

ARTICLE 7C SUBDIVISION PLAT VACATION

701C Intent

To provide an administrative process for the vacation of a plat with no existing public infrastructure and/or land dedication, and a public hearing process for the vacation of a plat with existing infrastructure and/or public land dedication. *(Amended 8/25/99)*

702C Prerequisite

Prior to submittal of a replat/vacation application, the applicant shall meet with staff to discuss the proposal, the procedures and submittal requirements, and is encouraged to meet with the Engineering Division and other referral agencies to identify potential issues and ways to address these issues.

703C Approval Standards

A vacation of a plat may be approved by the Board upon a finding that:

- 703C.01 the subdivision plat vacation is in accordance with the Douglas County Master Plan; *(Amended 8/25/99)*
- 703C.02 the subdivision plat vacation is in accordance with the purpose and intent of this Resolution; and
- 703C.03 the approval will not adversely affect the public health, safety, and welfare.

704C Submittal Documents

- 704C.01 Completed land use application *(available from the Planning Services Division)*
- 704C.02 Written narrative describing the request
- 704C.03 Application fee *(fee schedule available from Planning Services Division)*
- 704C.04 Proof of ownership which includes an updated or current title insurance policy or title commitment, or subdivision guarantee issued no more than 30 days prior to the date of application
- 704C.05 A notarized letter of authorization from the landowner permitting a representative to process the application, as applicable
- 704C.06 Vacation Map - A reproduction of the subdivision on an 8.5" X 11" sheet of paper, or another size approved by staff, or on 24" X 36" mylar, including the abutting street(s). Indicate the lots, streets, and easements vacated.

- 704C.07 Vicinity map - that depicts the area surrounding the subdivision within a 1-mile radius superimposed on a current Douglas County Subdivision Map.
- 704C.08 When an easement is vacated, a letter from all known beneficiaries stating their recommendation regarding the vacation and any existing facilities they have over or across the land.
- 704C.09 Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over or across the land:
- all special districts providing service to the lots; and
 - all known easement beneficiaries.

In addition, the following shall be submitted for a subdivision plat vacation with existing infrastructure and public land dedication:

- 704C.10 Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over or across the land:
- all special districts providing maintenance of infrastructure within the right-of-way; and
 - all landowners abutting or using an access proposed for vacation.
- 704C.11 Staff shall send courtesy notification of the vacation application to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract, including a map identifying the platted area to be vacated and relationship to the landowners. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*

705C Process #1 - Vacation of subdivision plat with no infrastructure/dedication
(Amended 03/28/01)

The following *administrative* process is established for the vacation of a subdivision plat with no existing infrastructure, and/ or public land dedication.

- 705C.01 The applicant shall submit the required information to the Planning Services Division. Staff shall review the information and send a referral to the Assessor's Mapping Division and other referral agencies, as required by staff.
- 705C.02 A Vacation Approval Certificate shall be prepared for the Director's signature that identifies the plat vacated, its reception number, the lot line(s) vacated, and reference to the vacation map and the recommendation(s) of the special district(s), and easement holders, as applicable.

- 705C.03 The Director shall either approve or deny the request based on the submittal documents and approval standards.
- 705C.04 Within 30 days of approval by the Director, the staff planner shall record the Vacation Approval Certificate and Vacation Map in the Office of the Clerk and Recorder.
- 705C.05 A denial may be appealed to the Board at a regular business meeting, when submitted to the Planning Services Division in writing, within 30 days of denial by the Director.

706C Process #2 - Vacation of subdivision plat with infrastructure/dedication
(Amended 03/28/01)

The following public hearing process is established for the vacation of a subdivision plat with existing infrastructure or public land dedication.

- 706C.01 The applicant shall submit the required information to the Planning Services Division. Staff shall review the information and send a referral to the Assessor's Mapping Division and other referral agencies, as required by staff, and mail the notification letters to the abutting landowners.
- 706C.02 The referral agencies shall comment within 21 days of receiving the packet. Staff shall review the information and prepare a staff report for the Board and notify the applicant of the hearing date and time
- 706C.03 The applicant shall be responsible for notice of the public hearing, prior to the Board hearing in accordance with section 707C, herein. (Amended 8/25/99)
- 706C.04 The Board shall evaluate the vacation request, referral agency comments, staff report and public testimony, and shall approve, conditionally approve, table for further study, or deny the vacation request. The Board's action shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 706C.05 Staff shall prepare a Vacation Resolution that identifies the plat vacated, its reception number, the lot line(s) vacated, and reference to the vacation map and the recommendation(s) of the special district(s), and easement holders, as applicable.
- 706C.06 Within 30 days of approval by the Board, the staff planner shall record the Vacation Resolution and Vacation Map in the Office of the Clerk and Recorder.

707C Public Notice

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings. *(Amended 03/28/01)*

707C.01 WRITTEN NOTICE *(Amended 03/28/01)*

At least 14 days prior to the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section and shall also indicate that a Resolution to vacate the road will be presented at the Board hearing. [§ 43-2-303(2)(b), C.R.S.]

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING
<p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20__ , and addressed as follows:</p> <p><i>(list of addresses)</i></p> <p>_____</p> <p><i>(signature of person completing the mailing)</i></p>

707C.02 PUBLISHED NOTICE *(Amended 03/28/01)*

At least 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Services Division at least 7 days prior to the hearing. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

A public hearing will be held on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for a proposed vacation of *(subdivision and road name(s), and distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460. File #/Name:

707C.03 POSTED NOTICE *(Amended 03/28/01)*

At least 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3'X4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7360." *(Amended 11/6/2018)*. Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

This subdivision, including any public street, shall be considered for vacation pursuant to the Douglas County Subdivision Resolution on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460. File #/Name:

707C.03.1 Sign-Posting Affidavit

An affidavit of sign posting shall be submitted for the file in the Planning Services Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
 (Sign lettering must be legible in photo)

I, (applicant/representative/person posting sign), attest that the above sign was posted on
 (date), abutting (name of street).

_____ (signature) File #/Name:

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

Acknowledged before me this ____ day of _____, 200__ by
 _____ as _____.

My commission expires: _____

Witness my hand and official seal

 Notary Public

707C.03.2 The sign shall be removed by the applicant within two weeks following the final decision by the Board.

707C.04 Public Notice Waiver

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing. (Amended 03/28/01)

708C Resubmittal

An application shall not be resubmitted within 1 year of the date of denial. However, if the Director determines that the resubmitted subdivision plat vacation application has been modified to correct the stated objections, then the resubmittal will be accepted.