



## ***FACTS TO KNOW FOR VACATION OF RIGHT-OF-WAY***

A right-of-way vacation is used to eliminate public rights-of-way that are no longer needed for public improvements. Any application for street or alley vacation must be reviewed and approved by the Planning Commission and City Council. It is important to note that the City will not accept an application to vacate any street or alley unless it appears that it is not in the public interest to continue the establishment and maintenance of the street or alley.

### **I. Process**

- A. The processing time for a right-of-way vacation will vary depending on the complexity and magnitude of the request, but generally the period from time of acceptance of a complete application to recording of the vacation plat is approximately three to six months under normal circumstances. A pre-application meeting with staff is recommended to clarify the request and submittal requirements.
- B. The affected parcel of land to be vacated shall be replatted into a larger parcel that meets all of the requirements for the underlying zoning district. This replatting procedure can run simultaneous with any vacation request.
- C. The non-refundable fees are listed on the front of the application form.
- D. The application for a right-of-way vacation will be reviewed by the Community Planning and Development Services (CPDS) Department for completeness. The CPDS staff will review the proposed request and distribute the application to other departments and referral agencies for review. The Engineering division must approve the legal description. Depending on the nature of the proposed project, one or more sets of revised plans may be required during the review period.
- E. The Planning Commission and City Council hearing processes take approximately 45 to 60 days.
- F. Vacation approval requires a public hearing before the Planning Commission and one public hearing before the City Council. *(For instance, if the Planning Commission considers a vacation plat in April, City Council will consider the resolution to approve a vacation plat at their meeting on the first Monday of May.)* Normally, the applicant and/or owner are required to attend the Planning Commission and City Council hearings.
- G. Planning Commission meetings are held the first Tuesday of each month at 5:30 p.m. in the Council Chambers, 2nd Floor, Commerce City Municipal Building, 5291 East 60th Avenue. City Council meetings are held the first and third Mondays of each month at 7 p.m. in the Council Chambers, 2nd Floor, Commerce City Municipal Building.



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- H. About seven to ten days prior to each hearing date (Planning Commission and City Council), the property will be posted with a large placard (sign), and public hearing notices will appear in the newspaper. Additionally, affected agencies and/or owners of property located within 300 feet of the subject site are notified about the scheduled public hearings.
- I. Approximately one week before the Planning Commission hearing, the applicant and/or owner will receive a copy of the Community Planning and Development Services project report and a copy of the Planning Commission meeting agenda. About one week prior to the City Council meeting, the applicant will receive information that summarizes the Planning Commission's recommendation and provides information about the City Council meeting.
- J. The Planning Commission is an advisory body only that forwards to the City Council either a favorable or unfavorable recommendation for a vacation request. The City Council approves or denies the vacation request.
- K. A majority vote of the Planning Commission members is necessary for a favorable recommendation of the application to City Council. A majority vote of the City Council is necessary for approval of the vacation.

### II. General

- A. The City Council may approve a public right-of-way vacation application if it finds that all of the following criteria have been met:
  - 1. The vacation and associated subdivision are compatible with the City's Comprehensive Plan.
  - 2. The proposed use of the vacated property is compatible with the existing zoning of the property.
  - 3. The vacation provides for streets and roads that are in proper arrangement in relation to existing or planned streets outside the proposed subdivision.
  - 4. Satisfactory provisions have been made for public utilities.
  - 5. The vacation will be included into a larger subdivided parcel that meets the standards for the zone district and uses intended, and is designed so that there will be no foreseeable difficulties in obtaining building permits to build on all lots in compliance with the Commerce City Zoning Ordinance.

### III. Application



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- A. The property owner, his or her representative, or an authorized agent having a legal interest in the property, such as power of attorney, lease, or purchase contract, usually initiates a request for a right-of-way vacation. The property owner must approve of the request and have his or her signature notarized on the application form
  
- B. The complete notarized application form and fee must be submitted with the documents listed below:
  1. 1 copy of a legal description, certified by a registered land surveyor, of the property or easement sought to be vacated containing total acreage.
  2. Fifteen (15) sets of a narrative describing the applicant's reason for the vacation of the property and the proposed use after it is vacated.
  3. Fifteen (15) copies of a vacation plat stamped by a surveyor. (see subdivision plat requirements for what to include on this plat).
  4. Fifteen (15) sets of a site plan. This plan must be at a suitable scale and be no smaller in size than 8 ½" x 11" and no larger than 24" x 36". Plans larger than 8 ½" x 11" **MUST BE FOLDED**. The site plan must show all data pertinent to the proposed vacation, including at least the following:
    - a. Date of drawing
    - b. Scale
    - c. North arrow
    - d. Name of person or firm who drew the plan
    - e. Locations and dimensions of property lines, abutting rights-of-way, easements, setbacks and off-street parking for any proposed and/or existing structures, and any proposed landscaping
    - f. All properties immediately adjacent to and across an alley or street: show location of building footprints, access points, other significant features,
    - g. Significant natural and manmade features, e.g., rivers, gulches, ridges, hills, depressions, woods, lakes, existing major streets, railroads, utility lines, pipelines, and utility easements,
    - h. Topography, at one- or two-foot intervals, as determined by the City.
    - i. Boundary lines, showing adjacent streets,
    - j. Zoning of adjacent properties,
    - k. Floodplain and floodplain limits, if any.
    - l. Any other information required by the City to review and render an approval or denial.
  5. Fifteen (15) copies of letters of no objection to the vacation request must be obtained from the following and submitted with the application to vacate: Xcel Energy or United Power, Qwest Communications, Comcast Cable, and the City of Commerce City's Public Works Department.



5291 East 60<sup>th</sup> Avenue  
Commerce City, Colorado 80022  
Phone (303) 289-3683 / Fax (303) 289-3731  
<http://www.c3gov.com>

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6. City staff may require additional information or technical studies such as drainage studies, construction plans, address plats, and development agreements. To assure that your application is complete, please check with city staff prior to submitting your application.
- C. The Planning Commission or City Council may request from the applicant additional information or technical studies such as traffic studies, drainage studies, etc.
- D. After vacation plat approval, but prior to the plat being recorded, one of the following electronic data formats of the approved vacation plat must be received:
  1. Shapefile (ESRI Open GIS Standard)
  2. Coverage or Export file of coverage (ESRI GIS file standard)
  3. DXF/DWG (AutoDesk CAD exchange file or drawing file; AutoCAD 2002 or earlier)
  4. TIFF (Image file)
  5. PDF (Adobe)
- E. Be sure to include with your application ALL of the requested information. An incomplete application will not be scheduled for a public hearing or referred out for comments until such time as all information has been submitted.

***For additional information, call the Community Planning and  
Development Services Department at 303-289-3683.***