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Colorado Secretary of State

83 Final

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

Section 15 of article II of the constitution of the state of Colorado is amended to read:

Section 15. Taking property for public use - compensation, how ascertained. (1)
Private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE USE BY THE PUBLIC OF WATERS OVERLYING PRIVATE PROPERTY IS PUBLIC USE OF ANOTHER'S PROPERTY, AND ANY GRANT OF A RIGHT TO THE PUBLIC FOR SUCH USE AND ANY DAMAGE CAUSED TO THE PRIVATE PROPERTY BY SUCH USE REQUIRES JUST COMPENSATION OF THE OWNER OF THE PRIVATE PROPERTY AS PROVIDED FOR IN THIS SECTION.

Proponents:

John Gregory Leede
2100 Plaza Tower One
6400 South Fiddler's Green Circle
Greenwood Village, Colorado 80111
jgleede@leedeco.com

Charles A. Thrailkill
13930 East Progress Way
Aurora, Colorado 80015
thrill@q.com