



Vacation Review of Streets, Alleys, and Access Easements

Attachment to Land Use Review Application Form

APPLICATION REQUIREMENTS AND CHECKLIST

An application for vacation of city right-of-way or an access easement must include the information necessary to demonstrate compliance with the vacation criteria adopted by City Council (attached). These requirements are summarized below and are listed on the Land Use Review Application Form. An application fee, as specified on the application form, is also required. In addition, an applicant may submit any additional materials which may be appropriate to the review.

All required materials must be included along with a complete form in order for an application to be accepted by the Planning and Development Services Center. Incomplete applications will not be accepted and will be returned to applicant. For right-of-way vacations, all owners of properties adjacent to the right-of-way must consent to the application and sign the application form. For access easements, all owners of underlying property must consent to the application and sign the application form.

Please use the list below as a checklist, marking those items as they are included in your application. The checklist is intended to assist the applicant in collecting all of the required materials and to assist the Planning and Development Services Center in determining that all of the application requirements are met.

► VACATION APPLICATION REQUIREMENTS

- A complete **Land Use Review Application Form**, including signatures by or the written consent of the owners of all property to be included in the development.
- A completed **sign acknowledgment form**, signed by the applicant, indicating that the applicant understands his/her responsibility to post a public notice sign on the subject property.
- An **improvement survey** or improvement location certificate by a registered surveyor of the subject property.
- A **legal description** of the subject property.
- A **vicinity map** indicating the site and adjacent streets. If the site is less than one acre, the map must be drawn at a minimum of 1":200'.
- A **written statement** which describes the proposal and addresses how the vacation meets the city criteria (attached).
- All **site development plans**, drawn to an identified scale, which delineate the easement or right-of-way proposed to be vacated.
- A **legal description of the right-of-way or easement vacation area** prepared by a licensed surveyor. Label the easement description with a header "Exhibit A" and include a subheading which says "Page 1 of X."
- A **scaled exhibit map** that shows the subject property and the right-of-way or easement area to be vacated. Label the map with a header of "Exhibit A" and include a subheading which says "Page X of X." Include crosshatching in the easement area to be vacated (for clarity when copying document) and the total area of easement to be vacated. Please note that the map must be copied to scale.

- Signatures from **electric/gas, telephone, and cable** company representatives (use attached form).
- The **vacation fee**, as stated on the Land Use Review Application Form.
- Any other information that the applicant wishes to submit.

VACATION CRITERIA

These criteria from [Section 8-6-9](#) of the Boulder Municipal Code apply to requests by property owners for vacations of streets, alleys, and access easements, or portions thereof.

(c) Findings: Only after a finding that the following criteria have been met may the city council adopt an ordinance granting the requested vacation:

- (1) The applicant must demonstrate that the public purpose for which an easement or right-of-way was originally acquired or dedicated is no longer valid or necessary for public use;
- (2) All agencies and departments having a conceivable interest in the easement or right-of-way must indicate that no need exists, either at present or conceivable in the future, to retain the property as an easement or right-of-way, either for its original purpose or for some other public purpose unless the vacation ordinance retains the needed utility or right-of-way easement;
- (3) The applicant must demonstrate, consistent with the Boulder Valley Comprehensive Plan and the city's land use regulations, either:
 - a. That failure to vacate an existing right-of-way easement on the property would cause a substantial hardship to the use of the property consistent with the Boulder Valley Comprehensive Plan and the city's land use regulations; or
 - b. That vacation of the easement or right-of-way would actually provide a greater public benefit than retaining the property in its present status.

UTILITY COMPANY ACKNOWLEDGEMENT

► PLEASE COMPLETE THE FOLLOWING:

CENTURYLINK

Contact: Renee Hester at 720-738-2778

5325 Zuni St, Denver, CO 80221

renee.hester@lumen.com

I have reviewed the proposed vacation plans and recommend Approval Disapproval

Comments:

Representative's Signature

Date

XCEL ENERGY

Contact: Donna George at 303-571-3306

1123 West 3rd Avenue, Denver, CO 80223

Donna.L.George@xcelenergy.com

***A statement will be provided on Xcel Energy letterhead in lieu of a signature**

COMCAST

Contact: Kevin Young at 720-281-8666, fax 303-603-5628

8470 Umatilla Ave., Federal Heights, CO 80221

kevin_young@cable.comcast.com

I have reviewed the proposed vacation plans and recommend Approval Disapproval

Comments:

Representative's Signature

Date

LAND USE REVIEW AND TECHNICAL DOCUMENT REVIEW PROCESS SUMMARY

Planning & Development Services coordinates development reviews through a Land Use Review process. The various review types are listed on the [Land Use Review Application Form](#) and include annexation, site review, use review, form-based code review, and preliminary plat for subdivision. The Land Use Review process is summarized below.

► PRE-APPLICATION

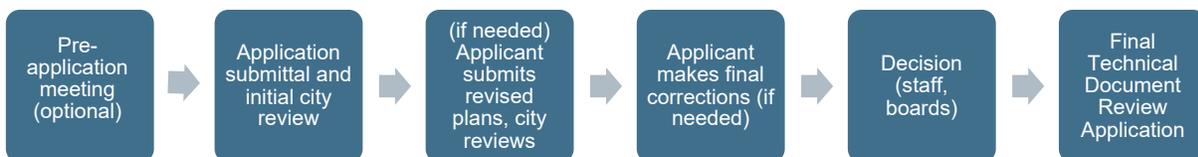
If you are considering filing a development review application, a pre-application review may be beneficial. An interdepartmental city staff team is available to answer questions about applicable regulations, application requirements, and how they may affect a project on a particular site. Many pre-application questions can be answered without need for a meeting. Occasionally, staff will determine that a meeting will be the most effective approach. In most cases, pre-application review is optional; however, there are certain types of projects and reviews for which city staff recommends a pre-application review. A pre-application review and meeting are required before an application for a form-based code review is filed. Please refer to the [Pre-Application Review](#) handout for more information.

► APPLICATION

Application forms are due by 10 a.m. on the business day prior to the application deadline to be considered for review on the next available track. Remaining application materials and fees are due by 10 a.m. on the application deadline. Track calendars are available on the [Development Review and Plan Case Applications webpage](#), refer to the LUR Calendar for this application type. Please review the [Development Review Application Guide](#) for instructions on how to submit.

► REVIEW SCHEDULE

Each application is assigned to a "track" based on availability of staff resources to conduct the review. The track assigned determines the land use review schedule which the project will follow and helps applicants gauge the time needed to complete the review process. A generalized diagram of the land use review process appears below. Once a review track has been assigned, the city commits to this time schedule, assuming the applicant meets appropriate deadlines. In addition, the schedule may be accelerated, or a project may be placed on a later track based on the applicant's response time, the number of revisions, and staff, Planning Board or City Council work volume.



► REVIEWERS

The land use review process includes review by the Development Review Committee (DRC) which is made up of representatives from city departments and other referral agencies. Each representative provides review comments about how the application complies with code and policy requirements within their area of responsibility. When the interests of individual departments diverge, developing consensus is the responsibility of the Policy Resolution Group (PRG), made up of supervisors of Planning and Development Services and the City Attorney's Office.

► INITIAL REVIEW AND REVIEW OF REVISED PLANS

Public notice, by mail and posting a sign on the property, occurs during the initial review. The applicant is responsible for posting of a sign that is issued by the Planning and Development Services Center.

During a project's initial review, a summary of the city's findings, a list of requirements and informational comments are identified and given to the applicant in the form of Development Review Results and Comments.

Projects are reviewed for conformance with development standards and requirements and some are evaluated against qualitative design criteria. City comments and/or a decision are issued approximately three weeks after the start of the assigned review track.

Issuance of the Development Review Results and Comments concludes the services covered by the initial application fee. Any additional time spent by staff after this point is subject to hourly billing or by revision fees where applicable.

The case manager is available to meet with the applicant to review and discuss the city comments. After considering the issues identified in the initial review, the applicant is given the opportunity to propose revisions. Revisions must be submitted, or a written request for continuance received within 60 days from the date of city comments; otherwise, staff will either take action on the latest plans on file or the application is voided. Revised applications are evaluated by DRC staff members and review of revision comments are issued by the case manager within three weeks after the start of the assigned review track.

► DECISIONS/CALL-UPS/APPEALS

Depending on the potential impact, Boulder's land use regulations assign approval authority to either city staff, Planning Board, or both Planning Board and City Council. After the completion of staff review, Planning & Development Services either issues a staff decision or refers the project to the Planning Board or City Council. For site review, use review, form-based code review and subdivision (at final plat review), a "Notice of Disposition" is issued. This is a one or two-page document stating the decision and listing any conditions of approval. These decisions are final after a 14-day "call-up" period. Staff-level decisions may be called up by the Planning Board for a final decision or appealed to the Planning Board by the applicant or any interested person. Planning Board and City Council decisions are also issued as Dispositions.

Several types of Land Use Review applications do not have dispositions issued and follow a slightly different review process at the time of the project decision. For example, out-of-city utility permits are approved by city staff and subject to a call-up by the City Council. Annexations follow a state law approval process, including a recommendation by the Planning Board and approval of an ordinance after two readings by City Council. For additional information on the steps towards a final decision for a particular application type, please refer to the application attachment for the review type in the [Applications and Forms Database](#) or contact Planning and Development Services.

► EXPIRATION OF APPROVAL FOR SITE, USE, AND FORM-BASED CODE APPROVALS

For site, use, and form-based code reviews, the applicant must sign a development agreement and file a final approved plan (containing the disposition of the approval) within 90 days. If this is not complied with the approval expires. In some cases, a waiver of this expiration timeline can be requested.

The applicant must also begin and substantially complete the approved project within three years from the date of final approval (or as modified by a specific development schedule). If a project is not completed within three years, or according to the project's approved development schedule, the approval expires. If the project is not completed within this time frame, the applicant may request administrative extension of the development approval. Up to two six-month extensions can be granted by staff. After that, extensions can only be granted by the Planning Board, after a public hearing, and upon a showing by the applicant that reasonable diligence has been exercised to complete the project.

TECHNICAL DOCUMENT AND PERMIT REVIEW

► TECHNICAL DOCUMENT REVIEW AND PERMIT REVIEW

The conditions of approval for most Land Use Review applications will generally require several documents to be prepared, filed and recorded depending on the review type. These may include final plans (architecture, site, landscape), a subdivision final plat and agreement, a development agreement, engineering plans, and dedications of easements or rights-of-way.

For city review and approval of these technical and final documents, the applicant files a Technical Document Review application. The Technical Document Review process (TEC DOC) is similar to Land Use Review (same application deadlines, but no hearings are involved).

► PERMIT REVIEW

After the required technical documents have been approved, the applicant may file a building permit application for any new construction. Information on building permits is available on the [Building Permits and Inspections webpage](#). The applicant may also need to obtain other permits or approvals to complete the project, including growth management allocations and floodplain development permits.