

Colorado Property Rights are the HIGHEST PRIORITY

...under the Rule of Law and according to the history of our State

After our last meeting when the County Attorney said that one of her biggest concerns about our resolution was that it gave the “highest priority” to individual private property rights and she claimed it was in conflict with the Colorado Constitution and State Statutes because they did NOT give property rights the “highest priority,” we dug deeper into researching the Rule of Law.

Here’s what we realized about the history of our state which is extremely relevant to the Rule of Law:

- In 1867 when Colorado joined the union and our Constitution was written, it was done in a manner so that it gives more power to the rights of the people than the U.S. Constitution did because of how it was written into law.
- Article 2 was written upfront and foremost and the only thing that came before it was the definition of our state boundaries.
- Article 2 was written prior to ANY/ALL form of government and definition of the state’s enumerated powers which are granted by the people.
- Article 2, section 1 says that “**ALL** political power is vested in and derived from **the people**; all government, of right, originates from the people, is founded upon their will **ONLY**, and is instituted solely for the good of the whole.”
- As this 2018 Denver University [law review](#) states, “The people, not the government, possess the sovereignty. The government is the delegated agent of the sovereign people. This has been the bedrock principle of American government since 1776.”

In understanding this vital history, it is legally clear how Article 2, Section 3 does make the individual property rights of the people the “Highest Priority” and that is why we did not remove it from our proposed resolution but, instead, highlighted it with the appropriate references to the Colorado Constitution.

This is why our resolution is also written in a manner which requires proper notification of potential loss of these rights from our local government to the citizen. In the event that any individual shall be “potentially negatively impacted” by loss of these legally defined property rights, the government shall move forward with full compensation according to Article 2, Sections 14 & 15.

The final section of the resolution where it states how the government must obtain written approval from the affected property owners is written in a manner that protects them from the grant money of all governments and unelected boards receiving funds that affect the property rights of that citizen.

Free Counties wants to thank the LaPlata County Board of County Commissioners for their time and consideration of this citizen’s property rights resolution and we ask them to include it as a section in the final version of the Land Use Code to remain there, in perpetuity.