

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

2001



SENATE BILL 01-038

BY SENATOR(S) McElhany;  
also REPRESENTATIVE(S) Rippy.

CONCERNING THE AUTHORITY OF COUNTIES TO ADOPT SUBDIVISION REGULATIONS THAT ENTITLE SUBDIVIDERS TO FAIR-SHARE REIMBURSEMENT OF THE COST OF IMPROVEMENTS FROM OWNERS OF PROPERTY THAT BENEFITS FROM THE IMPROVEMENTS.

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

**SECTION 1.** 30-28-133, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**30-28-133. Subdivision regulations.** (12) THE SUBDIVISION REGULATIONS ADOPTED UNDER THIS SECTION MAY PROVIDE THAT A SUBDIVIDER IS ENTITLED TO FAIR-SHARE REIMBURSEMENT OF THE COST OF ANY STREETS AND RELATED FACILITIES, WATER DISTRIBUTION SYSTEMS, SEWAGE COLLECTION SYSTEMS, STORM DRAINAGE FACILITIES, AND OTHER IMPROVEMENTS THE COUNTY REQUIRES THE SUBDIVIDER TO CONSTRUCT ADJACENT TO OR OUTSIDE THE SUBDIVISION. ANY SUCH REIMBURSABLE COSTS SHALL BE PAID TO THE SUBDIVIDER, LESS ANY REIMBURSEMENT BY THE COUNTY, BY THE OWNER OR OWNERS OF PROPERTY THAT IS ADJACENT TO OR HAS PRESUMED USE OF THE IMPROVEMENTS WHEN THAT PROPERTY IS

---

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

DEVELOPED. SUBDIVISION REGULATIONS PROVIDING FOR SUCH REIMBURSEMENT SHALL PRESCRIBE THE PERIOD, NOT TO EXCEED FIFTEEN YEARS FROM THE DATE OF COMPLETION OF AN IMPROVEMENT, DURING WHICH A SUBDIVIDER MAY SEEK REIMBURSEMENT. SUBDIVISION REGULATIONS PROVIDING FOR SUCH REIMBURSEMENT MAY ENTITLE SUBDIVIDERS TO INTEREST ON THE AMOUNT TO BE REIMBURSED.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state

constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

---

Stan Matsunaka  
PRESIDENT OF  
THE SENATE

---

Doug Dean  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Karen Goldman  
SECRETARY OF  
THE SENATE

---

Judith Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

Bill Owens  
GOVERNOR OF THE STATE OF COLORADO