



## Right-of-Way Vacation Process

### PRE-APPLICATION: IMPORTANT INFORMATION

- Section 23-115 of the City Code, adopted by Ordinance No. 106, 2004 describes the process for requests to vacate right(s)-of-way. This document should not be considered a substitute for the information contained in Section 23-115.
- 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 Statutes.
- In most cases, right-of-way vacations associated with development projects must be approved by City Council after the public hearing for the project has occurred and before the filing of the project's final plans.

### APPLICATION

#### COSTS:

Upon application: \$2,050 fee paid at the time of application/submittal for each right-of-way vacation to be processed. Application forms are available online at <http://www.fcgov.com/engineering/devrev.php>.

Payments can be made by check, debit/credit card, or eCheck.

- **Check:** Make payable to **City of Fort Collins**. Mail to the Development Review Center, 281 N College Ave, Fort Collins, CO 80524, OR place in the blue drop box located at the northwest side of the building. Please mark it to the attention of your Development Review Coordinator and reference the project it is associated with.
- **Debit/Credit Card or eCheck:** Please go to [fcgov.com/CitizenAccess](http://fcgov.com/CitizenAccess), select Planning/Development Review, and search by inputting your project's information\*.
  - Debit/Credit card payments include a convenience fee of 2% + \$0.25 added to all payments under \$2,500.00, and 2.75% added to all payments over \$2,500.00.
  - ECheck payments include a convenience fee of \$0.50 added to all payments between \$0.00 - \$99,999.99.

*\*Please advise your Development Review Coordinator as to which payment method will be used. If choosing to pay online, your Development Review Coordinator will provide you with the project information when the fees are available to be paid.*

**(APPLICATION PROCESS CONTINUED ON FOLLOWING PAGE)**



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### SUBMITTAL:

- Letter of **request** or paragraph with details describing the proposed vacation.
  - What you are proposing to vacate
  - Justification of why the proposed vacation is necessary
  - Your contact information
- Legal description** of the easement area to be vacated. The legal description must be prepared by a licensed Colorado Professional Land Surveyor.
- A **sketch** that accurately shows the proposed vacation, also prepared by a licensed Colorado Professional Land Surveyor. The area to be vacated needs to be dimensioned and locatable from a property line or other easement.
  - This is not the same as a site plan.
  - Show and label the closest major street intersection.
- A **closure report** for the right-of-way vacation boundary.

### ACCEPTANCE PROCESS

#### REVIEW:

- 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.
  - City staff may contact the applicant to discuss the vacation request and staff's recommendation for approval or denial.
  - Additional information to support the request may be required.
- 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.

**(ACCEPTANCE PROCESS CONTINUED ON FOLLOWING PAGE)**



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### RECOMMENDATION:

- After a thorough review, including input from potentially affected interests, the Development Review Engineer will develop a recommendation for approval or denial. The recommendation 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.
- If the PDT Director recommends approval of the right-of-way vacation, the recommendation of approval will be forwarded to City Council for its consideration of action by ordinance to vacate the right-of-way.
  - If the PDT Director decides to deny the right-of-way vacation, the denial will be delivered in writing to the applicant. The PDT Director's decision may be appealed to the City Manager pursuant to the provisions contained in Chapter 2, Article VI of the [Municipal Code](#).

### CITY COUNCIL CONSIDERATION:

- If the PDT Director recommends approval of the proposed right-of-way vacation, staff will prepare and schedule an ordinance for City Council consideration.
- City Council will consider the proposed right-of-way vacation and approve or deny the request on first reading. If considered favorably on first reading, the City Council considers the second reading of the vacation ordinance at their next regularly scheduled meeting. If the proposed right-of-way vacation is approved on second reading, it is formally adopted by ordinance after the tenth business day. The ordinance will be filed with the Larimer County Clerk and Recorder.

**(RECORDING PROCESS ON FOLLOWING PAGE)**



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### RECORDING

Items that are recorded include, but are not limited to the City Council ordinance, the legal description, and the sketch. The first sheet of the document must have a space at the top of the page of at least 1" high x 4" wide for Larimer County to use for the recording process. If this is not provided an additional blank sheet will be needed for the recording information and additional fees may apply.

Right-of-way vacations are recorded with the Larimer County Clerk and Recorder's Office by City staff after City Council approval. The cost of the recording fees (for recordation with Larimer County Clerk and Recorder) will be collected prior to recordation. Your Development Review Coordinator will determine the amount of the fees.

Payments can be made by check, debit/credit card, or eCheck.

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