



EASEMENT & RIGHT-OF- WAY VACATION

**Community Development Department
8101 Ralston Road
Arvada, Colorado 80002**

May, 2004

EASEMENT AND RIGHT-OF-WAY VACATIONS

Applications for street and alley right-of-way and other public vehicular access easement vacations must be reviewed and approved by Planning Commission and by City Council. Applicants are encouraged to schedule and attend a pre-application conference. A complete application for a vacation request shall be submitted to the Community Development Department and will be reviewed for completeness. The Engineering division must approve the legal description. A computer diskette with the approved legal description shall be submitted to the Planning Department.

Notice of the Planning Commission or City Council public hearings shall be published, mailed, and posted according to the General Notice and Public Hearing requirements of the Land Development Code. Written notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. All other public easement vacations that are referred to the Planning Commission shall be also published, mailed and posted.

The Community Development Department will review each proposed vacation application in light of the established approval criteria and distribute the application to other department and referral agencies. Based on the results of those reviews, the Community Development director shall provide a report to the Planning Commission and City Council.

The Planning Commission will hold a public hearing on the proposed vacation and make a recommendation to the City Council based on the approval criteria. After receiving the report of the Community Development Department and the recommendation of the Planning Commission, the City Council will consider the public easement vacation application at a public hearing. At the end of the public hearing, the City Council will take final action of the proposed vacation application.

The City Council may approve a public easement vacation application if it finds that all of the following criteria have been met:

1. The vacation is consistent with the Comprehensive Plan and with any other City-adopted transportation plan or streets/roadway plan.
2. The land to be vacated is no longer necessary for the public use and convenience.
3. The vacation will not create any landlocked properties.
4. The vacation will not restrict access to any parcel so that access is unreasonable or economically prohibitive.
5. The vacation will not reduce the quality of public services to any parcel of land.

All Other Vacation Applications

All other vacation applications, such as utility easements, shall be approved by the Community Development Director if no utility provider objects to the proposal and the Community Development Director determines that the easement is not currently or foreseeably necessary for the public health, safety, or welfare.

Recordation

The City Clerk shall be responsible for recording all relevant vacation documents, including any vacation ordinance, with the County Clerk and Recorder's Office. If the relevant documents are not recorded within sixty (60) days of the date of approval, the approval shall automatically lapse and be null and void.

Note: A list of the applicable section of the Land Development code include:
Section 3.11 Right-of-Way (Street and Alley) and other Public Easement Vacations, Section 3.1.6 Neighborhood Meetings and Section 3.3 General Notice & Public Hearing Requirements.

EASEMENT OR STREET RIGHT-OF-WAY VACATION

