IGA Task Force Data Collection **24-July-2024**

Topic: Impact on changing a parcel from “Rural Preservation” to “PPA/No Development”

If a property is changed from “Rural Preservation” to “PAA/No Development” (such as the “Walters” parcel), there's an exception in the IGA draft (p. 3, paragraph 2(d)a. : "**except for utility facilities, access, emergency access, passive recreation and structures associated with those uses." Read that as "a road, utility lines, and a water or sewer lift station if needed**."

One might ask, if the Walters say "No, we don't want to annex," (and there's no such thing as involuntary annexation), wouldn't that stop the Town from putting a road, utility lines or a lift station on the Walters property outside Town limits?

A review of C.R.S. 38-1-101(4)(b)(I) illustrates the following:

> "(b) (I) Effective January 1, 2004, no home rule or statutory municipality shall either acquire by condemnation property located outside of its territorial boundaries nor provide any funding, in whole or in part, for the acquisition by condemnation by any other public or private party of property located outside of its territorial boundaries; ***except that the requirements of this paragraph (b) shall not apply to condemnation for water works, light plants, power plants, transportation systems, heating plants, any other public utilities or public works, or for any purposes necessary for such uses.***"

Therefore, it seems, that if a parcel is changed to PPA/No Development, it may be condemn for an easement for roads or utilities, or a small parcel to build a lift station, even if the owners refuse to be annexed.

In the past, the town could not do this on that particular parcel because doing so would conflict with the County's "Rural Preservation" status. But if that status changes to "PAA/No Development ***except for*** [utilities, roads, etc.]", then the Town could use its condemnation power under state law.