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Amending 39-12-22, Colorado Revised Statutes 1953, as Amended, Relating to Metropolitan Recreation and/or Park Districts.

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CHAPTER 62

LOCAL IMPROVEMENT AND SERVICE
DISTRICTS

METROPOLITAN RECREATION DISTRICTS

(House Bill No. 1035. By Representatives Myrick and Armstrong.)

AN ACT

AMENDING 89-12-22, COLORADO REVISED STATUTES 1953,
AS AMENDED, RELATING TO METROPOLITAN RECREA-
TION AND/OR PARK DISTRICTS.

Re It Enacted by the General Assembly of the State of Colorado:

Section 1. 89-12-22, Colorado Revised Statutes 1953
(1960 Perm. Supp.), is hereby amended to read:

89-12-22.—**Exclusion.**—(1) The owners of any real or personal property constituting a portion of the district may file with the board a petition praying that such property be excluded and taken from said district. Petitions shall describe the property which the petitioners desire to have excluded. Such petition must be acknowledged in the same manner and form as required in case of a conveyance of land and be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings. The secretary of the board shall cause a notice of filing of such petition to be published in the county in which said property or the major portion thereof is located. The notice shall state the filing of such petition, the names of petitioners, description of the property mentioned in said petition, and the prayer of said petitioners. It shall notify all persons interested to appear at the office of said board at the time named in said notice, showing cause in writing, if any they have, why said petition should not be granted. The board, at the time and place mentioned in the notice, or at the times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

by any person showing cause why the prayer of the petition should not be granted. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition or any part thereof. The board, if it deems it not for the best interests of the district that the property mentioned in the petition, or any portion thereof, shall be excluded from the district, shall order that said petition be denied. If it deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof, be excluded from the district, the board may order the property mentioned in the petition or some portion thereof excluded from the district. Upon allowance of such petition, the board shall file a certified copy of the order of the board making such change with the clerk of the court and upon order of the court said property shall be excluded from the district.

(2) (a) ANY HOME RULE CITY OR TOWN CONSTITUTING A PORTION OF THE DISTRICT, ACTING FOR AND ON BEHALF OF THE OWNERS OF ALL REAL AND PERSONAL PROPERTY LOCATED WITHIN BOTH THE BOUNDARIES OF SUCH MUNICIPALITY AND THE BOUNDARIES OF THE DISTRICT, MAY FILE WITH THE BOARD A PETITION PRAYING THAT ALL SUCH REAL AND PERSONAL PROPERTY BE EXCLUDED AND TAKEN FROM SAID DISTRICT. THE PETITION SHALL BE FILED IN THE FORM AND MANNER, AND NOTICE SHALL BE PUBLISHED, ALL AS PROVIDED IN SUBSECTION (1) OF THIS SECTION. THE BOARD, IF IT DEEMS IT NOT FOR THE BEST INTERESTS OF THE DISTRICT THAT THE PROPERTY MENTIONED IN THE PETITION, OR ANY PORTION THEREOF, SHALL BE EXCLUDED FROM THE DISTRICT, SHALL ORDER THAT SAID PETITION BE DENIED. IF IT DEEMS IT FOR THE BEST INTERESTS OF THE DISTRICT THAT THE PROPERTY MENTIONED IN THE PETITION, OR SOME PORTION THEREOF, BE EXCLUDED FROM THE DISTRICT, THE BOARD MAY APPROVE ALL OR ANY PART OF SAID PETITION. UPON SUCH APPROVAL, THE BOARD SHALL FURTHER ORDER THAT THE QUESTION OF THE EXCLUSION OF SUCH PROPERTY FROM THE DISTRICT BE SUBMITTED TO ALL OF THE TAXPAYING ELECTORS OF THE ENTIRE DISTRICT IN THE SAME MANNER AS SET FORTH IN SECTION 89-12-21, AS AMENDED, FOR THE INCLUSION OF PROPERTY IN THE DISTRICT. THE JUDGES OF THE ELECTION SHALL CERTIFY THE RETURNS OF THE ELECTION TO THE BOARD. IF A MAJORITY OF THE VOTES CAST AT

SUCH ELECTION ARE FOR THE EXCLUSION OF THE SAID PROPERTY, THE BOARD SHALL MAKE AN ORDER TO THAT EFFECT AND FILE THE SAME WITH THE CLERK OF THE COURT, AND SAID COURT SHALL THEREUPON ORDER SAID PROPERTY EXCLUDED AND TAKEN FROM SAID DISTRICT. ONLY THE PROPERTY DESCRIBED IN THE ORDER OF COURT SHALL BE EXCLUDED FROM THE DISTRICT, AND ANY REAL OR PERSONAL PROPERTY WHICH MAY SUBSEQUENTLY BE INCLUDED WITHIN SUCH CITY OR TOWN BY REASON OF A CHANGE IN THE BOUNDARIES THEREOF, SHALL IN NO WAY BE AFFECTED BY SAID ORDER OF COURT. PROPERTY SO EXCLUDED MAY THEREAFTER BE INCLUDED IN THE DISTRICT IN THE MANNER SET FORTH IN SECTION 89-12-21, AS AMENDED.

(b) ALL TAXABLE PROPERTY, REAL AND PERSONAL, EXCLUDED FROM THE DISTRICT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE VALUED FOR ASSESSMENT, FOR THE PURPOSES OF THE MILL LEVY OF SUCH DISTRICT FOR THE CALENDAR YEAR DURING WHICH SUCH PROPERTY WAS EXCLUDED FROM THE DISTRICT, AT THE PROPORTION OF ITS VALUATION FOR THE FULL CALENDAR YEAR THAT THE NUMBER OF CALENDAR YEAR QUARTERS, OR FRACTION THEREOF, PRIOR TO THE DATE OF THE COURT ORDER EXCLUDING SUCH PROPERTY FROM THE DISTRICT, BEARS TO THE FULL CALENDAR YEAR.

(c) EXCLUSIONS OF PROPERTY FROM THE DISTRICT UNDER SUBSECTION (2) (a) SHALL NOT AFFECT THE LIABILITY OF THE PROPERTY SO EXCLUDED AS PROVIDED IN SECTION 89-12-23.

(d) THE COST OF ANY QUESTION OF EXCLUSION OF PROPERTY SUBMITTED TO THE VOTERS OF THE DISTRICT, UNDER THE PROVISIONS OF THIS SECTION SHALL BE BORNE BY THE HOME RULE CITIES OR TOWNS ACTING FOR AND ON BEHALF OF THE OWNERS AS PROVIDED IN SUBSECTION (2) (a) OF THIS SECTION.

(e) ALL REAL PROPERTY AND IMPROVEMENTS THEREON OWNED AND LOCATED WITHIN THE BOUNDARIES OF THE PROPERTY TO BE EXCLUDED FROM SAID DISTRICT SHALL BE ACQUIRED FROM THE DISTRICT BY THE HOME RULE CITIES OR TOWNS ACTING AS HEREIN PROVIDED,

SAID ACQUISITION TO BE ACCOMPLISHED BY CONDEMNATION PROCEEDINGS AS MAY BE PROVIDED BY LAW.

Section 2.—**Effective date.**—Subsection (2) of section 89-12-22 as amended by section 1 of this act shall be in force and effect until October 31, 1964, and shall be null and void thereafter.

Section 3.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: February 26, 1964.