



Procedural Guide for Vacation of Public Utility Easements within the Estes Valley

Estes Park Community Development Department

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PROCESS: Review and approval by all agencies that benefit from a public utility easement and by the applicable Board (i.e., Estes Park Town Board of Trustees or Larimer County Board of County Commissioners) is required to vacate an easement. The steps below outline the review process.

STEP 1	Pre-Application Conference. Schedule a pre-application conference with Community Development staff to discuss the submittal requirements and review process. The quantities of any required submittal items will be determined at this meeting. Five business days prior to this meeting, submit (1) a pre-application form, (2) a vicinity map, and (3) a site plan. Refer to the <i>Easement Vacation Submittal Requirements</i> checklist for the vicinity map and site plan requirements. Community Development staff will route this information to affected agencies and invite them to the pre-application meeting.
STEP 2	Submit Application. Submit the items listed on the <i>Easement Vacation Submittal Requirements</i> checklist by the <i>Submittal Deadline</i> found on the <i>Final Plat Application and Review Schedule</i> . This schedule is available online at www.estesnet.com . The submitted application must be <u>complete</u> . Incomplete applications will not be accepted, processed, or scheduled for review.
STEP 3	Agency Review and Neighbor Notification. Community Development staff will route the application to the agencies that benefit from the easement for their review. Notice of the proposed easement vacation will also be mailed to neighbors.
STEP 4	Public Works Committee Review (For Properties within Town limits). Vacation of general utility easements within the Town of Estes Park requires Public Works Committee review prior to Town Board review. This Committee will make a recommendation to the Town Board about whether or not to vacate the easement. This committee consists of three Town Board members. <u>Staff recommends that the applicant attend this meeting to answer questions that may arise.</u>
STEP 5	Town Board or County Commission Review. The Town Board/County Commissioners make the final decision about whether or not to vacate an easement. The Town Board reviews applications for properties within the Town of Estes Park; the Board of County Commissioners reviews applications within unincorporated Larimer County. <u>Staff recommends that the applicant attend this meeting to answer questions that may arise.</u>

STEP 6**Finalizing the Easement Vacation.**

The applicant shall complete this step within thirty days of Town Board/County Commissioners approval; otherwise, the application shall automatically become null and void.

The applicant shall submit a check to the Community Development Department, made out to the Larimer County Clerk and Recorder, to cover the cost of recording documents such as resolutions or quit claim deeds.

For easement vacations in unincorporated Larimer County, a resolution officially vacating the easement will be recorded by Staff with the Larimer County Clerk and Recorder. If a new easement is being dedicated, the applicant shall submit the approved and signed easement to the Community Development Department.

For easement vacations within the Town of Estes Park, the applicant shall submit a quit claim deed officially vacating the easement (and an easement agreement to dedicate a new easement, if applicable). This will be recorded by Staff with the Larimer County Clerk and Recorder. The Town Board will also pass an ordinance approving the easement vacation.

STEP 7**Distribution of Recorded Documents.**

For easement vacations within unincorporated Larimer County, the Community Development Department will mail a copy of the documents to the applicant.

For easement vacations within the Town, the Town Clerk will provide copies of the recorded documents to the Community Development and Public Works Departments. The Community Development Department will mail a copy of the documents to the applicant.

EASEMENT VACATION SUBMITTAL REQUIREMENTS

Submit the items listed below by the *Submittal Deadline* found on the *Final Plat Application and Review Schedule*. This schedule is available online at www.estesnet.com. The submitted application must be complete. Incomplete applications will not be accepted, processed, or scheduled for review.

_____ **Statement of Intent.** A complete, detailed letter describing the request is essential to the timely and effective review of your application.

_____ **Application Form.** A completed application form signed by the property owner(s) and the applicant.

_____ **Adjacent Property Owner Notification List.** Refer to the Adjacent Property Owner Notification handout for an explanation of how to prepare this list.

_____ **Vicinity Map.** A map showing the location of the property, including property lot lines for the site and adjacent properties, and adjoining or nearby streets.

_____ **Site Plan.** A to-scale site plan, prepared by a professional land surveyor, clearly identifying the easement to be vacated and, if applicable, the new easement to be dedicated. Include the location of all existing structures and all utilities in the easement to be vacated. If there are no utilities in the easement state this on the site plan.

_____ **Quit Claim Deed.** Submit a draft quit claim deed, prepared by an attorney, with an exhibit prepared by a professional land surveyor, vacating the easement. (*For easement vacations within the Town of Estes Park only.*)

_____ **Easement Agreement.** If a new easement is being dedicated, a draft of the proposed easement agreement, prepared by an attorney, should be submitted, along with an exhibit, prepared by a surveyor, showing the location of the new easement.

_____ **Typed legal description.** Legal description describing the easement being vacated. (*For easement vacations within the unincorporated Estes Valley only.*)

_____ **Ownership and Encumbrance.** Contact a Title Company for this information. This is need to verify who owns the property. (*For easement vacations within the unincorporated Estes Valley only.*)

_____ **Application Fee.** See the current *Development Review Fee Schedule* online at www.estesnet.com for the applicable fee. Make checks payable to the *Town of Estes Park*.

Please Note: Based upon the Community Development staff's understanding of the proposal during the pre-application conference, some of the submittal information may not be required or the level of detail reduced. Additional information may be required at a later date, if requested by a referral department or agency.