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ANNEXATION - COLORADO

Board of County Commissioners of County of Teller v. City of Woodland Park

Supreme Court of Colorado - May 19, 2014 - P.3d - 2014 CO 35

The Board of Commissioners of the County of Teller filed a "Petition for Review of Annexations Pursuant to C.R.S. 31-12-116," seeking the district court's review of the City of Woodland Park's annexation of certain real property.

The District Court denied the City's motion to dismiss for lack of subject matter jurisdiction. The City appealed.

The Supreme Court of Colorado held that:

- The District Court did not have jurisdiction to review the County's petition under section 31-12-116, C.R.S. (2013);
- Section 31-12-116(2)(a)(II) requires a party to file a motion for reconsideration with the governing body of the annexing municipality within ten days of the effective date of an annexation ordinance as a precondition for obtaining judicial review of a municipal annexation; and
- The County did not file a timely motion for reconsideration with the City Council.

Accordingly, the court reversed the district court's order, making the rule absolute, and remanded for further proceedings consistent with the opinion.