

Application Review Process
GUIDES

100 Jefferson County Parkway, Suite 3550
Golden, Colorado 80419-3550
Phone (303) 271-8700 • Fax (303) 271-8744
<http://planning.jeffco.us>

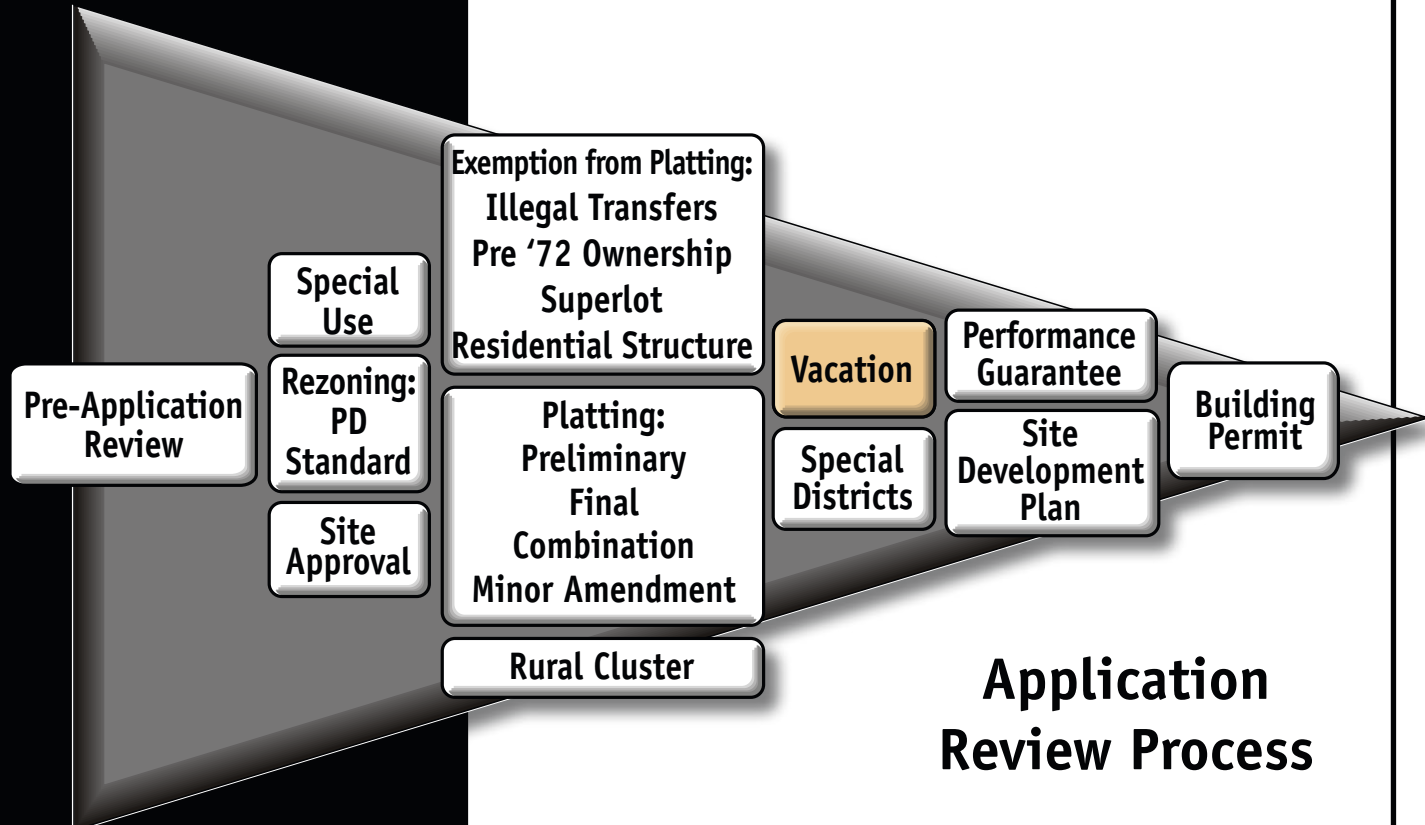
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customer service."*

Vacation Right-of-Way

This guide describes the process to vacate right-of-way. Users should utilize this guide in conjunction with the Colorado Revised Statutes.

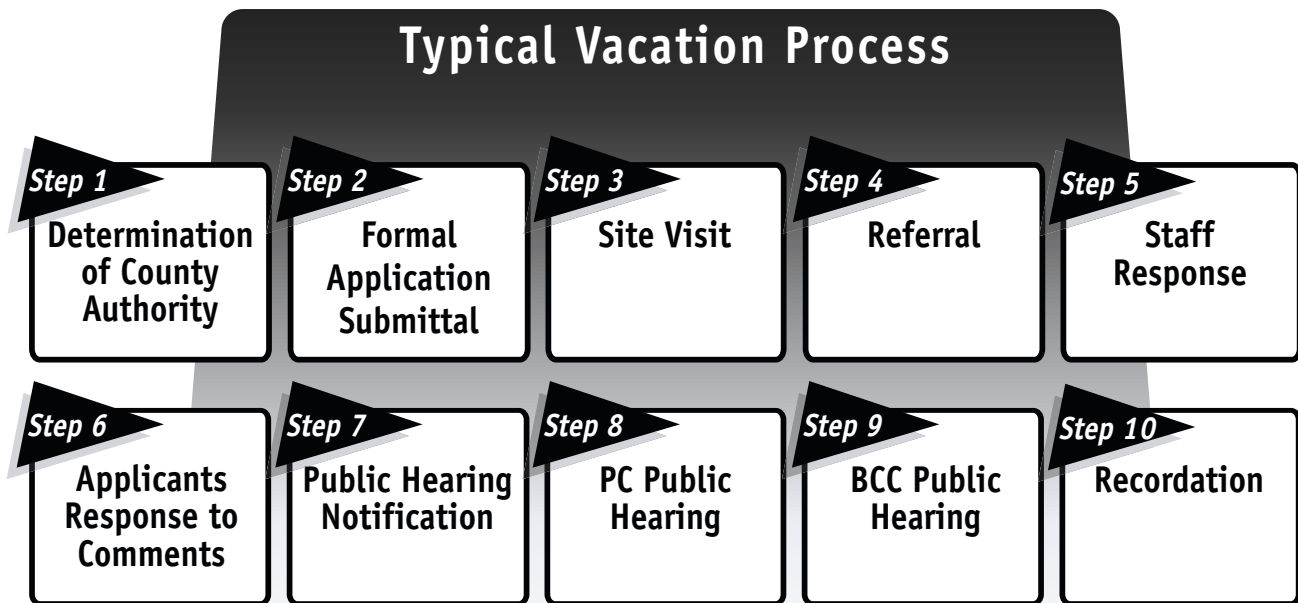
The vacation of right-of-way process divests the county's right, title, or interest in a right-of-way in accordance with State Statute. The county has the authority to vacate county or public roads. The county cannot vacate private roads.

Dedication language on Recorded Plat	County Vacation	Civil Action
Dedicated to county or to the public and accepted by the county	Yes	N/A
Dedicate as private to present and future owners in the plat; county does not maintain the road.	No	Yes
Dedicate as private to present and future owners in the plat; county maintains the road	Yes, if maintained for 20 years or more. If less than 20 years, a determination will be made by County Attorney.	If the county does not maintain all of the road, a civil action may also be required. A determination will be made by the County Attorney.



Each vacation request is unique, and staff review is done on a case by case basis. The following is a general outline of issues analyzed by staff during the review.

1. Staff is generally not willing to support a vacation if:
 - the proposal has any public interest,
 - if the proposal is not excess or surplus right-of-way or
 - if, for any reason, the ROW may be used at any point in the future.
2. Legal access must continue to be afforded to all properties impacted by the vacation request.
3. If the applicant owns more than one lot that may be affected by the vacation, the applicant must go through the counties lot merger process.
4. If the road as traveled is on the applicant's property, connivance of the road may be requested as a condition of approval of the dedicated road.
5. If an adjoining property owner needs access, then a private easement will be required.
6. For purposes of determining zone district boundaries after vacation of a right-of-way dedicated or deeded to the county, the zoning applicable to the property abutting on either side of the right-of-way shall, after vacation, be deemed to extend to the centerline of such vacated right-of-way.



Use this guide to explain the process to vacate right of way when the county has the authority. For detailed information on the county's authority to vacate a road, see 43-2-301 to 43-2-304 CRS. If you have any questions regarding the vacation process, please contact the Jefferson County Planning and Zoning Division at (303) 271-8700.

Step 1 **Determination of County Authority**

Applicants are encouraged to arrange a meeting with the Pre-Development Coordinator, who will research the proposal and provide you with a list of submittal requirements

Step 2 **Formal Application Submittal**

The applicant shall submit the completed application form, fees and support documents as specified by the Pre-Development Coordinator. A submittal package that is not complete in terms of type and quantity of documents required or adequacy of the graphic provided will not be accepted for review. A complete description of the materials required for submittal with the vacation request is provided in the next section of this guide.

Step 3 **Site Visit**

The Case Manager and staff from The Road and Bridge Division will arrange to meet you at the location of the proposed vacation. During the site visit, you should discuss all adjacent easements or rights-of-way. If an alignment cannot be determined, you may be required to survey the site and have the area field staked. Following the field stake, staff will arrange for another site visit.

Step 4 **Referral**

The Case Manager will refer the application, referral fees and support documents to county divisions, other agencies, and adjacent property owners as necessary. The referral agencies will respond in writing to your request. Also, agencies that may have easements, such as utility companies or ditch companies, may receive a referral.

Step 5 **Staff Response**

The full staff response inclusive of other divisions and agency responses will be sent to you. A meeting with staff may be held to review the referral responses.

Step 6 **Applicants Response to Comments**

Revisions, or additional information, should be made in response to the referral comments. To continue the process in a timely fashion, revisions and additional documents should be submitted as quickly as possible. If there is no written response to staff comments within 60 calendar days after referral comments are provided, the application will be considered withdrawn.

Step 7 **Public Hearing Notification**

Sign Posting

Signs must be posted to serve as public notice that the vacation request will be heard by the Planning Commission and Board of County Commissioners. Sign(s) will be given to the applicant at least 15 calendar days prior to the scheduled hearings. It is the applicant's responsibility to post the sign(s) on the property a minimum of 14 calendar days prior to the Planning Commission hearing. At the Planning Commission public hearing, the applicant will provide a sworn certification that such notice was posted upon the subject property.

Community Mailed Notification

State Statute requires that adjacent property owners be notified in writing of the public hearing. Notice will be mailed at least 14 calendar days prior to the Planning Commission public hearing date.

Step 8 **Planning Commission Public Hearing**

The Planning Commission shall recommend approval, conditional approval, or denial of the rezoning to the Board of County Commissioners at one or more public hearing(s).

Step 9 **Board of County Commissioners Public Hearing**

The Board of County Commissioners will render a decision which approves, approves with conditions, or denies the vacation request unless the Board continues the case for further testimony.

Step 10 **Recordation**

Within 60 Days of the Board of County Commissioner's action, the applicant and the case manager resolve any condition of approval. The case manager writes a vacation resolution and it records with the legal description. The Assessor's Office receives notification of the recordation from the Clerk & Recorder's Office. At that time, the Assessor interprets State Statute to determine how the ROW will be divided amongst adjacent property owners. A schedule number is created and will show up on each property owner's tax bill- no deed is created or recorded – the Resolution serves as the County's "Quit Claim" deed to the property owners.

Submittal Requirements



The items indicated below must be submitted to the Case Manager in order to process your request. Some submittals may require additional information.

1. Application Form and Fee(s)

Completed application form, processing fee.

2. Cover Letter

Include name, address, and phone number of property owner and representative; and a brief description of the proposal, objective and history.

3. Vicinity Map

Indicate the location of the property.

4. Proof of Access

If the property is not adjacent to a public road, an access easement or documentation that one can be obtained must be submitted.

5. Legal Description

A legal description of the property designated as a lot, block, or tract on a recorded plat or aliquot description or a metes and bounds description.

6. Survey

Survey of the proposed vacation and surrounding property. In some cases, a graphic showing requested area may be adequate.

7. Names & Addresses of the Adjacent Property Owners

Print-out of property owners adjacent to the area involved in this request and of any other owners which may have an interest in the right-of-way.

Copy of County Assessor's parcel map identifying all affected properties.

8. Recorded Plat

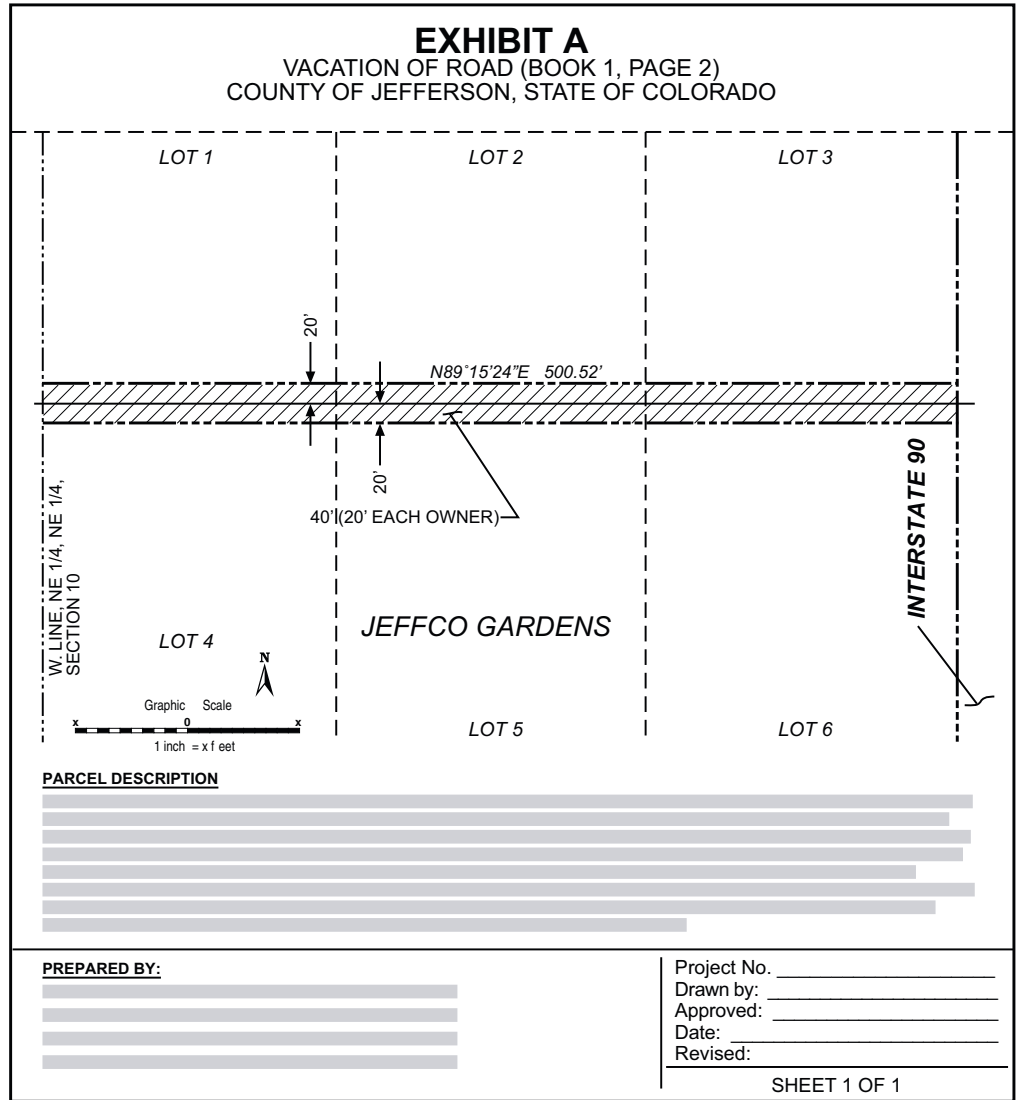
Copy of the plat of record and all deeds associated with the proposal from the Clerk and Recorder's Office.

9. Additional Requirements

In certain circumstances additional information may be necessary to fully evaluate the request, for example a Property Merger Agreement. In these cases, applicants will be informed of the additional requirements during the review process.

10. Exhibit

An Exhibit A will be required prior to the public hearings. See the example below.



Fees are on-line at our web site
 or call 303-271-8700.
 Make checks payable to
 Jefferson County Treasurer.