

Clear Creek County Subdivision Regulations: Article 11

ARTICLE 11 ROAD AND EASEMENT VACATION

1101 Intent

To establish criteria and a review process to transfer a roadway, or a portion thereof, to the abutting parcel owners and/or to vacate easements that cannot be vacated through the Lot Combination process or vacated/realigned through the Boundary Line Adjustment process.

1102 Prerequisite

Prior to submittal of a road or easement vacation request, the applicant shall meet with the Planning Department to determine whether the request meets the criteria of the Road and Easement Vacation criteria and to explain the procedure and submittal requirements.

1103 Applicability

1103.01 A “roadway” is defined as a platted or designated public street, alley, lane, parkway, avenue, road, or other public way, whether or not it has been used as such.

1103.02 An “easement” is defined as an interest in land for a specific limited use which has been laid out, described and dedicated on a plat and, after July 1, 1972, the plat was accepted by the County.

1104 Criteria

An application must meet the following applicable criteria:

1104.01 Vacation of a roadway shall be in compliance with Part 3 of Article 2 of Title 43 C.R.S., as amended and will not result in any adjoining land without an established public road or private access easement connecting said land with another established public road.

1104.02 Vacation of an easement shall be demonstrated to be in the general interest of the public’s health, safety and welfare.

1104.03 In granting a vacation, the County may reserve easements for the installation or maintenance of utilities, ditches, ingress/egress ways and other similar improvements.

1105 Submittal Process

The following submittal process shall apply to all Road and Easement Vacations, except utility easements that may be vacated through the Lot Combination process or realigned through the Boundary Line Adjustment process.

1105.01 The applicant shall submit one (1) copy of the submittal to the Planning Department.

1105.02 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

1105.03 If deemed appropriate, the Planning Department will conduct a site characteristics analysis and perform a site visit to verify these characteristics. Once the submittal is determined complete (by the Planning Department), staff will notify any adjacent property and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis.

1105.04 Adjacent property owners and referral agencies shall be given fourteen (14) calendar days prior to the Board of County Commissioners (Board) public hearing to comment.

Clear Creek County Subdivision Regulations: Article 11

1105.05 The Planning Department is responsible for publishing a notice in a newspaper of general circulation in Clear Creek County a minimum of fourteen (14) calendar days prior to the Board's public hearing.

1105.06 Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Board's public hearing. The applicant will be notified of the public hearing date, time, and place.

1105.07 The Board shall evaluate the application, referral comments, staff report, and public testimony, and shall approve, approve with conditions or deny the request. The Board's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

1106 General Submittal Requirements

In addition to the following submittal requirements, the Planning Department may request other materials or information as deemed necessary, before or during the process.

1106.01 Application Form as provided by the Planning Department.

1106.02 The appropriate fee(s), as established by the Board.

1106.03 Proof of Ownership - deeds or other proof of ownership for the subject property(s).

1106.04 Landowner Authority - a notarized letter of authority from the landowner permitting a representative to process the application, if applicant is other than the owner(s) of record.

1106.05 Vicinity Map - submitted on a 8 ½" x 11" sheet of paper, that indicates the location of the subject property(s) in relation to the general context of the County.

1106.06 Location Map - submitted on a 8 ½" x 11" sheet of paper or another size approved by the Planning Department, that indicates the location of the subject property(s) in relation to roads, streams, utilities, adjacent parcels and other features.

1106.07 A full sized copy of the original Subdivision plat (if a dedicated County Road or easement is located in such) which shows the portion(s) to be vacated cross hatched. If the proposal is not within a subdivision, a scaled site plan depicting the road and/or easements to be vacated cross hatched.

1106.08 A written narrative describing the need for the request, adjacent properties that may be affected and how, and a list of all utilities providing service to the area.

1107 Additional Submittal Requirements

The following submittal requirements apply, except when determined inappropriate by the Planning Department or the Board.

1107.01 Land Survey Plat or Improvement Survey Plat, depending on the specific request.

1107.02 Topographic Information - Existing and proposed topographic contours depicted at specific intervals (to be determined on a case-by-case basis by the Planning Department). Contour lines may be extrapolated from the USGS quadrangle maps when approved by the Planning Department.

Clear Creek County Subdivision Regulations: Article 11

1107.03 Photographs which depict the character of the site and the surrounding area.

1108 Final Documents

1108.01 The Planning Department will notify the applicant of what is required to finalize the decision of the Board following the public hearing. The fully executed resolution and attachments, if applicable, shall be filed with the County Clerk and Recorder's Office.

1108.02 A certified Land Survey Plat, or Improvement Survey Plat, in compliance with Title 38, Article 51 C.R.S. and all other relevant statutes, may be required. This shall be submitted on mylar, as specified by the Planning Department.

1108.02.1 The approved Plat shall also be submitted in a digital form as specified by the County Mapping Department.

1108.03 Final approval is not valid until the final Plat, Map and/or Resolution are signed by the Board of County Commissioners and all are recorded with the County Clerk and Recorder.

1108.04 The applicant is responsible for payment of all recording fees associated with the final plan and deeds.