

# Right-of-Way Vacation Request

Section 23-115 of the City Code, adopted by Ordinance No. 106, 2004 describes the process for requests to vacate right(s)-of-way. The following is a summary of the Section.

## Step 1: Application

Submit the following to the Engineering Department (281 N. College Ave):

- A. Transportation Development Review Fee form filled out (Application forms are available online at [www.fcgov.com/engineering](http://www.fcgov.com/engineering) or at the front counter at 281 N. College Ave.).
- B. \$800 application fee (non refundable) (check made out to City of Fort Collins) per right-of-way vacation request.
- C. Legal Description of the area requested for vacation. A paper copy and an electronic version of the legal description prepared by a licensed surveyor are needed.
- D. Map clearly showing where the right-of-way being requested for vacation is located. Need to show and label the closest major street intersection.
- E. Letter or paragraph describing the request and providing justification for the request.
- F. Additional materials as requested to properly describe the property to be vacated, or explain, or provide justification for the request.

## Step 2: Routing for Comments

The Development Review Engineering staff routes the vacation request to relevant City departments, public agencies, and affected property owners for their review and to solicit comments. This may take some time as some research may need to be done to determine who the affected property owners are and how they can be contacted.

## Step 3: Recommendation

Upon receipt of information and comments from potentially affected interests, a recommendation is developed for approval or denial and is submitted to the Planning, Development and Transportation Services Director (PDT Director). If there are existing utilities within the right-of-way the staff recommendation would include language to retain easements within the area proposed for vacation. Recommendations of the PDT Director for approval of a right-of-way vacation shall be forwarded to City Council for its consideration of action by ordinance to vacate the right-of-way. Decisions of the PDT Director for denial of a right-of-way vacation request shall be delivered in writing to the applicant and may be appealed to the City Manager pursuant to the provisions contained in Chapter 2, Article VI of the City Code.

## Step 4: City Council Consideration

Upon the decision of the PDT Director to support the approval of the proposed right-of-way vacation the Development Review Engineer staff will prepare and schedule an ordinance for City Council consideration. The City Council will consider an ordinance for vacation request and approve or deny the request on first reading. If approved on first reading, the City Council considers the second reading of the vacation ordinance at their next regularly scheduled meeting. City Council meets on the first and third Tuesday of every month. If the ordinance is approved on second reading, it becomes official after the tenth business day following approval on second reading and upon filing of the ordinance with the Larimer County Clerk and Recorder.

## Step 5: Recording Fees

Upon preparation of the ordinance for vacation of the right-of-way the applicant will be asked to submit a check to the Development Review Engineer, payable to the "Larimer County Clerk and Recorder" to cover the cost of recording the vacation documents. The Development Review Engineer will inform the applicant what this amount is. The current cost is \$13.00 for the first page and \$5.00 for each additional page to be recorded.

Notes: 1. In most cases right-of-way vacations associated with replats must be approved by City Council after the public hearing for the plat has occurred and before the filing of the replat.  
2. The City does not determine who obtains ownership to right-of-way once it is vacated. The division of the right-of-way to adjacent property or properties is determined by State Statues.