
MUNICIPAL CORPORATIONS - COLORADO

Brown v. Walker Commercial, Inc.

Supreme Court of Colorado - December 19, 2022 - P.3d - 2022 WL 17748065 - 2022 CO 57

Developer filed complaint for judicial review of final decision of city's water director to levy a storm drain development fee against developer's property.

The District Court dismissed complaint as untimely, and issued orders denying developer's motion for extension of time. Developer appealed. The Court of Appeals reversed and remanded. Director's petition for certiorari review was granted.

The Supreme Court held that:

- As a matter of first impression, 28-day filing deadline for complaints seeking judicial review of final action of a government body or official is a strict jurisdictional limitation on actions, and is not subject to equitable tolling or broader equitable considerations like excusable neglect, and
- Because developer's complaint was untimely filed, developer could not amend its complaint to join additional claims seeking declaratory relief.

Twenty-eight-day filing deadline for complaints seeking judicial review of final action of government body or official is a strict jurisdictional limitation on actions, and so it is not subject to equitable tolling, let alone broader equitable considerations like excusable neglect.

Because developer's claim seeking judicial review of city water director's decision to levy fee against developer's property was untimely filed, in that it was filed 30 days after director's decision, developer could not amend its complaint to join additional claims seeking declaratory relief; rule required that developer file his complaint not later than 28 days after director's final decision.

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