

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0252.01 Pierce Lively x2059

**HOUSE BILL 24-1172**

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**HOUSE SPONSORSHIP**

**Taggart and Bird,**

**SENATE SPONSORSHIP**

**Kirkmeyer and Mullica,**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING COUNTY REVITALIZATION AUTHORITIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

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.

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 IN SO FAR 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 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.