

6038.13/1986/JUN/13

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# STATE OF COLORADO

## EXECUTIVE CHAMBERS

136 State Capitol  
Denver, Colorado 80203-1792  
Phone (303) 866-2471

D0058 86



## EXECUTIVE ORDER

Richard D. Lamm  
Governor

### DIRECTING THE ATTORNEY GENERAL OF COLORADO TO INITIATE A CIVIL ACTION

WHEREAS, it has come to the attention of the Executive Branch of state government that certain annexations by the City of Aurora would involve annexation of state lands and broach significant questions of compliance with the state's laws governing this matter; and

WHEREAS, such annexation appears to evade the requirement of state law that, in the case of certain annexations, not less than one-sixth of the perimeter of the property to be annexed must contiguous to the annexing municipality; and

WHEREAS, by statute, such contiguity shall not be affected by the existence of a public right-of-way or public transportation right-of-way "between the annexing municipality and the land proposed to be annexed", 31-12-104(1)(a), C.R.S.; and

WHEREAS, the contiguity required by statute has been asserted in this case by the annexation of a twelve-mile length of Interstate Highway 70 (I-70), which connects the property to be annexed and the City of Aurora; and

WHEREAS, the State of Colorado owns fee title to the property beneath said length of I-70, and is therefore entitled to judicial review of this annexation, pursuant to 31-12-116, C.R.S.; and

WHEREAS, if there had been no annexation of the state-owned land beneath I-70, there would be absolutely no contiguity whatsoever between the City of Aurora and the property to be annexed; and

WHEREAS, the governor may require the attorney general to bring a civil action in which the state is an "interested party", pursuant to 24-31-101(1)(a); and

WHEREAS, it is the constitutional responsibility of the governor of Colorado to "take care that the laws be faithfully executed", Article IV, section 2.

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NOW, THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, by virtue of the authority vested in me under the laws and the Constitution of the State of Colorado, DO HEREBY ORDER THAT the Attorney General of Colorado, by and through his office, is authorized to pursue civil litigation in the matter of the annexation described above for the purpose of obtaining declaratory and other appropriate relief.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this 13th day of June,  
A.D. 1986.

A handwritten signature in black ink, appearing to read "R. D. Lamm", written in a cursive style.

Richard D. Lamm  
Governor

