THE FURNISHING OR REPAIR BY ANY PERSON OR
20 PUBLIC BODY OF SERVICES, PRIVILEGES, WORKS, STREETS, ROADS, PUBLIC
21 UTILITIES, OR EDUCATIONAL OR OTHER FACILITIES FOR OR IN CONNECTION
22 WITH A PROJECT OF THE AUTHORITY;

23 (h) DEDICATE PROPERTY ACQUIRED OR HELD BY THE AUTHORITY
24 FOR PUBLIC WORKS, IMPROVEMENTS, FACILITIES, UTILITIES, AND OTHER
25 PURPOSES;

26 (i) AGREE, IN CONNECTION WITH ANY OF THE AUTHORITY'S
27 CONTRACTS, TO ANY CONDITIONS THAT THE AUTHORITY DEEMS

1 REASONABLE AND APPROPRIATE UNDER THIS ARTICLE 31, INCLUDING
2 CONDITIONS ATTACHED TO FEDERAL FINANCIAL ASSISTANCE, AND TO
3 INCLUDE IN ANY CONTRACT MADE OR LET IN CONNECTION WITH ANY
4 PROJECT OF THE AUTHORITY PROVISIONS TO FULFILL SUCH CONDITIONS AS
5 IT MAY DEEM REASONABLE AND APPROPRIATE;

6 (j) ARRANGE WITH THE COUNTY OR OTHER RELEVANT PUBLIC
7 BODY TO PLAN, REPLAN, ZONE, OR REZONE ANY PART OF THE AREA OF THE
8 COUNTY OR OTHER PUBLIC BODY IN CONNECTION WITH ANY PROJECT
9 PROPOSED OR BEING UNDERTAKEN BY THE AUTHORITY UNDER THIS
10 ARTICLE 31;

11 (k) ENTER, WITH THE CONSENT OF THE OWNER, ANY BUILDING OR
12 PROPERTY IN ORDER TO MAKE SURVEYS OR APPRAISALS AND TO OBTAIN AN
13 ORDER FOR THIS PURPOSE FROM A COURT OF COMPETENT JURISDICTION IF
14 ENTRY IS DENIED OR RESISTED;

15 (l) ACQUIRE ANY PROPERTY BY PURCHASE, LEASE, OPTION, GIFT,
16 GRANT, BEQUEST, DEVISE, OR OTHERWISE TO ACQUIRE ANY INTEREST IN
17 PROPERTY BY CONDEMNATION, INCLUDING A FEE SIMPLE ABSOLUTE TITLE,
18 IN THE MANNER PROVIDED BY THE LAWS OF THIS STATE FOR THE EXERCISE
19 OF THE POWER OF EMINENT DOMAIN BY ANY OTHER PUBLIC BODY.
20 PROPERTY ALREADY DEVOTED TO A PUBLIC USE MAY BE ACQUIRED IN A
21 LIKE MANNER, EXCEPT THAT NO PROPERTY BELONGING TO THE FEDERAL
22 GOVERNMENT OR TO A PUBLIC BODY MAY BE ACQUIRED WITHOUT ITS
23 CONSENT. ANY ACQUISITION OF ANY INTEREST IN PROPERTY BY
24 CONDEMNATION BY AN AUTHORITY MUST BE APPROVED AS PART OF THE
25 COUNTY REVITALIZATION PLAN OR THE SUBSTANTIAL MODIFICATION OF
26 THE COUNTY REVITALIZATION PLAN, AS PROVIDED IN SECTION 30-31-109,
27 MUST BE APPROVED BY A MAJORITY VOTE OF THE GOVERNING BODY IN

1 WHICH THE PROPERTY IS LOCATED, AND MUST SATISFY THE REQUIREMENTS
2 OF SECTION 30-31-106.

3 (m) HOLD, IMPROVE, CLEAR, OR PREPARE FOR REDEVELOPMENT
4 ANY PROPERTY ACQUIRED BY CONDEMNATION BY AN AUTHORITY;

5 (n) MORTGAGE, PLEDGE, HYPOTHECATE, OR OTHERWISE
6 ENCUMBER OR DISPOSE OF ITS PROPERTY;

7 (o) INSURE ANY PROPERTY OR OPERATIONS OF THE AUTHORITY
8 AGAINST ANY RISKS OR HAZARDS; EXCEPT THAT NO PROVISION OF ANY
9 OTHER LAW WITH RESPECT TO THE PLANNING OR UNDERTAKING OF
10 PROJECTS OR THE ACQUISITION, CLEARANCE, OR DISPOSITION OF PROPERTY
11 BY PUBLIC BODIES MAY RESTRICT AN AUTHORITY FROM EXERCISING
12 POWERS UNDER THIS ARTICLE 31 WITH RESPECT TO A PROJECT OF THE
13 AUTHORITY UNLESS THE GENERAL ASSEMBLY SO STATES;

14 (p) (I) INVEST ANY OF THE AUTHORITY'S MONEY NOT REQUIRED
15 FOR IMMEDIATE DISBURSEMENT IN PROPERTY OR IN SECURITIES IN WHICH
16 PUBLIC BODIES MAY LEGALLY INVEST MONEY SUBJECT TO THEIR CONTROL
17 PURSUANT TO PART 6 OF ARTICLE 75 OF TITLE 24, AND TO REDEEM SUCH
18 BONDS AS THE AUTHORITY HAS ISSUED AT THE REDEMPTION PRICE
19 ESTABLISHED THEREIN OR TO PURCHASE SUCH BONDS AT LESS THAN
20 REDEMPTION PRICE. ALL SUCH BONDS ISSUED BY AND THEN REDEEMED OR
21 PURCHASED BY AN AUTHORITY ARE CANCELED.

22 (II) DEPOSIT ANY MONEY NOT REQUIRED FOR IMMEDIATE
23 DISBURSEMENT IN ANY DEPOSITORY AUTHORIZED IN SECTION 24-75-603.
24 FOR THE PURPOSE OF MAKING SUCH DEPOSITS, THE AUTHORITY MAY
25 APPOINT, BY WRITTEN RESOLUTION, ONE OR MORE PERSONS TO ACT AS
26 CUSTODIANS OF THE MONEY OF THE AUTHORITY. SUCH PERSONS SHALL
27 GIVE SURETY BONDS IN SUCH AMOUNTS AND FORM AND FOR SUCH

1 PURPOSES AS THE AUTHORITY REQUIRES.

2 (III) BORROW MONEY AND APPLY FOR AND ACCEPT ADVANCES,
3 LOANS, GRANTS, AND CONTRIBUTIONS FROM THE FEDERAL GOVERNMENT
4 OR ANY OTHER SOURCE FOR ANY OF THE PURPOSES OF THIS ARTICLE 31
5 AND TO GIVE SUCH SECURITY AS THE FEDERAL GOVERNMENT OR OTHER
6 LENDER MAY REQUIRE;

7 (IV) MAKE APPROPRIATIONS AND EXPENDITURES OF ITS FUNDS;

8 (V) SET UP, ESTABLISH, AND MAINTAIN GENERAL, SEPARATE, OR
9 SPECIAL FUNDS AND BANK ACCOUNTS OR OTHER ACCOUNTS AS IT DEEMS
10 NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE 31;

11 (q) MAKE AND SUBMIT, OR RESUBMIT TO THE GOVERNING BODY
12 FOR APPROPRIATE ACTION, THE AUTHORITY'S PROPOSED PLANS AND
13 MODIFICATIONS TO THOSE PLANS AS NECESSARY FOR THE CARRYING OUT
14 OF THE PURPOSES OF THIS ARTICLE 31. SUCH PLANS MUST INCLUDE:

15 (I) A ROADMAP TO ASSIST THE COUNTY IN ITS PREPARATION OF A
16 WORKABLE PROGRAM FOR UTILIZING APPROPRIATE PRIVATE AND PUBLIC
17 RESOURCES TO TAKE ADVANTAGE OF REVITALIZATION AREAS, TO
18 ENCOURAGE NEEDED COUNTY REVITALIZATION, TO PROVIDE FOR THE
19 REDEVELOPMENT OF REVITALIZATION AREAS, OR TO UNDERTAKE SUCH
20 ACTIVITIES AS MAY BE SUITABLY EMPLOYED TO ACHIEVE THE OBJECTIVES
21 OF SUCH A WORKABLE PROGRAM, WHICH MAY INCLUDE PROVISIONS FOR:

22 (A) THE REHABILITATION OR CONSERVATION OF REVITALIZATION
23 AREAS OR PORTIONS OF THOSE AREAS BY REPLANNING, REMOVING
24 CONGESTION, PROVIDING PUBLIC IMPROVEMENTS, AND ENCOURAGING THE
25 REHABILITATION AND REPAIR OF DETERIORATED OR DETERIORATING
26 STRUCTURES; AND

27 (B) THE CLEARANCE AND REDEVELOPMENT OF REVITALIZATION

1 AREAS OR PORTIONS OF THOSE AREAS;

2 (II) COUNTY REVITALIZATION PLANS;

3 (III) PLANS FOR THE RELOCATION OF THOSE INDIVIDUALS,
4 FAMILIES, AND BUSINESS CONCERNS SITUATED IN THE COUNTY
5 REVITALIZATION AREA WHICH WILL BE DISPLACED BY THE COUNTY
6 REVITALIZATION PROJECT. THESE RELOCATION PLANS MAY INCLUDE DATA
7 SETTING FORTH A FEASIBLE METHOD FOR THE TEMPORARY RELOCATION OF
8 SUCH INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS AND SHOWING
9 THAT THERE WILL BE PROVIDED, IN THE COUNTY REVITALIZATION AREA OR
10 IN OTHER AREAS NOT GENERALLY LESS DESIRABLE IN REGARD TO PUBLIC
11 UTILITIES AND PUBLIC AND COMMERCIAL FACILITIES, AND AT RENTS OR
12 PRICES WITHIN THE FINANCIAL MEANS OF SUCH INDIVIDUALS, FAMILIES,
13 AND BUSINESS CONCERNS, DECENT, SAFE, AND SANITARY DWELLINGS AND
14 COMMERCIAL SPACES EQUAL IN NUMBER TO AND AVAILABLE TO SUCH
15 INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS AND REASONABLY
16 ACCESSIBLE TO THEIR PLACES OF EMPLOYMENT OR BUSINESS.

17 (IV) PLANS FOR UNDERTAKING A PROGRAM OF VOLUNTARY REPAIR
18 AND REHABILITATION OF BUILDINGS AND IMPROVEMENTS;

19 (V) PLANS FOR THE ENFORCEMENT OF STATE AND LOCAL LAWS,
20 CODES, AND REGULATIONS RELATING TO:

21 (A) THE USE OF LAND;

22 (B) THE USE AND OCCUPANCY OF BUILDINGS;

23 (C) BUILDING IMPROVEMENTS; AND

24 (D) THE REPAIR, REHABILITATION, DEMOLITION, OR REMOVAL OF
25 BUILDINGS AND IMPROVEMENTS;

26 (VI) FINANCING PLANS, MAPS, PLATS, APPRAISALS, TITLE
27 SEARCHES, SURVEYS, STUDIES, AND OTHER PRELIMINARY PLANS AND

1 WORK PERTINENT TO ANY PROPOSED PLANS OR MODIFICATIONS;

2 (r) MAKE REASONABLE RELOCATION PAYMENTS TO OR WITH
3 RESPECT TO INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS SITUATED
4 IN THE COUNTY REVITALIZATION AREA THAT WILL BE DISPLACED AS
5 PROVIDED IN SUBSECTION (1)(q)(III) OF THIS SECTION FOR MOVING
6 EXPENSES AND ACTUAL DIRECT LOSSES OF PROPERTY INCLUDING, FOR
7 BUSINESS CONCERNS, GOODWILL AND LOST PROFITS THAT ARE
8 REASONABLY RELATED TO RELOCATION OF THE BUSINESS, RESULTING
9 FROM THEIR DISPLACEMENT FOR WHICH REIMBURSEMENT OR
10 COMPENSATION IS NOT OTHERWISE MADE, INCLUDING THE MAKING OF
11 SUCH PAYMENTS FINANCED BY THE FEDERAL GOVERNMENT;

12 (s) DEVELOP, TEST, AND REPORT METHODS AND TECHNIQUES FOR
13 TAKING ADVANTAGE OF THE REVITALIZATION AREAS WITHIN THE COUNTY
14 AND CARRY OUT DEMONSTRATIONS AND OTHER ACTIVITIES FOR TAKING
15 ADVANTAGE OF THE REVITALIZATION AREAS; AND

16 (t) RENT OR PROVIDE BY OTHER MEANS, INCLUDING ACCEPTING
17 THE USE OF SUITABLE QUARTERS FURNISHED BY THE RELEVANT COUNTY
18 OR ANY OTHER PUBLIC BODY, SUITABLE QUARTERS FOR THE USE OF THE
19 AUTHORITY AND EQUIP SUCH QUARTERS WITH FURNITURE, FURNISHINGS,
20 EQUIPMENT, RECORDS, AND SUPPLIES AS THE AUTHORITY DEEMS
21 NECESSARY TO ENABLE IT TO EXERCISE ITS POWERS UNDER THIS ARTICLE
22 31.

23 (2) NO AUTHORITY HAS POWER TO LEVY OR ASSESS AD VALOREM
24 TAXES, PERSONAL PROPERTY TAXES, OR ANY OTHER FORM OF TAXES
25 INCLUDING OR SPECIAL ASSESSMENTS AGAINST ANY PROPERTY.

26 **30-31-106. Acquisition of private property by eminent domain**
27 **by authority for subsequent transfer to private party - restrictions -**

1 **exceptions - right of civil action - damages - definitions.** (1)

2 (a) EXCEPT AS PROVIDED IN THIS SUBSECTION (1) OR SUBSECTION (2) OF
3 THIS SECTION, PRIVATE PROPERTY ACQUIRED BY EMINENT DOMAIN BY AN
4 AUTHORITY PURSUANT TO SECTION 30-31-105 (1)(I) SHALL NOT LATER BE
5 TRANSFERRED TO A PRIVATE PARTY UNLESS:

6 (I) THE OWNER OF THE PROPERTY CONSENTS IN WRITING TO
7 ACQUISITION OF THE PROPERTY BY EMINENT DOMAIN BY THE AUTHORITY;

8 (II) THE AUTHORITY DETERMINES THAT THE PROPERTY IS NO
9 LONGER NECESSARY FOR THE PURPOSE FOR WHICH THE AUTHORITY
10 ORIGINALLY ACQUIRED THE PROPERTY, AND THE AUTHORITY FIRST OFFERS
11 TO SELL THE PROPERTY TO THE OWNER FROM WHICH THE AUTHORITY
12 ACQUIRED THE PROPERTY, IF THE OWNER CAN BE LOCATED, AT A PRICE
13 NOT MORE THAN THAT PAID BY THE AUTHORITY, AND THE OWNER OF THE
14 PROPERTY DECLINES THE AUTHORITY'S OFFER;

15 (III) THE PROPERTY ACQUIRED BY THE AUTHORITY IS ABANDONED;
16 OR

17 (IV) THE OWNER OF THE PROPERTY REQUESTS OR PLEADS IN AN
18 EMINENT DOMAIN ACTION THAT THE AUTHORITY ACQUIRING THE
19 PROPERTY ALSO ACQUIRE PROPERTY THAT IS NOT ESSENTIAL TO THE
20 PURPOSE OF THE AUTHORITY'S ACQUISITION ON THE BASIS THAT
21 ACQUIRING LESS PROPERTY WOULD LEAVE THE OWNER OF THE PROPERTY
22 HOLDING AN UNECONOMIC REMNANT.

23 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
24 A TRANSFER THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (1)
25 IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTIONS (2), (3), OR (4) OF
26 THIS SECTION.

27 (2) (a) IF A PROPOSED TRANSFER OF PRIVATE PROPERTY ACQUIRED

1 BY AN AUTHORITY BY EMINENT DOMAIN DOES NOT SATISFY ONE OF THE
2 REQUIREMENTS SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION, SUCH
3 PROPERTY MAY LATER BE TRANSFERRED TO A PRIVATE PARTY ONLY AFTER
4 THE FOLLOWING CONDITIONS ARE SATISFIED:

5 (I) THE GOVERNING BODY MAKES A DETERMINATION THAT THE
6 PROPERTY IS LOCATED IN A REVITALIZATION AREA, AND THAT THE COUNTY
7 REVITALIZATION PROJECT FOR WHICH THE PROPERTY WAS BEING
8 ACQUIRED WILL COMMENCE NO LATER THAN SEVEN YEARS FROM THE DATE
9 THE GOVERNING BODY MADE THE REVITALIZATION AREA DETERMINATION.

10 FOR PURPOSES OF THIS SUBSECTION (2)(a)(I), THE GOVERNING BODY'S
11 DETERMINATION OF WHETHER A PARTICULAR AREA OR PROPERTY IS A
12 REVITALIZATION AREA MUST BE BASED UPON INFORMATION THAT IS
13 REASONABLY CURRENT WHEN THE GOVERNING BODY MAKES THE
14 DETERMINATION.

15 (II) NOT LATER THAN THE COMMENCEMENT OF THE NEGOTIATION
16 OF AN AGREEMENT FOR THE REDEVELOPMENT OR REHABILITATION OF
17 PROPERTY ACQUIRED OR TO BE ACQUIRED BY EMINENT DOMAIN, THE
18 AUTHORITY PROVIDES NOTICE AND INVITES PROPOSALS FOR
19 REDEVELOPMENT OR REHABILITATION FROM ALL PROPERTY OWNERS,
20 RESIDENTS, AND OWNERS OF BUSINESS CONCERNS LOCATED ON THE
21 PROPERTY ACQUIRED OR TO BE ACQUIRED BY EMINENT DOMAIN IN THE
22 COUNTY REVITALIZATION AREA BY MAILING NOTICE TO THEIR LAST
23 KNOWN ADDRESS OF RECORD. THE AUTHORITY MAY, AT THE SAME TIME,
24 INVITE PROPOSALS FOR REDEVELOPMENT OR REHABILITATION FROM
25 OWNERS OF BUSINESS CONCERNS, OTHER INTERESTED PERSONS WHO MAY
26 NOT BE PROPERTY OWNERS, OR RESIDENTS WITHIN THE COUNTY
27 REVITALIZATION AREA AND MAY PROVIDE PUBLIC NOTICE THEREOF BY

1 PUBLICATION IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN
2 THE COUNTY IN WHICH THE AUTHORITY HAS BEEN ESTABLISHED; AND

3 (III) IN THE CASE OF A SET OF PARCELS TO BE ACQUIRED BY THE
4 AUTHORITY IN CONNECTION WITH THE COUNTY REVITALIZATION PROJECT,
5 AT LEAST ONE OF WHICH PARCELS IS OWNED BY AN OWNER REFUSING OR
6 REJECTING AN AGREEMENT FOR THE ACQUISITION OF THE ENTIRE SET OF
7 PARCELS, THE AUTHORITY MAKES A DETERMINATION THAT THE
8 REDEVELOPMENT OR REHABILITATION OF THE REMAINING PARCELS IS NOT
9 VIABLE UNDER THE COUNTY REVITALIZATION PLAN WITHOUT THE PARCEL
10 AT ISSUE.

11 (b) (I) ANY OWNER OF PROPERTY LOCATED WITHIN THE COUNTY
12 REVITALIZATION AREA MAY CHALLENGE THE DETERMINATION OF A
13 REVITALIZATION AREA MADE BY THE GOVERNING BODY PURSUANT TO
14 SUBSECTION (2)(a)(I) OF THIS SECTION BY FILING, NOT LATER THAN THIRTY
15 DAYS AFTER THE DETERMINATION, A CIVIL ACTION IN DISTRICT COURT
16 PURSUANT TO C.R.C.P. 106 (a)(4) FOR JUDICIAL REVIEW OF THE EXERCISE
17 OF DISCRETION ON THE PART OF THE GOVERNING BODY IN MAKING THE
18 DETERMINATION. ANY SUCH ACTION MUST BE GOVERNED IN ACCORDANCE
19 WITH THE PROCEDURES AND OTHER REQUIREMENTS SPECIFIED IN C.R.C.P.
20 106 (a)(4); EXCEPT THAT THE GOVERNING BODY HAS THE BURDEN OF
21 PROVING THAT, IN MAKING ITS REVITALIZATION AREA DETERMINATION, IT
22 NEITHER EXCEEDED ITS JURISDICTION NOR ABUSED ITS DISCRETION.

23 (II) IF THE OWNER IS THE PREVAILING PARTY ON A CHALLENGE
24 BROUGHT PURSUANT TO THIS SUBSECTION (2)(b), AN AUTHORITY SEEKING
25 TO ACQUIRE PROPERTY BY EMINENT DOMAIN IN ACCORDANCE WITH THE
26 REQUIREMENTS OF THIS SUBSECTION (2) SHALL REIMBURSE THE OWNER OF
27 THE PROPERTY FOR REASONABLE ATTORNEY FEES INCURRED BY THE

1 OWNER IN CONNECTION WITH THE ACQUISITION.

2 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
3 DETERMINATION MADE BY THE GOVERNING BODY PURSUANT TO
4 SUBSECTION (2)(a) OF THIS SECTION IS A LEGISLATIVE DETERMINATION
5 AND NOT A QUASI-JUDICIAL DETERMINATION.

6 (3) (a) (I) ANY AUTHORITY THAT EXERCISES THE POWER OF
7 EMINENT DOMAIN TO TRANSFER ACQUIRED PROPERTY TO ANOTHER
8 PRIVATE PARTY AS AUTHORIZED IN ACCORDANCE WITH THE
9 REQUIREMENTS OF THIS SECTION SHALL ADOPT RELOCATION ASSISTANCE
10 AND LAND ACQUISITION POLICIES TO BENEFIT DISPLACED PERSONS THAT
11 ARE CONSISTENT WITH THOSE SET FORTH IN ARTICLE 56 OF TITLE 24 TO
12 THE EXTENT APPLICABLE TO THE FACTS OF EACH SPECIFIC PROPERTY AND
13 AT THE TIME OF THE RELOCATION OF THE OWNER OR THE OCCUPANT. AN
14 AUTHORITY SHALL PROVIDE COMPENSATION OR OTHER FORMS OF
15 ASSISTANCE TO ANY DISPLACED PERSON IN ACCORDANCE WITH THE
16 ADOPTED POLICIES.

17 (II) IN THE CASE OF A BUSINESS CONCERN DISPLACED BY THE
18 ACQUISITION OF PROPERTY BY EMINENT DOMAIN, THE AUTHORITY SHALL
19 MAKE A BUSINESS INTERRUPTION PAYMENT TO THE BUSINESS CONCERN
20 NOT TO EXCEED THE LESSER OF TEN THOUSAND DOLLARS OR ONE-FOURTH
21 OF THE AVERAGE ANNUAL TAXABLE INCOME SHOWN ON THE THREE MOST
22 RECENT FEDERAL INCOME TAX RETURNS OF THE BUSINESS CONCERN.

23 (b) IN ANY CASE WHERE THE ACQUISITION OF PROPERTY BY
24 EMINENT DOMAIN BY AN AUTHORITY DISPLACES INDIVIDUALS, FAMILIES,
25 OR BUSINESS CONCERNS, THE AUTHORITY SHALL MAKE REASONABLE
26 EFFORTS TO RELOCATE THOSE INDIVIDUALS, FAMILIES, OR BUSINESS
27 CONCERNS WITHIN THE COUNTY REVITALIZATION AREA. THIS RELOCATION

1 MUST BE CONSISTENT WITH THE USES PROVIDED IN THE COUNTY
2 REVITALIZATION PLAN, OR, IN AREAS WITHIN REASONABLE PROXIMITY TO,
3 OR COMPARABLE TO, THE ORIGINAL LOCATION OF SUCH INDIVIDUALS,
4 FAMILIES, OR BUSINESS CONCERNS.

5 (5) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES, "PRIVATE PROPERTY" OR "PROPERTY" MEANS, AS
7 APPLIED TO REAL PROPERTY, ONLY A FEE OWNERSHIP INTEREST.

8 **30-31-107. Condemnation actions by authorities - effect of**
9 **other provisions.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
10 ANY CONDEMNATION ACTION COMMENCED BY AN AUTHORITY MUST
11 SATISFY THE REQUIREMENTS OF SECTION 38-1-101. TO THE EXTENT THAT
12 THERE IS ANY CONFLICT BETWEEN THIS ARTICLE 31 AND SECTION
13 38-1-101, SECTION 38-1-101 CONTROLS.

14 **30-31-108. Disposal of property in county revitalization area.**

15 (1) (a) AN AUTHORITY MAY SELL, LEASE, OR OTHERWISE TRANSFER REAL
16 PROPERTY OR ANY INTEREST THEREIN ACQUIRED BY THE AUTHORITY AS
17 PART OF THE COUNTY REVITALIZATION PROJECT FOR RESIDENTIAL,
18 RECREATIONAL, COMMERCIAL, INDUSTRIAL, OR OTHER USES, OR FOR
19 PUBLIC USE IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN,
20 SUBJECT TO SUCH COVENANTS, CONDITIONS, AND RESTRICTIONS,
21 INCLUDING COVENANTS RUNNING WITH THE LAND AND THE
22 INCORPORATION BY REFERENCE OF THE PROVISIONS OF THE COUNTY
23 REVITALIZATION PLAN OR ANY PART THEREOF AS THE AUTHORITY DEEMS
24 TO BE IN THE PUBLIC INTEREST OR NECESSARY TO CARRY OUT THE
25 PURPOSES OF THIS ARTICLE 31.

26 (b) THE PURCHASERS, LESSEES, TRANSFEREES, AND THEIR
27 SUCCESSORS AND ASSIGNEES DESCRIBED IN THIS SUBSECTION (1) ARE

1 OBLIGATED TO DEVOTE THE REAL PROPERTY DESCRIBED IN THIS
2 SUBSECTION (1) ONLY TO THE LAND USES, DESIGNS, BUILDING
3 REQUIREMENTS, TIMING, OR PROCEDURES SPECIFIED IN THE COUNTY
4 REVITALIZATION PLAN AND MAY BE OBLIGATED TO COMPLY WITH OTHER
5 REQUIREMENTS THAT THE AUTHORITY DETERMINES ARE IN THE PUBLIC
6 INTEREST, INCLUDING THE OBLIGATION TO BEGIN ANY IMPROVEMENTS ON
7 SUCH REAL PROPERTY THAT ARE REQUIRED BY THE COUNTY
8 REVITALIZATION PLAN WITHIN A REASONABLE TIME.

9 (c) (I) THE REAL PROPERTY OR INTEREST DESCRIBED IN
10 SUBSECTION (1)(a) OF THIS SECTION MUST BE SOLD, LEASED, OR
11 OTHERWISE TRANSFERRED AT NOT LESS THAN ITS FAIR VALUE AS
12 DETERMINED BY THE AUTHORITY FOR USES IN ACCORDANCE WITH THE
13 COUNTY REVITALIZATION PLAN.

14 (II) IN DETERMINING THE FAIR VALUE OF REAL PROPERTY FOR USES
15 IN ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN, AN AUTHORITY
16 SHALL TAKE INTO ACCOUNT:

17 (A) THE USES PROVIDED IN THE COUNTY REVITALIZATION PLAN;

18 (B) THE RESTRICTIONS UPON AND THE COVENANTS, CONDITIONS,
19 AND OBLIGATIONS ASSUMED BY THE PURCHASER OR LESSEE; AND

20 (C) THE OBJECTIVES OF THE COUNTY REVITALIZATION PLAN IN
21 RELATION TO TAKING ADVANTAGE OF REVITALIZATION AREAS.

22 (d) (I) REAL PROPERTY ACQUIRED BY AN AUTHORITY WHICH, IN
23 ACCORDANCE WITH THE PROVISIONS OF THE COUNTY REVITALIZATION
24 PLAN, IS TO BE TRANSFERRED MUST BE TRANSFERRED AS RAPIDLY AS
25 FEASIBLE IN THE PUBLIC INTEREST CONSISTENT WITH THE COUNTY
26 REVITALIZATION PLAN.

27 (II) ANY CONTRACT FOR THE TRANSFER OF REAL PROPERTY

1 DESCRIBED IN THIS SECTION AND THE COUNTY REVITALIZATION PLAN, OR
2 ANY PART OF THE CONTRACT OR PLAN AS THE AUTHORITY MAY
3 DETERMINE, MAY BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN
4 SUCH MANNER AS TO AFFORD ACTUAL OR CONSTRUCTIVE NOTICE.

5 (2) (a) AN AUTHORITY SHALL ONLY DISPOSE OF REAL PROPERTY IN
6 THE COUNTY REVITALIZATION AREA TO PRIVATE PERSONS UNDER SUCH
7 REASONABLE COMPETITIVE BIDDING PROCEDURES AS THE AUTHORITY
8 PRESCRIBES OR AS PROVIDED IN THIS SUBSECTION (2).

9 (b) (I) AN AUTHORITY, BY PUBLIC NOTICE BY PUBLICATION ONCE
10 EACH WEEK FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER HAVING A
11 GENERAL CIRCULATION IN THE COUNTY, BEFORE THE EXECUTION OF ANY
12 CONTRACT TO SELL, LEASE, OR OTHERWISE TRANSFER REAL PROPERTY,
13 AND BEFORE THE DELIVERY OF ANY INSTRUMENT OF CONVEYANCE
14 PURSUANT TO THIS SECTION, MAY INVITE PROPOSALS FROM AND MAKE
15 AVAILABLE ALL PERTINENT INFORMATION TO ANY PERSON INTERESTED IN
16 UNDERTAKING THE REDEVELOPMENT OR REHABILITATION OF THE COUNTY
17 REVITALIZATION AREA OR ANY PART THEREOF.

18 (II) NOTICE GIVEN IN ACCORDANCE WITH THIS SUBSECTION (2)(b)
19 MUST IDENTIFY THE RELEVANT PORTION OF THE AREA AND MUST STATE
20 THAT SUCH FURTHER INFORMATION AS IS AVAILABLE MAY BE OBTAINED
21 AT THE OFFICE DESIGNATED IN THE NOTICE.

22 (c) AN AUTHORITY SHALL CONSIDER ALL REDEVELOPMENT OR
23 REHABILITATION PROPOSALS RECEIVED IN ACCORDANCE WITH SUBSECTION
24 (2)(b) OF THIS SECTION AND THE FINANCIAL AND LEGAL ABILITY OF THE
25 PERSONS MAKING THE PROPOSALS TO CARRY THEM OUT AND MAY
26 NEGOTIATE WITH ANY PERSONS FOR PROPOSALS FOR THE PURCHASE,
27 LEASE, OR OTHER TRANSFER OF ANY REAL PROPERTY ACQUIRED BY THE

1 AUTHORITY IN THE COUNTY REVITALIZATION AREA.

2 (d) AN AUTHORITY MAY ACCEPT SUCH PROPOSALS AS IT DEEMS TO
3 BE IN THE PUBLIC INTEREST AND IN FURTHERANCE OF THE PURPOSES OF
4 THIS PART 1.

5 (e) AN AUTHORITY SHALL FILE A NOTIFICATION OF INTENTION TO
6 ACCEPT A PROPOSAL WITH THE GOVERNING BODY NOT LESS THAN FIFTEEN
7 DAYS BEFORE ANY SUCH ACCEPTANCE. THEREAFTER, THE AUTHORITY MAY
8 EXECUTE THE PROPOSAL IN ACCORDANCE WITH THE PROVISIONS OF
9 SUBSECTION (1) OF THIS SECTION AND DELIVER DEEDS, LEASES, AND
10 OTHER INSTRUMENTS AND TAKE ALL STEPS NECESSARY TO EFFECTUATE
11 THE PROPOSAL.

12 (3) AN AUTHORITY MAY TEMPORARILY OPERATE AND MAINTAIN
13 REAL PROPERTY ACQUIRED IN THE COUNTY REVITALIZATION AREA
14 PENDING THE DISPOSITION OF THE PROPERTY FOR REDEVELOPMENT
15 WITHOUT REGARD TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION
16 FOR SUCH USES AND PURPOSES AS IT DEEMS DESIRABLE EVEN IF THOSE
17 USES AND PURPOSES ARE NOT IN CONFORMITY WITH THE COUNTY
18 REVITALIZATION PLAN.

19 (4) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AN
20 AUTHORITY MAY SET ASIDE, DEDICATE, AND DEVOTE PROJECT REAL
21 PROPERTY TO PUBLIC USES IN ACCORDANCE WITH THE COUNTY
22 REVITALIZATION PLAN OR SET ASIDE, DEDICATE, AND TRANSFER REAL
23 PROPERTY TO THE COUNTY OR TO ANY OTHER APPROPRIATE PUBLIC BODY
24 FOR PUBLIC USES IN ACCORDANCE WITH THE COUNTY REVITALIZATION
25 PLAN WITH OR WITHOUT COMPENSATION FOR SUCH PROPERTY, WITH OR
26 WITHOUT REGARD TO THE FAIR VALUE OF SUCH PROPERTY AS DETERMINED
27 IN SUBSECTION (1) OF THIS SECTION, AND UPON OR SUBJECT TO SUCH

1 TERMS, CONDITIONS, COVENANTS, RESTRICTIONS, OR LIMITATIONS AS THE
2 AUTHORITY DEEMS TO BE IN THE PUBLIC INTEREST AND AS ARE
3 CONSISTENT WITH THE PURPOSES AND OBJECTIVES AND THE OTHER
4 APPLICABLE PROVISIONS OF THIS ARTICLE 31.

5 **30-31-109. Approval of county revitalization plans by local**
6 **governing body - definitions.** (1) (a) AN AUTHORITY MAY NOT
7 UNDERTAKE THE COUNTY REVITALIZATION PROJECT FOR THE COUNTY
8 REVITALIZATION AREA UNLESS, BASED ON EVIDENCE PRESENTED AT A
9 PUBLIC HEARING, THE GOVERNING BODY HAS DETERMINED BY RESOLUTION
10 THAT THE AREA IS A REVITALIZATION AREA AND HAS DESIGNATED THE
11 AREA AS APPROPRIATE FOR A COUNTY REVITALIZATION PROJECT.

12 (b) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
13 31, WITHIN THIRTY DAYS OF COMMISSIONING A STUDY TO DETERMINE
14 WHETHER AN AREA IS A REVITALIZATION AREA IN ACCORDANCE WITH THE
15 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION, THE AUTHORITY
16 SHALL PROVIDE NOTICE TO ANY OWNER OF PRIVATE PROPERTY LOCATED
17 IN THE AREA THAT IS THE SUBJECT OF THE STUDY BY MAILING NOTICE TO
18 THE OWNER BY REGULAR MAIL AT THE LAST-KNOWN ADDRESS OF RECORD.
19 THE NOTICE MUST STATE THAT THE AUTHORITY IS COMMENCING A STUDY
20 NECESSARY FOR MAKING A DETERMINATION AS TO WHETHER THE AREA IN
21 WHICH THE OWNER OWNS PROPERTY IS A REVITALIZATION AREA. WITHIN
22 SEVEN DAYS OF MAKING SUCH DETERMINATION, THE AUTHORITY OR THE
23 COUNTY, AS APPLICABLE, SHALL ALSO PROVIDE NOTICE OF THE
24 DETERMINATION TO ANY OWNER OF PRIVATE PROPERTY LOCATED IN THE
25 AREA THAT IS THE SUBJECT OF THE STUDY BY MAILING NOTICE TO THE
26 OWNER BY REGULAR MAIL AT THE LAST-KNOWN ADDRESS ON RECORD.

27 (II) FOR PURPOSES OF THIS SUBSECTION (1)(b), "PRIVATE

1 PROPERTY" MEANS, AS APPLIED TO REAL PROPERTY, ONLY A FEE
2 OWNERSHIP INTEREST.

3 (c) (I) THE BOUNDARIES OF AN AREA THAT THE GOVERNING BODY
4 DETERMINES TO BE A REVITALIZATION AREA MUST BE DRAWN AS
5 NARROWLY AS THE GOVERNING BODY DETERMINES FEASIBLE TO
6 ACCOMPLISH THE PLANNING AND DEVELOPMENT OBJECTIVES OF THE
7 PROPOSED COUNTY REVITALIZATION PLAN. THE GOVERNING BODY SHALL
8 NOT APPROVE THE COUNTY REVITALIZATION PLAN UNTIL A GENERAL PLAN
9 FOR THE COUNTY HAS BEEN PREPARED. IN MAKING THE DETERMINATION
10 AS TO WHETHER A PARTICULAR AREA IS A REVITALIZATION AREA
11 PURSUANT TO THE PROVISIONS OF THIS ARTICLE 31, ANY PARTICULAR
12 CONDITION FOUND TO BE PRESENT MAY SATISFY AS MANY OF THE FACTORS
13 REFERENCED IN SECTION 30-31-103 (14) AS ARE APPLICABLE TO THE
14 CONDITION.

15 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
16 31, NO COUNTY REVITALIZATION AREA MAY CONTAIN ANY AGRICULTURAL
17 LAND UNLESS:

18 (A) THE AGRICULTURAL LAND IS A BROWNFIELD SITE;

19 (B) NOT LESS THAN ONE-HALF OF THE COUNTY REVITALIZATION
20 AREA AS A WHOLE CONSISTS OF PARCELS OF LAND CONTAINING
21 URBAN-LEVEL DEVELOPMENT THAT, AT THE TIME OF THE DESIGNATION OF
22 SUCH AREA, THE GOVERNING BODY DETERMINES TO BE A REVITALIZATION
23 AREA, IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1)(a) OF
24 THIS SECTION, AND NOT LESS THAN TWO-THIRDS OF THE PERIMETER OF THE
25 COUNTY REVITALIZATION AREA AS A WHOLE IS CONTIGUOUS WITH
26 URBAN-LEVEL DEVELOPMENT AS DETERMINED AT THE TIME OF THE
27 DESIGNATION OF SUCH AREA;

1 (C) THE AGRICULTURAL LAND IS AN ENCLAVE WITHIN THE
2 TERRITORIAL BOUNDARIES OF THE COUNTY AND THE ENTIRE PERIMETER OF
3 THE ENCLAVE HAS BEEN CONTIGUOUS WITH URBAN-LEVEL DEVELOPMENT
4 FOR A PERIOD OF NOT LESS THAN THREE YEARS AS DETERMINED AT THE
5 TIME OF THE DESIGNATION OF THE AREA; OR

6 (D) EACH PUBLIC BODY THAT LEVIES AN AD VALOREM PROPERTY
7 TAX ON THE AGRICULTURAL LAND AGREES IN WRITING TO THE INCLUSION
8 OF THE AGRICULTURAL LAND WITHIN THE COUNTY REVITALIZATION AREA.

9 (III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
10 31, THE COUNTY REVITALIZATION AREA MUST NOT OVERLAP WITH AN
11 URBAN RENEWAL AUTHORITY OR A COLORADO RIVER WATER
12 CONSERVATION DISTRICT.

13 (d) A COUNTY REVITALIZATION PLAN THAT IS APPROVED OR
14 SUBSTANTIALLY MODIFIED MUST INCLUDE A LEGAL DESCRIPTION OF THE
15 COUNTY REVITALIZATION AREA, INCLUDING THE LEGAL DESCRIPTION OF
16 ANY AGRICULTURAL LAND PROPOSED FOR INCLUSION WITHIN THE COUNTY
17 REVITALIZATION AREA PURSUANT TO SUBSECTION (1)(c)(II) OF THIS
18 SECTION.

19 (2) (a) PRIOR TO APPROVING A COUNTY REVITALIZATION PLAN, A
20 GOVERNING BODY SHALL SUBMIT THE PLAN TO THE COUNTY PLANNING
21 COMMISSION FOR REVIEW AND RECOMMENDATIONS AS TO THE PLAN'S
22 CONFORMITY WITH THE GENERAL PLAN FOR THE DEVELOPMENT OF THE
23 COUNTY AS A WHOLE.

24 (b) THE PLANNING COMMISSION SHALL SUBMIT ITS WRITTEN
25 RECOMMENDATIONS TO THE GOVERNING BODY WITHIN THIRTY DAYS
26 AFTER RECEIPT OF THE PLAN.

27 (c) UPON RECEIPT OF THE RECOMMENDATIONS OF THE PLANNING

1 COMMISSION OR, IF NO RECOMMENDATIONS ARE RECEIVED WITHIN THIRTY
2 DAYS, WITHOUT SUCH RECOMMENDATIONS, A GOVERNING BODY MAY
3 PROCEED WITH THE HEARING ON THE PROPOSED COUNTY REVITALIZATION
4 PLAN REQUIRED BY SUBSECTION (3) OF THIS SECTION.

5 (3)(a) A GOVERNING BODY SHALL HOLD A PUBLIC HEARING ON THE
6 COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION OF AN
7 APPROVED COUNTY REVITALIZATION PLAN NO LESS THAN THIRTY DAYS
8 AFTER GIVING PUBLIC NOTICE OF THE HEARING.

9 (b) THE NOTICE FOR THE PUBLIC HEARING MUST:

10 (I) BE PUBLISHED BY THE GOVERNING BODY IN A NEWSPAPER
11 HAVING A GENERAL CIRCULATION IN THE COUNTY;

12 (II) DESCRIBE THE TIME, DATE, PLACE, AND PURPOSE OF THE
13 HEARING;

14 (III) GENERALLY IDENTIFY THE COUNTY REVITALIZATION AREA
15 COVERED BY THE PLAN; AND

16 (IV) OUTLINE THE GENERAL SCOPE OF THE COUNTY
17 REVITALIZATION PROJECT UNDER CONSIDERATION.

18 (c) IF AN AUTHORITY INTENDS TO ACQUIRE PRIVATE PROPERTY BY
19 EMINENT DOMAIN WITHIN THE COUNTY REVITALIZATION AREA THAT IS TO
20 BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY IN ACCORDANCE
21 WITH THE REQUIREMENTS OF SECTION 30-31-106 (2), THE GOVERNING
22 BODY, BEFORE COMMENCING THE ACQUISITION OF THE PROPERTY, SHALL
23 HOLD A PUBLIC HEARING ON THE USE OF EMINENT DOMAIN AS A MEANS TO
24 ACQUIRE THE PROPERTY. THE GOVERNING BODY SHALL ONLY HOLD THIS
25 HEARING AFTER WRITTEN NOTICE OF THE TIME, DATE, PLACE, AND
26 PURPOSE OF THE HEARING HAS BEEN PROVIDED TO EACH OWNER OF
27 PROPERTY, AS PROPERTY IS DEFINED IN 30-31-106(5), THAT IS WITHIN THE

1 COUNTY REVITALIZATION AREA AT LEAST THIRTY DAYS BEFORE THE DATE
2 OF THE HEARING. IN ORDER TO AUTHORIZE THE USE OF EMINENT DOMAIN
3 AS A MEANS TO ACQUIRE PROPERTY, A GOVERNING BODY SHALL BASE ITS
4 AUTHORIZATION DECISION ON A FINDING OF REVITALIZATION AREA
5 CONDITIONS WITHOUT REGARD TO THE ECONOMIC PERFORMANCE OF THE
6 PROPERTY TO BE ACQUIRED.

7 (4) FOLLOWING THE HEARING DESCRIBED IN SUBSECTION (3) OF
8 THIS SECTION, THE GOVERNING BODY MAY APPROVE THE COUNTY
9 REVITALIZATION PLAN IF THE GOVERNING BODY FINDS THAT:

10 (a) A FEASIBLE METHOD EXISTS FOR THE RELOCATION OF
11 INDIVIDUALS AND FAMILIES WHO WILL BE DISPLACED BY THE COUNTY
12 REVITALIZATION PROJECT IN DECENT, SAFE, AND SANITARY DWELLING
13 ACCOMMODATIONS WITHIN THEIR MEANS AND WITHOUT UNDUE HARDSHIP
14 TO SUCH INDIVIDUALS AND FAMILIES;

15 (b) A FEASIBLE METHOD EXISTS FOR THE RELOCATION OF BUSINESS
16 CONCERNS THAT WILL BE DISPLACED BY THE COUNTY REVITALIZATION
17 PROJECT IN THE COUNTY REVITALIZATION AREA OR IN OTHER AREAS THAT
18 ARE NOT GENERALLY LESS DESIRABLE WITH RESPECT TO PUBLIC UTILITIES
19 AND PUBLIC AND COMMERCIAL FACILITIES;

20 (c) THE GOVERNING BODY HAS TAKEN REASONABLE EFFORTS TO
21 PROVIDE WRITTEN NOTICE OF THE PUBLIC HEARING PRESCRIBED BY
22 SUBSECTION (3) OF THIS SECTION TO ALL PROPERTY OWNERS, RESIDENTS,
23 AND OWNERS OF BUSINESS CONCERNS IN THE PROPOSED COUNTY
24 REVITALIZATION AREA AT THEIR LAST-KNOWN ADDRESS OF RECORD AT
25 LEAST THIRTY DAYS BEFORE SUCH HEARING. THE NOTICE MUST CONTAIN
26 THE SAME INFORMATION AS REQUIRED FOR THE NOTICE DESCRIBED IN
27 SUBSECTION (3) OF THIS SECTION.

1 (d) NO MORE THAN ONE HUNDRED TWENTY DAYS HAVE PASSED
2 SINCE THE COMMENCEMENT OF THE FIRST PUBLIC HEARING OF THE COUNTY
3 REVITALIZATION PLAN PURSUANT TO SUBSECTION (3) OF THIS SECTION;

4 (e) IF THE COUNTY REVITALIZATION PLAN CONTAINS PROPERTY
5 THAT WAS INCLUDED IN A PREVIOUSLY SUBMITTED COUNTY
6 REVITALIZATION PLAN THAT THE GOVERNING BODY FAILED TO APPROVE
7 PURSUANT TO THIS SECTION, AT LEAST TWENTY-FOUR MONTHS MUST HAVE
8 PASSED SINCE THE COMMENCEMENT OF THE PRIOR PUBLIC HEARING
9 CONCERNING SUCH PROPERTY HELD PURSUANT TO SUBSECTION (3) OF THIS
10 SECTION, UNLESS SUBSTANTIAL CHANGES HAVE OCCURRED SINCE THE
11 COMMENCEMENT OF THE HEARING THAT RESULTED IN A DETERMINATION
12 THAT SUCH PROPERTY CONSTITUTED A REVITALIZATION AREA PURSUANT
13 TO SECTION 30-31-103 (14);

14 (f) THE COUNTY REVITALIZATION PLAN CONFORMS TO THE
15 GENERAL PLAN OF THE COUNTY AS A WHOLE;

16 (g) THE COUNTY REVITALIZATION PLAN WILL AFFORD MAXIMUM
17 OPPORTUNITY, CONSISTENT WITH THE SOUND NEEDS OF THE COUNTY AS A
18 WHOLE, FOR THE REHABILITATION OR REDEVELOPMENT OF THE COUNTY
19 REVITALIZATION AREA BY PRIVATE ENTERPRISE; AND

20 (h) THE AUTHORITY OR THE COUNTY WILL ADEQUATELY FINANCE,
21 OR THAT AGREEMENTS ARE IN PLACE TO FINANCE, ANY ADDITIONAL
22 COUNTY INFRASTRUCTURE AND SERVICES REQUIRED TO SERVE
23 DEVELOPMENT WITHIN THE COUNTY REVITALIZATION AREA FOR THE
24 PERIOD IN WHICH ALL OR ANY PORTION OF THE PROPERTY TAXES
25 DESCRIBED IN SUBSECTION (11)(a)(II) OF THIS SECTION AND LEVIED BY
26 THE COUNTY ARE PAID TO THE AUTHORITY.

27 (5) IN ADDITION TO THE FINDINGS OTHERWISE REQUIRED OF THE

1 GOVERNING BODY PURSUANT TO SUBSECTION (4) OF THIS SECTION, IF THE
2 COUNTY REVITALIZATION PLAN SEEKS THE ACQUISITION OF PRIVATE
3 PROPERTY BY EMINENT DOMAIN FOR SUBSEQUENT TRANSFER TO A PRIVATE
4 PARTY PURSUANT TO SECTION 30-31-106 (2), THE GOVERNING BODY MAY
5 APPROVE THE COUNTY REVITALIZATION PLAN WHERE IT FINDS, IN
6 CONNECTION WITH A HEARING SATISFYING THE REQUIREMENTS OF
7 SUBSECTION (3) OF THIS SECTION, THAT THE COUNTY REVITALIZATION
8 PLAN HAS MET THE REQUIREMENTS OF SECTION 30-31-106 (2) AND THAT
9 THE PRINCIPAL PUBLIC PURPOSE FOR ADOPTING THE COUNTY
10 REVITALIZATION PLAN IS TO FACILITATE REDEVELOPMENT IN ORDER TO
11 TAKE ADVANTAGE OF REVITALIZATION AREAS.

12 (6) IF THE COUNTY REVITALIZATION AREA CONSISTS OF AN AREA
13 OF OPEN LAND WHICH, UNDER THE COUNTY REVITALIZATION PLAN, IS TO
14 BE DEVELOPED FOR RESIDENTIAL USES, THE GOVERNING BODY MUST FIRST
15 HAVE DETERMINED THAT:

16 (a) A SHORTAGE OF HOUSING OF SOUND STANDARDS AND DESIGN
17 WHICH IS DECENT, SAFE, AND SANITARY EXISTS IN THE COUNTY;

18 (b) THE NEED FOR HOUSING ACCOMMODATIONS HAS BEEN OR WILL
19 BE INCREASED AS A RESULT OF TAKING ADVANTAGE OF REVITALIZATION
20 AREAS;

21 (c) THE OPPORTUNITY FACTORS IN THE COUNTY REVITALIZATION
22 AREA AND THE SHORTAGE OF ATTAINABLE HOUSING CREATE A RISK TO THE
23 PUBLIC HEALTH AND SAFETY; AND

24 (d) THE ACQUISITION OF THE AREA FOR RESIDENTIAL USES IS AN
25 INTEGRAL PART OF AND ESSENTIAL TO THE PROGRAM OF THE COUNTY.

26 (7) IF THE COUNTY REVITALIZATION AREA CONSISTS OF AN AREA
27 OF OPEN LAND WHICH, UNDER THE COUNTY REVITALIZATION PLAN, IS TO

1 BE DEVELOPED FOR NONRESIDENTIAL USES, THE LOCAL GOVERNING BODY
2 MUST FIRST HAVE DETERMINED THAT:

3 (a) SUCH NONRESIDENTIAL USES ARE NECESSARY AND
4 APPROPRIATE TO FACILITATE THE PROPER GROWTH AND DEVELOPMENT OF
5 THE COMMUNITY IN ACCORDANCE WITH SOUND PLANNING STANDARDS
6 AND LOCAL COMMUNITY OBJECTIVES; AND

7 (b) THE CONTEMPLATED ACQUISITION OF THE AREA MAY REQUIRE
8 THE EXERCISE OF GOVERNMENTAL ACTION, AS PROVIDED IN THIS ARTICLE
9 31, BECAUSE OF BEING IN A REVITALIZATION AREA.

10 (8) (a) THE COUNTY REVITALIZATION PLAN MAY BE MODIFIED AT
11 ANY TIME.

12 (b) ANY PROPOSED COUNTY REVITALIZATION PLAN MODIFICATION
13 MUST BE SUBMITTED TO THE GOVERNING BODY FOR APPROVAL.

14 (c) NOT LESS THAN THIRTY DAYS BEFORE APPROVING ANY
15 MODIFICATION OF THE COUNTY REVITALIZATION PLAN, THE GOVERNING
16 BODY OR AUTHORITY SHALL PROVIDE A DETAILED WRITTEN DESCRIPTION
17 OF THE PROPOSED MODIFICATION TO EACH TAXING ENTITY THAT LEVIES
18 TAXES ON PROPERTY LOCATED WITHIN THE COUNTY REVITALIZATION AREA
19 AND A NOTICE OF THE DATE AND TIME OF THE MEETING AT WHICH THE
20 GOVERNING BODY WILL CONSIDER THE MODIFICATION.

21 (d) IF THE COUNTY REVITALIZATION PLAN IS MODIFIED AFTER THE
22 LEASE OR SALE BY THE AUTHORITY OF REAL PROPERTY IN THE COUNTY
23 REVITALIZATION PROJECT AREA, THAT MODIFICATION IS SUBJECT TO SUCH
24 RIGHTS AT LAW OR IN EQUITY AS A LESSEE OR PURCHASER OR THEIR
25 SUCCESSOR IN INTEREST MAY BE ENTITLED TO ASSERT.

26 (e) THE COUNTY REVITALIZATION PLAN MODIFICATION IS
27 SUBSTANTIAL AND SUBJECT TO ALL OF THE REQUIREMENTS OF THIS

1 SECTION IF THE MODIFICATION WILL SUBSTANTIALLY:

2 (I) CHANGE PROVISIONS OF THE COUNTY REVITALIZATION PLAN
3 REGARDING THE FOLLOWING AS PREVIOUSLY APPROVED:

4 (A) LAND AREA;

5 (B) LAND USE;

6 (C) AUTHORIZATION TO COLLECT INCREMENTAL TAX REVENUE;

7 (D) THE EXTENT OF THE USE OF TAX INCREMENT FINANCING;

8 (E) THE SCOPE OR NATURE OF THE COUNTY REVITALIZATION
9 PROJECT;

10 (F) THE SCOPE OR METHOD OF FINANCING;

11 (G) DESIGN;

12 (H) BUILDING REQUIREMENTS; OR

13 (I) TIMING, OR PROCEDURE; OR

14 (II) CLARIFY A PLAN THAT, WHEN APPROVED, WAS LACKING IN
15 SPECIFICITY AS TO THE COUNTY REVITALIZATION PROJECT OR FINANCING.

16 (9) (a) No ACTION MAY BE BROUGHT TO ENJOIN ANY ACTIVITY OF
17 THE AUTHORITY PURSUANT TO THE COUNTY REVITALIZATION PLAN,
18 INCLUDING THE ISSUANCE OF BONDS, THE INCURRENCE OF OTHER
19 FINANCIAL OBLIGATIONS, OR THE PLEDGE OF REVENUE, UNLESS THE
20 ACTION IS COMMENCED WITHIN TWENTY-EIGHT DAYS AFTER THE DATE ON
21 WHICH THE AUTHORITY PROVIDED NOTICE OF ITS INTENTION REGARDING
22 THE UNDERTAKING OR ACTIVITY.

23 (b) (I) THE NOTICE REQUIRED BY SUBSECTION (9)(a) OF THIS
24 SECTION MUST:

25 (A) DESCRIBE THE UNDERTAKING OR ACTIVITY PROPOSED BY THE
26 AUTHORITY AND SPECIFY THAT ANY ACTION TO ENJOIN THE UNDERTAKING
27 OR ACTIVITY MUST BE BROUGHT WITHIN FORTY-FIVE DAYS FROM THE DATE

1 OF THE NOTICE; AND

2 (B) BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN
3 THE COUNTY.

4 (II) ON OR BEFORE THE DATE OF PUBLICATION OF THE NOTICE OF
5 INTENTION REQUIRED BY SUBSECTION (9)(a) OF THIS SECTION, THE
6 AUTHORITY SHALL ALSO MAIL A COPY OF THE NOTICE TO EACH TAXING
7 ENTITY THAT LEVIES TAXES ON PROPERTY WITHIN THE COUNTY
8 REVITALIZATION AREA.

9 (10) UPON THE APPROVAL BY THE GOVERNING BODY OF THE
10 COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO THE
11 COUNTY REVITALIZATION PLAN, THE PROVISIONS OF THAT PLAN ARE
12 CONTROLLING WITH RESPECT TO THE LAND AREA, LAND USE, DESIGN,
13 BUILDING REQUIREMENTS, TIMING, OR PROCEDURE APPLICABLE TO THE
14 PROPERTY COVERED BY THAT PLAN.

15 (11) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY
16 COUNTY REVITALIZATION PLAN, AS ORIGINALLY APPROVED OR AS LATER
17 MODIFIED PURSUANT TO THIS ARTICLE 31, MAY CONTAIN A PROVISION
18 THAT THE PROPERTY TAXES OF SPECIFICALLY DESIGNATED PUBLIC BODIES,
19 IF ANY, LEVIED AFTER THE EFFECTIVE DATE OF THE APPROVAL OF SUCH
20 COUNTY REVITALIZATION PLAN UPON TAXABLE PROPERTY IN THE COUNTY
21 REVITALIZATION AREA EACH YEAR OR THAT COUNTY SALES TAXES
22 COLLECTED WITHIN SAID AREA, OR BOTH SUCH TAXES, BY OR FOR THE
23 BENEFIT OF THE DESIGNATED PUBLIC BODY MUST BE DIVIDED FOR A PERIOD
24 NOT TO EXCEED THIRTY YEARS AFTER THE EFFECTIVE DATE OF ADOPTION
25 OF SUCH A PROVISION, AS FOLLOWS:

26 (I) THAT PORTION OF THE TAXES PRODUCED BY THE LEVY AT THE
27 RATE FIXED EACH YEAR BY OR FOR EACH SUCH PUBLIC BODY UPON THE

1 VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY IN THE COUNTY
2 REVITALIZATION AREA LAST CERTIFIED BEFORE THE EFFECTIVE DATE OF
3 APPROVAL OF THE COUNTY REVITALIZATION PLAN OR, AS TO AN AREA
4 LATER ADDED TO THE COUNTY REVITALIZATION AREA, THE EFFECTIVE
5 DATE OF THE MODIFICATION OF THE PLAN, OR THAT PORTION OF COUNTY
6 SALES TAXES COLLECTED WITHIN THE BOUNDARIES OF SAID COUNTY
7 REVITALIZATION AREA IN THE TWELVE-MONTH PERIOD ENDING ON THE
8 LAST DAY OF THE MONTH BEFORE THE EFFECTIVE DATE OF APPROVAL OF
9 SAID PLAN, OR BOTH SUCH PORTIONS, MUST BE PAID INTO THE FUNDS OF
10 EACH SUCH PUBLIC BODY AS ARE ALL OTHER TAXES COLLECTED BY OR FOR
11 THE PUBLIC BODY.

12 (II) THAT PORTION OF THE PROPERTY TAXES OR ALL OR ANY
13 PORTION OF THE SALES TAXES, OR BOTH, IN EXCESS OF THE AMOUNT OF
14 PROPERTY TAXES OR SALES TAXES PAID INTO THE FUNDS OF EACH SUCH
15 PUBLIC BODY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION
16 (11)(a)(I) OF THIS SECTION MUST BE ALLOCATED TO AND, WHEN
17 COLLECTED, PAID INTO A SPECIAL FUND OF THE AUTHORITY TO PAY THE
18 PRINCIPAL OF, THE INTEREST ON, AND ANY PREMIUMS DUE IN CONNECTION
19 WITH THE BONDS OF, LOANS OR ADVANCES TO, OR INDEBTEDNESS
20 INCURRED BY, WHETHER FUNDED, REFUNDED, ASSUMED, OR OTHERWISE,
21 THE AUTHORITY FOR FINANCING OR REFINANCING, IN WHOLE OR IN PART,
22 THE COUNTY REVITALIZATION PROJECT OR TO MAKE PAYMENTS UNDER AN
23 AGREEMENT EXECUTED PURSUANT TO THIS SECTION. ANY EXCESS COUNTY
24 SALES TAX OR PROPERTY TAX COLLECTIONS NOT ALLOCATED PURSUANT
25 TO THIS SUBSECTION (11)(a)(II) MUST BE PAID INTO THE FUNDS OF THE
26 COUNTY OR OTHER TAXING ENTITY, AS APPLICABLE. UNLESS AND UNTIL
27 THE TOTAL VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN

1 THE COUNTY REVITALIZATION AREA EXCEEDS THE BASE VALUATION FOR
2 ASSESSMENT OF THE TAXABLE PROPERTY IN THE COUNTY REVITALIZATION
3 AREA, AS PROVIDED IN SUBSECTION (11)(a)(I) OF THIS SECTION, ALL OF
4 THE TAXES LEVIED UPON THE TAXABLE PROPERTY IN SUCH COUNTY
5 REVITALIZATION AREA MUST BE PAID INTO THE FUNDS OF THE RESPECTIVE
6 PUBLIC BODIES. UNLESS AND UNTIL THE TOTAL COUNTY SALES TAX
7 COLLECTIONS IN THE COUNTY REVITALIZATION AREA EXCEED THE BASE
8 YEAR COUNTY SALES TAX COLLECTIONS IN SUCH COUNTY REVITALIZATION
9 AREA, AS PROVIDED IN SUBSECTION (11)(a)(I) OF THIS SECTION, ALL SUCH
10 SALES TAX COLLECTIONS MUST BE PAID INTO THE FUNDS OF THE COUNTY.
11 WHEN SUCH BONDS, LOANS, ADVANCES, AND INDEBTEDNESS, IF ANY,
12 INCLUDING INTEREST THEREON AND ANY PREMIUMS DUE IN CONNECTION
13 THEREWITH, HAVE BEEN PAID, ALL TAXES UPON THE TAXABLE PROPERTY
14 OR THE TOTAL COUNTY SALES TAX COLLECTIONS, OR BOTH, IN THE
15 COUNTY REVITALIZATION AREA MUST BE PAID INTO THE FUNDS OF THE
16 RESPECTIVE PUBLIC BODIES, AND ALL MONEY REMAINING IN THE SPECIAL
17 FUND ESTABLISHED PURSUANT TO THIS SUBSECTION (11)(a)(II) THAT HAS
18 NOT PREVIOUSLY BEEN REBATED AND THAT ORIGINATED AS PROPERTY TAX
19 INCREMENT GENERATED BASED ON THE MILL LEVY OF A TAXING ENTITY,
20 OTHER THAN THE COUNTY, WITHIN THE BOUNDARIES OF THE COUNTY
21 REVITALIZATION AREA MUST BE REPAID TO EACH TAXING ENTITY BASED
22 ON THE PRO RATA SHARE OF THE PRIOR YEAR'S PROPERTY TAX INCREMENT
23 ATTRIBUTABLE TO EACH TAXING ENTITY'S CURRENT MILL LEVY IN WHICH
24 PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS SUBSECTION (11).
25 ANY MONEY REMAINING IN THE SPECIAL FUND NOT GENERATED BY
26 PROPERTY TAX INCREMENT IS EXCLUDED FROM ANY SUCH REPAYMENT
27 REQUIREMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY

1 ADDITIONAL REVENUES RESULTING BECAUSE THE VOTERS HAVE
2 AUTHORIZED THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL
3 DISTRICT TO RETAIN AND SPEND SAID REVENUES PURSUANT TO SECTION 20
4 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION SUBSEQUENT TO THE
5 CREATION OF THE SPECIAL FUND PURSUANT TO THIS SUBSECTION
6 (11)(a)(II) OR AS A RESULT OF AN INCREASE IN THE PROPERTY TAX MILL
7 LEVY APPROVED BY THE VOTERS OF THE MUNICIPALITY, COUNTY, SPECIAL
8 DISTRICT, OR SCHOOL DISTRICT SUBSEQUENT TO THE CREATION OF THE
9 SPECIAL FUND, TO THE EXTENT THE TOTAL MILL LEVY OF THE
10 MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT EXCEEDS
11 THE RESPECTIVE MILL LEVY IN EFFECT AT THE TIME OF APPROVAL OR
12 SUBSTANTIAL MODIFICATION OF THE COUNTY REVITALIZATION PLAN, MUST
13 NOT BE PLEDGED BY AN AUTHORITY FOR THE PAYMENT OF ANY BONDS OF,
14 ANY LOANS OR ADVANCES TO, OR ANY INDEBTEDNESS INCURRED BY THE
15 AUTHORITY WITHOUT THE CONSENT OF THE RELEVANT MUNICIPALITY,
16 COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT. TO THE EXTENT THE
17 AUTHORITY HAS RECEIVED THE NOTIFICATION SPECIFIED IN THIS
18 SUBSECTION (11)(a)(II), SUCH ADDITIONAL REVENUES MUST THEN BE
19 PROMPTLY REPAYED BY THE AUTHORITY TO THE COUNTY OR OTHER TAXING
20 ENTITY. THE AUTHORITY MUST BE NOTIFIED OF THE AMOUNT OF
21 ADDITIONAL REVENUES AND THE CALCULATIONS USED IN COMPUTING THE
22 AMOUNT BY THE APPLICABLE COUNTY OR OTHER TAXING ENTITY BEFORE
23 MAKING REPAYMENT AND, IN ANY EVENT, NOT LATER THAN FEBRUARY 1
24 OF EACH FISCAL YEAR FOLLOWING THE YEAR IN WHICH A
25 VOTER-APPROVED REVENUE INCREASE HAS TAKEN EFFECT. THE
26 AUTHORITY AND COUNTY OR ANY OTHER TAXING ENTITY MAY NEGOTIATE
27 FOR THE PURPOSE OF ENTERING INTO AN AGREEMENT ON THE ISSUES OF

1 THE AMOUNT OF REPAYMENT, THE MECHANICS OF HOW REPAYMENT OF
2 THE ADDITIONAL REVENUES WILL BE ACCOMPLISHED, A METHOD FOR
3 RESOLVING DISPUTES REGARDING THE AMOUNT OF REPAYMENT, AND
4 WHETHER THE COUNTY OR TAXING ENTITY WILL WAIVE THE REPAYMENT
5 REQUIREMENT, SINGULARLY OR IN COMBINATION, AND MAY ENTER INTO
6 AN INTERGOVERNMENTAL AGREEMENT REGARDING ANY OF THESE ISSUES.

7 (III) IN CALCULATING AND MAKING PAYMENTS AS DESCRIBED IN
8 SUBSECTION (11)(a)(II) OF THIS SECTION, THE COUNTY TREASURER MAY
9 OFFSET THE AUTHORITY'S PRO RATA PORTION OF ANY PROPERTY TAXES
10 THAT ARE PAID TO THE AUTHORITY UNDER THE TERMS OF SUBSECTION
11 (11)(a)(II) OF THIS SECTION AND THAT ARE SUBSEQUENTLY REFUNDED TO
12 THE TAXPAYER AGAINST ANY SUBSEQUENT PAYMENTS DUE TO THE
13 AUTHORITY FOR THE COUNTY REVITALIZATION PROJECT. THE AUTHORITY
14 SHALL MAKE ADEQUATE PROVISION FOR THE RETURN OF OVERPAYMENTS
15 IN THE EVENT THAT THERE ARE NOT SUFFICIENT PROPERTY TAXES DUE TO
16 THE AUTHORITY TO OFFSET THE AUTHORITY'S PRO RATA PORTION OF THE
17 REFUNDS. THE PROVISIONS OF THIS SUBSECTION (11)(a)(III) DO NOT APPLY
18 TO A CITY AND COUNTY.

19 (b) THE PORTION OF TAXES DESCRIBED IN SUBSECTION (11)(a)(II)
20 OF THIS SECTION MAY BE IRREVOCABLY PLEDGED BY THE AUTHORITY FOR
21 THE PAYMENT OF THE PRINCIPAL OF, THE INTEREST ON, AND ANY
22 PREMIUMS DUE IN CONNECTION WITH SUCH BONDS, LOANS, ADVANCES,
23 AND INDEBTEDNESS. THIS IRREVOCABLE PLEDGE DOES NOT EXTEND TO
24 ANY TAXES THAT ARE PLACED IN A RESERVE FUND TO BE RETURNED TO
25 THE COUNTY FOR REFUNDS OF OVERPAYMENTS BY TAXPAYERS; EXCEPT
26 THAT THIS LIMITATION ON THE EXTENSION OF THE IRREVOCABLE PLEDGE
27 DOES NOT APPLY TO A CITY AND COUNTY.

1 (c) AS USED IN THIS SUBSECTION (11), "TAXES" INCLUDES,
2 WITHOUT LIMITATION, ALL LEVIES AUTHORIZED TO BE MADE ON AN AD
3 VALOREM BASIS UPON REAL AND PERSONAL PROPERTY OR COUNTY SALES
4 TAXES; BUT NOTHING IN THIS SUBSECTION (11) REQUIRES ANY PUBLIC
5 BODY TO LEVY TAXES.

6 (d) IF THE COUNTY REVITALIZATION AREA INCLUDES SINGLE- AND
7 MULTI-FAMILY RESIDENCES, A SCHOOL DISTRICT WHICH INCLUDES ALL OR
8 ANY PART OF THE COUNTY REVITALIZATION AREA MUST BE PERMITTED TO
9 PARTICIPATE IN AN ADVISORY CAPACITY WITH RESPECT TO THE INCLUSION
10 IN THE COUNTY REVITALIZATION PLAN OF THE PROVISION PROVIDED FOR
11 BY THIS SUBSECTION (11).

12 (e) IF THERE IS A GENERAL REASSESSMENT OF TAXABLE PROPERTY
13 VALUATIONS IN ANY COUNTY INCLUDING ALL OR PART OF THE COUNTY
14 REVITALIZATION AREA SUBJECT TO DIVISION OF VALUATION FOR
15 ASSESSMENT UNDER SUBSECTION (11)(a) OF THIS SECTION OR A CHANGE
16 IN THE SALES TAX RATE LEVIED IN ANY COUNTY INCLUDING ALL OR PART
17 OF THE COUNTY REVITALIZATION AREA SUBJECT TO DIVISION OF SALES
18 TAXES UNDER SUBSECTION (11)(a) OF THIS SECTION, THE PORTIONS OF
19 VALUATIONS FOR ASSESSMENT OR SALES TAXES UNDER SUBSECTIONS
20 (11)(a)(I) AND (11)(a)(II) OF THIS SECTION MUST BE PROPORTIONATELY
21 ADJUSTED IN ACCORDANCE WITH THE REASSESSMENT OR CHANGE.

22 (f) NOTWITHSTANDING THE THIRTY-YEAR PERIOD OF LIMITATION
23 SET FORTH IN SUBSECTION (11)(a) OF THIS SECTION, ANY COUNTY
24 REVITALIZATION PLAN, AS ORIGINALLY APPROVED OR AS LATER MODIFIED
25 PURSUANT TO THIS ARTICLE 31, MAY CONTAIN A PROVISION THAT THE
26 COUNTY SALES TAXES COLLECTED IN THE COUNTY REVITALIZATION AREA
27 EACH YEAR OR THE COUNTY PORTION OF TAXES LEVIED UPON TAXABLE

1 PROPERTY WITHIN THE AREA, OR BOTH SUCH TAXES, MAY BE ALLOCATED
2 AS DESCRIBED IN THIS SUBSECTION (11) FOR A PERIOD IN EXCESS OF
3 THIRTY YEARS AFTER THE EFFECTIVE DATE OF THE ADOPTION OF THE
4 PROVISION IF THE EXISTING BONDS ARE IN DEFAULT OR ABOUT TO GO INTO
5 DEFAULT; EXCEPT THAT THE TAXES MAY NOT BE ALLOCATED AFTER ALL
6 BONDS OF THE AUTHORITY ISSUED PURSUANT TO SUCH PLAN INCLUDING
7 LOANS, ADVANCES, AND INDEBTEDNESS, IF ANY, AND INTEREST THEREON,
8 AND ANY PREMIUMS DUE IN CONNECTION THEREWITH HAVE BEEN REPAID.

9 (g) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
10 IF ONE OR MORE OF THE CONDITIONS SPECIFIED IN SUBSECTION (1)(c)(II)
11 OF THIS SECTION HAVE BEEN SATISFIED SO THAT AGRICULTURAL LAND IS
12 INCLUDED WITHIN THE COUNTY REVITALIZATION AREA, THE COUNTY
13 ASSESSOR SHALL VALUE THE AGRICULTURAL LAND AT ITS FAIR MARKET
14 VALUE IN MAKING THE CALCULATION OF THE TAXES TO BE PAID TO THE
15 PUBLIC BODIES PURSUANT TO SUBSECTION (11)(a)(I) OF THIS SECTION
16 SOLELY FOR THE PURPOSE OF DETERMINING THE TAX INCREMENT
17 AVAILABLE PURSUANT TO SUBSECTION (11)(a)(II) OF THIS SECTION.
18 NOTHING IN THIS SECTION AFFECTS THE ACTUAL OR REQUIRED
19 CLASSIFICATION OF AGRICULTURAL LAND FOR PROPERTY TAX PURPOSES,
20 AND NOTHING IN THIS SECTION AFFECTS THE TAXES ACTUALLY TO BE PAID
21 TO THE PUBLIC BODIES PURSUANT TO SUBSECTION (11)(a)(I) OF THIS
22 SECTION, WHICH MUST CONTINUE TO BE BASED ON THE AGRICULTURAL
23 CLASSIFICATION OF SUCH LAND UNLESS AND UNTIL IT HAS BEEN
24 RECLASSIFIED IN THE NORMAL COURSE OF THE ASSESSMENT PROCESS.

25 (h) THE MANNER AND METHODS BY WHICH THE REQUIREMENTS OF
26 THIS SUBSECTION (11) ARE TO BE IMPLEMENTED BY COUNTY ASSESSORS
27 MUST BE CONTAINED IN SUCH MANUALS, APPRAISAL PROCEDURES, AND

1 INSTRUCTIONS, AS APPLICABLE, THAT THE PROPERTY TAX ADMINISTRATOR
2 IS AUTHORIZED TO PREPARE AND PUBLISH PURSUANT TO SECTION 39-2-109
3 (1)(e).

4 (i) WITHIN THE TWELVE-MONTH PERIOD BEFORE THE EFFECTIVE
5 DATE OF THE APPROVAL OR MODIFICATION OF THE COUNTY
6 REVITALIZATION PLAN REQUIRING THE ALLOCATION OF MONEY TO THE
7 AUTHORITY PURSUANT TO SUBSECTION (11)(a) OF THIS SECTION, THE
8 MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT IS
9 ENTITLED TO THE REIMBURSEMENT OF ANY MONEY THAT THE
10 MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT PAYS TO,
11 CONTRIBUTES TO, OR INVESTS IN THE AUTHORITY FOR THE PROJECT. THE
12 REIMBURSEMENT MUST BE PAID FROM THE SPECIAL FUND OF THE
13 AUTHORITY ESTABLISHED PURSUANT TO SUBSECTION (11)(a) OF THIS
14 SECTION.

15 (12) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
16 GOVERNING BODY MAY PROVIDE IN THE COUNTY REVITALIZATION PLAN
17 THAT THE VALUATION ATTRIBUTABLE TO THE EXTRACTION OF MINERAL
18 RESOURCES LOCATED WITHIN THE COUNTY REVITALIZATION AREA IS NOT
19 SUBJECT TO THE DIVISION THAT IS OTHERWISE REQUIRED BY SUBSECTION
20 (11)(a) OF THIS SECTION. IN SUCH CIRCUMSTANCES, THE TAXES LEVIED ON
21 THE VALUATION MUST BE DISTRIBUTED TO THE TAXING ENTITIES AS IF THE
22 COUNTY REVITALIZATION PLAN WAS NOT IN EFFECT.

23 (b) FOR PURPOSES OF THIS SUBSECTION (12):

24 (I) "MINERAL RESOURCES" HAS THE SAME MEANING AS SPECIFIED
25 IN SECTION 36-1-100.3 (3).

26 (II) "VALUATION ATTRIBUTABLE TO THE EXTRACTION OF MINERAL
27 RESOURCES" INCLUDES:

1 (A) THE VALUE OF OIL AND GAS LEASEHOLDS AND LAND AND
2 SUBSURFACE OIL AND GAS WELL EQUIPMENT THAT IS VALUED FOR
3 ASSESSMENT PURPOSES AS REAL PROPERTY UNDER SECTIONS 39-7-102
4 AND 39-7-103; AND

5 (B) SURFACE OIL AND GAS WELL EQUIPMENT AND SUBMERSIBLE
6 PUMPS AND SUCKER RODS THAT ARE LOCATED ON OIL AND GAS
7 LEASEHOLDS AND LAND AND THAT ARE VALUED FOR ASSESSMENT
8 PURPOSES AS PERSONAL PROPERTY UNDER SECTION 39-7-103.

9 (13) THE COUNTY IN WHICH THE COUNTY REVITALIZATION
10 AUTHORITY HAS BEEN ESTABLISHED SHALL TIMELY NOTIFY THE ASSESSOR
11 WHEN:

12 (a) THE COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL
13 MODIFICATION OF THE PLAN HAS BEEN APPROVED THAT CONTAINS THE
14 PROVISIONS REFERENCED IN SUBSECTION (11)(a) OF THIS SECTION OR A
15 SUBSTANTIAL MODIFICATION OF THE PLAN ADDS LAND TO THE PLAN,
16 WHICH PLAN CONTAINS THE PROVISIONS REFERENCED IN SUBSECTION
17 (11)(a) OF THIS SECTION;

18 (b) ANY OUTSTANDING OBLIGATION INCURRED BY THE AUTHORITY
19 PURSUANT TO THE PROVISIONS OF SUBSECTION (11) OF THIS SECTION HAS
20 BEEN PAID OFF; AND

21 (c) THE PURPOSES OF THE AUTHORITY HAVE OTHERWISE BEEN
22 ACHIEVED.

23 (14) (a) NOT LATER THAN THIRTY DAYS AFTER THE COUNTY HAS
24 PROVIDED THE COUNTY ASSESSOR THE NOTICE REQUIRED BY SUBSECTION
25 (13)(a) OF THIS SECTION, THE COUNTY ASSESSOR MAY PROVIDE WRITTEN
26 NOTICE TO THE COUNTY IF THE ASSESSOR BELIEVES THAT AGRICULTURAL
27 LAND HAS BEEN IMPROPERLY INCLUDED IN THE COUNTY REVITALIZATION

1 AREA IN VIOLATION OF SUBSECTION (1)(c)(II) OF THIS SECTION.

2 (b) IF THE NOTICE DESCRIBED IN SUBSECTION (13)(a) OF THIS
3 SECTION IS NOT DELIVERED WITHIN THE REQUIRED THIRTY-DAY PERIOD,
4 THE INCLUSION OF THE LAND IN THE COUNTY REVITALIZATION AREA AS
5 DESCRIBED IN THE COUNTY REVITALIZATION PLAN IS INCONTESTABLE IN
6 ANY SUIT OR PROCEEDING NOTWITHSTANDING THE PRESENCE OF ANY
7 CAUSE.

8 **30-31-110. Disaster areas.** (1) NOTWITHSTANDING ANY OTHER
9 PROVISIONS OF THIS ARTICLE 31, WHEN THE GOVERNING BODY CERTIFIES
10 THAT AN AREA IS IN NEED OF REDEVELOPMENT OR REHABILITATION AS A
11 RESULT OF A FLOOD, FIRE, HURRICANE, EARTHQUAKE, STORM, OR OTHER
12 CATASTROPHE FOR WHICH THE GOVERNOR HAS CERTIFIED THE NEED FOR
13 DISASTER ASSISTANCE PURSUANT TO THE "FEDERAL DISASTER RELIEF
14 ACT", PUB. L. 81-875, AS AMENDED, OR ANY OTHER RELEVANT FEDERAL
15 LAW, THE GOVERNING BODY MAY DEEM SUCH AN AREA TO BE A
16 REVITALIZATION AREA.

17 (2) THE AUTHORITY MAY PREPARE AND SUBMIT TO THE
18 GOVERNING BODY A PROPOSED COUNTY REVITALIZATION PLAN AND
19 PROPOSED COUNTY REVITALIZATION PROJECT FOR AN AREA DEEMED A
20 REVITALIZATION AREA PURSUANT TO SUBSECTION (1) OF THIS SECTION OR
21 FOR ANY PORTION THEREOF, AND THE GOVERNING BODY MAY, BY
22 RESOLUTION, APPROVE SUCH A PROPOSED COUNTY REVITALIZATION PLAN
23 AND COUNTY REVITALIZATION PROJECT WITH OR WITHOUT MODIFICATIONS
24 WITHOUT REGARD TO THE PROVISIONS OF THIS ARTICLE 31 REQUIRING A
25 GENERAL OR MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE
26 COUNTY AS A WHOLE, REVIEW BY THE PLANNING COMMISSION, OR A
27 PUBLIC HEARING.

1 **30-31-111. Issuance of bonds by an authority.** (1) AN
2 AUTHORITY HAS POWER TO ISSUE BONDS OF THE AUTHORITY FROM TIME TO
3 TIME IN ITS DISCRETION TO FINANCE ITS ACTIVITIES OR OPERATIONS
4 PURSUANT TO THIS ARTICLE 31, INCLUDING THE REPAYMENT WITH
5 INTEREST OF ANY ADVANCES OR LOANS OF FUNDS MADE TO THE
6 AUTHORITY BY THE FEDERAL GOVERNMENT OR OTHER SOURCE FOR ANY
7 SURVEYS OR PLANS MADE OR TO BE MADE BY THE AUTHORITY IN
8 EXERCISING ITS POWERS PURSUANT TO THIS ARTICLE 31 AND ALSO HAS
9 POWER TO ISSUE REFUNDING OR OTHER BONDS OF THE AUTHORITY IN ITS
10 DISCRETION FOR THE PAYMENT, RETIREMENT, RENEWAL, OR EXTENSION OF
11 ANY BONDS PREVIOUSLY ISSUED PURSUANT TO THIS SECTION AND TO
12 PROVIDE FOR THE REPLACEMENT OF LOST, DESTROYED, OR MUTILATED
13 BONDS PREVIOUSLY ISSUED PURSUANT TO THIS SECTION.

14 (2) (a) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
15 GENERAL OBLIGATION BONDS OF THE AUTHORITY THE PAYMENT OF WHICH,
16 AS TO PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, THE FULL FAITH,
17 CREDIT, AND ASSETS, ACQUIRED AND TO BE ACQUIRED, OF THE AUTHORITY
18 ARE IRREVOCABLY PLEDGED.

19 (b) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SPECIAL
20 OBLIGATIONS OF THE AUTHORITY WHICH, AS TO PRINCIPAL AND INTEREST
21 AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM AND SECURED ONLY
22 BY A PLEDGE OF ANY INCOME, PROCEEDS, REVENUES, OR FUNDS OF THE
23 AUTHORITY DERIVED OR TO BE DERIVED BY IT FROM OR HELD OR TO BE
24 HELD BY IT IN CONNECTION WITH ITS UNDERTAKING OF ANY PROJECT OF
25 THE AUTHORITY, INCLUDING MONEY TO BE PAID TO AN AUTHORITY
26 PURSUANT TO SECTION 30-31-109 (11) AND INCLUDING ANY GRANTS OR
27 CONTRIBUTIONS OF MONEY MADE OR TO BE MADE BY IT WITH RESPECT TO

1 ANY SUCH PROJECT AND ANY MONEY DERIVED OR TO BE DERIVED BY IT
2 FROM OR HELD OR TO BE HELD BY IT IN CONNECTION WITH ITS SALE, LEASE,
3 RENTAL, TRANSFER, RETENTION, MANAGEMENT, REHABILITATION,
4 CLEARANCE, DEVELOPMENT, REDEVELOPMENT, PREPARATION FOR
5 DEVELOPMENT OR REDEVELOPMENT, OR ITS OPERATION OR OTHER
6 UTILIZATION OR DISPOSITION OF ANY REAL OR PERSONAL PROPERTY
7 ACQUIRED OR TO BE ACQUIRED BY IT OR HELD OR TO BE HELD BY IT FOR
8 ANY OF THE PURPOSES OF THIS ARTICLE 31 AND INCLUDING ANY LOANS,
9 GRANTS, OR CONTRIBUTIONS OF FUNDS MADE OR TO BE MADE TO IT BY THE
10 FEDERAL GOVERNMENT IN AID OF ANY PROJECT OF THE AUTHORITY OR IN
11 AID OF ANY OF ITS OTHER ACTIVITIES OR OPERATIONS.

12 (c) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SPECIAL
13 OBLIGATIONS OF THE AUTHORITY THAT, AS TO PRINCIPAL AND INTEREST
14 AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM AND SECURED ONLY
15 BY A PLEDGE OF ANY LOANS, GRANTS, OR CONTRIBUTIONS OF MONEY
16 MADE OR TO BE MADE TO IT BY THE FEDERAL GOVERNMENT OR OTHER
17 SOURCE IN AID OF ANY PROJECT OF THE AUTHORITY OR IN AID OF ANY OF
18 ITS OTHER ACTIVITIES OR OPERATIONS.

19 (d) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
20 CONTINGENT SPECIAL OBLIGATIONS OF THE AUTHORITY WHICH, AS TO
21 PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY
22 FROM ANY MONEY AVAILABLE OR BECOMING AVAILABLE TO THE
23 AUTHORITY FOR ITS UNDERTAKING OF THE PROJECT INVOLVED IN THE
24 PARTICULAR ACTIVITIES OR OPERATIONS WITH RESPECT TO WHICH THE
25 CONTINGENT SPECIAL OBLIGATIONS ARE ISSUED BUT PAYABLE ONLY IF
26 MONEY IS OR BECOMES AVAILABLE AS PROVIDED IN THIS SUBSECTION (2).

27 (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION,

1 ANY BONDS ISSUED PURSUANT TO THIS SECTION, OTHER THAN THE
2 CONTINGENT SPECIAL OBLIGATIONS COVERED BY SUBSECTION (2)(d) OF
3 THIS SECTION, MAY BE ADDITIONALLY SECURED AS TO THE PAYMENT OF
4 THE PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, BY A MORTGAGE OF
5 ANY COUNTY REVITALIZATION PROJECT, OR ANY PART THEREOF, TITLE TO
6 WHICH IS THEN OR THEREAFTER IN THE AUTHORITY OR OF ANY OTHER
7 REAL OR PERSONAL PROPERTY OR INTERESTS THEREIN THEN OWNED OR
8 THEREAFTER ACQUIRED BY THE AUTHORITY.

9 (4) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION,
10 GENERAL OBLIGATION BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
11 ADDITIONALLY SECURED AS TO PAYMENT OF THE PRINCIPAL AND INTEREST
12 AND PREMIUMS, IF ANY, AS PROVIDED IN EITHER SUBSECTION (2)(b) OR
13 SUBSECTION (2)(c) OF THIS SECTION, WITH OR WITHOUT BEING ALSO
14 ADDITIONALLY SECURED AS TO PAYMENT OF THE PRINCIPAL, INTEREST,
15 AND PREMIUMS, IF ANY, BY A MORTGAGE AS PROVIDED IN SUBSECTION (3)
16 OF THIS SECTION OR A TRUST AGREEMENT AS PROVIDED IN SUBSECTION (5)
17 OF THIS SECTION.

18 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
19 ANY BONDS PURSUANT TO THIS SECTION MAY BE ADDITIONALLY SECURED
20 AS TO THE PAYMENT OF THE PRINCIPAL, INTEREST, AND PREMIUMS, IF ANY,
21 BY A TRUST AGREEMENT BY AND BETWEEN THE AUTHORITY AND A
22 CORPORATE TRUSTEE, WHICH MAY BE ANY TRUST COMPANY OR BANK
23 HAVING THE POWERS OF A TRUST COMPANY WITHIN OR WITHOUT THE
24 STATE OF COLORADO.

25 (6) BONDS ISSUED PURSUANT TO THIS SECTION DO NOT
26 CONSTITUTE AN INDEBTEDNESS OF THE STATE OF COLORADO OR OF ANY
27 COUNTY, MUNICIPALITY, OR PUBLIC BODY OF THE STATE OF COLORADO

1 OTHER THAN THE COUNTY REVITALIZATION AUTHORITY ISSUING SUCH
2 BONDS AND ARE NOT SUBJECT TO THE PROVISIONS OF ANY OTHER LAW OR
3 OF THE CHARTER OF ANY COUNTY RELATING TO THE AUTHORIZATION,
4 ISSUANCE, OR SALE OF BONDS.

5 (7) BONDS ISSUED PURSUANT TO THIS SECTION ARE ISSUED FOR AN
6 ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSE AND, TOGETHER WITH
7 INTEREST THEREON AND INCOME THEREFROM, ARE EXEMPT FROM ALL
8 TAXES.

9 (8) (a) BONDS ISSUED PURSUANT TO THIS SECTION MUST BE
10 AUTHORIZED BY A RESOLUTION OF THE AUTHORITY AND MAY BE ISSUED IN
11 ONE OR MORE SERIES AND MUST BEAR SUCH DATE, BE PAYABLE UPON
12 DEMAND OR MATURE AT SUCH TIME, BEAR INTEREST AT SUCH RATE, BE IN
13 SUCH DENOMINATION, BE IN SUCH FORM, EITHER COUPON OR REGISTERED
14 OR OTHERWISE, CARRY SUCH CONVERSION OR REGISTRATION PRIVILEGES,
15 HAVE SUCH RANK OR PRIORITY, BE EXECUTED IN THE NAME OF THE
16 AUTHORITY IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT,
17 BE PAYABLE AT SUCH PLACE, BE SUBJECT TO SUCH CALLABILITY
18 PROVISIONS OR TERMS OF REDEMPTION, WITH OR WITHOUT PREMIUMS, BE
19 SECURED IN SUCH MANNER, BE OF SUCH DESCRIPTION, CONTAIN OR BE
20 SUBJECT TO SUCH COVENANTS, PROVISIONS, TERMS, CONDITIONS, AND
21 AGREEMENTS INCLUDING PROVISIONS CONCERNING EVENTS OF DEFAULT,
22 AND HAVE SUCH OTHER CHARACTERISTICS AS MAY BE PROVIDED BY THE
23 RESOLUTION OR BY THE TRUST AGREEMENT, INDENTURE, OR MORTGAGE,
24 IF ANY, ISSUED PURSUANT TO THE RESOLUTION.

25 (b) THE SEAL, OR A FACSIMILE THEREOF, OF THE AUTHORITY MUST
26 BE AFFIXED, IMPRINTED, ENGRAVED, OR OTHERWISE REPRODUCED UPON
27 EACH OF ITS BONDS ISSUED PURSUANT TO THIS SECTION.

1 (c) BONDS ISSUED PURSUANT TO THIS SECTION MUST BE EXECUTED
2 IN THE NAME OF THE AUTHORITY BY THE MANUAL, OR FACSIMILE
3 SIGNATURES OF SUCH OF ITS OFFICIALS AS MAY BE DESIGNATED IN THE
4 SAID RESOLUTION OR TRUST AGREEMENT, INDENTURE, OR MORTGAGE;
5 EXCEPT THAT AT LEAST ONE SIGNATURE ON EACH SUCH BOND MUST BE A
6 MANUAL SIGNATURE.

7 (d) COUPONS, IF ANY, ATTACHED TO BONDS ISSUED PURSUANT TO
8 THIS SECTION MUST BEAR THE FACSIMILE SIGNATURE OF AN OFFICIAL OF
9 THE AUTHORITY DESIGNATED PURSUANT TO THIS SUBSECTION (8).

10 (e) A RESOLUTION OR TRUST AGREEMENT, INDENTURE, OR
11 MORTGAGE MAY PROVIDE FOR THE AUTHENTICATION OF THE PERTINENT
12 BONDS BY THE TRUSTEE.

13 (9) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SOLD BY
14 THE AUTHORITY IN SUCH MANNER AND FOR SUCH PRICE AS THE AUTHORITY
15 MAY DETERMINE, AT PAR, BELOW PAR, OR ABOVE PAR, AT PRIVATE SALE
16 OR AT PUBLIC SALE AFTER NOTICE PUBLISHED BEFORE SALE IN A
17 NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY OR IN
18 ANOTHER MEDIUM OF PUBLICATION THAT THE AUTHORITY MAY DEEM
19 APPROPRIATE.

20 (10) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
21 EXCHANGED BY THE AUTHORITY FOR OTHER BONDS ISSUED BY IT
22 PURSUANT TO THIS SECTION.

23 (11) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SOLD BY
24 AN AUTHORITY TO THE FEDERAL IF THE AUTHORITY SELLS LESS THAN ALL
25 OF THE AUTHORIZED PRINCIPAL AMOUNT OF THE BONDS TO THE FEDERAL
26 GOVERNMENT, THE AUTHORITY MAY SELL THE BALANCE OR ANY PORTION
27 OF THE BALANCE AT PRIVATE SALE AT PAR, BELOW PAR, OR ABOVE PAR, AT

1 AN INTEREST COST TO THE AUTHORITY NOT TO EXCEED THE INTEREST COST
2 TO THE AUTHORITY OF THE PORTION OF THE BONDS SOLD BY THE
3 AUTHORITY TO THE FEDERAL GOVERNMENT.

4 **30-31-112. Property of an authority exempt from taxes and**
5 **from levy and sale by virtue of an execution.** (1) (a) ALL PROPERTY OF
6 AN AUTHORITY, INCLUDING ALL MONEY OWNED OR HELD BY IT FOR ANY OF
7 THE PURPOSES OF THIS ARTICLE 31, IS EXEMPT FROM BOTH THE LEVY OF
8 PROPERTY TAXES AND SALE BY VIRTUE OF AN EXECUTION, AND NO SUCH
9 EXECUTION OR OTHER JUDICIAL PROCESS MAY ISSUE AGAINST THE
10 PROPERTY OF AN AUTHORITY NOR MAY A JUDGMENT AGAINST THE
11 AUTHORITY BE A CHARGE OR LIEN UPON SUCH PROPERTY.

12 (b) THIS SUBSECTION (1) DOES NOT APPLY TO OR LIMIT EITHER:

13 (I) THE RIGHT OF OBLIGEEES TO FORECLOSE OR OTHERWISE
14 ENFORCE ANY MORTGAGE, DEED OF TRUST, TRUST AGREEMENT,
15 INDENTURE, OR OTHER ENCUMBRANCE OF THE AUTHORITY; OR

16 (II) THE RIGHT OF OBLIGEEES TO PURSUE ANY REMEDIES FOR THE
17 ENFORCEMENT OF ANY PLEDGE OR LIEN GIVEN BY THE AUTHORITY
18 PURSUANT TO THIS ARTICLE 31 ON ITS RENTS, INCOME, PROCEEDS,
19 REVENUES, LOANS, GRANTS, CONTRIBUTIONS, AND OTHER MONEY AND
20 ASSETS DERIVED OR ARISING FROM ANY PROJECT OF THE AUTHORITY OR
21 FROM ANY OF ITS OPERATIONS OR ACTIVITIES PURSUANT TO THIS ARTICLE
22 31.

23 (2) ALL PROPERTY OF AN AUTHORITY ACQUIRED OR HELD BY IT FOR
24 ANY OF THE PURPOSES OF THIS ARTICLE 31, INCLUDING ALL MONEY OF AN
25 AUTHORITY ACQUIRED OR HELD BY IT FOR ANY OF THESE PURPOSES, IS
26 PUBLIC PROPERTY USED FOR ESSENTIAL PUBLIC AND GOVERNMENTAL
27 PURPOSES, AND BOTH THE PROPERTY AND THE AUTHORITY ARE EXEMPT

1 FROM ALL TAXES OF THE STATE OF COLORADO OR ANY OTHER PUBLIC
2 BODY; EXCEPT THAT THIS TAX EXEMPTION FOR ANY PROPERTY ENDS WHEN
3 THE AUTHORITY SELLS, LEASES, OR OTHERWISE DISPOSES OF THE
4 PARTICULAR PROPERTY TO A PURCHASER, LESSEE, OR OTHER ALIENEE
5 THAT IS NOT A PUBLIC BODY ENTITLED TO TAX EXEMPTION WITH RESPECT
6 TO THE PARTICULAR PROPERTY.

7 **30-31-113. Title of purchaser, lessee, or transferee.** ANY
8 INSTRUMENT EXECUTED BY AN AUTHORITY AND PURPORTING TO CONVEY
9 ANY RIGHT, TITLE, OR INTEREST OF THE AUTHORITY IN ANY PROPERTY
10 PURSUANT TO THIS ARTICLE 31 IS CONCLUSIVELY PRESUMED TO HAVE
11 BEEN MADE AND EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF THIS
12 ARTICLE 31 IN SO FAR AS TITLE OR OTHER INTEREST OF ANY BONA FIDE
13 PURCHASERS, LESSEES, OR TRANSFEREES OF SUCH PROPERTY IS
14 CONCERNED.

15 **30-31-114. Cooperation by public bodies with county**
16 **revitalization authorities.** (1) ANY PUBLIC BODY, WITHIN ITS POWERS,
17 PURPOSES, AND FUNCTIONS AND FOR THE PURPOSE OF AIDING AN
18 AUTHORITY IN OR IN CONNECTION WITH THE PLANNING OR UNDERTAKING
19 PURSUANT TO THIS ARTICLE 31 OF ANY PLANS, PROJECTS, PROGRAMS,
20 WORKS, OPERATIONS, OR ACTIVITIES OF AN AUTHORITY WHOSE AREA OF
21 OPERATION IS SITUATED IN WHOLE OR IN PART WITHIN THE AREA IN WHICH
22 THE PUBLIC BODY IS AUTHORIZED TO ACT, UPON TERMS AS THE PUBLIC
23 BODY SHALL DETERMINE, MAY:

24 (a) SELL, CONVEY, OR LEASE ANY OF THE PUBLIC BODY'S PROPERTY
25 OR GRANT EASEMENTS, LICENSES, OR OTHER RIGHTS OR PRIVILEGES
26 THEREIN TO THE AUTHORITY;

27 (b) INCUR THE ENTIRE EXPENSE OF ANY PUBLIC IMPROVEMENTS

1 MADE BY THE PUBLIC BODY IN EXERCISING THE POWERS MENTIONED IN
2 THIS SECTION;

3 (c) DO EVERYTHING NECESSARY TO AID OR COOPERATE WITH THE
4 AUTHORITY IN OR IN CONNECTION WITH THE PLANNING OR UNDERTAKING
5 OF ANY PLANS, PROJECTS, PROGRAMS, WORKS, OPERATIONS, OR
6 ACTIVITIES;

7 (d) ENTER INTO AGREEMENTS WITH THE AUTHORITY RESPECTING
8 ACTION TO BE TAKEN PURSUANT TO ANY OF THE POWERS SET FORTH IN
9 THIS ARTICLE 31, INCLUDING AGREEMENTS RESPECTING THE PLANNING OR
10 UNDERTAKING OF ANY PLANS, PROJECTS, PROGRAMS, WORKS, OPERATIONS,
11 OR ACTIVITIES WHICH THE PUBLIC BODY IS OTHERWISE EMPOWERED TO
12 UNDERTAKE;

13 (e) CAUSE PUBLIC BUILDINGS AND PUBLIC FACILITIES, INCLUDING
14 PARKS, PLAYGROUNDS, RECREATIONAL, COMMUNITY, EDUCATIONAL,
15 WATER, GARBAGE DISPOSAL, SEWER, SEWAGE, SEWERAGE, OR DRAINAGE
16 FACILITIES, OR ANY OTHER PUBLIC WORKS, IMPROVEMENTS, FACILITIES, OR
17 UTILITIES WHICH THE PUBLIC BODY IS OTHERWISE EMPOWERED TO
18 UNDERTAKE, TO BE FURNISHED WITHIN THE AREA IN WHICH THE PUBLIC
19 BODY IS AUTHORIZED TO ACT;

20 (f) FURNISH, DEDICATE, ACCEPT DEDICATION OF, OPEN, CLOSE,
21 VACATE, INSTALL, CONSTRUCT, RECONSTRUCT, PAVE, REPAVE, REPAIR,
22 REHABILITATE, IMPROVE, GRADE, REGRADE, PLAN, OR REPLAN PUBLIC
23 STREETS, ROADS, ROADWAYS, PARKWAYS, ALLEYS, SIDEWALKS, AND
24 OTHER PUBLIC WAYS OR PLACES WITHIN THE AREA IN WHICH THE PUBLIC
25 BODY IS AUTHORIZED TO ACT TO THE EXTENT THAT THE ITEMS OR
26 MATTERS ARE, UNDER ANY OTHER LAW, OTHERWISE WITHIN THE
27 JURISDICTION OF THE PUBLIC BODY;

1 (g) PLAN OR REPLAN AND ZONE OR REZONE ANY PART OF THE AREA
2 UNDER THE JURISDICTION OF THE PUBLIC BODY OR MAKE EXCEPTIONS
3 FROM ITS BUILDING REGULATIONS;

4 (h) CAUSE ADMINISTRATIVE OR OTHER SERVICES TO BE FURNISHED
5 TO THE AUTHORITY; OR

6 (i) DESIGNATE ANY PORTION OF THE SALES TAX REVENUE IT
7 RECEIVES TO THE AUTHORITY.

8 (2) IF AT ANY TIME TITLE TO OR POSSESSION OF THE WHOLE OR ANY
9 PORTION OF ANY PROJECT OF THE AUTHORITY UNDER THIS ARTICLE 31 IS
10 HELD BY ANY GOVERNMENTAL AGENCY OR PUBLIC BODY, OTHER THAN
11 THE AUTHORITY, WHICH IS AUTHORIZED BY LAW TO ENGAGE IN THE
12 UNDERTAKING, CARRYING OUT, OR ADMINISTRATION OF ANY PROJECT,
13 INCLUDING ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES,
14 THE PROVISIONS OF THE AGREEMENTS REFERRED TO IN SUBSECTION (1)(d)
15 OF THIS SECTION INURE TO THE BENEFIT OF AND MAY BE ENFORCED BY THE
16 GOVERNMENTAL AGENCY OR PUBLIC BODY.

17 (3) ANY PUBLIC BODY REFERRED TO IN SUBSECTION (1) OF THIS
18 SECTION MAY, IN ADDITION TO ITS AUTHORITY PURSUANT TO ANY OTHER
19 LAW TO ISSUE ITS BONDS FOR ANY PURPOSES, ISSUE AND SELL ITS BONDS
20 FOR ANY OF THE PURPOSES OF THE PUBLIC BODY STATED IN THIS SECTION.

21 (4) FOR THE ADVANCEMENT OF THE PUBLIC INTEREST AND FOR THE
22 PURPOSE OF AIDING AND COOPERATING IN THE PLANNING, ACQUISITION,
23 DEMOLITION, REHABILITATION, CONSTRUCTION, OR RELOCATION, OR
24 OTHERWISE ASSISTING THE OPERATION OR ACTIVITIES OF THE COUNTY
25 REVITALIZATION PROJECT LOCATED WHOLLY OR PARTLY WITHIN THE AREA
26 IN WHICH IT IS AUTHORIZED TO ACT, A PUBLIC BODY MAY ENTER INTO
27 AGREEMENTS, WHICH MAY EXTEND OVER ANY PERIOD NOTWITHSTANDING

1 ANY PROVISION OF LAW TO THE CONTRARY, WITH AN AUTHORITY
2 RESPECTING ACTION TAKEN OR TO BE TAKEN PURSUANT TO ANY OF THE
3 POWERS GRANTED BY THIS ARTICLE 31.

4 **30-31-115. Designation - transfer - abolishment.**

5 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31, THE
6 GOVERNING BODY MAY DESIGNATE ITSELF AS THE AUTHORITY WHEN
7 ORIGINALLY ESTABLISHING AN AUTHORITY. A TRANSFER OF AN EXISTING
8 AUTHORITY TO THE GOVERNING BODY MAY BE ACCOMPLISHED ONLY BY
9 MAJORITY VOTE AT A REGULAR ELECTION.

10 (2) WHEN THE GOVERNING BODY DESIGNATES ITSELF AS THE
11 AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING
12 BODY PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE GOVERNING
13 BODY SHALL APPOINT THE AUTHORITY COMMISSIONERS IN ACCORDANCE
14 WITH SECTION 30-31-104 (3).

15 (3) THE GOVERNING BODY OF THE COUNTY MAY, BY RESOLUTION,
16 PROVIDE FOR THE ABOLISHMENT OF THE COUNTY REVITALIZATION
17 AUTHORITY SO LONG AS ADEQUATE ARRANGEMENTS HAVE BEEN MADE
18 FOR PAYMENT OF ANY OUTSTANDING INDEBTEDNESS AND OTHER
19 OBLIGATIONS OF THE AUTHORITY. ANY SUCH ABOLISHMENT IS EFFECTIVE
20 UPON A DATE SET FORTH IN THE ORDINANCE AND THIS DATE MUST NOT BE
21 LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE ORDINANCE.

22 **30-31-116. Regional tourism projects.** (1) A COUNTY
23 REVITALIZATION AUTHORITY THAT IS DESIGNATED AS A FINANCING ENTITY
24 PURSUANT TO PART 3 OF ARTICLE 46 OF TITLE 24, HAS ALL THE POWERS
25 NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE THE
26 PURPOSES AND PROVISIONS OF PART 3 OF ARTICLE 46 OF TITLE 24,
27 INCLUDING THE POWER TO RECEIVE STATE SALES TAX INCREMENT

1 REVENUE GENERATED WITHIN AN APPROVED REGIONAL TOURISM ZONE, AS
2 DEFINED IN SECTION 24-46-303 (11), AND TO DISBURSE AND OTHERWISE
3 UTILIZE SUCH REVENUE FOR ALL LAWFUL PURPOSES, INCLUDING
4 FINANCING ELIGIBLE COSTS AND THE DESIGN, CONSTRUCTION,
5 MAINTENANCE, AND OPERATION OF ELIGIBLE IMPROVEMENTS, AS SUCH
6 TERMS ARE DEFINED IN SECTION 24-46-303 OR OTHERWISE INCORPORATED
7 INTO THE COMMISSION'S CONDITIONS OF APPROVAL.

8 (2) NOTWITHSTANDING SECTION 30-31-109 (8), AUTHORIZATION
9 TO RECEIVE STATE SALES TAX INCREMENT REVENUE PURSUANT TO PART
10 3 OF ARTICLE 46 OF TITLE 24, IS A MATERIAL MODIFICATION TO THE PLAN,
11 AND CORRESPONDING CHANGES TO THE PLAN MAY BE MADE BY THE
12 GOVERNING BODY OF THE AUTHORITY TO INCORPORATE THE USE OF STATE
13 SALES TAX INCREMENT REVENUE WITHOUT THE REQUIREMENT OF
14 SUBMISSION TO OR APPROVAL BY THE GOVERNING BODY OF THE COUNTY
15 THAT HAS ESTABLISHED THE AUTHORITY.

16 (3) ANY COUNTY REVITALIZATION AUTHORITY THAT RECEIVES
17 STATE SALES TAX INCREMENT REVENUE, WHETHER PURSUANT TO
18 DESIGNATION AS A FINANCING ENTITY PURSUANT TO PART 3 OF ARTICLE 46
19 OF TITLE 24, OR PURSUANT TO A CONTRACT ENTERED INTO WITH ANY SUCH
20 FINANCING ENTITY, SHALL NOT USE THE STATE SALES TAX INCREMENT
21 REVENUE TO ACQUIRE PROPERTY THROUGH THE EXERCISE OF EMINENT
22 DOMAIN.

23 (4) NOTHING IN THIS SECTION ELIMINATES THE REQUIREMENTS FOR
24 THE AUTHORIZATION OF A NEW COUNTY REVITALIZATION AUTHORITY
25 PURSUANT TO THIS ARTICLE 31.

26 **30-31-117. Cumulative powers.** THE POWERS CONFERRED BY
27 THIS ARTICLE 31 ARE IN ADDITION AND SUPPLEMENTAL TO THE POWERS

1 CONFERRED BY ANY OTHER LAW.

2 **SECTION 2.** In Colorado Revised Statutes, **add** article 8 to title
3 38 as follows:

4 **ARTICLE 8**

5 **Eminent Domain by County Revitalization Authorities - Vesting**

6 **38-8-101. Motion for vesting - contents.** (1) (a) IN ANY
7 PROCEEDING INITIATED BY A COUNTY REVITALIZATION AUTHORITY, AS
8 DEFINED IN SECTION 30-31-103 (6), UNDER THE PROVISIONS OF ARTICLE 1
9 OF THIS TITLE, THE PETITIONER OR ANY RESPONDENT, AT ANY TIME AFTER
10 THE PETITION HAS BEEN FILED AND BEFORE JUDGMENT IS ENTERED IN THE
11 PROCEEDING, MAY FILE A WRITTEN VERIFIED MOTION REQUESTING THAT,
12 IMMEDIATELY OR AT SOME SPECIFIED LATER DATE, THE PETITIONER BE
13 VESTED WITH FEE SIMPLE TITLE, OR SOME LESSER ESTATE, INTEREST, OR
14 EASEMENT, AS MAY BE REQUIRED, TO THE REAL PROPERTY, OR A SPECIFIED
15 PORTION THEREOF, WHICH IS THE SUBJECT OF THE PROCEEDING, AND BE
16 AUTHORIZED TO TAKE POSSESSION OF AND USE SUCH PROPERTY.

17 (b) ANY MOTION FILED BY ANY RESPONDENT AFFECTS, AND IS
18 LIMITED IN APPLICATION TO, THE PROPERTY IN WHICH THE RESPONDENT
19 HAS AN INTEREST.

20 (c) ALL THE OWNERS OF RECORD OF PROPERTY SHALL JOIN IN ANY
21 MOTION FILED BY ANY RESPONDENT UNDER THIS SECTION, UNLESS ONE OR
22 MORE OF THE OWNERS OF RECORD CANNOT BY DUE DILIGENCE BE FOUND,
23 IN WHICH INSTANCE THIS FACT MUST BE STATED IN THE MOTION.

24 (2) THE MOTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION,
25 REFERRED TO IN THIS ARTICLE 8 AS THE "MOTION FOR VESTING", MUST SET
26 FORTH:

27 (a) AN ACCURATE DESCRIPTION OF THE PROPERTY TO WHICH THE

1 MOTION RELATES AND THE ESTATE OR INTEREST SOUGHT TO BE ACQUIRED
2 OR DIVESTED; BUT, IN ANY MOTION FOR VESTING FILED BY ANY
3 RESPONDENT, THE INTEREST SOUGHT TO BE DIVESTED MUST BE THE
4 INTEREST DESCRIBED IN THE PETITION IN EMINENT DOMAIN;

5 (b) THE NAMES OF THE OWNERS OF RECORD OF THE PROPERTY
6 DESCRIBED IN THE MOTION FOR VESTING; AND

7 (c) THE DATE UPON WHICH IT IS REQUESTED THAT THE ESTATE OR
8 INTEREST SOUGHT TO BE ACQUIRED OR DIVESTED VEST IN THE PETITIONER
9 AND THE DATE UPON WHICH IT IS REQUESTED THAT THE PETITIONER BE
10 ENTITLED TO POSSESSION AND USE OF THE SUBJECT PROPERTY.

11 **38-8-102. Motion for vesting - procedure with respect thereto.**

12 (1)(a) THE COURT SHALL SET A DATE, NOT LESS THAN TWENTY-ONE DAYS
13 AFTER THE FILING OF A MOTION FOR VESTING, FOR THE HEARING THEREON,
14 AND THE COURT SHALL REQUIRE AT LEAST FOURTEEN DAYS NOTICE TO BE
15 GIVEN TO EACH PARTY TO THE PROCEEDING WHOSE INTERESTS WOULD BE
16 AFFECTED BY THE TAKING REQUESTED.

17 (b) THE AVERMENTS IN THE MOTION AND THE NECESSITY FOR THE
18 VESTING OF TITLE, OR SOME LESSER ESTATE, BEFORE THE FINAL
19 DETERMINATION OF JUST COMPENSATION ARE DEEMED ADMITTED UNLESS
20 SUCH AVERMENTS ARE CONTROVERTED IN A RESPONSIVE PLEADING FILED
21 AT OR BEFORE THE HEARING ON THE MOTION FOR VESTING.

22 (2) AT THE HEARING ON A MOTION FOR VESTING, IF THE
23 AVERMENTS IN THE MOTION HAVE BEEN CONTROVERTED IN RESPONSIVE
24 PLEADINGS FILED AT OR BEFORE THE HEARING AND IF THE COURT HAS NOT
25 PREVIOUSLY, IN THE SAME PROCEEDING, DETERMINED THAT THE
26 AVERMENTS ARE TRUE, THE COURT SHALL FIRST HEAR AND DETERMINE:

27 (a) THE AUTHORITY OF THE PETITIONER TO EXERCISE THE RIGHT OF

1 EMINENT DOMAIN;

2 (b) WHETHER THE PROPERTY DESCRIBED IN THE MOTION FOR
3 VESTING IS SUBJECT TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN;
4 AND

5 (c) WHETHER THE RIGHT OF EMINENT DOMAIN IS BEING PROPERLY
6 EXERCISED IN THE PARTICULAR PROCEEDING.

7 (3) FAILURE TO RAISE THE ISSUES ENUMERATED IN SUBSECTION (2)
8 OF THIS SECTION, AT OR BEFORE THE HEARING ON THE MOTION FOR
9 VESTING, CONSTITUTES A WAIVER INsofar AS THE ISSUES RELATE TO THE
10 PROPERTY DESCRIBED IN THE MOTION FOR VESTING. THE COURT'S ORDER
11 THEREON IS A FINAL ORDER, AND AN APPEAL MAY BE OBTAINED FOR THE
12 REVIEW THEREOF BY EITHER PARTY WITHIN TWENTY-ONE DAYS AFTER THE
13 ENTRY OF THE ORDER BUT NOT THEREAFTER UNLESS THE APPELLATE
14 COURT, ON GOOD CAUSE SHOWN, EXTENDS THE TIME FOR OBTAINING AN
15 APPEAL WITHIN TWENTY-ONE DAYS. APPELLATE REVIEW DOES NOT STAY
16 THE OTHER PROCEEDINGS UNDER THIS ARTICLE 8 UNLESS THE APPEAL WAS
17 OBTAINED BY THE PETITIONER OR UNLESS AN ORDER STAYING SUCH
18 FURTHER PROCEEDINGS IS ENTERED BY THE APPELLATE COURT UPON A
19 SHOWING OF IRREPARABLE INJURY.

20 (4) IF THE ISSUES ENUMERATED UNDER SUBSECTION (2) OF THIS
21 SECTION ARE DETERMINED IN FAVOR OF THE PETITIONER AND FURTHER
22 PROCEEDINGS ARE NOT STAYED OR IF FURTHER PROCEEDINGS ARE STAYED
23 AND THE APPEAL RESULTS IN A DETERMINATION IN FAVOR OF THE
24 PETITIONER, THE COURT SHALL HEAR AND DETERMINE ALL MATTERS
25 RAISED IN AND RELATING TO THE MOTION FOR VESTING. IF THE FOREGOING
26 MATTERS ARE DETERMINED IN FAVOR OF THE PETITIONER, THE COURT
27 SHALL APPOINT THREE DISINTERESTED COMMISSIONERS, WHO MUST BE

1 FREEHOLDERS, TO ASSESS THE COMPENSATION TO WHICH THE
2 RESPONDENTS NAMED IN THE MOTION FOR VESTING MAY BE ENTITLED BY
3 REASON OF THE APPROPRIATION OF THE PETITIONER.

4 (5) (a) THE COMMISSIONERS, BEFORE ENTERING UPON THE DUTIES
5 OF THEIR OFFICE, SHALL TAKE AN OATH TO FAITHFULLY AND IMPARTIALLY
6 DISCHARGE THEIR DUTIES AS COMMISSIONERS. ANY ONE OF THE
7 COMMISSIONERS MAY ADMINISTER OATHS TO WITNESSES PRODUCED
8 BEFORE THEM.

9 (b) AFTER TAKING THEIR OATH, THE COMMISSIONERS SHALL VIEW
10 THE PROPERTY, HEAR TESTIMONY, AND CONSIDER EVIDENCE AS IS
11 REASONABLY NECESSARY TO ENABLE THEM TO MAKE A PRELIMINARY
12 FINDING OF AN AMOUNT CONSTITUTING JUST COMPENSATION FOR THE
13 TAKING OF THE PROPERTY OF THE RESPONDENTS NAMED IN THE MOTION
14 FOR VESTING.

15 (c) AFTER MAKING A PRELIMINARY FINDING, THE COMMISSIONERS
16 SHALL MAKE, SUBSCRIBE, AND FILE A CERTIFIED REPORT MEETING THE
17 REQUIREMENTS OF SECTION 38-1-115 WITH THE CLERK OF THE COURT IN
18 WHICH SUCH PROCEEDINGS OCCUR.

19 (d) UPON THE MOTION OF THE PETITIONER FILED WITHIN FOURTEEN
20 DAYS OF RECEIPT OF THE NOTICE PROVIDED FOR IN SECTION 38-8-103 (1),
21 THE COURT SHALL REVIEW THE REPORT OF THE COMMISSIONERS, AND,
22 UPON GOOD CAUSE SHOWN BY THE PETITIONER, THE COURT MAY ORDER A
23 NEW REPORT BY THE SAME OR DIFFERENT COMMISSIONERS AND VOID THE
24 REPORT OBJECTED TO. THE APPOINTMENT OF ANY NEW COMMISSIONERS
25 AND THE PREPARATION OF THE NEW REPORT MUST BE DONE IN
26 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE 8.

27 (6) A PRELIMINARY FINDING OF JUST COMPENSATION AND ANY

1 DEPOSIT MADE OR SECURITY PROVIDED PURSUANT THERETO IS NOT
2 EVIDENCE IN THE FURTHER PROCEEDINGS TO ASCERTAIN THE JUST
3 COMPENSATION TO BE PAID AND MAY NOT BE DISCLOSED IN ANY MANNER
4 TO A JURY IMPANELED IN SUCH PROCEEDINGS.

5 **38-8-103. Vesting of title - procedure.** (1) WHEN THE CERTIFIED
6 REPORT OF THE COMMISSIONERS IS FILED WITH THE CLERK OF THE COURT,
7 THE CLERK SHALL NOTIFY ALL PARTIES NAMED IN THE MOTION FOR
8 VESTING OF THE FILING OF THE REPORT AND OF THE AMOUNT
9 PRELIMINARILY FOUND TO CONSTITUTE JUST COMPENSATION.

10 (2) (a) WITHIN SEVEN DAYS OF RECEIPT OF THE NOTICE DESCRIBED
11 IN SUBSECTION (1) OF THIS SECTION, THE PETITIONER SHALL DEPOSIT THE
12 SUM OF MONEY PRELIMINARILY FOUND TO CONSTITUTE JUST
13 COMPENSATION BY THE COMMISSIONERS TO THE COURT OR THE CLERK OF
14 THE COURT FOR THE USE OF THE RESPONDENT NAMED IN THE MOTION FOR
15 VESTING.

16 (b) IF THE PETITIONER HAS FILED A MOTION FOR A NEW REPORT
17 UNDER SECTION 38-8-102 (5) AND THE MOTION IS DENIED, THE DEPOSIT IS
18 NOT DUE UNTIL SEVEN DAYS FOLLOWING THE COURT'S RULING ON THE
19 MOTION. IF THE MOTION IS GRANTED BY THE COURT, THE CLERK OF THE
20 COURT SHALL PROVIDE A NEW NOTICE UPON RECEIPT OF THE NEW REPORT.

21 (3) (a) UPON PAYMENT TO THE COURT OR THE CLERK OF THE
22 COURT OF THE SUM DESCRIBED IN SUBSECTION (2) OF THIS SECTION BY THE
23 PETITIONER, THE COURT SHALL ENTER AN ORDER VESTING IN THE
24 PETITIONER THE FEE SIMPLE TITLE, OR SUCH LESSER ESTATE, INTEREST, OR
25 EASEMENT AS MAY BE REQUIRED, TO THE PROPERTY AS REQUESTED IN THE
26 MOTION FOR VESTING ON SUCH DATE AS THE COURT CONSIDERS PROPER,
27 AND SHALL FIX A DATE ON WHICH THE PETITIONER IS AUTHORIZED TO TAKE

1 POSSESSION OF AND TO USE THE PROPERTY. A CERTIFIED COPY OF THE
2 ORDER MUST BE RECORDED AND INDEXED IN THE CLERK AND RECORDER'S
3 OFFICE OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN LIKE
4 MANNER AND WITH LIKE EFFECT AS IF IT WERE A DEED OF CONVEYANCE
5 FROM THE OWNERS AND PARTIES INTERESTED TO THE PROPER PARTIES.

6 (b) IF THERE IS MORE THAN ONE PERSON INTERESTED AS OWNER OR
7 OTHERWISE IN THE PROPERTY AND THEY ARE UNABLE TO AGREE UPON THE
8 NATURE, EXTENT, OR VALUE OF THEIR RESPECTIVE INTERESTS IN THE
9 TOTAL AMOUNT OF COMPENSATION SO ASCERTAINED AND ASSESSED ON AN
10 UNDIVIDED BASIS, THE NATURE, EXTENT, OR VALUE OF SAID INTERESTS
11 MUST BE DETERMINED ACCORDING TO LAW IN A SEPARATE AND
12 SUBSEQUENT PROCEEDING AND DISTRIBUTION MADE AMONG THE SEVERAL
13 CLAIMANTS.

14 (4) AT THE REQUEST OF ANY AFFECTED PARTY AND UPON A
15 SHOWING OF UNDUE HARDSHIP OR OTHER GOOD CAUSE, THE PETITIONER'S
16 AUTHORITY TO TAKE POSSESSION OF THE PROPERTY MUST BE POSTPONED
17 FOR MORE THAN FOURTEEN DAYS AFTER THE DATE OF VESTING OF TITLE
18 OR MORE THAN TWENTY-ONE DAYS AFTER THE ENTRY OF AN ORDER THAT
19 DOES NOT VEST TITLE IN THE PETITIONER. IF POSTPONEMENT OCCURS, THE
20 AFFECTED PARTY SHALL PAY TO THE PETITIONER A REASONABLE RENTAL
21 FOR SUCH PROPERTY, THE AMOUNT THEREOF TO BE DETERMINED BY THE
22 COURT.

23 **38-8-104. Withdrawals from deposit.** (1) UPON PROPER
24 APPLICATION TO THE COURT OR BY STIPULATION BETWEEN THE PARTIES,
25 THE RESPONDENT MAY WITHDRAW FROM THE SUM DEPOSITED PURSUANT
26 TO SECTION 38-8-103 (2) AN AMOUNT NOT TO EXCEED THREE-FOURTHS OF
27 THE HIGHEST VALUATION EVIDENCED BY TESTIMONY PRESENTED BY THE

1 PETITIONER TO THE COMMISSIONERS UNLESS THE PETITIONER AGREES TO
2 A LARGER WITHDRAWAL. ALL PARTIES INTERESTED IN THE PROPERTY
3 SOUGHT TO BE ACQUIRED ARE REQUIRED TO CONSENT AND AGREE TO ANY
4 LARGER WITHDRAWAL.

5 (2) ANY WITHDRAWAL OF A DEPOSIT IS A PARTIAL PAYMENT OF
6 THE AMOUNT OF TOTAL COMPENSATION TO BE PAID AND MUST BE
7 DEDUCTED BY THE CLERK OF THE COURT FROM ANY AWARD OR VERDICT
8 ENTERED THEREAFTER.

9 (3) ANY PARTY MAKING A WITHDRAWAL OF A DEPOSIT SHALL
10 REFUND TO THE CLERK OF THE COURT, UPON THE ENTRY OF A PROPER
11 COURT ORDER, ANY PORTION OF THE AMOUNT SO WITHDRAWN WHICH
12 EXCEEDS THE AMOUNT FINALLY ASCERTAINED IN THE PROCEEDING TO BE
13 JUST COMPENSATION OR DAMAGES, COSTS, OR EXPENSES OWING TO THE
14 PARTY.

15 **38-8-105. Construction of article.** THE RIGHT TO TAKE
16 POSSESSION AND TITLE BEFORE THE FINAL JUDGMENT AS PRESCRIBED IN
17 THIS ARTICLE 8 IS IN ADDITION TO ANY OTHER RIGHT, POWER, OR
18 AUTHORITY OTHERWISE CONFERRED BY LAW AND MAY NOT BE CONSTRUED
19 AS ABROGATING, LIMITING, OR MODIFYING ANY SUCH OTHER RIGHT,
20 POWER, OR AUTHORITY, INCLUDING THE RIGHTS, POWERS, AND
21 AUTHORITIES GRANTED IN ARTICLES 1 TO 7 OF THIS TITLE 38. SHOULD THE
22 PROVISIONS OF THIS ARTICLE 8 BE INVOKED BY ANY PARTY, THE FINAL
23 DETERMINATION OF THE AMOUNT CONSTITUTING JUST COMPENSATION
24 MUST BE DETERMINED PURSUANT TO THE PROVISIONS OF ARTICLE 1 OF
25 THIS TITLE 38.

26 **38-8-106. Commissioners - other articles.** NOTHING IN THIS
27 ARTICLE 8 PREVENTS A COMMISSIONER APPOINTED UNDER THIS ARTICLE

1 8 FROM BEING APPOINTED PURSUANT TO THE PROVISIONS OF ARTICLES 1
2 TO 7 OF THIS TITLE 38 IN THE SAME EMINENT DOMAIN PROCEEDING.
3 NOTHING IN THIS ARTICLE 8 PREVENTS THE APPOINTMENT OF A
4 COMMISSIONER, FOR PURPOSES OF THIS ARTICLE 8, WHO HAS PREVIOUSLY
5 BEEN APPOINTED IN THE SAME PROCEEDING UNDER THE PROVISIONS OF
6 ARTICLE 1 OF THIS TITLE 38.

7 **38-8-107. Interest.** THE PETITIONER SHALL PAY INTEREST AS
8 PROVIDED IN SECTION 38-1-116; EXCEPT THAT NO INTEREST IS ALLOWED
9 ON THAT PORTION OF THE AWARD WHICH THE RESPONDENT RECEIVED OR
10 COULD HAVE RECEIVED AS A PARTIAL PAYMENT BY WITHDRAWAL FROM
11 THE SUM DEPOSITED BY THE PETITIONER PURSUANT TO SECTION 38-8-103
12 (2).

13 **SECTION 3.** In Colorado Revised Statutes, **amend** 11-58-105 as
14 follows:

15 **11-58-105. Annual information report.** Each issuer of nonrated
16 public securities issued pursuant to sections **30-31-109 (11)**, 31-25-107
17 (9), and 31-25-807 (3), ~~C.R.S.~~, and title 32, ~~C.R.S.~~, shall make public
18 within sixty days following the end of each of such issuer's fiscal year
19 ~~ending on or after December 31, 1991~~, an annual information report or
20 reports with respect to any of such issuer's nonrated public securities
21 which are outstanding as of the end of each such fiscal year. Nothing ~~shall~~
22 ~~preclude~~ PRECLUDES any issuer not so required by this ~~article~~ THIS
23 ARTICLE 58 from filing a report pursuant to this ~~article~~ THIS ARTICLE 58.

24 **SECTION 4.** In Colorado Revised Statutes, 22-54-112, **amend**
25 (3) as follows:

26 **22-54-112. Reports to the state board.** (3) (a) If the valuation
27 for assessment for all or a part of any district has been divided for an

1 urban renewal area, pursuant to section 31-25-107 (9)(a), ~~C.R.S.~~, any
2 report under this section ~~shall~~ MUST be based upon that portion of the
3 valuation for assessment under ~~said~~ section 31-25-107 (9)(a)(I), ~~C.R.S.~~,
4 so long as ~~such~~ THE division remains in effect.

5 (b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR A PART OF
6 ANY DISTRICT HAS BEEN DIVIDED FOR A COUNTY REVITALIZATION AREA,
7 PURSUANT TO SECTION 30-31-109 (11)(a), ANY REPORT UNDER THIS
8 SECTION MUST BE BASED UPON THAT PORTION OF THE VALUATION FOR
9 ASSESSMENT UNDER SECTION 30-31-109 (11)(a)(I), SO LONG AS THE
10 DIVISION REMAINS IN EFFECT.

11 **SECTION 5.** In Colorado Revised Statutes, 24-46-303, **amend**
12 (6) as follows:

13 **24-46-303. Definitions.** As used in this part 3, unless the context
14 otherwise requires:

15 (6) "Financing entity" means the entity designated by the
16 commission in connection with its approval of a regional tourism project
17 to receive and utilize state sales tax increment revenue. A financing entity
18 may be A COUNTY REVITALIZATION AUTHORITY CREATED PURSUANT TO
19 ARTICLE 31 OF TITLE 30, a metropolitan district created pursuant to title
20 32, ~~C.R.S.~~, an urban renewal authority created pursuant to part 1 of article
21 25 of title 31, ~~C.R.S.~~, or any regional tourism authority to be formed
22 pursuant to this part 3.

23 **SECTION 6.** In Colorado Revised Statutes, 24-46-304, **amend**
24 (2)(d) as follows:

25 **24-46-304. Regional tourism project - application -**
26 **requirements.** (2) A local government shall submit an application for a
27 regional tourism project to the Colorado office of economic development

1 in a form and manner to be determined by the commission. The office
2 shall provide the commission with each application received after the
3 director's review pursuant to section 24-46-305. The application shall
4 include, but need not be limited to, the following:

5 (d) A discussion of each of the application criteria and how the
6 project will meet each of the criteria, including an economic analysis
7 detailing projected economic development, impact on future state sales
8 tax revenue during and after the financing term, the number of new jobs
9 to be created by the project by job category as defined by the Colorado
10 department of labor and employment occupational employment statistics
11 survey and the wages and, to the extent that it is reasonably possible,
12 information on health benefits for jobs in each category, market impact,
13 anticipated regional and in-state competition, the ability to attract
14 out-of-state tourists, the fiscal impact to local governments within and
15 adjacent to the regional tourism zone, an analysis of the impact to local
16 school districts and an estimate of the percentage of total program that the
17 state will become responsible to fund through the state's share of total
18 program pursuant to section 22-54-106, ~~C.R.S., in the event that~~ IF THE
19 COUNTY REVITALIZATION AUTHORITY OR an urban renewal authority is the
20 financing entity for the regional tourism project and uses property tax
21 revenue to finance the project, and any other information reasonably
22 requested by the commission;

23 **SECTION 7.** In Colorado Revised Statutes, 24-46-306, **amend**
24 (3)(g) as follows:

25 **24-46-306. Regional tourism authority - board - creation -**
26 **powers and duties.** (3) Unless limited by the commission's conditions
27 of approval, each authority shall have all of the powers necessary or

1 convenient to carry out and effect the purposes and provisions of this part
2 3, including but not limited to the following powers:

3 (g) To assign and pledge to any COUNTY REVITALIZATION
4 AUTHORITY, metropolitan district, or urban renewal authority having all
5 or any portion of the regional tourism zone within its boundaries or
6 service area the authority's right to receive and utilize state sales tax
7 increment revenue to support bonds or other financing instruments issued
8 or entered into by the metropolitan district or urban renewal authority for
9 eligible costs or to acquire eligible improvements, including but not
10 limited to loans or funding and reimbursement agreements with
11 developers involved in the regional tourism project or other third parties;

12 **SECTION 8.** In Colorado Revised Statutes, 24-46-308, **amend**
13 (4) as follows:

14 **24-46-308. Annual report - audit.** (4) If the financing entity is
15 a COUNTY REVITALIZATION AUTHORITY, A metropolitan district, or an
16 urban renewal authority, it may comply with the requirements of this
17 section by submitting to the commission a copy of the report that the
18 metropolitan district or urban renewal authority is otherwise required to
19 submit to a local government pursuant to law. Such copy ~~shall~~ MUST be
20 delivered to the commission concurrently with the delivery of the annual
21 report and audit when otherwise required by law.

22 **SECTION 9.** In Colorado Revised Statutes, 24-68-102, **amend**
23 the introductory portion and (2) as follows:

24 **24-68-102. Definitions.** As used in this ~~article~~ ARTICLE 68, unless
25 the context otherwise requires:

26 (2) "Local government" means any county, city and county, city,
27 or town, whether statutory or home rule, acting through its governing

1 body or any board, commission, or agency thereof having final approval
2 authority over a site specific development plan, including ~~without~~
3 ~~limitation~~ any legally empowered COUNTY REVITALIZATION AUTHORITY
4 OR urban renewal authority.

5 **SECTION 10.** In Colorado Revised Statutes, 29-25-108, **amend**
6 (1)(c) as follows:

7 **29-25-108. Board of directors - duties.** (1) (c) If more than
8 one-half of the property located within the district is also located within
9 A COUNTY REVITALIZATION AREA, an urban renewal area, a downtown
10 development authority, or a general improvement district, the governing
11 body may, at any time, provide by ordinance that the governing body of
12 the COUNTY REVITALIZATION AUTHORITY, urban renewal authority,
13 downtown development authority, or general improvement district shall
14 constitute ex officio the board of directors of the district. In such event,
15 the officers of such entity ~~shall be~~ ARE ex officio the officers of the board.
16 A quorum of the board of directors of such entity ~~shall constitute~~
17 CONSTITUTES a quorum of the board.

18 **SECTION 11.** In Colorado Revised Statutes, 31-30-1102, **amend**
19 (7.5) as follows:

20 **31-30-1102. Definitions.** As used in this part 11, unless the
21 context otherwise requires:

22 (7.5) "Previous net valuation" means an amount equal to the total
23 valuation for assessment certified by the county assessor pursuant to
24 section 39-5-128, ~~C.R.S.~~, and amended pursuant to section 39-1-111 (5),
25 ~~C.R.S.~~, less the valuation for assessment that has been divided for THE
26 COUNTY REVITALIZATION AREA PURSUANT TO SECTION 30-31-109(11), an
27 urban renewal area pursuant to section 31-25-107 (9), or for a downtown

1 development authority pursuant to section 31-25-807 (3) for the property
2 tax year in which the municipality or district made a contribution to the
3 fund. If the total valuation for assessment certified by the county assessor,
4 as amended, does not include the valuation for assessment that has been
5 divided for an urban renewal area, such urban renewal valuation for
6 assessment shall not be subtracted from the total valuation for assessment.

7 **SECTION 12.** In Colorado Revised Statutes, 32-9-119.8, **amend**
8 (1)(a.3) as follows:

9 **32-9-119.8. Provision of retail and commercial goods and**
10 **services at district transfer facilities - residential and other uses at**
11 **district transfer facilities permitted - definitions.** (1) As used in this
12 section, unless the context otherwise requires:

13 (a.3) "Public entity" includes, but is not limited to, a public body,
14 as that term is defined in section 32-9-103 (11), and any other
15 governmental entity, agency, or official, including A COUNTY
16 REVITALIZATION AUTHORITY, an urban renewal authority, and the
17 department of transportation.

18 **SECTION 13.** In Colorado Revised Statutes, 32-11-104, **amend**
19 (46)(a) as follows:

20 **32-11-104. Definitions.** As used in this article 11, unless the
21 context otherwise requires:

22 (46) (a) "Public body" means the state of Colorado or any agency,
23 instrumentality, or corporation thereof, or any county, municipality,
24 corporate district, housing authority, COUNTY REVITALIZATION
25 AUTHORITY, urban renewal authority, other type of authority, the regents
26 of the university of Colorado, the state board for community colleges and
27 occupational education, or any other body corporate and politic and

1 political subdivision of the state.

2 **SECTION 14.** In Colorado Revised Statutes, 38-1-101, **amend**
3 (5)(b) 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 - definitions.** (5) For
8 purposes of this section, unless the context otherwise requires:

9 (b) "Political subdivision" means a county; city and county; city;
10 town; service authority; school district; local improvement district; law
11 enforcement authority; COUNTY REVITALIZATION AUTHORITY; urban
12 renewal authority; city or county housing authority; water, sanitation, fire
13 protection, metropolitan, irrigation, drainage, or other special district; or
14 any other kind of municipal, quasi-municipal, or public corporation
15 organized pursuant to law.

16 **SECTION 15.** In Colorado Revised Statutes, 38-1-202, **amend**
17 (1)(f)(XLI) and (1)(f)(XLII); and **add** (1)(f)(XLIII) as follows:

18 **38-1-202. Governmental entities, corporations, and persons**
19 **authorized to use eminent domain.** (1) The following governmental
20 entities, types of governmental entities, and public corporations, in
21 accordance with all procedural and other requirements specified in this
22 article 1 and articles 2 to 7 of this title 38 and to the extent and within any
23 time frame specified in the applicable authorizing statute, may exercise
24 the power of eminent domain:

25 (f) The following types of single purpose districts, special
26 districts, authorities, boards, commissions, and other governmental
27 entities that serve limited governmental purposes or that may exercise

1 eminent domain for limited purposes:

2 (XLI) The front range passenger rail district created in section
3 32-22-103 (1), as authorized in section 32-22-106 (1)(k); ~~and~~

4 (XLII) The Colorado electric transmission authority created in
5 section 40-42-103 (1) as authorized in section 40-42-104 (1)(p); AND

6 (XLIII) A COUNTY REVITALIZATION AUTHORITY CREATED
7 PURSUANT TO SECTION 30-31-104 AND IN ACCORDANCE WITH THE VESTING
8 REQUIREMENTS SPECIFIED IN ARTICLE 7 OF THIS TITLE 38;

9 **SECTION 16.** In Colorado Revised Statutes, 39-1-111, **amend**
10 (4) as follows:

11 **39-1-111. Taxes levied by board of county commissioners.**

12 (4) (a) If the valuation for assessment for all or any part of any body
13 authorized to levy taxes has been divided for an urban renewal area,
14 pursuant to section 31-25-107 (9)(a), ~~C.R.S.~~, the board of county
15 commissioners shall make the same levy on the portion of valuation for
16 assessment divided under ~~subparagraph (H) as under subparagraph (I) of~~
17 ~~said section 31-25-107 (9)(a), C.R.S.~~, SECTION 31-25-107 (9)(a)(II) AS
18 UNDER SECTION 31-25-107 (9)(a)(I) for payment of taxes according to the
19 provisions of ~~said~~ SECTION 31-25-107 (9)(a), so long as ~~said~~ THE division
20 remains in effect.

21 (b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR ANY PART OF
22 ANY BODY AUTHORIZED TO LEVY TAXES HAS BEEN DIVIDED FOR A COUNTY
23 REVITALIZATION AREA, PURSUANT TO SECTION 30-31-109 (11)(a), THE
24 BOARD OF COUNTY COMMISSIONERS SHALL MAKE THE SAME LEVY ON THE
25 PORTION OF VALUATION FOR ASSESSMENT DIVIDED UNDER SECTION
26 30-31-109 (11)(a)(II) AS UNDER SECTION 30-31-109 (11)(a)(I) FOR
27 PAYMENT OF TAXES ACCORDING TO THE PROVISIONS OF SECTION

1 30-31-109 (11)(a), SO LONG AS THE DIVISION REMAINS IN EFFECT.

2 **SECTION 17.** In Colorado Revised Statutes, 39-5-128, **amend**
3 (3) as follows:

4 **39-5-128. Certification of valuation for assessment.** (3) (a) If
5 the valuation for assessment for all or part of any such political
6 subdivision has been divided for an urban renewal area, pursuant to
7 section 31-25-107 (9)(a), ~~€:R:S.;~~ any certification under this section ~~shall~~
8 MUST be based upon that portion of the valuation for assessment under
9 ~~subparagraph (I) of said~~ section 31-25-107 (9)(a)(I), ~~€:R:S.;~~ so long as
10 ~~such~~ THE division remains in effect.

11 (b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR PART OF ANY
12 SUCH POLITICAL SUBDIVISION HAS BEEN DIVIDED FOR A COUNTY
13 REVITALIZATION AREA, PURSUANT TO SECTION 30-31-109 (11)(a), ANY
14 CERTIFICATION UNDER THIS SECTION MUST BE BASED UPON THAT PORTION
15 OF THE VALUATION FOR ASSESSMENT UNDER SECTION 30-31-109
16 (11)(a)(I), SO LONG AS THE DIVISION REMAINS IN EFFECT.

17 **SECTION 18.** In Colorado Revised Statutes, 39-5-132, **amend**
18 (7) as follows:

19 **39-5-132. Assessment and taxation of new construction.**
20 (7) Nothing in this section ~~shall MAY be construed to affect~~ AFFECTS tax
21 increment financing ~~as said financing is implemented~~ pursuant to sections
22 31-25-107 (9), **30-31-109 (11)**, and 31-25-807 (3), ~~€:R:S.;~~ nor the
23 distribution of specific ownership taxes pursuant to section 42-3-107 (24).
24 ~~€:R:S.~~

25 **SECTION 19. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2024 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.