

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0252.01 Pierce Lively x2059

HOUSE BILL 24-1172

HOUSE SPONSORSHIP

Taggart and Bird, Amabile, Froelich, Lindsay, Snyder

SENATE SPONSORSHIP

Kirkmeyer and Mullica,

House Committees

Transportation, Housing & Local Government

Senate Committees

Local Government & Housing

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 a revitalization area 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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
April 16, 2024

HOUSE
3rd Reading Unamended
March 11, 2024

HOUSE
Amended 2nd Reading
March 8, 2024

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 by resolution has both determined that the area where the authority will undertake the project is a revitalization area and 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;

1 ITS COUNTIES NOT CONTINUE TO BE UNDERUTILIZED AND PLACED IN A
2 CONDITION THAT HARMS THE WELFARE OF THESE AREAS;

3 (c) CERTAIN REVITALIZATION AREAS, OR PORTIONS THEREOF, MAY
4 REQUIRE ACQUISITION, CLEARANCE, AND DISPOSITION SUBJECT TO USE
5 RESTRICTIONS, AS PROVIDED IN THIS ARTICLE 31, SINCE THE PREVAILING
6 CONDITIONS IN COUNTY REVITALIZATION AREAS MAY MAKE THE
7 RECLAMATION OF THE AREA BY CONSERVATION OR REHABILITATION
8 IMPRACTICABLE;

9 (d) POTENTIAL REVITALIZATION AREAS, OR PORTIONS THEREOF,
10 THROUGH THE MEANS PROVIDED IN THIS ARTICLE 31, MAY BE SUSCEPTIBLE
11 OF CONSERVATION OR REHABILITATION IN SUCH A MANNER THAT THE
12 CONDITIONS NUMERATED IN THIS SECTION MAY BE IMPROVED OR
13 REMEDIED;

14 (e) REVITALIZATION AREAS MAY BE CONSERVED AND
15 REHABILITATED THROUGH APPROPRIATE PUBLIC ACTION, AS AUTHORIZED
16 OR CONTEMPLATED IN THIS ARTICLE 31, AND THE COOPERATION AND
17 VOLUNTARY ACTION OF THE OWNERS AND TENANTS OF PROPERTY IN
18 REVITALIZATION AREAS;

19 (f) THE POWERS CONFERRED BY THIS ARTICLE 31 ARE FOR PUBLIC
20 USES AND PURPOSES FOR WHICH PUBLIC MONEY MAY BE EXPENDED AND
21 THE POLICE POWER EXERCISED; AND

22 (g) THE NECESSITY IN THE PUBLIC INTEREST FOR THE PROVISIONS
23 ENACTED IN THIS ARTICLE 31 IS DECLARED AS A MATTER OF LEGISLATIVE
24 DETERMINATION.

25 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

26 (a) COUNTY REVITALIZATION AREAS CREATED FOR THE PURPOSES
27 DESCRIBED IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION MUST NOT

1 INCLUDE AGRICULTURAL LAND EXCEPT IN CONNECTION WITH THE LIMITED
2 CIRCUMSTANCES DESCRIBED IN THIS ARTICLE 31; AND

3 (b) THE INCLUSION OF AGRICULTURAL LAND WITHIN COUNTY
4 REVITALIZATION AREAS IS A MATTER OF STATEWIDE CONCERN.

5 **30-31-103. Definitions.** AS USED IN THIS ARTICLE 31, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "AGRICULTURAL LAND" MEANS ANY PARCEL OF LAND OR ANY
8 CONTIGUOUS PARCELS OF LAND THAT, REGARDLESS OF THE USES FOR
9 WHICH THE LAND HAS BEEN ZONED, THE COUNTY ASSESSOR HAS
10 CLASSIFIED AS AGRICULTURAL LAND FOR PURPOSES OF THE LEVYING AND
11 COLLECTION OF PROPERTY TAX PURSUANT TO SECTIONS 39-1-102 (1.6)(a)
12 AND 39-1-103 (5)(a), AT ANY TIME DURING THE FIVE-YEAR PERIOD BEFORE
13 EITHER THE DATE OF ADOPTION OF A COUNTY REVITALIZATION PLAN OR
14 ANY MODIFICATION OF A COUNTY REVITALIZATION A PLAN.

15 (2) "BONDS" MEANS ANY BONDS, INCLUDING REFUNDING BONDS,
16 NOTES, INTERIM CERTIFICATES OR RECEIPTS, TEMPORARY BONDS,
17 CERTIFICATES OF INDEBTEDNESS, DEBENTURES, OR OTHER OBLIGATIONS
18 ISSUED AS AUTHORIZED BY THIS ARTICLE 31.

19 (3) "BROWNFIELD SITE" MEANS REAL PROPERTY AND THE
20 DEVELOPMENT, EXPANSION, REDEVELOPMENT, OR REUSE OF REAL
21 PROPERTY THAT IS COMPLICATED BY THE PRESENCE OF A SUBSTANTIAL
22 AMOUNT OF ONE OR MORE HAZARDOUS SUBSTANCES, POLLUTANTS, OR
23 CONTAMINANTS, AS DESIGNATED BY THE UNITED STATES
24 ENVIRONMENTAL PROTECTION AGENCY.

25 (4) "BUSINESS CONCERN" HAS THE SAME MEANING AS "BUSINESS",
26 AS DEFINED IN SECTION 24-56-102 (1).

27 (5) "COUNTY REVITALIZATION AREA" MEANS A REVITALIZATION

1 AREA THAT THE GOVERNING BODY DESIGNATES AS APPROPRIATE FOR THE
2 COUNTY REVITALIZATION PROJECT.

3 (6) "COUNTY REVITALIZATION AUTHORITY" OR "AUTHORITY"
4 MEANS A CORPORATE BODY ORGANIZED PURSUANT TO THIS ARTICLE 31.

5 (7) "COUNTY REVITALIZATION PLAN" MEANS A PLAN FOR THE
6 COUNTY REVITALIZATION PROJECT THAT:

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

9 (b) INDICATES LAND ACQUISITION, DEVELOPMENT,
10 REDEVELOPMENT, REHABILITATION, AND ADDITIONAL LAND AND CAPITAL
11 IMPROVEMENTS;

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

14 (d) DEFINES THE PLAN'S RELATIONSHIP TO DEFINED LOCAL
15 OBJECTIVES RESPECTING APPROPRIATE LAND USES, IMPROVED TRAFFIC,
16 PUBLIC TRANSPORTATION, PUBLIC UTILITIES, RECREATIONAL AND
17 COMMUNITY FACILITIES, AND OTHER PUBLIC IMPROVEMENTS.

18 (8) "COUNTY REVITALIZATION PROJECT" MEANS UNDERTAKINGS
19 AND ACTIVITIES THAT TAKE ADVANTAGE OF REVITALIZATION AREAS IN
20 ACCORDANCE WITH THE COUNTY REVITALIZATION PLAN. SUCH
21 UNDERTAKINGS AND ACTIVITIES MAY INCLUDE:

22 (a) ACQUISITION OF A REVITALIZATION AREA OR ANY PORTION
23 THEREOF;

24 (b) DEMOLITION AND REMOVAL OF BUILDINGS AND
25 IMPROVEMENTS;

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

1 (d) DISPOSITION OF ANY PROPERTY ACQUIRED OR HELD BY THE
2 AUTHORITY AS A PART OF THE COUNTY REVITALIZATION PROJECT FOR
3 COUNTY REVITALIZATION AREAS. DISPOSITION INCLUDES SALE, INITIAL
4 LEASING, OR TEMPORARY RETENTION BY THE AUTHORITY AT THE FAIR
5 VALUE OF THE PROPERTY FOR USE IN ACCORDANCE WITH THE COUNTY
6 REVITALIZATION PLAN.

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

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

13 (9) "DISPLACED PERSON" HAS THE SAME MEANING AS SET FORTH
14 IN SECTION 24-56-102 (2), AND ALSO INCLUDES ANY INDIVIDUAL, FAMILY,
15 OR BUSINESS CONCERN DISPLACED BY AN AUTHORITY ACQUIRING REAL
16 PROPERTY THROUGH THE EXERCISE OF EMINENT DOMAIN.

17 (10) "GOVERNING BODY" MEANS THE BOARD OF COUNTY
18 COMMISSIONERS OF THE COUNTY WITHIN WHICH AN AUTHORITY IS
19 ESTABLISHED OR PROPOSED TO BE ESTABLISHED.

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

26 (12) "PUBLIC BODY" MEANS THE STATE OF COLORADO AND ANY
27 COUNTY, QUASI-MUNICIPAL CORPORATION, BOARD, COMMISSION,

1 AUTHORITY, POLITICAL SUBDIVISION, OR PUBLIC CORPORATE BODY OF THE
2 STATE.

3 (13) "REAL PROPERTY" MEANS LANDS, LANDS UNDER WATER,
4 STRUCTURES, EASEMENTS, FRANCHISES, AND INCORPOREAL
5 HEREDITAMENTS AND EVERY ESTATE AND RIGHT THEREIN, LEGAL AND
6 EQUITABLE, INCLUDING TERMS FOR YEARS AND LIENS BY WAY OF
7 JUDGMENT, MORTGAGE, OR OTHERWISE.

8 (14) "REVITALIZATION AREA" MEANS AN AREA THAT, UPON THE
9 IMPLEMENTATION OF THE COUNTY REVITALIZATION PLAN, SUBSTANTIALLY
10 PROMOTES THE SOUND GROWTH OF THE COUNTY, IMPROVES ECONOMIC
11 AND SOCIAL CONDITIONS, AND FURTHERS THE HEALTH, SAFETY, AND
12 WELL-BEING OF THE PUBLIC BY THE ACTUALIZATION OF ONE OF THE
13 FOLLOWING OPPORTUNITY FACTORS:

14 (a) INVESTMENT IN CRITICAL INFRASTRUCTURE, INCLUDING
15 WATER, SANITARY SEWER AND STORM WATER SYSTEMS AND
16 MANAGEMENT, ELECTRICITY, AND OTHER PUBLIC UTILITIES TO ACHIEVE
17 DESIRED LEVELS OF RESIDENTIAL DENSITY AND EMPLOYMENT GROWTH;

18 (b) IMPROVEMENT OF MOBILITY AND INCREASED ACCESS TO
19 TRANSPORTATION CORRIDORS AND MULTIMODAL TRANSPORTATION
20 OPTIONS;

21 (c) DEVELOPMENT OF AFFORDABLE HOUSING PROXIMATE TO
22 ENHANCED TRANSPORTATION HUBS AND CORRIDORS;

23 (d) DEVELOPMENT OF ECONOMIC OPPORTUNITIES FOR JOB
24 CREATION AND GROWTH IN ENTREPRENEURSHIP AND SUCCESSFUL
25 LOCATION OF EXISTING BUSINESSES;

26 (e) EXPANSION OF ACCESS TO HEALTHY FOOD SYSTEMS,
27 COMMUNITY MEDICAL SERVICES, PUBLIC PARKS, OR PUBLIC EDUCATION

1 OPPORTUNITIES;

2 (f) IMPROVEMENT OF CIRCULATION PATTERNS AND ENHANCEMENT
3 OF SAFE AND RELIABLE PUBLIC TRANSPORTATION SYSTEMS;

4 (g) REMEDIATION OF CONTAMINATED SOILS OR WATER;

5 (h) CLEARANCE, ABATEMENT, OR REHABILITATION OF
6 STRUCTURALLY UNSOUND, DETERIORATING, OR OTHERWISE UNSAFE
7 STRUCTURES; OR

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

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

14 **30-31-104. County revitalization authority.** (1) (a) ANY
15 TWENTY-FIVE REGISTERED ELECTORS OF A COUNTY MAY FILE A PETITION
16 WITH THE GOVERNING BODY OR ITS DESIGNEE, OR THE GOVERNING BODY
17 MAY ADOPT A RESOLUTION, SETTING FORTH THAT THERE IS A NEED FOR A
18 COUNTY REVITALIZATION AUTHORITY IN THE COUNTY.

19 (b) (I) UPON THE FILING OF A PETITION OR THE ADOPTION OF A
20 RESOLUTION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, A COUNTY
21 SHALL GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF A PUBLIC
22 HEARING WHERE THE GOVERNING BODY WILL DETERMINE THE NEED FOR
23 THE COUNTY REVITALIZATION AUTHORITY IN THE COUNTY. THIS NOTICE
24 MUST ALSO INCLUDE A GENERAL DESCRIPTION OF THE LAND THAT WOULD
25 BE PART OF THE COUNTY REVITALIZATION AREA. THE COUNTY MUST GIVE
26 THIS NOTICE TO EVERY MUNICIPALITY WITHIN THREE MILES OF THE
27 PROPOSED AUTHORITY AT LEAST THIRTY DAYS BEFORE THE HEARING.

1 (II) A COUNTY SHALL PROVIDE THE NOTICE DESCRIBED IN THIS
2 SUBSECTION (1)(b) AT ITS OWN EXPENSE BY PUBLISHING THE NOTICE AT
3 LEAST THIRTY DAYS PRECEDING THE DAY ON WHICH THE HEARING IS TO BE
4 HELD IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE COUNTY
5 OR, IF THERE IS NO SUCH NEWSPAPER, BY POSTING THE NOTICE IN AT LEAST
6 THREE PUBLIC PLACES WITHIN THE COUNTY AT LEAST THIRTY DAYS
7 PRECEDING THE DAY ON WHICH THE HEARING IS TO BE HELD.

8 (III) AT THE HEARING HELD PURSUANT TO THE NOTICE DESCRIBED
9 IN THIS SUBSECTION (1)(b), THE GOVERNING BODY SHALL GRANT A FULL
10 OPPORTUNITY TO BE HEARD TO ALL COUNTY RESIDENTS, TAXPAYERS,
11 MUNICIPALITIES WITHIN THREE MILES OF THE PROPOSED AUTHORITY, AND
12 OTHER INTERESTED PERSONS.

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

17 (I) DETERMINES THAT THERE ARE ONE OR MORE REVITALIZATION
18 AREAS IN THE COUNTY OUTSIDE OF EXISTING URBAN RENEWAL
19 AUTHORITIES;

20 (II) DETERMINES THAT THE ACQUISITION, CLEARANCE,
21 REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT, OR
22 ANY COMBINATION THEREOF OF SUCH REVITALIZATION AREAS IS
23 NECESSARY AND IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, OR
24 WELFARE OF THE COUNTY RESIDENTS; AND

25 (III) DECLARES IT TO BE IN THE PUBLIC INTEREST THAT THE
26 COUNTY REVITALIZATION AUTHORITY BE CREATED AND EXERCISES THE
27 POWERS PROVIDED IN THIS ARTICLE 31.

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

5 (II) IF THE GOVERNING BODY, AFTER A HEARING HELD PURSUANT
6 TO SUBSECTION (1)(b) OF THIS SECTION, DETERMINES THAT IT CANNOT
7 MAKE THE DETERMINATIONS AND DECLARATION ENUMERATED IN
8 SUBSECTION (1)(c) OF THIS SECTION, IT SHALL ADOPT A RESOLUTION
9 DENYING THE PETITION FILED PURSUANT TO SUBSECTION (1)(a) OF THIS
10 SECTION. ONLY BEGINNING SIX MONTHS AFTER THE DENIAL OF SUCH A
11 PETITION MAY REGISTERED ELECTORS FILE SUBSEQUENT PETITIONS WITH
12 THE GOVERNING BODY OR ITS DESIGNEE, SETTING FORTH THAT THERE IS A
13 NEED FOR THE COUNTY REVITALIZATION AUTHORITY IN THE COUNTY.

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

16 (II) (A) IF AT LEAST ONE TAXING ENTITY HAS JOINED THE
17 AUTHORITY PURSUANT TO SUBSECTION (6) OF THIS SECTION, ONE
18 AUTHORITY COMMISSIONER MUST BE A BOARD MEMBER OF A SPECIAL
19 DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING
20 A MILL LEVY WITHIN THE BOUNDARIES OF THE COUNTY REVITALIZATION
21 AUTHORITY AREA THAT HAVE JOINED THE COUNTY REVITALIZATION
22 AUTHORITY.

23 (B) IF NO SPECIAL DISTRICT APPOINTS AN AUTHORITY
24 COMMISSIONER, THEN THE SPECIAL DISTRICT APPOINTMENT REMAINS
25 VACANT UNTIL THE APPLICABLE APPOINTING AUTHORITY MAKES THE
26 APPOINTMENT PURSUANT TO THIS SUBSECTION (2)(a).

27 (III) IF THE GOVERNING BODY APPOINTS AN EVEN NUMBER OF

1 AUTHORITY COMMISSIONERS, THE GOVERNING BODY SHALL DESIGNATE AN
2 AUTHORITY COMMISSIONER AS THE AUTHORITY COMMISSIONER WHO
3 CASTS THE DECIDING VOTE IN THE CASE OF AN OTHERWISE TIE VOTE.

4 (b) (I) AUTHORITY COMMISSIONER TERMS ARE FOR FOUR YEARS;
5 EXCEPT THAT THE GOVERNING BODY SHALL ASSIGN TERMS OF FOUR YEARS
6 OR FEWER FOR THE INITIAL AUTHORITY COMMISSIONERS SO THAT
7 AUTHORITY COMMISSIONERS SERVE FOR STAGGERED TERMS.

8 (II) THE GOVERNING BODY SHALL FILL AUTHORITY COMMISSIONER
9 VACANCIES, OTHER THAN THOSE THAT OCCUR DUE TO THE EXPIRATION OF
10 TERMS, FOR THE REMAINING UNEXPIRED TERM; EXCEPT THAT A VACANCY
11 OF THE SPECIAL DISTRICT-APPOINTED SEAT MUST BE FILLED BY
12 AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS. ■■■

13 (III) AN AUTHORITY COMMISSIONER HOLDS OFFICE UNTIL THE
14 GOVERNING BODY APPOINTS THE AUTHORITY COMMISSIONER'S QUALIFIED
15 SUCCESSOR.

16 (c) (I) THE GOVERNING BODY SHALL DESIGNATE THE CHAIRPERSON
17 FOR THE FIRST YEAR OF THE AUTHORITY. WHEN THE OFFICE OF THE FIRST
18 CHAIRPERSON OF THE AUTHORITY BECOMES VACANT AND ANNUALLY
19 THEREAFTER, THE AUTHORITY SHALL SELECT A CHAIRPERSON AND
20 VICE-CHAIRPERSON FROM AMONG ITS MEMBERS.

21 (II) AN AUTHORITY MAY EMPLOY A SECRETARY, AN EXECUTIVE
22 DIRECTOR, TECHNICAL EXPERTS, AND SUCH OTHER OFFICERS, AGENTS, AND
23 EMPLOYEES AS IT MAY REQUIRE AND SHALL DETERMINE THEIR
24 QUALIFICATIONS, DUTIES, AND COMPENSATION.

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

27 (IV) AN AUTHORITY MAY DELEGATE POWERS AND DUTIES TO ONE

1 OR MORE OF ITS AGENTS OR EMPLOYEES AS IT DEEMS PROPER.

2 (d) THE GOVERNING BODY SHALL FILE WITH THE COUNTY CLERK
3 AND RECORDER A CERTIFICATE OF THE APPOINTMENT OR REAPPOINTMENT
4 OF ANY AUTHORITY COMMISSIONER, AND THE CERTIFICATE IS CONCLUSIVE
5 EVIDENCE OF THE DUE AND PROPER APPOINTMENT OF THE AUTHORITY
6 COMMISSIONER.

7 (e) AN AUTHORITY COMMISSIONER RECEIVES NO COMPENSATION
8 FOR SERVICES RENDERED, BUT IS ENTITLED TO REIMBURSEMENT FOR
9 NECESSARY EXPENSES, INCLUDING TRAVELING EXPENSES, INCURRED IN
10 THE DISCHARGE OF THE DUTIES DESCRIBED IN THIS ARTICLE 31.

11 (f) A MAJORITY OF THE AUTHORITY COMMISSIONERS CONSTITUTES
12 A QUORUM.

13 (3) (a) (I) UPON APPOINTMENT AS AN AUTHORITY COMMISSIONER,
14 AN AUTHORITY COMMISSIONER SHALL FILE A CERTIFICATE WITH THE
15 DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS
16 SETTING FORTH THAT THE GOVERNING BODY, AFTER THE HEARING
17 REQUIRED BY SUBSECTION (1)(b) OF THIS SECTION, MADE THE FINDINGS
18 AND DECLARATION REQUIRED IN SUBSECTION (1)(c) OF THIS SECTION AND
19 APPOINTED THE AUTHORITY COMMISSIONER.

20 (II) UPON AN AUTHORITY COMMISSIONER FILING SUCH A
21 CERTIFICATE, THE AUTHORITY COMMISSIONER AND ANY SUCCESSOR
22 CONSTITUTES THE COUNTY REVITALIZATION AUTHORITY, WHICH IS A BODY
23 CORPORATE AND POLITIC.

24 (b) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE
25 VALIDITY OR ENFORCEMENT OF ANY BOND, CONTRACT, MORTGAGE, TRUST
26 INDENTURE, OR OTHER AGREEMENT OF THE AUTHORITY, THE AUTHORITY
27 MUST BE CONCLUSIVELY DEEMED TO HAVE BEEN ESTABLISHED IN

1 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE 31 UPON PROOF OF
2 THE FILING OF THE CERTIFICATE DESCRIBED IN THIS SUBSECTION (3). A
3 COPY OF THE CERTIFICATE, DULY CERTIFIED BY THE DIRECTOR OF THE
4 DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS,
5 IS ADMISSIBLE IN EVIDENCE IN ANY SUCH SUIT, ACTION, OR PROCEEDING.

6 (4) (a) (I) NEITHER ANY AUTHORITY COMMISSIONER, AUTHORITY
7 OFFICER, OR EMPLOYEE OF AN AUTHORITY NOR ANY IMMEDIATE FAMILY
8 MEMBER OF ANY SUCH AUTHORITY COMMISSIONER, OFFICER, OR
9 EMPLOYEE MAY ACQUIRE ANY INTEREST, DIRECT OR INDIRECT, IN ANY
10 COUNTY REVITALIZATION PROJECT OR IN ANY PROPERTY INCLUDED OR
11 PLANNED TO BE INCLUDED IN ANY COUNTY REVITALIZATION PROJECT.

12 (II) AN AUTHORITY COMMISSIONER SHALL NOT HAVE ANY
13 INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT OR PROPOSED
14 CONTRACT FOR MATERIALS OR SERVICES TO BE FURNISHED OR USED IN
15 CONNECTION WITH ANY COUNTY REVITALIZATION PROJECT.

16 (b) (I) (A) IF AN AUTHORITY COMMISSIONER, AUTHORITY OFFICER,
17 OR EMPLOYEE OF AN AUTHORITY OWNS OR CONTROLS AN INTEREST,
18 DIRECT OR INDIRECT, IN ANY PROPERTY INCLUDED OR PLANNED TO BE
19 INCLUDED IN THE COUNTY REVITALIZATION PROJECT, THE AUTHORITY
20 COMMISSIONER SHALL IMMEDIATELY DISCLOSE THE INTEREST IN WRITING
21 TO THE AUTHORITY. THE DISCLOSURE MUST BE ENTERED UPON THE
22 MINUTES OF THE AUTHORITY.

23 (B) UPON A DISCLOSURE MADE PURSUANT TO SUBSECTION
24 (4)(b)(I)(A) OF THIS SECTION, THE AUTHORITY COMMISSIONER, OFFICER,
25 OR OTHER EMPLOYEE SHALL NOT PARTICIPATE IN ANY ACTION BY THE
26 AUTHORITY AFFECTING THE CARRYING OUT OF THE COUNTY
27 REVITALIZATION PROJECT PLANNING OR THE UNDERTAKING OF THE

1 PROJECT, UNLESS THE AUTHORITY DETERMINES THAT, NOTWITHSTANDING
2 THE PERSONAL INTEREST, THE PARTICIPATION OF THE AUTHORITY
3 COMMISSIONER, OFFICER, OR EMPLOYEE WOULD NOT BE CONTRARY TO THE
4 PUBLIC INTEREST.

5 (II) ACQUISITION OR RETENTION OF ANY INTEREST DESCRIBED IN
6 SUBSECTION (4)(b)(I)(A) OF THIS SECTION WITHOUT A DETERMINATION BY
7 THE AUTHORITY THAT THE INTEREST IS NOT CONTRARY TO THE PUBLIC
8 INTEREST OR WILLFUL FAILURE TO DISCLOSE ANY SUCH INTEREST
9 CONSTITUTES MISCONDUCT IN OFFICE.

10 (5) (a) THE GOVERNING BODY MAY REMOVE AN AUTHORITY
11 COMMISSIONER FOR INEFFICIENCY OR NEGLECT OF DUTY OR MISCONDUCT
12 IN OFFICE ONLY AFTER THE AUTHORITY COMMISSIONER HAS BEEN GIVEN
13 A COPY OF THE CHARGES THAT THE GOVERNING BODY MADE AGAINST THE
14 AUTHORITY COMMISSIONER AND THE AUTHORITY COMMISSIONER HAS HAD
15 AN OPPORTUNITY TO BE HEARD IN PERSON OR THROUGH COUNSEL BEFORE
16 THE GOVERNING BODY.

17 (b) IF ANY AUTHORITY COMMISSIONER IS REMOVED, THE
18 GOVERNING BODY SHALL FILE A RECORD OF THE PROCEEDINGS, TOGETHER
19 WITH THE CHARGES MADE AGAINST THE AUTHORITY COMMISSIONER AND
20 ANY RELATED FINDINGS, IN THE OFFICE OF THE COUNTY CLERK AND
21 RECORDER.

22 (6) (a) ANY TAXING ENTITY, OTHER THAN A SCHOOL DISTRICT OR
23 THE COUNTY, THAT LEVIES TAXES IN AN AREA THAT WOULD FALL UNDER
24 THE COUNTY REVITALIZATION PLAN PROPOSED BY THE AUTHORITY MAY
25 FILE A PETITION WITH THE AUTHORITY REQUESTING TO JOIN THE
26 AUTHORITY.

27 (b) WITHIN THIRTY DAYS OF RECEIVING THE NOTICE DESCRIBED IN

1 SUBSECTION (6)(a) OF THIS SECTION, THE AUTHORITY SHALL HOLD A
2 PUBLIC HEARING TO DETERMINE WHETHER THE TAXING ENTITY THAT FILED
3 A PETITION SHOULD BE INCLUDED IN THE AUTHORITY.

4 (c) THE INCREMENTAL PROPERTY TAX REVENUE OF A TAXING
5 ENTITY THAT EITHER DOES NOT FILE A PETITION IN ACCORDANCE WITH
6 SUBSECTION (6)(a) OF THIS SECTION OR THAT THE AUTHORITY DECIDES
7 NOT TO INCLUDE IN THE AUTHORITY DURING A HEARING HELD IN
8 ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION SHALL NOT BE
9 ALLOCATED UNDER THE COUNTY REVITALIZATION PLAN PROPOSED BY THE
10 AUTHORITY.

11 **30-31-105. Powers of an authority.** (1) AN AUTHORITY HAS ALL
12 THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE
13 THE PURPOSES AND PROVISIONS OF THIS ARTICLE 31, INCLUDING THE
14 POWER TO:

- 15 (a) SUE AND TO BE SUED;
- 16 (b) ADOPT AND ALTER A SEAL;
- 17 (c) HAVE PERPETUAL SUCCESSION;
- 18 (d) MAKE, AND FROM TIME TO TIME AMEND AND REPEAL, BYLAWS,
19 ORDERS, RULES, AND REGULATIONS TO EFFECTUATE THE PROVISIONS OF
20 THIS ARTICLE 31;
- 21 (e) UNDERTAKE COUNTY REVITALIZATION PROJECTS;
- 22 (f) MAKE AND EXECUTE ANY AND ALL CONTRACTS AND OTHER
23 INSTRUMENTS WHICH IT MAY DEEM NECESSARY OR CONVENIENT TO THE
24 EXERCISE OF ITS POWERS UNDER THIS ARTICLE 31, INCLUDING CONTRACTS
25 FOR ADVANCES, LOANS, GRANTS, AND CONTRIBUTIONS FROM THE FEDERAL
26 GOVERNMENT OR ANY OTHER SOURCE;
- 27 (g) ARRANGE FOR THE FURNISHING OR REPAIR BY ANY PERSON OR

1 PUBLIC BODY OF SERVICES, PRIVILEGES, WORKS, STREETS, ROADS, PUBLIC
2 UTILITIES, OR EDUCATIONAL OR OTHER FACILITIES FOR OR IN CONNECTION
3 WITH A PROJECT OF THE AUTHORITY;

4 (h) DEDICATE PROPERTY ACQUIRED OR HELD BY THE AUTHORITY
5 FOR PUBLIC WORKS, IMPROVEMENTS, FACILITIES, UTILITIES, AND OTHER
6 PURPOSES;

7 (i) AGREE, IN CONNECTION WITH ANY OF THE AUTHORITY'S
8 CONTRACTS, TO ANY CONDITIONS THAT THE AUTHORITY DEEMS
9 REASONABLE AND APPROPRIATE UNDER THIS ARTICLE 31, INCLUDING
10 CONDITIONS ATTACHED TO FEDERAL FINANCIAL ASSISTANCE, AND TO
11 INCLUDE IN ANY CONTRACT MADE OR LET IN CONNECTION WITH ANY
12 PROJECT OF THE AUTHORITY PROVISIONS TO FULFILL SUCH CONDITIONS AS
13 IT MAY DEEM REASONABLE AND APPROPRIATE;

14 (j) ARRANGE WITH THE COUNTY OR OTHER RELEVANT PUBLIC
15 BODY TO PLAN, REPLAN, ZONE, OR REZONE ANY PART OF THE AREA OF THE
16 COUNTY OR OTHER PUBLIC BODY IN CONNECTION WITH ANY PROJECT
17 PROPOSED OR BEING UNDERTAKEN BY THE AUTHORITY UNDER THIS
18 ARTICLE 31;

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

23 (l) ACQUIRE ANY PROPERTY BY PURCHASE, LEASE, OPTION, GIFT,
24 GRANT, BEQUEST, DEVISE, OR OTHERWISE TO ACQUIRE ANY INTEREST IN
25 PROPERTY BY CONDEMNATION, INCLUDING A FEE SIMPLE ABSOLUTE TITLE,
26 IN THE MANNER PROVIDED BY THE LAWS OF THE STATE FOR THE EXERCISE
27 OF THE POWER OF EMINENT DOMAIN BY ANY OTHER PUBLIC BODY.

1 PROPERTY ALREADY DEVOTED TO A PUBLIC USE MAY BE ACQUIRED IN A
2 LIKE MANNER; EXCEPT THAT NO PROPERTY BELONGING TO THE FEDERAL
3 GOVERNMENT OR TO A PUBLIC BODY MAY BE ACQUIRED WITHOUT ITS
4 CONSENT. ANY ACQUISITION OF ANY INTEREST IN PROPERTY BY
5 CONDEMNATION BY AN AUTHORITY MUST BE APPROVED AS PART OF THE
6 COUNTY REVITALIZATION PLAN OR THE SUBSTANTIAL MODIFICATION OF
7 THE COUNTY REVITALIZATION PLAN, AS PROVIDED IN SECTION 30-31-109,
8 MUST BE APPROVED BY A MAJORITY VOTE OF THE GOVERNING BODY IN
9 WHICH THE PROPERTY IS LOCATED, AND MUST SATISFY THE REQUIREMENTS
10 OF SECTION 30-31-106.

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

13 (n) MORTGAGE, PLEDGE, HYPOTHECATE, OR OTHERWISE
14 ENCUMBER OR DISPOSE OF ITS PROPERTY;

15 (o) INSURE ANY PROPERTY OR OPERATIONS OF THE AUTHORITY
16 AGAINST ANY RISKS OR HAZARDS; EXCEPT THAT NO PROVISION OF ANY
17 OTHER LAW WITH RESPECT TO THE PLANNING OR UNDERTAKING OF
18 PROJECTS OR THE ACQUISITION, CLEARANCE, OR DISPOSITION OF PROPERTY
19 BY PUBLIC BODIES MAY RESTRICT AN AUTHORITY FROM EXERCISING
20 POWERS UNDER THIS ARTICLE 31 WITH RESPECT TO A PROJECT OF THE
21 AUTHORITY UNLESS THE GENERAL ASSEMBLY SO STATES;

22 (p) (I) INVEST ANY OF THE AUTHORITY'S MONEY NOT REQUIRED
23 FOR IMMEDIATE DISBURSEMENT IN PROPERTY OR IN SECURITIES IN WHICH
24 PUBLIC BODIES MAY LEGALLY INVEST MONEY SUBJECT TO THEIR CONTROL
25 PURSUANT TO PART 6 OF ARTICLE 75 OF TITLE 24, AND TO REDEEM SUCH
26 BONDS AS THE AUTHORITY HAS ISSUED AT THE REDEMPTION PRICE
27 ESTABLISHED THEREIN OR TO PURCHASE SUCH BONDS AT LESS THAN

1 REDEMPTION PRICE. ALL SUCH BONDS ISSUED BY AND THEN REDEEMED OR
2 PURCHASED BY AN AUTHORITY ARE CANCELED.

3 (II) DEPOSIT ANY MONEY NOT REQUIRED FOR IMMEDIATE
4 DISBURSEMENT IN ANY DEPOSITORY AUTHORIZED IN SECTION 24-75-603.
5 FOR THE PURPOSE OF MAKING SUCH DEPOSITS, THE AUTHORITY MAY
6 APPOINT, BY WRITTEN RESOLUTION, ONE OR MORE PERSONS TO ACT AS
7 CUSTODIANS OF THE MONEY OF THE AUTHORITY. SUCH PERSONS SHALL
8 GIVE SURETY BONDS IN SUCH AMOUNTS AND FORM AND FOR SUCH
9 PURPOSES AS THE AUTHORITY REQUIRES.

10 (III) BORROW MONEY AND APPLY FOR AND ACCEPT ADVANCES,
11 LOANS, GRANTS, AND CONTRIBUTIONS FROM THE FEDERAL GOVERNMENT
12 OR ANY OTHER SOURCE FOR ANY OF THE PURPOSES OF THIS ARTICLE 31
13 AND TO GIVE SUCH SECURITY AS THE FEDERAL GOVERNMENT OR OTHER
14 LENDER MAY REQUIRE;

15 (IV) MAKE APPROPRIATIONS AND EXPENDITURES OF ITS FUNDS;
16 AND

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

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

24 (I) A ROADMAP TO ASSIST THE COUNTY IN ITS PREPARATION OF A
25 WORKABLE PROGRAM FOR UTILIZING APPROPRIATE PRIVATE AND PUBLIC
26 RESOURCES TO TAKE ADVANTAGE OF REVITALIZATION AREAS, TO
27 ENCOURAGE NEEDED COUNTY REVITALIZATION, TO PROVIDE FOR THE

1 REDEVELOPMENT OF REVITALIZATION AREAS, OR TO UNDERTAKE SUCH
2 ACTIVITIES AS MAY BE SUITABLY EMPLOYED TO ACHIEVE THE OBJECTIVES
3 OF SUCH A WORKABLE PROGRAM, WHICH MAY INCLUDE PROVISIONS FOR:

4 (A) THE REHABILITATION OR CONSERVATION OF REVITALIZATION
5 AREAS OR PORTIONS OF THOSE AREAS BY REPLANNING, REMOVING
6 CONGESTION, PROVIDING PUBLIC IMPROVEMENTS, AND ENCOURAGING THE
7 REHABILITATION AND REPAIR OF DETERIORATED OR DETERIORATING
8 STRUCTURES; AND

9 (B) THE CLEARANCE AND REDEVELOPMENT OF REVITALIZATION
10 AREAS OR PORTIONS OF THOSE AREAS;

11 (II) COUNTY REVITALIZATION PLANS;

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

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

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

3 (A) THE USE OF LAND;

4 (B) THE USE AND OCCUPANCY OF BUILDINGS;

5 (C) BUILDING IMPROVEMENTS; AND

6 (D) THE REPAIR, REHABILITATION, DEMOLITION, OR REMOVAL OF
7 BUILDINGS AND IMPROVEMENTS; AND

8 (VI) FINANCING PLANS, MAPS, PLATS, APPRAISALS, TITLE
9 SEARCHES, SURVEYS, STUDIES, AND OTHER PRELIMINARY PLANS AND
10 WORK PERTINENT TO ANY PROPOSED PLANS OR MODIFICATIONS;

11 (r) MAKE REASONABLE RELOCATION PAYMENTS TO OR WITH
12 RESPECT TO INDIVIDUALS, FAMILIES, AND BUSINESS CONCERNS SITUATED
13 IN THE COUNTY REVITALIZATION AREA THAT WILL BE DISPLACED AS
14 PROVIDED IN SUBSECTION (1)(q)(III) OF THIS SECTION FOR MOVING
15 EXPENSES AND ACTUAL DIRECT LOSSES OF PROPERTY INCLUDING, FOR
16 BUSINESS CONCERNS, GOODWILL AND LOST PROFITS THAT ARE
17 REASONABLY RELATED TO RELOCATION OF THE BUSINESS, RESULTING
18 FROM THEIR DISPLACEMENT FOR WHICH REIMBURSEMENT OR
19 COMPENSATION IS NOT OTHERWISE MADE, INCLUDING THE MAKING OF
20 SUCH PAYMENTS FINANCED BY THE FEDERAL GOVERNMENT;

21 (s) DEVELOP, TEST, AND REPORT METHODS AND TECHNIQUES FOR
22 TAKING ADVANTAGE OF THE REVITALIZATION AREAS WITHIN THE COUNTY
23 AND CARRY OUT DEMONSTRATIONS AND OTHER ACTIVITIES FOR TAKING
24 ADVANTAGE OF THE REVITALIZATION AREAS; AND

25 (t) RENT OR PROVIDE BY OTHER MEANS, INCLUDING ACCEPTING
26 THE USE OF SUITABLE QUARTERS FURNISHED BY THE RELEVANT COUNTY
27 OR ANY OTHER PUBLIC BODY, SUITABLE QUARTERS FOR THE USE OF THE

1 AUTHORITY AND EQUIP SUCH QUARTERS WITH FURNITURE, FURNISHINGS,
2 EQUIPMENT, RECORDS, AND SUPPLIES AS THE AUTHORITY DEEMS
3 NECESSARY TO ENABLE IT TO EXERCISE ITS POWERS UNDER THIS ARTICLE
4 31.

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

8 (3) NO MUNICIPALITY IS REQUIRED TO PROVIDE SERVICES WITHIN
9 THE BOUNDARIES OF THE COUNTY REVITALIZATION AREA OR TO PROVIDE
10 OR EXPAND INFRASTRUCTURE OR FACILITIES TO SERVE A COUNTY
11 REVITALIZATION PROJECT; EXCEPT THAT THE AUTHORITY OR COUNTY AND
12 A MUNICIPALITY MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
13 REGARDING THE PROVISION OF SERVICES WITHIN THE BOUNDARIES OF THE
14 COUNTY REVITALIZATION AREA OR TO PROVIDE OR EXPAND
15 INFRASTRUCTURE OR FACILITIES TO SERVICE A COUNTY REVITALIZATION
16 PROJECT.

17 (4) NOTHING IN THIS ARTICLE 31 SHALL BE CONSTRUED TO AFFECT
18 THE AUTHORITY OF A MUNICIPALITY TO REGULATE AND PLAN FOR THE USE
19 OF LAND OR AFFECT ANY AGREEMENT BETWEEN A MUNICIPALITY AND A
20 LANDOWNER OR PUBLIC BODY RELATING TO THE USE OR DEVELOPMENT OF
21 LAND.

22 **30-31-106. Acquisition of private property by eminent domain**
23 **by authority for subsequent transfer to private party - restrictions -**
24 **exceptions - right of civil action - damages - definitions.**

25 (1) (a) EXCEPT AS PROVIDED IN THIS SUBSECTION (1) OR SUBSECTION (2)
26 OF THIS SECTION, PRIVATE PROPERTY ACQUIRED BY EMINENT DOMAIN BY
27 AN AUTHORITY PURSUANT TO SECTION 30-31-105 (1)(l) SHALL NOT LATER

1 BE TRANSFERRED TO A PRIVATE PARTY UNLESS:

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

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

11 (III) THE PROPERTY ACQUIRED BY THE AUTHORITY IS ABANDONED;

12 OR

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

19 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
20 A TRANSFER THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (1)
21 IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTION (2), (3), OR (4) OF THIS
22 SECTION.

23 (2) (a) IF A PROPOSED TRANSFER OF PRIVATE PROPERTY ACQUIRED
24 BY AN AUTHORITY BY EMINENT DOMAIN DOES NOT SATISFY ONE OF THE
25 REQUIREMENTS SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION, SUCH
26 PROPERTY MAY LATER BE TRANSFERRED TO A PRIVATE PARTY ONLY AFTER
27 THE FOLLOWING CONDITIONS ARE SATISFIED:

1 (I) THE GOVERNING BODY MAKES A DETERMINATION THAT THE
2 PROPERTY IS LOCATED IN A REVITALIZATION AREA AND THAT THE COUNTY
3 REVITALIZATION PROJECT FOR WHICH THE PROPERTY WAS BEING
4 ACQUIRED WILL COMMENCE NO LATER THAN SEVEN YEARS FROM THE DATE
5 THE GOVERNING BODY MADE THE REVITALIZATION AREA DETERMINATION.
6 FOR PURPOSES OF THIS SUBSECTION (2)(a)(I), THE GOVERNING BODY'S
7 DETERMINATION OF WHETHER A PARTICULAR AREA OR PROPERTY IS A
8 REVITALIZATION AREA MUST BE BASED UPON INFORMATION THAT IS
9 REASONABLY CURRENT WHEN THE GOVERNING BODY MAKES THE
10 DETERMINATION.

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

26 (III) IN THE CASE OF A SET OF PARCELS TO BE ACQUIRED BY THE
27 AUTHORITY IN CONNECTION WITH THE COUNTY REVITALIZATION PROJECT,

1 AT LEAST ONE OF WHICH PARCELS IS OWNED BY AN OWNER REFUSING OR
2 REJECTING AN AGREEMENT FOR THE ACQUISITION OF THE ENTIRE SET OF
3 PARCELS, THE AUTHORITY MAKES A DETERMINATION THAT THE
4 REDEVELOPMENT OR REHABILITATION OF THE REMAINING PARCELS IS NOT
5 VIABLE UNDER THE COUNTY REVITALIZATION PLAN WITHOUT THE PARCEL
6 AT ISSUE.

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

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

25 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
26 DETERMINATION MADE BY THE GOVERNING BODY PURSUANT TO
27 SUBSECTION (2)(a) OF THIS SECTION IS A LEGISLATIVE DETERMINATION

1 AND NOT A QUASI-JUDICIAL DETERMINATION.

2 (d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
3 31, AN AUTHORITY'S EMINENT DOMAIN AUTHORITY SHALL NOT EXCEED
4 THAT OF THE COUNTY WHERE THE AUTHORITY IS LOCATED.

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

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

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

1 REVITALIZATION PLAN OR IN AREAS WITHIN REASONABLE PROXIMITY TO,
2 OR COMPARABLE TO, THE ORIGINAL LOCATION OF SUCH INDIVIDUALS,
3 FAMILIES, OR BUSINESS CONCERNS.

4 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES, "PRIVATE PROPERTY" OR "PROPERTY" MEANS, AS APPLIED TO
6 REAL PROPERTY, ONLY A FEE OWNERSHIP INTEREST.

7 **30-31-107. Condemnation actions by authorities - effect of**
8 **other provisions.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
9 ANY CONDEMNATION ACTION COMMENCED BY AN AUTHORITY MUST
10 SATISFY THE REQUIREMENTS OF SECTION 38-1-101. TO THE EXTENT THAT
11 THERE IS ANY CONFLICT BETWEEN THIS ARTICLE 31 AND SECTION
12 38-1-101, SECTION 38-1-101 CONTROLS.

13 **30-31-108. Disposal of property in county revitalization area.**

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

25 (b) THE PURCHASERS, LESSEES, TRANSFEREES, AND THEIR
26 SUCCESSORS AND ASSIGNEES DESCRIBED IN THIS SUBSECTION (1) ARE
27 OBLIGATED TO DEVOTE THE REAL PROPERTY DESCRIBED IN THIS

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

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

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

- 16 (A) THE USES PROVIDED IN THE COUNTY REVITALIZATION PLAN;
- 17 (B) THE RESTRICTIONS UPON AND THE COVENANTS, CONDITIONS,
18 AND OBLIGATIONS ASSUMED BY THE PURCHASER OR LESSEE; AND
- 19 (C) THE OBJECTIVES OF THE COUNTY REVITALIZATION PLAN IN
20 RELATION TO TAKING ADVANTAGE OF REVITALIZATION AREAS.

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

26 (II) ANY CONTRACT FOR THE TRANSFER OF REAL PROPERTY
27 DESCRIBED IN THIS SECTION AND THE COUNTY REVITALIZATION PLAN, OR

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

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

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

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

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

1 (d) AN AUTHORITY MAY ACCEPT SUCH PROPOSALS AS IT DEEMS TO
2 BE IN THE PUBLIC INTEREST AND IN FURTHERANCE OF THE PURPOSES OF
3 THIS ARTICLE 31.

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

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

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

1 AUTHORITY DEEMS TO BE IN THE PUBLIC INTEREST AND AS ARE
2 CONSISTENT WITH THE PURPOSES AND OBJECTIVES AND THE OTHER
3 APPLICABLE PROVISIONS OF THIS ARTICLE 31.

4 **30-31-109. Approval of county revitalization plans by local**
5 **governing body - definitions.** (1) (a) AN AUTHORITY MAY NOT
6 UNDERTAKE THE COUNTY REVITALIZATION PROJECT FOR THE COUNTY
7 REVITALIZATION AREA UNLESS, BASED ON EVIDENCE PRESENTED AT A
8 PUBLIC HEARING, THE GOVERNING BODY HAS DETERMINED BY RESOLUTION
9 THAT THE AREA IS A REVITALIZATION AREA AND HAS DESIGNATED THE
10 AREA AS APPROPRIATE FOR A COUNTY REVITALIZATION PROJECT.

11 (b) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
12 31, WITHIN THIRTY DAYS OF COMMISSIONING A STUDY TO DETERMINE
13 WHETHER AN AREA IS A REVITALIZATION AREA IN ACCORDANCE WITH THE
14 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION, THE AUTHORITY
15 SHALL PROVIDE NOTICE TO ANY OWNER OF PRIVATE PROPERTY LOCATED
16 IN THE AREA THAT IS THE SUBJECT OF THE STUDY BY MAILING NOTICE TO
17 THE OWNER BY REGULAR MAIL AT THE LAST-KNOWN ADDRESS OF RECORD
18 AND TO ANY MUNICIPALITY WITHIN THREE MILES OF THE PROPOSED AREA.

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 OF RECORD.

27 (II) AS USED IN THIS SUBSECTION (1)(b), "PRIVATE PROPERTY"

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

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

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

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

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

27 (C) THE AGRICULTURAL LAND IS AN ENCLAVE WITHIN THE

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

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

8 (III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
9 31, THE COUNTY REVITALIZATION AUTHORITY MUST NOT OVERLAP WITH
10 AN URBAN RENEWAL AUTHORITY, AND THE [REDACTED] BOUNDARIES OF THE
11 COUNTY REVITALIZATION AREA MUST NOT OVERLAP WITH A
12 MUNICIPALITY, EXCEPT WHERE THE PROPERTY IS SUBSEQUENTLY ANNEXED
13 INTO THE MUNICIPALITY OR PURSUANT TO SECTION 30-31-118.

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

20 (2) (a) PRIOR TO APPROVING A COUNTY REVITALIZATION PLAN, A
21 GOVERNING BODY SHALL SUBMIT THE PLAN TO THE COUNTY PLANNING
22 COMMISSION FOR REVIEW AND RECOMMENDATIONS AS TO THE PLAN'S
23 CONFORMITY WITH THE GENERAL PLAN FOR THE DEVELOPMENT OF THE
24 COUNTY AS A WHOLE. THE COUNTY PLANNING COMMISSION SHALL ALSO
25 REVIEW AND PROVIDE RECOMMENDATIONS AS TO THE PLAN'S INTERACTION
26 WITH APPLICABLE MUNICIPAL PLANS FOR THE DEVELOPMENT OF
27 UNINCORPORATED TERRITORY IF THE COUNTY REVITALIZATION PLAN

1 INCLUDES PROPERTY THAT IS INCLUDED WITHIN A MUNICIPAL PLAN
2 ADOPTED PURSUANT TO SECTION 31-12-105 (1)(e)(I) OR SECTION
3 31-23-212.

4 (b) THE PLANNING COMMISSION SHALL SUBMIT ITS WRITTEN
5 RECOMMENDATIONS TO THE GOVERNING BODY WITHIN THIRTY DAYS
6 AFTER RECEIPT OF THE PLAN.

7 (c) UPON RECEIPT OF THE RECOMMENDATIONS OF THE PLANNING
8 COMMISSION OR, IF NO RECOMMENDATIONS ARE RECEIVED WITHIN THIRTY
9 DAYS, WITHOUT SUCH RECOMMENDATIONS, A GOVERNING BODY MAY
10 PROCEED WITH THE HEARING ON THE PROPOSED COUNTY REVITALIZATION
11 PLAN REQUIRED BY SUBSECTION (5) OF THIS SECTION.

12 (3) (a) AT LEAST THIRTY DAYS PRIOR TO THE HEARING DESCRIBED
13 IN SUBSECTION (5)(a) OF THIS SECTION ON A COUNTY REVITALIZATION
14 PLAN OR A SUBSTANTIAL MODIFICATION TO A COUNTY REVITALIZATION
15 PLAN, THE COUNTY OR THE AUTHORITY SHALL SUBMIT A COUNTY
16 REVITALIZATION IMPACT REPORT ALONG WITH THE COUNTY
17 REVITALIZATION PLAN OR MODIFICATION TO A COUNTY REVITALIZATION
18 PLAN TO EVERY MUNICIPALITY WITHIN ONE MILE OF THE COUNTY
19 REVITALIZATION AREA. THE COUNTY REVITALIZATION IMPACT REPORT
20 MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION
21 CONCERNING THE IMPACT OF SUCH A COUNTY REVITALIZATION PLAN:

22 (I) AN ESTIMATE OF THE IMPACT OF THE COUNTY REVITALIZATION
23 PROJECT ON MUNICIPAL SERVICES AND INFRASTRUCTURE;

24 (II) AN ESTIMATE OF THE COST AND EXTENT OF ADDITIONAL
25 MUNICIPAL INFRASTRUCTURE AND SERVICES THAT ARE ANTICIPATED TO BE
26 NEEDED TO SERVE DEVELOPMENT WITHIN THE PROPOSED COUNTY
27 REVITALIZATION AREA, AND THE BENEFIT OF IMPROVEMENTS WITHIN THE

1 COUNTY REVITALIZATION AREA TO EXISTING MUNICIPAL INFRASTRUCTURE;

2 (III) A STATEMENT SETTING FORTH THE METHOD UNDER WHICH
3 THE AUTHORITY OR THE COUNTY WILL FINANCE, OR THAT AGREEMENTS
4 ARE IN PLACE TO FINANCE, ANY ADDITIONAL MUNICIPAL INFRASTRUCTURE
5 AND SERVICES TO SERVE DEVELOPMENT IN THE COUNTY REVITALIZATION
6 AREA FOR THE DURATION OF THE COUNTY REVITALIZATION PROJECT; AND

7 (IV) ANY OTHER ESTIMATED IMPACTS OF THE COUNTY
8 REVITALIZATION PROJECT.

9 (b) THE INADVERTENT FAILURE OF A COUNTY OR AN AUTHORITY
10 TO SUBMIT A COUNTY REVITALIZATION PLAN, SUBSTANTIAL MODIFICATION
11 TO A COUNTY REVITALIZATION PLAN, OR A COUNTY REVITALIZATION
12 IMPACT REPORT, AS APPLICABLE, TO A MUNICIPALITY IN ACCORDANCE
13 WITH THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION NEITHER
14 CREATES A CAUSE OF ACTION IN FAVOR OF ANY PARTY NOR INVALIDATES
15 ANY COUNTY REVITALIZATION PLAN OR SUBSTANTIAL MODIFICATION TO
16 A COUNTY REVITALIZATION PLAN.

17 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
18 A CITY AND COUNTY IS NOT REQUIRED TO SUBMIT AN URBAN RENEWAL
19 IMPACT REPORT SATISFYING THE REQUIREMENTS OF SUBSECTION (3)(a) OF
20 THIS SECTION.

21 (4) UPON REQUEST OF THE COUNTY OR THE AUTHORITY, EACH
22 MUNICIPALITY THAT IS ENTITLED TO RECEIVE A COPY OF A COUNTY
23 REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO A COUNTY
24 REVITALIZATION PLAN SHALL PROVIDE AVAILABLE MUNICIPAL DATA AND
25 PROJECTIONS TO THE COUNTY OR THE AUTHORITY TO ASSIST IN PREPARING
26 A COUNTY REVITALIZATION IMPACT REPORT PURSUANT TO SUBSECTION (3)
27 OF THIS SECTION.

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

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

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

8 (II) DESCRIBE THE TIME, DATE, PLACE, AND PURPOSE OF THE
9 HEARING;

10 (III) GENERALLY IDENTIFY THE COUNTY REVITALIZATION AREA
11 COVERED BY THE PLAN;

12 (IV) OUTLINE THE GENERAL SCOPE OF THE COUNTY
13 REVITALIZATION PROJECT UNDER CONSIDERATION; AND

14 (V) BE PROVIDED BY THE COUNTY TO EVERY MUNICIPALITY
15 WITHIN THREE MILES OF THE AUTHORITY.

16 (c) IF AN AUTHORITY INTENDS TO ACQUIRE PRIVATE PROPERTY BY
17 EMINENT DOMAIN WITHIN THE COUNTY REVITALIZATION AREA THAT IS TO
18 BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY IN ACCORDANCE
19 WITH THE REQUIREMENTS OF SECTION 30-31-106 (2), THE GOVERNING
20 BODY, BEFORE COMMENCING THE ACQUISITION OF THE PROPERTY, SHALL
21 HOLD A PUBLIC HEARING ON THE USE OF EMINENT DOMAIN AS A MEANS TO
22 ACQUIRE THE PROPERTY. THE GOVERNING BODY SHALL ONLY HOLD THIS
23 HEARING AFTER WRITTEN NOTICE OF THE TIME, DATE, PLACE, AND
24 PURPOSE OF THE HEARING HAS BEEN PROVIDED TO EACH OWNER OF
25 PROPERTY, AS PROPERTY IS DEFINED IN SECTION 30-31-106 (4), THAT IS
26 WITHIN THE COUNTY REVITALIZATION AREA AT LEAST THIRTY DAYS
27 BEFORE THE DATE OF THE HEARING. IN ORDER TO AUTHORIZE THE USE OF

1 EMINENT DOMAIN AS A MEANS TO ACQUIRE PROPERTY, A GOVERNING BODY
2 SHALL BASE ITS AUTHORIZATION DECISION ON A FINDING OF
3 REVITALIZATION AREA CONDITIONS WITHOUT REGARD TO THE ECONOMIC
4 PERFORMANCE OF THE PROPERTY TO BE ACQUIRED.

5 (d) AT THE HEARING HELD PURSUANT TO THE NOTICE DESCRIBED
6 IN THIS SUBSECTION (5), THE GOVERNING BODY SHALL GRANT A FULL
7 OPPORTUNITY TO BE HEARD TO ALL MUNICIPALITIES WITHIN THREE MILES
8 OF THE AUTHORITY.

9 (6) FOLLOWING THE HEARING DESCRIBED IN SUBSECTION (5) OF
10 THIS SECTION, THE GOVERNING BODY MAY APPROVE THE COUNTY
11 REVITALIZATION PLAN IF THE GOVERNING BODY FINDS THAT:

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

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

22 (c) THE GOVERNING BODY HAS TAKEN REASONABLE EFFORTS TO
23 PROVIDE WRITTEN NOTICE OF THE PUBLIC HEARING PRESCRIBED BY
24 SUBSECTION (5) OF THIS SECTION TO ALL PROPERTY OWNERS, RESIDENTS,
25 AND OWNERS OF BUSINESS CONCERNS IN THE PROPOSED COUNTY
26 REVITALIZATION AREA AT THEIR LAST-KNOWN ADDRESS OF RECORD AT
27 LEAST THIRTY DAYS BEFORE SUCH HEARING. THE NOTICE MUST CONTAIN

1 THE SAME INFORMATION AS REQUIRED FOR THE NOTICE DESCRIBED IN
2 SUBSECTION (5) OF THIS SECTION.

3 (d) NO MORE THAN ONE HUNDRED TWENTY DAYS HAVE PASSED
4 SINCE THE COMMENCEMENT OF THE FIRST PUBLIC HEARING OF THE COUNTY
5 REVITALIZATION PLAN PURSUANT TO SUBSECTION (5) OF THIS SECTION;

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

16 (f) THE COUNTY REVITALIZATION PLAN CONFORMS TO THE
17 GENERAL PLAN OF THE COUNTY AS A WHOLE AND CONSIDERS APPLICABLE
18 MUNICIPAL PLANS FOR THE DEVELOPMENT OF UNINCORPORATED
19 TERRITORY, IF THE COUNTY REVITALIZATION PLAN INCLUDES PROPERTY
20 THAT IS INCLUDED WITHIN A MUNICIPAL PLAN ADOPTED PURSUANT TO
21 SECTION 31-12-105 (1)(e)(I) OR SECTION 31-23-212;

22 (g) THE COUNTY REVITALIZATION PLAN WILL AFFORD MAXIMUM
23 OPPORTUNITY, CONSISTENT WITH THE SOUND NEEDS OF THE COUNTY AS A
24 WHOLE, FOR THE REHABILITATION OR REDEVELOPMENT OF THE COUNTY
25 REVITALIZATION AREA BY PRIVATE ENTERPRISE;

26 (h) THE AUTHORITY OR THE COUNTY WILL ADEQUATELY FINANCE,
27 OR THAT AGREEMENTS ARE IN PLACE TO FINANCE, ANY ADDITIONAL

1 COUNTY AND MUNICIPAL INFRASTRUCTURE AND SERVICES REQUIRED TO
2 SERVE DEVELOPMENT WITHIN THE COUNTY REVITALIZATION AREA FOR THE
3 PERIOD IN WHICH ALL OR ANY PORTION OF THE PROPERTY TAXES
4 DESCRIBED IN SUBSECTION (13)(a)(II) OF THIS SECTION AND LEVIED BY
5 THE COUNTY ARE PAID TO THE AUTHORITY; ■

6 (i) THE ADOPTION OF THE PLAN WILL NOT CREATE AN UNDUE
7 BURDEN ON ANY MUNICIPALITY THAT PROVIDES MUNICIPAL SERVICES OR
8 THAT OWNS, CONTROLS, OR MAINTAINS ANY INFRASTRUCTURE OR
9 FACILITIES THAT ARE IMPACTED BY THE ADOPTION OF THE PLAN,
10 EXCLUDING ANY BURDEN THAT HAS NOT BEEN ADDRESSED PURSUANT TO
11 SUBSECTION (6)(h) OF THIS SECTION; AND

12 (j) NO PROPERTY IS INCLUDED IN THE COUNTY REVITALIZATION
13 PLAN THAT IS SUBJECT TO A PENDING ANNEXATION AGREEMENT OR FOR
14 WHICH ANNEXATION PROCEEDINGS HAVE BEEN COMMENCED WITHIN THE
15 PAST THREE YEARS.

16 (7) IN ADDITION TO THE FINDINGS OTHERWISE REQUIRED OF THE
17 GOVERNING BODY PURSUANT TO SUBSECTION (6) OF THIS SECTION, IF THE
18 COUNTY REVITALIZATION PLAN SEEKS THE ACQUISITION OF PRIVATE
19 PROPERTY BY EMINENT DOMAIN FOR SUBSEQUENT TRANSFER TO A PRIVATE
20 PARTY PURSUANT TO SECTION 30-31-106 (2), THE GOVERNING BODY MAY
21 APPROVE THE COUNTY REVITALIZATION PLAN WHERE IT FINDS, IN
22 CONNECTION WITH A HEARING SATISFYING THE REQUIREMENTS OF
23 SUBSECTION (5) OF THIS SECTION, THAT THE COUNTY REVITALIZATION
24 PLAN HAS MET THE REQUIREMENTS OF SECTION 30-31-106 (2) AND THAT
25 THE PRINCIPAL PUBLIC PURPOSE FOR ADOPTING THE COUNTY
26 REVITALIZATION PLAN IS TO FACILITATE REDEVELOPMENT IN ORDER TO
27 TAKE ADVANTAGE OF REVITALIZATION AREAS.

1 (8) IF THE COUNTY REVITALIZATION AREA CONSISTS OF AN AREA
2 OF OPEN LAND WHICH, UNDER THE COUNTY REVITALIZATION PLAN, IS TO
3 BE DEVELOPED FOR RESIDENTIAL USES, THE GOVERNING BODY MUST FIRST
4 HAVE DETERMINED THAT:

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

7 (b) THE NEED FOR HOUSING ACCOMMODATIONS HAS BEEN OR WILL
8 BE INCREASED AS A RESULT OF TAKING ADVANTAGE OF REVITALIZATION
9 AREAS;

10 (c) THE OPPORTUNITY FACTORS IN THE COUNTY REVITALIZATION
11 AREA AND THE SHORTAGE OF ATTAINABLE HOUSING CREATE A RISK TO THE
12 PUBLIC HEALTH AND SAFETY; AND

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

15 (9) IF THE COUNTY REVITALIZATION AREA CONSISTS OF AN AREA
16 OF OPEN LAND WHICH, UNDER THE COUNTY REVITALIZATION PLAN, IS TO
17 BE DEVELOPED FOR NONRESIDENTIAL USES, THE LOCAL GOVERNING BODY
18 MUST FIRST HAVE DETERMINED THAT:

19 (a) SUCH NONRESIDENTIAL USES ARE NECESSARY AND
20 APPROPRIATE TO FACILITATE THE PROPER GROWTH AND DEVELOPMENT OF
21 THE COMMUNITY IN ACCORDANCE WITH SOUND PLANNING STANDARDS
22 AND LOCAL COMMUNITY OBJECTIVES; AND

23 (b) THE CONTEMPLATED ACQUISITION OF THE AREA MAY REQUIRE
24 THE EXERCISE OF GOVERNMENTAL ACTION, AS PROVIDED IN THIS ARTICLE
25 31, BECAUSE OF BEING IN A REVITALIZATION AREA.

26 (10) (a) THE COUNTY REVITALIZATION PLAN MAY BE MODIFIED AT
27 ANY TIME; BUT, IF THE COUNTY REVITALIZATION PLAN IS MODIFIED AFTER

1 THE LEASE OR SALE BY THE AUTHORITY OF REAL PROPERTY IN THE COUNTY
2 REVITALIZATION PROJECT AREA, THE MODIFICATION IS SUBJECT TO SUCH
3 RIGHTS AT LAW OR IN EQUITY AS A LESSEE OR PURCHASER OR THE
4 PURCHASER'S SUCCESSOR IN INTEREST MAY BE ENTITLED TO ASSERT. IF
5 THE MODIFICATION TO A COUNTY REVITALIZATION PLAN WILL
6 SUBSTANTIALLY CHANGE PROVISIONS OF THE COUNTY REVITALIZATION
7 PLAN REGARDING LAND AREA, LAND USE, AUTHORIZATION TO COLLECT
8 INCREMENTAL TAX REVENUE, THE EXTENT OF THE USE OF TAX INCREMENT
9 FINANCING, THE SCOPE OR NATURE OF THE COUNTY REVITALIZATION
10 PROJECT, THE SCOPE OR METHOD OF FINANCING, DESIGN, BUILDING
11 REQUIREMENTS, TIMING, OR PROCEDURE, AS PREVIOUSLY APPROVED, OR
12 WHERE THE MODIFICATION WILL SUBSTANTIALLY CLARIFY A PLAN THAT,
13 WHEN APPROVED, WAS LACKING IN SPECIFICITY AS TO THE COUNTY
14 REVITALIZATION PROJECT OR FINANCING, THEN THE MODIFICATION IS A
15 SUBSTANTIAL MODIFICATION TO THE COUNTY REVITALIZATION PLAN AND
16 SUBJECT TO ALL OF THE REQUIREMENTS OF THIS SECTION.

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

19 (c) NOT LESS THAN THIRTY DAYS BEFORE APPROVING ANY
20 MODIFICATION OF THE COUNTY REVITALIZATION PLAN, THE GOVERNING
21 BODY OR AUTHORITY SHALL PROVIDE A DETAILED WRITTEN DESCRIPTION
22 OF THE PROPOSED MODIFICATION TO EACH TAXING ENTITY THAT LEVIES
23 TAXES ON PROPERTY LOCATED WITHIN THE COUNTY REVITALIZATION AREA
24 AND TO EACH MUNICIPALITY WITHIN THREE MILES OF THE COUNTY
25 REVITALIZATION AREA ALONG WITH A NOTICE OF THE DATE AND TIME OF
26 THE MEETING AT WHICH THE GOVERNING BODY WILL CONSIDER THE
27 MODIFICATION.

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

6 (e) THE COUNTY REVITALIZATION PLAN MODIFICATION IS
7 SUBSTANTIAL AND SUBJECT TO ALL OF THE REQUIREMENTS OF THIS
8 SECTION IF THE MODIFICATION WILL SUBSTANTIALLY:

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

11 (A) LAND AREA;

12 (B) LAND USE;

13 (C) AUTHORIZATION TO COLLECT INCREMENTAL TAX REVENUE;

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

15 (E) THE SCOPE OR NATURE OF THE COUNTY REVITALIZATION
16 PROJECT;

17 (F) THE SCOPE OR METHOD OF FINANCING;

18 (G) DESIGN;

19 (H) BUILDING REQUIREMENTS; OR

20 (I) TIMING OR PROCEDURE; OR

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

23 (f) ANY TAXING ENTITY THAT LEVIES TAXES ON PROPERTY
24 LOCATED WITHIN THE COUNTY REVITALIZATION AREA AND ANY
25 MUNICIPALITY WITH TERRITORY WITHIN THREE MILES OF THE COUNTY
26 REVITALIZATION AREA MAY FILE AN ACTION IN A STATE DISTRICT COURT
27 EXERCISING JURISDICTION OVER THE COUNTY IN WHICH THE COUNTY

1 REVITALIZATION AREA IS LOCATED FOR AN ORDER DETERMINING, UNDER
2 A DE NOVO STANDARD OF REVIEW, WHETHER THE MODIFICATION IS A
3 SUBSTANTIAL MODIFICATION. IF REQUESTED BY THE TAXING ENTITY OR
4 MUNICIPALITY, THE COURT SHALL ENJOIN ANY ACTION BY THE AUTHORITY
5 PURSUANT TO THE MODIFICATION UNTIL THE COURT HAS DETERMINED
6 WHETHER THE MODIFICATION IS A SUBSTANTIAL MODIFICATION AND, IF
7 THE COURT MAKES SUCH A DETERMINATION, THE COURT SHALL FURTHER
8 ENJOIN ANY ACTION BY THE AUTHORITY PURSUANT TO THE MODIFICATION
9 UNTIL THE AUTHORITY COMPLIES WITH SUBSECTION (8) OF THIS SECTION.

10 (11)(a) No ACTION MAY BE BROUGHT TO ENJOIN ANY ACTIVITY OF
11 THE AUTHORITY PURSUANT TO THE COUNTY REVITALIZATION PLAN,
12 INCLUDING THE ISSUANCE OF BONDS, THE INCURRENCE OF OTHER
13 FINANCIAL OBLIGATIONS, OR THE PLEDGE OF REVENUE, UNLESS THE
14 ACTION IS COMMENCED WITHIN FORTY-FIVE DAYS AFTER THE DATE ON
15 WHICH THE AUTHORITY PROVIDED NOTICE OF ITS INTENTION REGARDING
16 THE UNDERTAKING OR ACTIVITY.

17 (b) (I) THE NOTICE REQUIRED BY SUBSECTION (11)(a) OF THIS
18 SECTION MUST:

19 (A) DESCRIBE THE UNDERTAKING OR ACTIVITY PROPOSED BY THE
20 AUTHORITY AND SPECIFY THAT ANY ACTION TO ENJOIN THE UNDERTAKING
21 OR ACTIVITY MUST BE BROUGHT WITHIN FORTY-FIVE DAYS FROM THE DATE
22 OF THE NOTICE; AND

23 (B) BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN
24 THE COUNTY.

25 (II) ON OR BEFORE THE DATE OF PUBLICATION OF THE NOTICE OF
26 INTENTION REQUIRED BY SUBSECTION (11)(a) OF THIS SECTION, THE
27 AUTHORITY SHALL ALSO MAIL A COPY OF THE NOTICE TO EACH TAXING

1 ENTITY THAT LEVIES TAXES ON PROPERTY WITHIN THE COUNTY
2 REVITALIZATION AREA AND TO EACH MUNICIPALITY WITHIN THREE MILES
3 OF THE COUNTY REVITALIZATION AREA.

4 (12) UPON THE APPROVAL BY THE GOVERNING BODY OF THE
5 COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO THE
6 COUNTY REVITALIZATION PLAN, THE PROVISIONS OF THAT PLAN ARE
7 CONTROLLING WITH RESPECT TO THE LAND AREA, LAND USE, DESIGN,
8 BUILDING REQUIREMENTS, TIMING, OR PROCEDURE APPLICABLE TO THE
9 PROPERTY COVERED BY THAT PLAN, EXCEPT TO THE EXTENT INCONSISTENT
10 WITH THE LAWS OF A MUNICIPALITY FOLLOWING ANNEXATION OF SUCH
11 PROPERTY.

12 (13) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY
13 COUNTY REVITALIZATION PLAN, AS ORIGINALLY APPROVED OR AS LATER
14 MODIFIED PURSUANT TO THIS ARTICLE 31, MAY CONTAIN A PROVISION
15 THAT THE PROPERTY TAXES OF SPECIFICALLY DESIGNATED PUBLIC BODIES
16 THAT HAVE JOINED THE AUTHORITY PURSUANT TO SECTION 30-31-104(6),
17 IF ANY, LEVIED AFTER THE EFFECTIVE DATE OF THE APPROVAL OF SUCH
18 COUNTY REVITALIZATION PLAN UPON TAXABLE PROPERTY IN THE COUNTY
19 REVITALIZATION AREA EACH YEAR OR THAT COUNTY SALES TAXES
20 COLLECTED WITHIN SAID AREA, OR BOTH SUCH TAXES, BY OR FOR THE
21 BENEFIT OF THE DESIGNATED PUBLIC BODY MUST BE DIVIDED FOR A PERIOD
22 NOT TO EXCEED THIRTY YEARS AFTER THE EFFECTIVE DATE OF ADOPTION
23 OF SUCH A PROVISION, AS FOLLOWS:

24 (I) THAT PORTION OF THE TAXES PRODUCED BY THE LEVY AT THE
25 RATE FIXED EACH YEAR BY OR FOR EACH SUCH PUBLIC BODY UPON THE
26 VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY IN THE COUNTY
27 REVITALIZATION AREA LAST CERTIFIED BEFORE THE EFFECTIVE DATE OF

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

10 (II) THAT PORTION OF THE PROPERTY TAXES OR ALL OR ANY
11 PORTION OF THE SALES TAXES, OR BOTH, IN EXCESS OF THE AMOUNT OF
12 PROPERTY TAXES OR SALES TAXES PAID INTO THE FUNDS OF EACH SUCH
13 PUBLIC BODY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION
14 (13)(a)(I) OF THIS SECTION MUST BE ALLOCATED TO AND, WHEN
15 COLLECTED, PAID INTO A SPECIAL FUND OF THE AUTHORITY TO PAY THE
16 PRINCIPAL OF, THE INTEREST ON, AND ANY PREMIUMS DUE IN CONNECTION
17 WITH THE BONDS OF, LOANS OR ADVANCES TO, OR INDEBTEDNESS
18 INCURRED BY, WHETHER FUNDED, REFUNDED, ASSUMED, OR OTHERWISE,
19 THE AUTHORITY FOR FINANCING OR REFINANCING, IN WHOLE OR IN PART,
20 THE COUNTY REVITALIZATION PROJECT, TO MAKE PAYMENTS UNDER AN
21 AGREEMENT EXECUTED PURSUANT TO THIS SECTION, OR FOR ANY OTHER
22 PURPOSES AUTHORIZED BY THIS ARTICLE 31. ANY EXCESS COUNTY SALES
23 TAX OR PROPERTY TAX COLLECTIONS NOT ALLOCATED PURSUANT TO THIS
24 SUBSECTION (13)(a)(II) MUST BE PAID INTO THE FUNDS OF THE COUNTY OR
25 OTHER TAXING ENTITY, AS APPLICABLE. UNLESS AND UNTIL THE TOTAL
26 VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN THE COUNTY
27 REVITALIZATION AREA EXCEEDS THE BASE VALUATION FOR ASSESSMENT

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

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

1 RESOLVING DISPUTES REGARDING THE AMOUNT OF REPAYMENT, AND
2 WHETHER THE COUNTY OR TAXING ENTITY WILL WAIVE THE REPAYMENT
3 REQUIREMENT, SINGULARLY OR IN COMBINATION, AND MAY ENTER INTO
4 AN INTERGOVERNMENTAL AGREEMENT REGARDING ANY OF THESE ISSUES.

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

17 (IV) NO PROPERTY WITHIN A REVITALIZATION AREA PURSUANT TO
18 WHICH ANY BONDS OF, LOANS OR ADVANCES TO, OR INDEBTEDNESS
19 INCURRED BY AN AUTHORITY PURSUANT TO SUBSECTION (13)(a)(II) OF
20 THIS SECTION ARE OUTSTANDING MAY BE INCLUDED WITHIN AN URBAN
21 RENEWAL AREA OR ANY OTHER PROPERTY TAX INCREMENT AREA UNLESS
22 THE AUTHORITY ENTERS INTO AN AGREEMENT THAT PROVIDES FOR EITHER
23 THE ASSUMPTION OR THE DEFEASANCE OF ALL SUCH BONDS, LOANS,
24 ADVANCES, OR INDEBTEDNESS.

25 (V) A COUNTY REVITALIZATION PLAN SHALL NOT BE AFFECTED BY
26 THE ANNEXATION OF ANY PROPERTY IN THE COUNTY REVITALIZATION
27 AREA.

1 (b) THE PORTION OF TAXES DESCRIBED IN SUBSECTION (13)(a)(II)
2 OF THIS SECTION MAY BE IRREVOCABLY PLEDGED BY THE AUTHORITY FOR
3 THE PAYMENT OF THE PRINCIPAL OF, THE INTEREST ON, AND ANY
4 PREMIUMS DUE IN CONNECTION WITH SUCH BONDS, LOANS, ADVANCES,
5 AND INDEBTEDNESS. THIS IRREVOCABLE PLEDGE DOES NOT EXTEND TO
6 ANY TAXES THAT ARE PLACED IN A RESERVE FUND TO BE RETURNED TO
7 THE COUNTY FOR REFUNDS OF OVERPAYMENTS BY TAXPAYERS; EXCEPT
8 THAT THIS LIMITATION ON THE EXTENSION OF THE IRREVOCABLE PLEDGE
9 DOES NOT APPLY TO A CITY AND COUNTY.

10 (c) AS USED IN THIS SUBSECTION (13), "TAXES" INCLUDES,
11 WITHOUT LIMITATION, ALL LEVIES AUTHORIZED TO BE MADE ON AN AD
12 VALOREM BASIS UPON REAL AND PERSONAL PROPERTY OR COUNTY SALES
13 TAXES; BUT NOTHING IN THIS SUBSECTION (13) REQUIRES ANY PUBLIC
14 BODY TO LEVY TAXES.

15 (d) IF THE COUNTY REVITALIZATION AREA INCLUDES SINGLE- AND
16 MULTI-FAMILY RESIDENCES, A SCHOOL DISTRICT WHICH INCLUDES ALL OR
17 ANY PART OF THE COUNTY REVITALIZATION AREA MUST BE PERMITTED TO
18 PARTICIPATE IN AN ADVISORY CAPACITY WITH RESPECT TO THE INCLUSION
19 IN THE COUNTY REVITALIZATION PLAN OF THE PROVISION PROVIDED FOR
20 BY THIS SUBSECTION (13).

21 (e) IF THERE IS A GENERAL REASSESSMENT OF TAXABLE PROPERTY
22 VALUATIONS IN ANY COUNTY INCLUDING ALL OR PART OF THE COUNTY
23 REVITALIZATION AREA SUBJECT TO DIVISION OF VALUATION FOR
24 ASSESSMENT UNDER SUBSECTION (13)(a) OF THIS SECTION OR A CHANGE
25 IN THE SALES TAX RATE LEVIED IN ANY COUNTY INCLUDING ALL OR PART
26 OF THE COUNTY REVITALIZATION AREA SUBJECT TO DIVISION OF SALES
27 TAXES UNDER SUBSECTION (13)(a) OF THIS SECTION, THE PORTIONS OF

1 VALUATIONS FOR ASSESSMENT OR SALES TAXES UNDER SUBSECTIONS
2 (13)(a)(I) AND (13)(a)(II) OF THIS SECTION MUST BE PROPORTIONATELY
3 ADJUSTED IN ACCORDANCE WITH THE REASSESSMENT OR CHANGE.


4 (f) NOTWITHSTANDING THE THIRTY-YEAR PERIOD OF LIMITATION
5 SET FORTH IN SUBSECTION (13)(a) OF THIS SECTION, ANY COUNTY
6 REVITALIZATION PLAN, AS ORIGINALLY APPROVED OR AS LATER MODIFIED
7 PURSUANT TO THIS ARTICLE 31, MAY CONTAIN A PROVISION THAT THE
8 COUNTY SALES TAXES COLLECTED IN THE COUNTY REVITALIZATION AREA
9 EACH YEAR OR THE COUNTY PORTION OF TAXES LEVIED UPON TAXABLE
10 PROPERTY WITHIN THE AREA, OR BOTH SUCH TAXES, MAY BE ALLOCATED
11 AS DESCRIBED IN THIS SUBSECTION (13) FOR A PERIOD IN EXCESS OF
12 THIRTY YEARS AFTER THE EFFECTIVE DATE OF THE ADOPTION OF THE
13 PROVISION IF THE EXISTING BONDS ARE IN DEFAULT OR ABOUT TO GO INTO
14 DEFAULT; EXCEPT THAT THE TAXES MAY NOT BE ALLOCATED AFTER ALL
15 BONDS OF THE AUTHORITY ISSUED PURSUANT TO SUCH PLAN INCLUDING
16 LOANS, ADVANCES, AND INDEBTEDNESS, IF ANY, AND INTEREST THEREON,
17 AND ANY PREMIUMS DUE IN CONNECTION THEREWITH HAVE BEEN REPAID.

18 (g) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
19 IF ONE OR MORE OF THE CONDITIONS SPECIFIED IN SUBSECTION (1)(c)(II)
20 OF THIS SECTION HAVE BEEN SATISFIED SO THAT AGRICULTURAL LAND IS
21 INCLUDED WITHIN THE COUNTY REVITALIZATION AREA, THE COUNTY
22 ASSESSOR SHALL VALUE THE AGRICULTURAL LAND AT ITS FAIR MARKET
23 VALUE IN MAKING THE CALCULATION OF THE TAXES TO BE PAID TO THE
24 PUBLIC BODIES PURSUANT TO SUBSECTION (13)(a)(I) OF THIS SECTION
25 SOLELY FOR THE PURPOSE OF DETERMINING THE TAX INCREMENT
26 AVAILABLE PURSUANT TO SUBSECTION (13)(a)(II) OF THIS SECTION.
27 NOTHING IN THIS SECTION AFFECTS THE ACTUAL OR REQUIRED

1 CLASSIFICATION OF AGRICULTURAL LAND FOR PROPERTY TAX PURPOSES,
2 AND NOTHING IN THIS SECTION AFFECTS THE TAXES ACTUALLY TO BE PAID
3 TO THE PUBLIC BODIES PURSUANT TO SUBSECTION (13)(a)(I) OF THIS
4 SECTION, WHICH MUST CONTINUE TO BE BASED ON THE AGRICULTURAL
5 CLASSIFICATION OF SUCH LAND UNLESS AND UNTIL IT HAS BEEN
6 RECLASSIFIED IN THE NORMAL COURSE OF THE ASSESSMENT PROCESS.

7 (h) THE MANNER AND METHODS BY WHICH THE REQUIREMENTS OF
8 THIS SUBSECTION (13) ARE TO BE IMPLEMENTED BY COUNTY ASSESSORS
9 MUST BE CONTAINED IN SUCH MANUALS, APPRAISAL PROCEDURES, AND
10 INSTRUCTIONS, AS APPLICABLE, THAT THE PROPERTY TAX ADMINISTRATOR
11 IS AUTHORIZED TO PREPARE AND PUBLISH PURSUANT TO SECTION 39-2-109
12 (1)(e).

13 (i) WITHIN THE TWELVE-MONTH PERIOD BEFORE THE EFFECTIVE
14 DATE OF THE APPROVAL OR MODIFICATION OF THE COUNTY
15 REVITALIZATION PLAN REQUIRING THE ALLOCATION OF MONEY TO THE
16 AUTHORITY PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION, THE
17 MUNICIPALITY, COUNTY, OR SPECIAL DISTRICT IS ENTITLED TO THE
18 REIMBURSEMENT OF ANY MONEY THAT THE MUNICIPALITY, COUNTY, OR
19 SPECIAL DISTRICT PAYS TO, CONTRIBUTES TO, OR INVESTS IN THE
20 AUTHORITY FOR THE PROJECT. THE REIMBURSEMENT MUST BE PAID FROM
21 THE SPECIAL FUND OF THE AUTHORITY ESTABLISHED PURSUANT TO
22 SUBSECTION (13)(a) OF THIS SECTION.

23 
24 (14) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
25 GOVERNING BODY MAY PROVIDE IN THE COUNTY REVITALIZATION PLAN
26 THAT THE VALUATION ATTRIBUTABLE TO THE EXTRACTION OF MINERAL
27 RESOURCES LOCATED WITHIN THE COUNTY REVITALIZATION AREA IS NOT

1 SUBJECT TO THE DIVISION THAT IS OTHERWISE REQUIRED BY SUBSECTION
2 (13)(a) OF THIS SECTION. IN SUCH CIRCUMSTANCES, THE TAXES LEVIED ON
3 THE VALUATION MUST BE DISTRIBUTED TO THE TAXING ENTITIES AS IF THE
4 COUNTY REVITALIZATION PLAN WAS NOT IN EFFECT.

5 (b) AS USED IN THIS SUBSECTION (14):

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

8 (II) "VALUATION ATTRIBUTABLE TO THE EXTRACTION OF MINERAL
9 RESOURCES" INCLUDES:

10 (A) THE VALUE OF OIL AND GAS LEASEHOLDS AND LAND AND
11 SUBSURFACE OIL AND GAS WELL EQUIPMENT THAT IS VALUED FOR
12 ASSESSMENT PURPOSES AS REAL PROPERTY UNDER SECTIONS 39-7-102
13 AND 39-7-103; AND

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

18 (15) THE COUNTY IN WHICH THE COUNTY REVITALIZATION
19 AUTHORITY HAS BEEN ESTABLISHED SHALL TIMELY NOTIFY THE ASSESSOR
20 WHEN:

21 (a) THE COUNTY REVITALIZATION PLAN OR A SUBSTANTIAL
22 MODIFICATION OF THE PLAN HAS BEEN APPROVED THAT CONTAINS THE
23 PROVISIONS REFERENCED IN SUBSECTION (13)(a) OF THIS SECTION OR A
24 SUBSTANTIAL MODIFICATION OF THE PLAN ADDS LAND TO THE PLAN,
25 WHICH PLAN CONTAINS THE PROVISIONS REFERENCED IN SUBSECTION
26 (13)(a) OF THIS SECTION;

27 (b) ANY OUTSTANDING OBLIGATION INCURRED BY THE AUTHORITY

1 PURSUANT TO THE PROVISIONS OF SUBSECTION (13) OF THIS SECTION HAS
2 BEEN PAID OFF; AND

3 (c) THE PURPOSES OF THE AUTHORITY HAVE OTHERWISE BEEN
4 ACHIEVED.

5 (16) (a) NOT LATER THAN THIRTY DAYS AFTER THE COUNTY HAS
6 PROVIDED THE COUNTY ASSESSOR THE NOTICE REQUIRED BY SUBSECTION
7 (15)(a) OF THIS SECTION, THE COUNTY ASSESSOR MAY PROVIDE WRITTEN
8 NOTICE TO THE COUNTY IF THE ASSESSOR BELIEVES THAT AGRICULTURAL
9 LAND HAS BEEN IMPROPERLY INCLUDED IN THE COUNTY REVITALIZATION
10 AREA IN VIOLATION OF SUBSECTION (1)(c)(II) OF THIS SECTION.

11 (b) IF THE NOTICE DESCRIBED IN SUBSECTION (15)(a) OF THIS
12 SECTION IS NOT DELIVERED WITHIN THE REQUIRED THIRTY-DAY PERIOD,
13 THE INCLUSION OF THE LAND IN THE COUNTY REVITALIZATION AREA AS
14 DESCRIBED IN THE COUNTY REVITALIZATION PLAN IS INCONTESTABLE IN
15 ANY SUIT OR PROCEEDING NOTWITHSTANDING THE PRESENCE OF ANY
16 CAUSE.

17 **30-31-110. Disaster areas.** (1) NOTWITHSTANDING ANY OTHER
18 PROVISIONS OF THIS ARTICLE 31, WHEN THE GOVERNING BODY CERTIFIES
19 THAT AN AREA IS IN NEED OF REDEVELOPMENT OR REHABILITATION AS A
20 RESULT OF A FLOOD, FIRE, HURRICANE, EARTHQUAKE, STORM, OR OTHER
21 CATASTROPHE FOR WHICH THE GOVERNOR HAS CERTIFIED THE NEED FOR
22 DISASTER ASSISTANCE PURSUANT TO THE "FEDERAL DISASTER RELIEF
23 ACT", PUB. L. 81-875, AS AMENDED, OR ANY OTHER RELEVANT FEDERAL
24 LAW, THE GOVERNING BODY MAY DEEM SUCH AN AREA TO BE A
25 REVITALIZATION AREA.

26 (2) THE AUTHORITY MAY PREPARE AND SUBMIT TO THE
27 GOVERNING BODY A PROPOSED COUNTY REVITALIZATION PLAN AND

1 PROPOSED COUNTY REVITALIZATION PROJECT FOR AN AREA DEEMED A
2 REVITALIZATION AREA PURSUANT TO SUBSECTION (1) OF THIS SECTION OR
3 FOR ANY PORTION THEREOF, AND THE GOVERNING BODY MAY, BY
4 RESOLUTION, APPROVE SUCH A PROPOSED COUNTY REVITALIZATION PLAN
5 AND COUNTY REVITALIZATION PROJECT WITH OR WITHOUT MODIFICATIONS
6 WITHOUT REGARD TO THE PROVISIONS OF THIS ARTICLE 31 REQUIRING A
7 GENERAL OR MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE
8 COUNTY AS A WHOLE, REVIEW BY THE PLANNING COMMISSION, OR A
9 PUBLIC HEARING.

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

23 (2) (a) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
24 GENERAL OBLIGATION BONDS OF THE AUTHORITY THE PAYMENT OF WHICH,
25 AS TO PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, THE FULL FAITH,
26 CREDIT, AND ASSETS, ACQUIRED AND TO BE ACQUIRED, OF THE AUTHORITY
27 ARE IRREVOCABLY PLEDGED.

1 (b) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SPECIAL
2 OBLIGATIONS OF THE AUTHORITY WHICH, AS TO PRINCIPAL AND INTEREST
3 AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM AND SECURED ONLY
4 BY A PLEDGE OF ANY INCOME, PROCEEDS, REVENUES, OR FUNDS OF THE
5 AUTHORITY DERIVED OR TO BE DERIVED BY IT FROM OR HELD OR TO BE
6 HELD BY IT IN CONNECTION WITH ITS UNDERTAKING OF ANY PROJECT OF
7 THE AUTHORITY, INCLUDING MONEY TO BE PAID TO AN AUTHORITY
8 PURSUANT TO SECTION 30-31-109 (13) AND INCLUDING ANY GRANTS OR
9 CONTRIBUTIONS OF MONEY MADE OR TO BE MADE BY IT WITH RESPECT TO
10 ANY SUCH PROJECT AND ANY MONEY DERIVED OR TO BE DERIVED BY IT
11 FROM OR HELD OR TO BE HELD BY IT IN CONNECTION WITH ITS SALE, LEASE,
12 RENTAL, TRANSFER, RETENTION, MANAGEMENT, REHABILITATION,
13 CLEARANCE, DEVELOPMENT, REDEVELOPMENT, PREPARATION FOR
14 DEVELOPMENT OR REDEVELOPMENT, OR ITS OPERATION OR OTHER
15 UTILIZATION OR DISPOSITION OF ANY REAL OR PERSONAL PROPERTY
16 ACQUIRED OR TO BE ACQUIRED BY IT OR HELD OR TO BE HELD BY IT FOR
17 ANY OF THE PURPOSES OF THIS ARTICLE 31 AND INCLUDING ANY LOANS,
18 GRANTS, OR CONTRIBUTIONS OF FUNDS MADE OR TO BE MADE TO IT BY THE
19 FEDERAL GOVERNMENT IN AID OF ANY PROJECT OF THE AUTHORITY OR IN
20 AID OF ANY OF ITS OTHER ACTIVITIES OR OPERATIONS.

21 (c) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SPECIAL
22 OBLIGATIONS OF THE AUTHORITY THAT, AS TO PRINCIPAL AND INTEREST
23 AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM AND SECURED ONLY
24 BY A PLEDGE OF ANY LOANS, GRANTS, OR CONTRIBUTIONS OF MONEY
25 MADE OR TO BE MADE TO IT BY THE FEDERAL GOVERNMENT OR OTHER
26 SOURCE IN AID OF ANY PROJECT OF THE AUTHORITY OR IN AID OF ANY OF
27 ITS OTHER ACTIVITIES OR OPERATIONS.

1 (d) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
2 CONTINGENT SPECIAL OBLIGATIONS OF THE AUTHORITY WHICH, AS TO
3 PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY
4 FROM ANY MONEY AVAILABLE OR BECOMING AVAILABLE TO THE
5 AUTHORITY FOR ITS UNDERTAKING OF THE PROJECT INVOLVED IN THE
6 PARTICULAR ACTIVITIES OR OPERATIONS WITH RESPECT TO WHICH THE
7 CONTINGENT SPECIAL OBLIGATIONS ARE ISSUED BUT PAYABLE ONLY IF
8 MONEY IS OR BECOMES AVAILABLE AS PROVIDED IN THIS SUBSECTION (2).

9 (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION,
10 ANY BONDS ISSUED PURSUANT TO THIS SECTION, OTHER THAN THE
11 CONTINGENT SPECIAL OBLIGATIONS COVERED BY SUBSECTION (2)(d) OF
12 THIS SECTION, MAY BE ADDITIONALLY SECURED AS TO THE PAYMENT OF
13 THE PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, BY A MORTGAGE OF
14 ANY COUNTY REVITALIZATION PROJECT, OR ANY PART THEREOF, TITLE TO
15 WHICH IS THEN OR THEREAFTER IN THE AUTHORITY OR OF ANY OTHER
16 REAL OR PERSONAL PROPERTY OR INTERESTS THEREIN THEN OWNED OR
17 THEREAFTER ACQUIRED BY THE AUTHORITY.

18 (4) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION,
19 GENERAL OBLIGATION BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
20 ADDITIONALLY SECURED AS TO PAYMENT OF THE PRINCIPAL AND INTEREST
21 AND PREMIUMS, IF ANY, AS PROVIDED IN EITHER SUBSECTION (2)(b) OR
22 SUBSECTION (2)(c) OF THIS SECTION, WITH OR WITHOUT BEING ALSO
23 ADDITIONALLY SECURED AS TO PAYMENT OF THE PRINCIPAL, INTEREST,
24 AND PREMIUMS, IF ANY, BY A MORTGAGE AS PROVIDED IN SUBSECTION (3)
25 OF THIS SECTION OR A TRUST AGREEMENT AS PROVIDED IN SUBSECTION (5)
26 OF THIS SECTION.

27 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,

1 ANY BONDS PURSUANT TO THIS SECTION MAY BE ADDITIONALLY SECURED
2 AS TO THE PAYMENT OF THE PRINCIPAL, INTEREST, AND PREMIUMS, IF ANY,
3 BY A TRUST AGREEMENT BY AND BETWEEN THE AUTHORITY AND A
4 CORPORATE TRUSTEE, WHICH MAY BE ANY TRUST COMPANY OR BANK
5 HAVING THE POWERS OF A TRUST COMPANY WITHIN OR WITHOUT THE
6 STATE OF COLORADO.

7 (6) BONDS ISSUED PURSUANT TO THIS SECTION DO NOT
8 CONSTITUTE AN INDEBTEDNESS OF THE STATE OF COLORADO OR OF ANY
9 COUNTY, MUNICIPALITY, OR PUBLIC BODY OF THE STATE OF COLORADO
10 OTHER THAN THE COUNTY REVITALIZATION AUTHORITY ISSUING SUCH
11 BONDS AND ARE NOT SUBJECT TO THE PROVISIONS OF ANY OTHER LAW OR
12 OF THE CHARTER OF ANY COUNTY RELATING TO THE AUTHORIZATION,
13 ISSUANCE, OR SALE OF BONDS.

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

18 (8) (a) BONDS ISSUED PURSUANT TO THIS SECTION MUST BE
19 AUTHORIZED BY A RESOLUTION OF THE AUTHORITY AND MAY BE ISSUED IN
20 ONE OR MORE SERIES AND MUST BEAR SUCH DATE, BE PAYABLE UPON
21 DEMAND OR MATURE AT SUCH TIME, BEAR INTEREST AT SUCH RATE, BE IN
22 SUCH DENOMINATION, BE IN SUCH FORM, EITHER COUPON OR REGISTERED
23 OR OTHERWISE, CARRY SUCH CONVERSION OR REGISTRATION PRIVILEGES,
24 HAVE SUCH RANK OR PRIORITY, BE EXECUTED IN THE NAME OF THE
25 AUTHORITY IN SUCH MANNER, BE PAYABLE IN SUCH MEDIUM OF PAYMENT,
26 BE PAYABLE AT SUCH PLACE, BE SUBJECT TO SUCH CALLABILITY
27 PROVISIONS OR TERMS OF REDEMPTION, WITH OR WITHOUT PREMIUMS, BE

1 SECURED IN SUCH MANNER, BE OF SUCH DESCRIPTION, CONTAIN OR BE
2 SUBJECT TO SUCH COVENANTS, PROVISIONS, TERMS, CONDITIONS, AND
3 AGREEMENTS INCLUDING PROVISIONS CONCERNING EVENTS OF DEFAULT,
4 AND HAVE SUCH OTHER CHARACTERISTICS AS MAY BE PROVIDED BY THE
5 RESOLUTION OR BY THE TRUST AGREEMENT, INDENTURE, OR MORTGAGE,
6 IF ANY, ISSUED PURSUANT TO THE RESOLUTION.

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

10 (c) BONDS ISSUED PURSUANT TO THIS SECTION MUST BE EXECUTED
11 IN THE NAME OF THE AUTHORITY BY THE MANUAL, OR FACSIMILE
12 SIGNATURES OF SUCH OF ITS OFFICIALS AS MAY BE DESIGNATED IN THE
13 SAID RESOLUTION OR TRUST AGREEMENT, INDENTURE, OR MORTGAGE;
14 EXCEPT THAT AT LEAST ONE SIGNATURE ON EACH SUCH BOND MUST BE A
15 MANUAL SIGNATURE.

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

19 (e) A RESOLUTION OR TRUST AGREEMENT, INDENTURE, OR
20 MORTGAGE MAY PROVIDE FOR THE AUTHENTICATION OF THE PERTINENT
21 BONDS BY THE TRUSTEE.

22 (9) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SOLD BY
23 THE AUTHORITY IN SUCH MANNER AND FOR SUCH PRICE AS THE AUTHORITY
24 MAY DETERMINE, AT PAR, BELOW PAR, OR ABOVE PAR, AT PRIVATE SALE
25 OR AT PUBLIC SALE AFTER NOTICE PUBLISHED BEFORE SALE IN A
26 NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY OR IN
27 ANOTHER MEDIUM OF PUBLICATION THAT THE AUTHORITY MAY DEEM

1 APPROPRIATE.

2 (10) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE
3 EXCHANGED BY THE AUTHORITY FOR OTHER BONDS ISSUED BY IT
4 PURSUANT TO THIS SECTION.

5 (11) BONDS ISSUED PURSUANT TO THIS SECTION MAY BE SOLD BY
6 AN AUTHORITY TO THE FEDERAL GOVERNMENT IF THE AUTHORITY SELLS
7 LESS THAN ALL OF THE AUTHORIZED PRINCIPAL AMOUNT OF THE BONDS TO
8 THE FEDERAL GOVERNMENT, THE AUTHORITY MAY SELL THE BALANCE OR
9 ANY PORTION OF THE BALANCE AT PRIVATE SALE AT PAR, BELOW PAR, OR
10 ABOVE PAR, AT AN INTEREST COST TO THE AUTHORITY NOT TO EXCEED THE
11 INTEREST COST TO THE AUTHORITY OF THE PORTION OF THE BONDS SOLD
12 BY THE AUTHORITY TO THE FEDERAL GOVERNMENT.

13 **30-31-112. Property of an authority exempt from taxes and**
14 **from levy and sale by virtue of an execution.** (1) (a) ALL PROPERTY OF
15 AN AUTHORITY, INCLUDING ALL MONEY OWNED OR HELD BY IT FOR ANY OF
16 THE PURPOSES OF THIS ARTICLE 31, IS EXEMPT FROM BOTH THE LEVY OF
17 PROPERTY TAXES AND SALE BY VIRTUE OF AN EXECUTION, AND NO SUCH
18 EXECUTION OR OTHER JUDICIAL PROCESS MAY ISSUE AGAINST THE
19 PROPERTY OF AN AUTHORITY NOR MAY A JUDGMENT AGAINST THE
20 AUTHORITY BE A CHARGE OR LIEN UPON SUCH PROPERTY.

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

22 (I) THE RIGHT OF OBLIGEEES TO FORECLOSE OR OTHERWISE
23 ENFORCE ANY MORTGAGE, DEED OF TRUST, TRUST AGREEMENT,
24 INDENTURE, OR OTHER ENCUMBRANCE OF THE AUTHORITY; OR

25 (II) THE RIGHT OF OBLIGEEES TO PURSUE ANY REMEDIES FOR THE
26 ENFORCEMENT OF ANY PLEDGE OR LIEN GIVEN BY THE AUTHORITY
27 PURSUANT TO THIS ARTICLE 31 ON ITS RENTS, INCOME, PROCEEDS,

1 REVENUES, LOANS, GRANTS, CONTRIBUTIONS, AND OTHER MONEY AND
2 ASSETS DERIVED OR ARISING FROM ANY PROJECT OF THE AUTHORITY OR
3 FROM ANY OF ITS OPERATIONS OR ACTIVITIES PURSUANT TO THIS ARTICLE
4 31.

5 (2) ALL PROPERTY OF AN AUTHORITY ACQUIRED OR HELD BY IT FOR
6 ANY OF THE PURPOSES OF THIS ARTICLE 31, INCLUDING ALL MONEY OF AN
7 AUTHORITY ACQUIRED OR HELD BY IT FOR ANY OF THESE PURPOSES, IS
8 PUBLIC PROPERTY USED FOR ESSENTIAL PUBLIC AND GOVERNMENTAL
9 PURPOSES, AND BOTH THE PROPERTY AND THE AUTHORITY ARE EXEMPT
10 FROM ALL TAXES OF THE STATE OF COLORADO OR ANY OTHER PUBLIC
11 BODY; EXCEPT THAT THIS TAX EXEMPTION FOR ANY PROPERTY ENDS WHEN
12 THE AUTHORITY SELLS, LEASES, OR OTHERWISE DISPOSES OF THE
13 PARTICULAR PROPERTY TO A PURCHASER, LESSEE, OR OTHER ALIENEE
14 THAT IS NOT A PUBLIC BODY ENTITLED TO TAX EXEMPTION WITH RESPECT
15 TO THE PARTICULAR PROPERTY.

16 **30-31-113. Title of purchaser, lessee, or transferee.** ANY
17 INSTRUMENT EXECUTED BY AN AUTHORITY AND PURPORTING TO CONVEY
18 ANY RIGHT, TITLE, OR INTEREST OF THE AUTHORITY IN ANY PROPERTY
19 PURSUANT TO THIS ARTICLE 31 IS CONCLUSIVELY PRESUMED TO HAVE
20 BEEN MADE AND EXECUTED IN COMPLIANCE WITH THE PROVISIONS OF THIS
21 ARTICLE 31 INsofar AS TITLE OR OTHER INTEREST OF ANY BONA FIDE
22 PURCHASERS, LESSEES, OR TRANSFEREES OF SUCH PROPERTY IS
23 CONCERNED.

24 **30-31-114. Cooperation by public bodies with county**
25 **revitalization authorities.** (1) ANY PUBLIC BODY, WITHIN ITS POWERS,
26 PURPOSES, AND FUNCTIONS AND FOR THE PURPOSE OF AIDING AN
27 AUTHORITY IN OR IN CONNECTION WITH THE PLANNING OR UNDERTAKING

1 PURSUANT TO THIS ARTICLE 31 OF ANY PLANS, PROJECTS, PROGRAMS,
2 WORKS, OPERATIONS, OR ACTIVITIES OF AN AUTHORITY WHOSE AREA OF
3 OPERATION IS SITUATED IN WHOLE OR IN PART WITHIN THE AREA IN WHICH
4 THE PUBLIC BODY IS AUTHORIZED TO ACT, UPON TERMS AS THE PUBLIC
5 BODY SHALL DETERMINE, MAY:

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

9 (b) INCUR THE ENTIRE EXPENSE OF ANY PUBLIC IMPROVEMENTS
10 MADE BY THE PUBLIC BODY IN EXERCISING THE POWERS MENTIONED IN
11 THIS SECTION;

12 (c) DO EVERYTHING NECESSARY TO AID OR COOPERATE WITH THE
13 AUTHORITY IN OR IN CONNECTION WITH THE PLANNING OR UNDERTAKING
14 OF ANY PLANS, PROJECTS, PROGRAMS, WORKS, OPERATIONS, OR
15 ACTIVITIES;

16 (d) ENTER INTO AGREEMENTS WITH THE AUTHORITY RESPECTING
17 ACTION TO BE TAKEN PURSUANT TO ANY OF THE POWERS SET FORTH IN
18 THIS ARTICLE 31, INCLUDING AGREEMENTS RESPECTING THE PLANNING OR
19 UNDERTAKING OF ANY PLANS, PROJECTS, PROGRAMS, WORKS, OPERATIONS,
20 OR ACTIVITIES WHICH THE PUBLIC BODY IS OTHERWISE EMPOWERED TO
21 UNDERTAKE;

22 (e) CAUSE PUBLIC BUILDINGS AND PUBLIC FACILITIES, INCLUDING
23 PARKS, PLAYGROUNDS, RECREATIONAL, COMMUNITY, EDUCATIONAL,
24 WATER, GARBAGE DISPOSAL, SEWER, SEWAGE, SEWERAGE, OR DRAINAGE
25 FACILITIES, OR ANY OTHER PUBLIC WORKS, IMPROVEMENTS, FACILITIES, OR
26 UTILITIES WHICH THE PUBLIC BODY IS OTHERWISE EMPOWERED TO
27 UNDERTAKE, TO BE FURNISHED WITHIN THE AREA IN WHICH THE PUBLIC

1 BODY IS AUTHORIZED TO ACT;

2 (f) FURNISH, DEDICATE, ACCEPT DEDICATION OF, OPEN, CLOSE,
3 VACATE, INSTALL, CONSTRUCT, RECONSTRUCT, PAVE, REPAVE, REPAIR,
4 REHABILITATE, IMPROVE, GRADE, REGRADE, PLAN, OR REPLAN PUBLIC
5 STREETS, ROADS, ROADWAYS, PARKWAYS, ALLEYS, SIDEWALKS, AND
6 OTHER PUBLIC WAYS OR PLACES WITHIN THE AREA IN WHICH THE PUBLIC
7 BODY IS AUTHORIZED TO ACT TO THE EXTENT THAT THE ITEMS OR
8 MATTERS ARE, UNDER ANY OTHER LAW, OTHERWISE WITHIN THE
9 JURISDICTION OF THE PUBLIC BODY;

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

13 (h) CAUSE ADMINISTRATIVE OR OTHER SERVICES TO BE FURNISHED
14 TO THE AUTHORITY; OR

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

17 (2) IF AT ANY TIME TITLE TO OR POSSESSION OF THE WHOLE OR ANY
18 PORTION OF ANY PROJECT OF THE AUTHORITY UNDER THIS ARTICLE 31 IS
19 HELD BY ANY GOVERNMENTAL AGENCY OR PUBLIC BODY, OTHER THAN
20 THE AUTHORITY, WHICH IS AUTHORIZED BY LAW TO ENGAGE IN THE
21 UNDERTAKING, CARRYING OUT, OR ADMINISTRATION OF ANY PROJECT,
22 INCLUDING ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES,
23 THE PROVISIONS OF THE AGREEMENTS REFERRED TO IN SUBSECTION (1)(d)
24 OF THIS SECTION INURE TO THE BENEFIT OF AND MAY BE ENFORCED BY THE
25 GOVERNMENTAL AGENCY OR PUBLIC BODY.

26 (3) ANY PUBLIC BODY REFERRED TO IN SUBSECTION (1) OF THIS
27 SECTION MAY, IN ADDITION TO ITS AUTHORITY PURSUANT TO ANY OTHER

1 LAW TO ISSUE ITS BONDS FOR ANY PURPOSES, ISSUE AND SELL ITS BONDS
2 FOR ANY OF THE PURPOSES OF THE PUBLIC BODY STATED IN THIS SECTION.

3 (4) FOR THE ADVANCEMENT OF THE PUBLIC INTEREST AND FOR THE
4 PURPOSE OF AIDING AND COOPERATING IN THE PLANNING, ACQUISITION,
5 DEMOLITION, REHABILITATION, CONSTRUCTION, OR RELOCATION, OR
6 OTHERWISE ASSISTING THE OPERATION OR ACTIVITIES OF THE COUNTY
7 REVITALIZATION PROJECT LOCATED WHOLLY OR PARTLY WITHIN THE AREA
8 IN WHICH IT IS AUTHORIZED TO ACT, A PUBLIC BODY MAY ENTER INTO
9 AGREEMENTS, WHICH MAY EXTEND OVER ANY PERIOD NOTWITHSTANDING
10 ANY PROVISION OF LAW TO THE CONTRARY, WITH AN AUTHORITY
11 RESPECTING ACTION TAKEN OR TO BE TAKEN PURSUANT TO ANY OF THE
12 POWERS GRANTED BY THIS ARTICLE 31.

13 **30-31-115. Designation - transfer - abolishment.**

14 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 31, THE
15 GOVERNING BODY MAY DESIGNATE ITSELF AS THE AUTHORITY WHEN
16 ORIGINALLY ESTABLISHING AN AUTHORITY. A TRANSFER OF AN EXISTING
17 AUTHORITY TO THE GOVERNING BODY MAY BE ACCOMPLISHED ONLY BY
18 MAJORITY VOTE AT A REGULAR ELECTION.

19 (2) WHEN THE GOVERNING BODY DESIGNATES ITSELF AS THE
20 AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING
21 BODY PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE GOVERNING
22 BODY SHALL APPOINT THE AUTHORITY COMMISSIONERS IN ACCORDANCE
23 WITH SECTION 30-31-104 (2).

24 (3) THE GOVERNING BODY OF THE COUNTY MAY, BY RESOLUTION,
25 PROVIDE FOR THE ABOLISHMENT OF THE COUNTY REVITALIZATION
26 AUTHORITY SO LONG AS ADEQUATE ARRANGEMENTS HAVE BEEN MADE
27 FOR PAYMENT OF ANY OUTSTANDING INDEBTEDNESS AND OTHER

1 OBLIGATIONS OF THE AUTHORITY. ANY SUCH ABOLISHMENT IS EFFECTIVE
2 UPON A DATE SET FORTH IN THE ORDINANCE AND THIS DATE MUST NOT BE
3 LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE ORDINANCE.

4 **30-31-116. Regional tourism projects.** (1) A COUNTY
5 REVITALIZATION AUTHORITY THAT IS DESIGNATED AS A FINANCING ENTITY
6 PURSUANT TO PART 3 OF ARTICLE 46 OF TITLE 24, HAS ALL THE POWERS
7 NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE THE
8 PURPOSES AND PROVISIONS OF PART 3 OF ARTICLE 46 OF TITLE 24,
9 INCLUDING THE POWER TO RECEIVE STATE SALES TAX INCREMENT
10 REVENUE GENERATED WITHIN AN APPROVED REGIONAL TOURISM ZONE, AS
11 DEFINED IN SECTION 24-46-303 (11), AND TO DISBURSE AND OTHERWISE
12 UTILIZE SUCH REVENUE FOR ALL LAWFUL PURPOSES, INCLUDING
13 FINANCING ELIGIBLE COSTS AND THE DESIGN, CONSTRUCTION,
14 MAINTENANCE, AND OPERATION OF ELIGIBLE IMPROVEMENTS, AS SUCH
15 TERMS ARE DEFINED IN SECTION 24-46-303 OR OTHERWISE INCORPORATED
16 INTO THE COMMISSION'S CONDITIONS OF APPROVAL.

17 (2) NOTWITHSTANDING SECTION 30-31-109 (8), AUTHORIZATION
18 TO RECEIVE STATE SALES TAX INCREMENT REVENUE PURSUANT TO PART
19 3 OF ARTICLE 46 OF TITLE 24, IS A MATERIAL MODIFICATION TO THE PLAN,
20 AND CORRESPONDING CHANGES TO THE PLAN MAY BE MADE BY THE
21 GOVERNING BODY OF THE AUTHORITY TO INCORPORATE THE USE OF STATE
22 SALES TAX INCREMENT REVENUE WITHOUT THE REQUIREMENT OF
23 SUBMISSION TO OR APPROVAL BY THE GOVERNING BODY OF THE COUNTY
24 THAT HAS ESTABLISHED THE AUTHORITY.

25 (3) ANY COUNTY REVITALIZATION AUTHORITY THAT RECEIVES
26 STATE SALES TAX INCREMENT REVENUE, WHETHER PURSUANT TO
27 DESIGNATION AS A FINANCING ENTITY PURSUANT TO PART 3 OF ARTICLE 46

1 OF TITLE 24, OR PURSUANT TO A CONTRACT ENTERED INTO WITH ANY SUCH
2 FINANCING ENTITY, SHALL NOT USE THE STATE SALES TAX INCREMENT
3 REVENUE TO ACQUIRE PROPERTY THROUGH THE EXERCISE OF EMINENT
4 DOMAIN.

5 (4) NOTHING IN THIS SECTION ELIMINATES THE REQUIREMENTS FOR
6 THE AUTHORIZATION OF A NEW COUNTY REVITALIZATION AUTHORITY
7 PURSUANT TO THIS ARTICLE 31.

8 **30-31-117. Cumulative powers.** THE POWERS CONFERRED BY
9 THIS ARTICLE 31 ARE IN ADDITION AND SUPPLEMENTAL TO THE POWERS
10 CONFERRED BY ANY OTHER LAW.

11 **30-31-118. Inclusion of incorporated territory in a county**
12 **revitalization area.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
13 THIS ARTICLE 31, A COUNTY REVITALIZATION PLAN, COUNTY
14 REVITALIZATION PROJECT, OR COUNTY REVITALIZATION AREA MAY
15 INCLUDE INCORPORATED TERRITORY THAT IS WITHIN THE BOUNDARIES OF
16 A MUNICIPALITY AND CONTIGUOUS TO A PORTION OF AN URBAN RENEWAL
17 AREA LOCATED OUTSIDE OF THE MUNICIPALITY'S BOUNDARIES. NO SUCH
18 TERRITORY SHALL BE INCLUDED IN THE PLAN, PROJECT, OR AREA WITHOUT
19 THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY EXERCISING
20 JURISDICTION OVER THE INCORPORATED TERRITORY PROPOSED FOR
21 INCLUSION AND THE CONSENT OF EACH OWNER OF, AND EACH HOLDER OF
22 A RECORDED MORTGAGE OR DEED OF TRUST ENCUMBERING, REAL
23 PROPERTY WITHIN THE INCORPORATED AREA PROPOSED FOR INCLUSION.

24 (2) IN ADDITION TO THE PROCEDURES FOR APPROVAL OF A
25 PROPOSED COUNTY REVITALIZATION PLAN BY THE COUNTY PURSUANT TO
26 SECTION 30-31-109, INCORPORATED TERRITORY MUST ONLY BE INCLUDED
27 IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA UPON THE

1 APPROVAL OF THE GOVERNING BODY OF THE MUNICIPALITY:

2 (a) MAKING A DETERMINATION THAT THE AREA PROPOSED FOR
3 INCLUSION IN THE COUNTY REVITALIZATION PLAN IS A REVITALIZATION
4 AREA AND DESIGNATING THE AREA AS APPROPRIATE FOR A COUNTY
5 REVITALIZATION PROJECT IN THE MANNER PROVIDED IN SECTION
6 30-31-109 (1);

7 (b) REFERRING THE COUNTY REVITALIZATION PLAN TO THE
8 PLANNING COMMISSION OF THE MUNICIPALITY FOR A DETERMINATION AS
9 TO THE CONFORMITY OF THE COUNTY REVITALIZATION PLAN WITH THE
10 GENERAL PLAN FOR DEVELOPMENT FOR THE MUNICIPALITY IN THE MANNER
11 PROVIDED IN SECTION 30-31-109 (2);

12 (c) CONDUCTING A PUBLIC HEARING AND MAKING FINDINGS AND
13 A DETERMINATION TO APPROVE INCLUSION OF THE INCORPORATED
14 TERRITORY IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA IN
15 THE MANNER PROVIDED IN SECTION 30-31-109 (5)(a), (5)(b)(I) THROUGH
16 (5)(b)(IV), (5)(c), (5)(d), (6), (8), AND (9);

17 (d) MAKING AN ADDITIONAL FINDING THAT EACH OWNER OF, AND
18 EACH HOLDER OF A RECORDED MORTGAGE OR DEED OF TRUST
19 ENCUMBERING, REAL PROPERTY IN THE INCORPORATED TERRITORY
20 PROPOSED FOR INCLUSION IN THE COUNTY REVITALIZATION PLAN,
21 PROJECT, OR AREA CONSENTS TO THE INCLUSION; AND

22 (e) DETERMINING WHETHER THE INCORPORATED TERRITORY MUST
23 BE INCLUDED IN ANY PROVISION FOR THE DIVISION OF TAXES IN THE
24 COUNTY REVITALIZATION AREA AS AUTHORIZED BY SECTION 30-31-109
25 (13), AND, IF SO DETERMINED, NOTIFYING THE COUNTY ASSESSOR OF SUCH
26 INCLUSION AS REQUIRED BY SECTION 30-31-109 (15).

27 (4) ANY COUNTY REVITALIZATION PLAN APPROVED IN

1 ACCORDANCE WITH THIS SECTION MAY BE MODIFIED AS PROVIDED IN
2 SECTION 30-31-109 (10); EXCEPT THAT A MODIFICATION MUST BE
3 APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY, THE COUNTY,
4 AND THE AUTHORITY.

5 (5) AN AUTHORITY, A COUNTY, AND A MUNICIPALITY MAY,
6 CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, ENTER INTO AN
7 INTERGOVERNMENTAL AGREEMENT TO FURTHER EFFECTUATE THE
8 PURPOSES OF THIS SECTION AND TO PROVIDE FOR THE INCLUSION OF
9 INCORPORATED TERRITORY IN A COUNTY REVITALIZATION AREA.

10 (6) THIS SECTION DOES NOT APPLY TO THE INCLUSION OF
11 TERRITORY IN A COUNTY REVITALIZATION AREA AS A RESULT OF
12 ANNEXATION.

13 **SECTION 2.** In Colorado Revised Statutes, **add** article 7.5 to title
14 38 as follows:

15 **ARTICLE 7.5**

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

17 **38-7.5-101. Motion for vesting - contents.** (1) (a) IN ANY
18 PROCEEDING INITIATED BY A COUNTY REVITALIZATION AUTHORITY, AS
19 DEFINED IN SECTION 30-31-103 (6), UNDER THE PROVISIONS OF ARTICLE 1
20 OF THIS TITLE, THE PETITIONER OR ANY RESPONDENT, AT ANY TIME AFTER
21 THE PETITION HAS BEEN FILED AND BEFORE JUDGMENT IS ENTERED IN THE
22 PROCEEDING, MAY FILE A WRITTEN VERIFIED MOTION REQUESTING THAT,
23 IMMEDIATELY OR AT SOME SPECIFIED LATER DATE, THE PETITIONER BE
24 VESTED WITH FEE SIMPLE TITLE, OR SOME LESSER ESTATE, INTEREST, OR
25 EASEMENT, AS MAY BE REQUIRED, TO THE REAL PROPERTY, OR A SPECIFIED
26 PORTION THEREOF, WHICH IS THE SUBJECT OF THE PROCEEDING, AND BE
27 AUTHORIZED TO TAKE POSSESSION OF AND USE SUCH PROPERTY.

1 (b) ANY MOTION FILED BY ANY RESPONDENT AFFECTS, AND IS
2 LIMITED IN APPLICATION TO, THE PROPERTY IN WHICH THE RESPONDENT
3 HAS AN INTEREST.

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

8 (2) THE MOTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION,
9 REFERRED TO IN THIS ARTICLE 7.5 AS THE "MOTION FOR VESTING", MUST
10 SET FORTH:

11 (a) AN ACCURATE DESCRIPTION OF THE PROPERTY TO WHICH THE
12 MOTION RELATES AND THE ESTATE OR INTEREST SOUGHT TO BE ACQUIRED
13 OR DIVESTED; BUT, IN ANY MOTION FOR VESTING FILED BY ANY
14 RESPONDENT, THE INTEREST SOUGHT TO BE DIVESTED MUST BE THE
15 INTEREST DESCRIBED IN THE PETITION IN EMINENT DOMAIN;

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

18 (c) THE DATE UPON WHICH IT IS REQUESTED THAT THE ESTATE OR
19 INTEREST SOUGHT TO BE ACQUIRED OR DIVESTED VEST IN THE PETITIONER
20 AND THE DATE UPON WHICH IT IS REQUESTED THAT THE PETITIONER BE
21 ENTITLED TO POSSESSION AND USE OF THE SUBJECT PROPERTY.

22 **38-7.5-102. Motion for vesting - procedure with respect**
23 **thereto.** (1) (a) THE COURT SHALL SET A DATE, NOT LESS THAN
24 TWENTY-ONE DAYS AFTER THE FILING OF A MOTION FOR VESTING, FOR THE
25 HEARING THEREON, AND THE COURT SHALL REQUIRE AT LEAST FOURTEEN
26 DAYS NOTICE TO BE GIVEN TO EACH PARTY TO THE PROCEEDING WHOSE
27 INTERESTS WOULD BE AFFECTED BY THE TAKING REQUESTED.

1 (b) THE AVERMENTS IN THE MOTION AND THE NECESSITY FOR THE
2 VESTING OF TITLE, OR SOME LESSER ESTATE, BEFORE THE FINAL
3 DETERMINATION OF JUST COMPENSATION ARE DEEMED ADMITTED UNLESS
4 SUCH AVERMENTS ARE CONTROVERTED IN A RESPONSIVE PLEADING FILED
5 AT OR BEFORE THE HEARING ON THE MOTION FOR VESTING.

6 (2) AT THE HEARING ON A MOTION FOR VESTING, IF THE
7 AVERMENTS IN THE MOTION HAVE BEEN CONTROVERTED IN RESPONSIVE
8 PLEADINGS FILED AT OR BEFORE THE HEARING AND IF THE COURT HAS NOT
9 PREVIOUSLY, IN THE SAME PROCEEDING, DETERMINED THAT THE
10 AVERMENTS ARE TRUE, THE COURT SHALL FIRST HEAR AND DETERMINE:

11 (a) THE AUTHORITY OF THE PETITIONER TO EXERCISE THE RIGHT OF
12 EMINENT DOMAIN;

13 (b) WHETHER THE PROPERTY DESCRIBED IN THE MOTION FOR
14 VESTING IS SUBJECT TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN;
15 AND

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

18 (3) FAILURE TO RAISE THE ISSUES ENUMERATED IN SUBSECTION (2)
19 OF THIS SECTION, AT OR BEFORE THE HEARING ON THE MOTION FOR
20 VESTING, CONSTITUTES A WAIVER INSOFAR AS THE ISSUES RELATE TO THE
21 PROPERTY DESCRIBED IN THE MOTION FOR VESTING. THE COURT'S ORDER
22 THEREON IS A FINAL ORDER, AND AN APPEAL MAY BE OBTAINED FOR THE
23 REVIEW THEREOF BY EITHER PARTY WITHIN TWENTY-ONE DAYS AFTER THE
24 ENTRY OF THE ORDER BUT NOT THEREAFTER UNLESS THE APPELLATE
25 COURT, ON GOOD CAUSE SHOWN, EXTENDS THE TIME FOR OBTAINING AN
26 APPEAL WITHIN TWENTY-ONE DAYS. APPELLATE REVIEW DOES NOT STAY
27 THE OTHER PROCEEDINGS UNDER THIS ARTICLE 7.5 UNLESS THE APPEAL

1 WAS OBTAINED BY THE PETITIONER OR UNLESS AN ORDER STAYING SUCH
2 FURTHER PROCEEDINGS IS ENTERED BY THE APPELLATE COURT UPON A
3 SHOWING OF IRREPARABLE INJURY.

4 (4) IF THE ISSUES ENUMERATED UNDER SUBSECTION (2) OF THIS
5 SECTION ARE DETERMINED IN FAVOR OF THE PETITIONER AND FURTHER
6 PROCEEDINGS ARE NOT STAYED OR IF FURTHER PROCEEDINGS ARE STAYED
7 AND THE APPEAL RESULTS IN A DETERMINATION IN FAVOR OF THE
8 PETITIONER, THE COURT SHALL HEAR AND DETERMINE ALL MATTERS
9 RAISED IN AND RELATING TO THE MOTION FOR VESTING. IF THE FOREGOING
10 MATTERS ARE DETERMINED IN FAVOR OF THE PETITIONER, THE COURT
11 SHALL APPOINT THREE DISINTERESTED COMMISSIONERS, WHO MUST BE
12 FREEHOLDERS, TO ASSESS THE COMPENSATION TO WHICH THE
13 RESPONDENTS NAMED IN THE MOTION FOR VESTING MAY BE ENTITLED BY
14 REASON OF THE APPROPRIATION OF THE PETITIONER.

15 (5) (a) THE COMMISSIONERS, BEFORE ENTERING UPON THE DUTIES
16 OF THEIR OFFICE, SHALL TAKE AN OATH TO FAITHFULLY AND IMPARTIALLY
17 DISCHARGE THEIR DUTIES AS COMMISSIONERS. ANY ONE OF THE
18 COMMISSIONERS MAY ADMINISTER OATHS TO WITNESSES PRODUCED
19 BEFORE THEM.

20 (b) AFTER TAKING THEIR OATH, THE COMMISSIONERS SHALL VIEW
21 THE PROPERTY, HEAR TESTIMONY, AND CONSIDER EVIDENCE AS IS
22 REASONABLY NECESSARY TO ENABLE THEM TO MAKE A PRELIMINARY
23 FINDING OF AN AMOUNT CONSTITUTING JUST COMPENSATION FOR THE
24 TAKING OF THE PROPERTY OF THE RESPONDENTS NAMED IN THE MOTION
25 FOR VESTING.

26 (c) AFTER MAKING A PRELIMINARY FINDING, THE COMMISSIONERS
27 SHALL MAKE, SUBSCRIBE, AND FILE A CERTIFIED REPORT MEETING THE

1 REQUIREMENTS OF SECTION 38-1-115 WITH THE CLERK OF THE COURT IN
2 WHICH SUCH PROCEEDINGS OCCUR.

3 (d) UPON THE MOTION OF THE PETITIONER FILED WITHIN FOURTEEN
4 DAYS OF RECEIPT OF THE NOTICE PROVIDED FOR IN SECTION 38-7.5-103 (1),
5 THE COURT SHALL REVIEW THE REPORT OF THE COMMISSIONERS, AND,
6 UPON GOOD CAUSE SHOWN BY THE PETITIONER, THE COURT MAY ORDER A
7 NEW REPORT BY THE SAME OR DIFFERENT COMMISSIONERS AND VOID THE
8 REPORT OBJECTED TO. THE APPOINTMENT OF ANY NEW COMMISSIONERS
9 AND THE PREPARATION OF THE NEW REPORT MUST BE DONE IN
10 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE 7.5.

11 (6) A PRELIMINARY FINDING OF JUST COMPENSATION AND ANY
12 DEPOSIT MADE OR SECURITY PROVIDED PURSUANT THERETO IS NOT
13 EVIDENCE IN THE FURTHER PROCEEDINGS TO ASCERTAIN THE JUST
14 COMPENSATION TO BE PAID AND MAY NOT BE DISCLOSED IN ANY MANNER
15 TO A JURY IMPANELED IN SUCH PROCEEDINGS.

16 **38-7.5-103. Vesting of title - procedure.** (1) WHEN THE
17 CERTIFIED REPORT OF THE COMMISSIONERS IS FILED WITH THE CLERK OF
18 THE COURT, THE CLERK SHALL NOTIFY ALL PARTIES NAMED IN THE MOTION
19 FOR VESTING OF THE FILING OF THE REPORT AND OF THE AMOUNT
20 PRELIMINARILY FOUND TO CONSTITUTE JUST COMPENSATION.

21 (2) (a) WITHIN SEVEN DAYS OF RECEIPT OF THE NOTICE DESCRIBED
22 IN SUBSECTION (1) OF THIS SECTION, THE PETITIONER SHALL DEPOSIT THE
23 SUM OF MONEY PRELIMINARILY FOUND TO CONSTITUTE JUST
24 COMPENSATION BY THE COMMISSIONERS TO THE COURT OR THE CLERK OF
25 THE COURT FOR THE USE OF THE RESPONDENT NAMED IN THE MOTION FOR
26 VESTING.

27 (b) IF THE PETITIONER HAS FILED A MOTION FOR A NEW REPORT

1 UNDER SECTION 38-7.5-102 (5) AND THE MOTION IS DENIED, THE DEPOSIT
2 IS NOT DUE UNTIL SEVEN DAYS FOLLOWING THE COURT'S RULING ON THE
3 MOTION. IF THE MOTION IS GRANTED BY THE COURT, THE CLERK OF THE
4 COURT SHALL PROVIDE A NEW NOTICE UPON RECEIPT OF THE NEW REPORT.

5 (3) (a) UPON PAYMENT TO THE COURT OR THE CLERK OF THE
6 COURT OF THE SUM DESCRIBED IN SUBSECTION (2) OF THIS SECTION BY THE
7 PETITIONER, THE COURT SHALL ENTER AN ORDER VESTING IN THE
8 PETITIONER THE FEE SIMPLE TITLE, OR SUCH LESSER ESTATE, INTEREST, OR
9 EASEMENT AS MAY BE REQUIRED, TO THE PROPERTY AS REQUESTED IN THE
10 MOTION FOR VESTING ON SUCH DATE AS THE COURT CONSIDERS PROPER,
11 AND SHALL FIX A DATE ON WHICH THE PETITIONER IS AUTHORIZED TO TAKE
12 POSSESSION OF AND TO USE THE PROPERTY. A CERTIFIED COPY OF THE
13 ORDER MUST BE RECORDED AND INDEXED IN THE CLERK AND RECORDER'S
14 OFFICE OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN LIKE
15 MANNER AND WITH LIKE EFFECT AS IF IT WERE A DEED OF CONVEYANCE
16 FROM THE OWNERS AND PARTIES INTERESTED TO THE PROPER PARTIES.

17 (b) IF THERE IS MORE THAN ONE PERSON INTERESTED AS OWNER OR
18 OTHERWISE IN THE PROPERTY AND THEY ARE UNABLE TO AGREE UPON THE
19 NATURE, EXTENT, OR VALUE OF THEIR RESPECTIVE INTERESTS IN THE
20 TOTAL AMOUNT OF COMPENSATION SO ASCERTAINED AND ASSESSED ON AN
21 UNDIVIDED BASIS, THE NATURE, EXTENT, OR VALUE OF SAID INTERESTS
22 MUST BE DETERMINED ACCORDING TO LAW IN A SEPARATE AND
23 SUBSEQUENT PROCEEDING AND DISTRIBUTION MADE AMONG THE SEVERAL
24 CLAIMANTS.

25 (4) AT THE REQUEST OF ANY AFFECTED PARTY AND UPON A
26 SHOWING OF UNDUE HARDSHIP OR OTHER GOOD CAUSE, THE PETITIONER'S
27 AUTHORITY TO TAKE POSSESSION OF THE PROPERTY MUST BE POSTPONED

1 FOR MORE THAN FOURTEEN DAYS AFTER THE DATE OF VESTING OF TITLE
2 OR MORE THAN TWENTY-ONE DAYS AFTER THE ENTRY OF AN ORDER THAT
3 DOES NOT VEST TITLE IN THE PETITIONER. IF POSTPONEMENT OCCURS, THE
4 AFFECTED PARTY SHALL PAY TO THE PETITIONER A REASONABLE RENTAL
5 FOR SUCH PROPERTY, THE AMOUNT THEREOF TO BE DETERMINED BY THE
6 COURT.

7 **38-7.5-104. Withdrawals from deposit.** (1) UPON PROPER
8 APPLICATION TO THE COURT OR BY STIPULATION BETWEEN THE PARTIES,
9 THE RESPONDENT MAY WITHDRAW FROM THE SUM DEPOSITED PURSUANT
10 TO SECTION 38-7.5-103 (2) AN AMOUNT NOT TO EXCEED THREE-FOURTHS
11 OF THE HIGHEST VALUATION EVIDENCED BY TESTIMONY PRESENTED BY
12 THE PETITIONER TO THE COMMISSIONERS UNLESS THE PETITIONER AGREES
13 TO A LARGER WITHDRAWAL. ALL PARTIES INTERESTED IN THE PROPERTY
14 SOUGHT TO BE ACQUIRED ARE REQUIRED TO CONSENT AND AGREE TO ANY
15 LARGER WITHDRAWAL.

16 (2) ANY WITHDRAWAL OF A DEPOSIT IS A PARTIAL PAYMENT OF
17 THE AMOUNT OF TOTAL COMPENSATION TO BE PAID AND MUST BE
18 DEDUCTED BY THE CLERK OF THE COURT FROM ANY AWARD OR VERDICT
19 ENTERED THEREAFTER.

20 (3) ANY PARTY MAKING A WITHDRAWAL OF A DEPOSIT SHALL
21 REFUND TO THE CLERK OF THE COURT, UPON THE ENTRY OF A PROPER
22 COURT ORDER, ANY PORTION OF THE AMOUNT SO WITHDRAWN WHICH
23 EXCEEDS THE AMOUNT FINALLY ASCERTAINED IN THE PROCEEDING TO BE
24 JUST COMPENSATION OR DAMAGES, COSTS, OR EXPENSES OWING TO THE
25 PARTY.

26 **38-7.5-105. Construction of article.** THE RIGHT TO TAKE
27 POSSESSION AND TITLE BEFORE THE FINAL JUDGMENT AS PRESCRIBED IN

1 THIS ARTICLE 7.5 IS IN ADDITION TO ANY OTHER RIGHT, POWER, OR
2 AUTHORITY OTHERWISE CONFERRED BY LAW AND MAY NOT BE CONSTRUED
3 AS ABROGATING, LIMITING, OR MODIFYING ANY SUCH OTHER RIGHT,
4 POWER, OR AUTHORITY, INCLUDING THE RIGHTS, POWERS, AND
5 AUTHORITIES GRANTED IN ARTICLES 1 TO 7 OF THIS TITLE 38. SHOULD THE
6 PROVISIONS OF THIS ARTICLE 7.5 BE INVOKED BY ANY PARTY, THE FINAL
7 DETERMINATION OF THE AMOUNT CONSTITUTING JUST COMPENSATION
8 MUST BE DETERMINED PURSUANT TO THE PROVISIONS OF ARTICLE 1 OF
9 THIS TITLE 38. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE
10 7.5, A COUNTY REVITALIZATION AUTHORITY'S EMINENT DOMAIN
11 AUTHORITY SHALL NOT EXCEED THAT OF THE COUNTY WHERE THE
12 AUTHORITY IS LOCATED.

13 **38-7.5-106. Commissioners - other articles.** NOTHING IN THIS
14 ARTICLE 7.5 PREVENTS A COMMISSIONER APPOINTED UNDER THIS ARTICLE
15 7.5 FROM BEING APPOINTED PURSUANT TO THE PROVISIONS OF ARTICLES
16 1 TO 7 OF THIS TITLE 38 IN THE SAME EMINENT DOMAIN PROCEEDING.
17 NOTHING IN THIS ARTICLE 7.5 PREVENTS THE APPOINTMENT OF A
18 COMMISSIONER, FOR PURPOSES OF THIS ARTICLE 7.5, WHO HAS PREVIOUSLY
19 BEEN APPOINTED IN THE SAME PROCEEDING UNDER THE PROVISIONS OF
20 ARTICLE 1 OF THIS TITLE 38.

21 **38-7.5-107. Interest.** THE PETITIONER SHALL PAY INTEREST AS
22 PROVIDED IN SECTION 38-1-116; EXCEPT THAT NO INTEREST IS ALLOWED
23 ON THAT PORTION OF THE AWARD WHICH THE RESPONDENT RECEIVED OR
24 COULD HAVE RECEIVED AS A PARTIAL PAYMENT BY WITHDRAWAL FROM
25 THE SUM DEPOSITED BY THE PETITIONER PURSUANT TO SECTION
26 38-7.5-103 (2).

27 **SECTION 3.** In Colorado Revised Statutes, **amend** 11-58-105 as

1 follows:

2 **11-58-105. Annual information report.** Each issuer of nonrated
3 public securities issued pursuant to sections **30-31-109 (13)**, 31-25-107
4 (9), and 31-25-807 (3), ~~C.R.S.~~, and title 32, ~~C.R.S.~~, shall make public
5 within sixty days following the end of each of such issuer's fiscal year
6 ~~ending on or after December 31, 1991~~, an annual information report or
7 reports with respect to any of such issuer's nonrated public securities
8 which are outstanding as of the end of each such fiscal year. Nothing ~~shall~~
9 ~~preclude~~ PRECLUDES any issuer not so required by ~~this article~~ THIS
10 ARTICLE 58 from filing a report pursuant to ~~this article~~ THIS ARTICLE 58.

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

13 **22-54-112. Reports to the state board.** (3) (a) If the valuation
14 for assessment for all or a part of any district has been divided for an
15 urban renewal area, pursuant to section 31-25-107 (9)(a), ~~C.R.S.~~, any
16 report under this section ~~shall~~ MUST be based upon that portion of the
17 valuation for assessment under ~~said~~ section 31-25-107 (9)(a)(I), ~~C.R.S.~~,
18 so long as ~~such~~ THE division remains in effect.

19 (b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR A PART OF
20 ANY DISTRICT HAS BEEN DIVIDED FOR A COUNTY REVITALIZATION AREA
21 PURSUANT TO SECTION **30-31-109 (13)(a)** ANY REPORT UNDER THIS
22 SECTION MUST BE BASED UPON THAT PORTION OF THE VALUATION FOR
23 ASSESSMENT UNDER SECTION **30-31-109 (13)(a)(I)**, SO LONG AS THE
24 DIVISION REMAINS IN EFFECT.

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

27 **24-46-303. Definitions.** As used in this part 3, unless the context

1 otherwise requires:

2 (6) "Financing entity" means the entity designated by the
3 commission in connection with its approval of a regional tourism project
4 to receive and utilize state sales tax increment revenue. A financing entity
5 may be A COUNTY REVITALIZATION AUTHORITY CREATED PURSUANT TO
6 ARTICLE 31 OF TITLE 30, a metropolitan district created pursuant to title
7 32, ~~C.R.S.~~, an urban renewal authority created pursuant to part 1 of article
8 25 of title 31, ~~C.R.S.~~, or any regional tourism authority to be formed
9 pursuant to this part 3.

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

12 **24-46-304. Regional tourism project - application -**
13 **requirements.** (2) A local government shall submit an application for a
14 regional tourism project to the Colorado office of economic development
15 in a form and manner to be determined by the commission. The office
16 shall provide the commission with each application received after the
17 director's review pursuant to section 24-46-305. The application shall
18 include, but need not be limited to, the following:

19 (d) A discussion of each of the application criteria and how the
20 project will meet each of the criteria, including an economic analysis
21 detailing projected economic development, impact on future state sales
22 tax revenue during and after the financing term, the number of new jobs
23 to be created by the project by job category as defined by the Colorado
24 department of labor and employment occupational employment statistics
25 survey and the wages and, to the extent that it is reasonably possible,
26 information on health benefits for jobs in each category, market impact,
27 anticipated regional and in-state competition, the ability to attract

1 out-of-state tourists, the fiscal impact to local governments within and
2 adjacent to the regional tourism zone, an analysis of the impact to local
3 school districts and an estimate of the percentage of total program that the
4 state will become responsible to fund through the state's share of total
5 program pursuant to section 22-54-106, ~~C.R.S., in the event that~~ IF THE
6 COUNTY REVITALIZATION AUTHORITY OR an urban renewal authority is the
7 financing entity for the regional tourism project and uses property tax
8 revenue to finance the project, and any other information reasonably
9 requested by the commission;

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

12 **24-46-306. Regional tourism authority - board - creation -**
13 **powers and duties.** (3) Unless limited by the commission's conditions
14 of approval, each authority shall have all of the powers necessary or
15 convenient to carry out and effect the purposes and provisions of this part
16 3, including but not limited to the following powers:

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

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

1 **24-46-308. Annual report - audit.** (4) If the financing entity is
2 a COUNTY REVITALIZATION AUTHORITY, A metropolitan district, or an
3 urban renewal authority, it may comply with the requirements of this
4 section by submitting to the commission a copy of the report that the
5 metropolitan district or urban renewal authority is otherwise required to
6 submit to a local government pursuant to law. Such copy ~~shall~~ MUST be
7 delivered to the commission concurrently with the delivery of the annual
8 report and audit when otherwise required by law.

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

11 **24-68-102. Definitions.** As used in this ~~article~~ ARTICLE 68, unless
12 the context otherwise requires:

13 (2) "Local government" means any county, city and county, city,
14 or town, whether statutory or home rule, acting through its governing
15 body or any board, commission, or agency thereof having final approval
16 authority over a site specific development plan, including ~~without~~
17 ~~limitation~~ any legally empowered COUNTY REVITALIZATION AUTHORITY
18 OR urban renewal authority.

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

21 **29-25-108. Board of directors - duties.** (1) (c) If more than
22 one-half of the property located within the district is also located within
23 A COUNTY REVITALIZATION AREA, an urban renewal area, a downtown
24 development authority, or a general improvement district, the governing
25 body may, at any time, provide by ordinance that the governing body of
26 the COUNTY REVITALIZATION AUTHORITY, urban renewal authority,
27 downtown development authority, or general improvement district shall

1 constitute ex officio the board of directors of the district. In such event,
2 the officers of such entity ~~shall be~~ ARE ex officio the officers of the board.
3 A quorum of the board of directors of such entity ~~shall constitute~~
4 CONSTITUTES a quorum of the board.

5 **SECTION 11.** In Colorado Revised Statutes, 31-30-1102, **amend**
6 (7.5) as follows:

7 **31-30-1102. Definitions.** As used in this part 11, unless the
8 context otherwise requires:

9 (7.5) "Previous net valuation" means an amount equal to the total
10 valuation for assessment certified by the county assessor pursuant to
11 section 39-5-128, ~~C.R.S.~~, and amended pursuant to section 39-1-111 (5),
12 ~~C.R.S.~~, less the valuation for assessment that has been divided for THE
13 COUNTY REVITALIZATION AREA PURSUANT TO SECTION 30-31-109 (13), an
14 urban renewal area pursuant to section 31-25-107 (9), or for a downtown
15 development authority pursuant to section 31-25-807 (3) for the property
16 tax year in which the municipality or district made a contribution to the
17 fund. If the total valuation for assessment certified by the county assessor,
18 as amended, does not include the valuation for assessment that has been
19 divided for an urban renewal area, such urban renewal valuation for
20 assessment shall not be subtracted from the total valuation for assessment.

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

23 **32-9-119.8. Provision of retail and commercial goods and**
24 **services at district transfer facilities - residential and other uses at**
25 **district transfer facilities permitted - definitions.** (1) As used in this
26 section, unless the context otherwise requires:

27 (a.3) "Public entity" includes, but is not limited to, a public body,

1 as that term is defined in section 32-9-103 (11), and any other
2 governmental entity, agency, or official, including A COUNTY
3 REVITALIZATION AUTHORITY, an urban renewal authority, and the
4 department of transportation.

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

7 **32-11-104. Definitions.** As used in this article 11, unless the
8 context otherwise requires:

9 (46) (a) "Public body" means the state of Colorado or any agency,
10 instrumentality, or corporation thereof, or any county, municipality,
11 corporate district, housing authority, COUNTY REVITALIZATION
12 AUTHORITY, urban renewal authority, other type of authority, the regents
13 of the university of Colorado, the state board for community colleges and
14 occupational education, or any other body corporate and politic and
15 political subdivision of the state.

16 **SECTION 14.** In Colorado Revised Statutes, 38-1-101, **amend**
17 (5)(b) as follows:

18 **38-1-101. Compensation - public use - commission - jury -**
19 **court - prohibition on elimination of nonconforming uses or**
20 **nonconforming property design by amortization - limitation on**
21 **extraterritorial condemnation by municipalities - definitions.** (5) For
22 purposes of this section, unless the context otherwise requires:

23 (b) "Political subdivision" means a county; city and county; city;
24 town; service authority; school district; local improvement district; law
25 enforcement authority; COUNTY REVITALIZATION AUTHORITY; urban
26 renewal authority; city or county housing authority; water, sanitation, fire
27 protection, metropolitan, irrigation, drainage, or other special district; or

1 any other kind of municipal, quasi-municipal, or public corporation
2 organized pursuant to law.

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

5 **38-1-202. Governmental entities, corporations, and persons**
6 **authorized to use eminent domain.** (1) The following governmental
7 entities, types of governmental entities, and public corporations, in
8 accordance with all procedural and other requirements specified in this
9 article 1 and articles 2 to 7 of this title 38 and to the extent and within any
10 time frame specified in the applicable authorizing statute, may exercise
11 the power of eminent domain:

12 (f) The following types of single purpose districts, special
13 districts, authorities, boards, commissions, and other governmental
14 entities that serve limited governmental purposes or that may exercise
15 eminent domain for limited purposes:

16 (XLI) The front range passenger rail district created in section
17 32-22-103 (1), as authorized in section 32-22-106 (1)(k); ~~and~~

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

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

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

25 **39-1-111. Taxes levied by board of county commissioners.**
26 (4) (a) If the valuation for assessment for all or any part of any body
27 authorized to levy taxes has been divided for an urban renewal area,

1 pursuant to section 31-25-107 (9)(a), ~~C.R.S.~~, the board of county
2 commissioners shall make the same levy on the portion of valuation for
3 assessment divided under ~~subparagraph (H) as under subparagraph (I) of~~
4 ~~said section 31-25-107 (9)(a), C.R.S.~~, SECTION 31-25-107 (9)(a)(II) AS
5 UNDER SECTION 31-25-107 (9)(a)(I) for payment of taxes according to the
6 provisions of ~~said~~ SECTION 31-25-107 (9)(a), so long as ~~said~~ THE division
7 remains in effect.

8 (b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR ANY PART OF
9 ANY BODY AUTHORIZED TO LEVY TAXES HAS BEEN DIVIDED FOR A COUNTY
10 REVITALIZATION AREA, PURSUANT TO SECTION 30-31-109 (13)(a), THE
11 BOARD OF COUNTY COMMISSIONERS SHALL MAKE THE SAME LEVY ON THE
12 PORTION OF VALUATION FOR ASSESSMENT DIVIDED UNDER SECTION
13 30-31-109 (13)(a)(II) AS UNDER SECTION 30-31-109 (13)(a)(I) FOR
14 PAYMENT OF TAXES ACCORDING TO THE PROVISIONS OF SECTION
15 30-31-109 (13)(a), SO LONG AS THE DIVISION REMAINS IN EFFECT.

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

18 **39-5-128. Certification of valuation for assessment.** (3) (a) If
19 the valuation for assessment for all or part of any such political
20 subdivision has been divided for an urban renewal area, pursuant to
21 section 31-25-107 (9)(a), ~~C.R.S.~~, any certification under this section ~~shall~~
22 MUST be based upon that portion of the valuation for assessment under
23 ~~subparagraph (I) of said section 31-25-107 (9)(a), C.R.S.~~, SECTION
24 31-25-107 (9)(a)(I) so long as ~~such~~ THE division remains in effect.

25 (b) IF THE VALUATION FOR ASSESSMENT FOR ALL OR PART OF ANY
26 SUCH POLITICAL SUBDIVISION HAS BEEN DIVIDED FOR A COUNTY
27 REVITALIZATION AREA, PURSUANT TO SECTION 30-31-109 (13)(a), ANY

1 CERTIFICATION UNDER THIS SECTION MUST BE BASED UPON THAT PORTION
2 OF THE VALUATION FOR ASSESSMENT UNDER SECTION 30-31-109
3 (13)(a)(I), SO LONG AS THE DIVISION REMAINS IN EFFECT.

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

6 **39-5-132. Assessment and taxation of new construction.**

7 (7) Nothing in this section ~~shall be construed to affect~~ AFFECTS tax
8 increment financing ~~as said financing is implemented~~ pursuant to sections
9 31-25-107 (9), **30-31-109 (13)**, and 31-25-807 (3), ~~C.R.S.~~, nor the
10 distribution of specific ownership taxes pursuant to section 42-3-107 (24).
11 ~~C.R.S.~~

12 **SECTION 19. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2024 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.