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STATE OF COLORADO

EXECUTIVE CHAMBERS

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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.

