



Vacation of Right-of-Way Application Guide & Checklist

Economic & Community Development Department
101 W. 8th Street
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PURPOSE

The vacation of public right-of-way procedure provides a mechanism for vacating the City's rights, interests, or title in and to any right-of-way located within the city limits.

Title to vacated roadways shall be in accordance with Colorado law.

REVIEW PROCESS

Vacating a right-of-way requires an application and public hearing before both the Planning and Zoning Commission and City Council following the process outlined below. In reviewing the proposed vacation, City staff, the Planning Commission and City Council shall consider the following-

1. The vacation of right-of-way is consistent with the Comprehensive Plan;
2. The vacation of right-of-way will comply with the applicable zoning district standards;
3. The vacation of right-of-way will comply with use, dimensional, design, and other development standards in this Code;
4. The right-of-way has never been formally opened or used as a City street, has never been used for park or governmental purposes, or has been abandoned and removed;
5. All portions of the right-of-way to be vacated are within the city;
6. None of the right-of-way to be vacated constitutes a boundary line between two counties or the boundary of the City; and
7. No land adjoining the right-of-way to be vacated shall be left, as a result of the vacation, without an established public road connecting to another established public road.

- 1. Pre-application Conference.** Contact one of the planners in the Community Development Department prior to submitting your Vacation of ROW application. We will discuss the review procedures, application requirements, application deadlines, and the City's goals, policies, and development standards as they relate to your proposed project.

At least 10 days prior to your scheduled conference, please submit one electronic copy of the following items:

- a. A completed Planning Application. The application is available [here](#), or on the City's website at www.cogs.us. It is in "Forms, Permits & Applications" on the Community Development Department page.

- b. A written description of the proposed project.
- c. Conceptual drawings showing the location, layout, and primary elements of the proposal.
- d. Proposed uses, location of uses, and densities, if applicable.

- 2. Prepare Your Application.** During the pre-application conference you will receive a checklist of information that we will need to process your request. This information constitutes your application and may include any, or all the information found on page 7 of this guide.

Please be aware that City staff, the Planning and Zoning Commission and City Council will evaluate your application based on how well it demonstrates compliance with the Municipal Code, and the City's goals, policies, plans, Engineering Standards and the ROW vacation criteria listed on page 1 of this guide. You may review the Municipal Code on the City's website at www.cogs.us. The Engineering Standards are located [here](#), or on the Engineering home page. Other approved plans also can be found on the City's website under the individual department pages. Community Development staff will help guide you to plans and policies that may be applicable to your project.

- 3. Submit Your Application.** Submit an electronic copy of your completed application to the Community Development Department at least 6 weeks prior to the date that you want your item heard before the Planning and Zoning Commission. Within 5 business days of your submission, Community Development Department staff will review your application to determine whether it is complete. If it is incomplete, we will contact you with a list of the information needed to complete your application. We encourage you to submit your application well in advance of the deadline because if we find that information is missing or incomplete, you will not be rushed to supply the needed documentation.
- 4. Provide Additional Copies.** After Community Development Department staff deems it complete, you will be asked to supply a final, complete electronic set of your application materials as well as paper copies for distribution to the City's reviewing departments and outside agencies. The number of paper copies can vary depending upon the scope of your application. The paper format of your submission may vary. If your application includes any full-sized plan sheets, we may request submission on 11" x 17" or 24" x 36" size paper.
- 5. Complete Public Notices.** Your application requires that you formally notify the public of the time, date and purpose of your hearing before the Planning and Zoning Commission. You are required to post your property with a placard, submit a legal notice for publication in the local newspaper, and mail your notice to property owners within 300 feet of the outside boundary of your proposed development parcel. You are also required to provide notice by certified mail to all mineral owners and lessees on your property in accordance with Colorado Revised Statutes 24-65.5-103. Staff will review these requirements and will provide you with a packet of information that includes the deadlines for completing each

form of public notice. This is a time-sensitive process. Deficient public noticing may delay your hearing.

- 6. Agency Referral and Review.** During the 6-week period between your application submittal and your hearing, staff will distribute copies of your application to our “reviewing agencies” which consists of various City departments, City boards and commissions, and outside agencies such as the Colorado Department of Transportation, and gas and telephone companies. Community Development Department staff relies on these agencies to review your application and comment on any issues or concerns that they may have relating to your project. You will receive copies of agency comments and will have an opportunity to respond, if need be. In some instances, agency comments may cause you to redesign your project. Staff will include these comments in the packet of information that is distributed to the Planning and Zoning Commission and to City Council.
- 7. City Department/Applicant Development Review Committee Meeting.** Generally, three weeks prior to your public hearing you will meet with City Departments, and planning staff to review and discuss their preliminary comments about your project. Following this meeting, you may be required to revise your plans to respond to specific requests or suggestions made by staff. If significant, substantive changes are necessary you will be required to submit a new application in which case your hearing will be postponed
- 8. Staff Review & Report.** Toward the end of the 6-week review of your application, Community Development Department staff will prepare a report for the Planning and Zoning Commission meeting that analyzes how your project meets the Municipal Code, the City’s goals, policies, plans, standards and any other pertinent information. The report will include a staff recommendation of approval, denial, or continuance of your application. If staff recommends approval, usually there also will be a list of recommended conditions. Staff will complete the report no later than the Friday afternoon prior to the hearing. You will receive a copy, usually via email. Make sure that you read the report and review the listed conditions, if there are any. Staff also will distribute the report, a complete copy of your application, and agency comments to the Planning and Zoning Commission for its review.
- 9. Requesting a Continuance.** If, after reading the staff report, you wish to continue your application to the next month’s Planning and Zoning Commission meeting to correct deficiencies or clear up issues in the application, you will need to submit a letter to Community Development Department staff requesting continuance of your hearing. If you do this, you will not need to appear at the meeting or redo your public noticing, and no comments will be made by the City or public regarding your application at the hearing.
- 10. Planning and Zoning Commission Hearing.** Staff will provide you with a copy of the meeting agenda no later than the Friday before your hearing. Applications are scheduled on the agenda based on the order in which they are received. You or your representative are required to attend your public hearing.

11. City Council Hearing. After the Planning and Zoning Commission makes its recommendation, your application will be forwarded to City Council for final consideration. Your Council hearing will be the 3rd Thursday of the month following the date of the Planning and Zoning Commission meeting. This allows time for Community Development Department staff to prepare the minutes of your hearing. City Council will review the same application that you submitted to the Planning and Zoning Commission. It is imperative that you not submit new information or make changes to your project between these two hearings. Any changes presented to City Council may result in your project being remanded to the Planning and Zoning Commission for re-consideration. Like the Planning and Zoning Commission hearing, you or your representative are required to attend the Council hearing.

12. Post-approval. After you have satisfied all applicable conditions of your project's approval, Community Development Department staff will ask you to provide two copies of the approved vacation plat on 24 x 36-inch mylar paper for recording with the Garfield County Clerk & Recorder's office. You will be required to pay the applicable recording fees which are detailed on the Clerk & Recorder's page of the Garfield County website: www.garfield-county.com.

PUBLIC MEETING PROCEDURES

The public hearing format is as follows:

1. Staff Presentation. Staff will provide the Commission with a summary of your project and an analysis of how it meets or differs from the Municipal Code and other city plans and standards.
2. Questions of staff by the Planning and Zoning Commission.
3. Applicant Presentation. This is your opportunity to present any additional information about your project to the Commission. You can mention points where you disagree with staff, present anything important that you felt that planning staff left out, present any new information that you have, or present any other information directly pertinent to the application. Out of respect for the Commission and other applicants, please keep presentations very brief. If you have no additional important information to add to staff's presentation, you may state this.
4. Questions of the applicant by the Commission.
5. Public Comment. The Commission Chair will open the meeting to public comment.
6. Applicant response to public comment. After hearing from all members of the public, the Chair will close the public portion of the meeting and allow you the opportunity to refute or address any statements provided. At this time, the Commission may also ask staff for clarification of any points of fact.
7. Motion for action on the application, discussion among the Commissioners, and a decision.

Display of documents at the meeting. You may use the Council Chambers computer to display any documents or to provide the Commission and Council with a prepared presentation. We recommend that you bring your materials on a flash drive.

City Council hearing. Staff will prepare a new report for City Council summarizing the Planning and Zoning Commission's actions. This, along with the Planning and Zoning Commission staff report, your original application materials, and meeting minutes will be forwarded to Council no later than one week prior to your Council hearing. Community Development staff also will send you a copy of this report as well as the meeting agenda.

The format of your Council hearing will be the same as the Planning and Zoning Commission hearing highlighted above.

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VACATION OF RIGHT-OF-WAY APPLICATION CHECKLIST

For office use:

Pre-application Meeting Date: _____ Planning File #: _____

Applicant: _____ Lead Planner: _____

During or shortly following your pre-application meeting, you will receive this checklist noting the materials that the City will need to process your right-of-way vacation application. This information constitutes your application. Failure to provide the required materials on or before the application deadline will delay your application.

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
1	Planning Application – completed in full and signed by applicant and all property owners of record	√			√			
2	Ownership - provide proof of ownership of your property which is adjacent to the ROW proposed for vacation. Suitable proof includes a Deed of Trust, Warranty Deed or Quit Claim Deed. Title commitment will not suffice	√			√			
3	Public Noticing – signed and notarized affidavit proof of public notice including mineral estate owner notification	√						
5	Project Description – narrative describing the project. Include an assessment of how the project meets the review criteria listed on page 1 of the guide and checklist.	√			√			

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
6	Complete Plan Set including:	0	1	1	√			
	Cover Sheet							
	Site Plan							
7	Legal description- provide a written legal description of the proposed vacation							
8	Map or Plat showing the location and dimensions of the areas to be vacated. Include and identify all adjacent parcels of land adjacent to and affected by the proposed vacation							
9	Fee	\$ _____				Cash, check or credit card. Check payable to the City of Glenwood Springs		
10	Other Materials (list other materials that will be required)							