



POLICY TO ABANDON AND VACATE PUBLIC RIGHT-OF-WAY

A. SUBMISSION: An application to abandon and vacate any portion of any right-of-way is required in Montezuma County.

B. METHOD OF SUBMISSION:

1. The applicant shall submit the application and accompanying materials to the Montezuma County Planning Department ("the Department").
2. The Department will present the application within thirty (30) working days to the Board of County Commissioners ("the Board"); at which time, a public hearing will be scheduled. At the public hearing before the Board, the application and accompanying materials shall be considered.
3. The applicant may ask for additional time before action is taken by the Board if such time is needed to accommodate the acquiring additional materials for said request. Said request shall be made in writing to the Department, which shall be authorized to grant the request on behalf of the Board.

C. REVIEW OF PUBLIC RIGHT-OF-WAY ABANDON AND VACATE MATERIALS:

1. Whenever it is determined that a request to abandon and vacate an existing right-of-way is within an urban influence zone, the Planning Department will provide notice of the request to the proper municipality and request comments and (or) recommendations in regard to any Master Street Plan adopted by said municipality. All comments and recommendations received by the County from a municipality will be considered by the Board at the public hearing.
2. At the public hearing before the Board, the applicant or his representative shall present the request and answer questions. If the review is continued, no such continuance shall exceed forty (40) days.
3. The Board shall consider all other rules and regulations in Montezuma County in regards to the health, safety and general welfare of the inhabitants of Montezuma County.
4. The Board shall continue, approve, disapprove, or table the abandonment and vacation of the Public Right-of-Way.

5. Documents shall be recorded as required by CRS 43-1-202.7.

D. REQUIRED COPIES:

1. The applicant or his representative shall submit at least three (3) twenty-four (24) inch by thirty-six (36) inch copies of the drawing and seven (7) reduced copies, (8 1/2" x 11" or 11" x 17") of the drawing. In addition at least seven (7) copies of all other required documents shall be provided with the initial application.

E. DRAWING REQUIREMENTS:

- The drawing shall be drawn to a scale not less than one (1) inch to two-hundred (200) feet unless otherwise approved by the Department.
- In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.
- Complete legal description and acreage of right-of-way to be abandoned or vacated.
- Public right-of-way to be abandoned or vacated shall be illustrated by cross hatching or other method approved by the Department. In addition, the right-of-way to be abandoned or vacated should be noted on the drawing.
- The area to be vacated shall include all dimensions, etcetera.
- Date, north point and a written graphic scale.
- Vicinity map to locate the proposed abandon and vacate.
- All lots adjoining the area to be vacated.

F. SUBMITTAL REQUIREMENTS:

1. A completed application on a form provided by the Department.

G. NOTICE REQUIREMENTS:

1. After the Planning Department has received the required submittals, and scheduled an application for public hearing, it shall cause public notice of the application as follows:
 - A. The notice of public hearing shall be prepared at the direction of the Planning Director and include the following:
 1. A description of the location of such proposed development by reference to known landmarks such as, road intersections, existing towns and developments, addresses; and by reference to quarter-section, township and range.
 2. A brief description of the proposal.
 3. The date, time and place of the public hearing.
 4. A statement that interested persons may attend and give input at such hearing.
 5. The phone number and address of the Planning Office where additional information may be obtained.

- B. The Notice of Application and Public Hearing shall be given:
 - 1. By written notice. At least thirty (30) days prior to the public hearing before the Board, the applicant or his representative shall notify all adjoining property owners of the public hearing before the Board, in writing, by certified mail, postage prepaid, return receipt requested to the Department, on a form provided by the Department. The notice shall state that the owner(s) may appear in person or by a designated representative or if unable to attend, may submit a written statement expressing their comments on the submission. In addition, a vicinity map locating the right-of-way to be vacated shall be enclosed with the letter to adjoining property owners. Additional notice may be required at the discretion of the Board.
 - 2. By at least one publication in a newspaper of general circulation within Montezuma County. The Planning Department shall draft said notice and cause same to be published at least, and including, thirty (30) days prior to the hearing.
 - 3. Proof that all individuals and entities having any right of record easements and all applicable utility companies were notified of this application, in a form letter provided by the Department.

- 3. The proposed abandonment and vacation of a public Right-of-Way shall be posted in accordance with the following:
 - A. The sign shall be posted at least thirty (30) days prior to the Public Hearing before the Board.
 - B. The sign shall be legible and on durable material and shall be waterproof.
 - C. The sign shall state the following: The date and place of the Board meeting, the type of hearing to be held, the public authority (the Board of County Commissioners) considering the abandon and vacate and the location and telephone number of the Department where additional information can be obtained.
 - D. The notice shall be posted continuously for at least thirty (30) days prior to the public hearing before the Board. If sign is destroyed, non-readable etc., re-posting will be required.
 - E. The sign shall be posted in plain sight, no further than fifteen (15) feet from the public right-of-way providing access to the property, and on the subject property. The sign shall be readable from the public right-of-way.

H. Fees:

1. Administrative Fees. The applicant shall pay administrative fees associated with the application as defined in the Montezuma County Department of Planning and Zoning Application Fee Schedule, as amended. As with all development application fees payment of an application fee does not insure approval of the application. All application fees paid are non-refundable.

Additional Fees. The applicant shall pay all technical consultant fees, including, but not limited to, engineer, architect, and legal expenses incurred by the County, who may retain at its' sole discretion to review any application.



APPLICATION TO ABANDON AND VACATE PUBLIC RIGHT-OF-WAY

1) Name of Subject Property Owner/Applicant: _____
Mailing Address: _____
Physical Address: _____
Telephone Number: _____ Alternate Number: _____
EMAIL _____

2) Agent(s) _____ Phone No. _____
EMAIL _____

(If the applicant is not the owner then evidence that the owner is aware of and consents to the filing of this application must be provided in writing before the application will be accepted.)

3) Parcel I.D. Number of Subject Property effected: _____
Physical Address of Property or General Location: _____
Legal Description of Property: Section _____ Township _____ Range _____
 Check here if legal description is attached as Exhibit "A".

4) The subject property is legally described as: _____

5) This Notice is to inform you that the Subject Property Owner, listed above, has made an application for the action as marked below with the Montezuma County Planning Department:
 Vacation of a Public R-O-W
 Vacation of Interior R-O-W within a Subdivision
 Other: _____

6) Municipal Review: Cortez Dolores Mancos Not Applicable

7) Are there any known utilities which may require a utility easement? Yes No
If yes, explain: _____

_____ Attachment(s) _____ Pages

Signature of Authorized Entity Representative

Date

Signature of Landowner(s)

Date

Signature of Landowner(s)

Date



**PUBLIC UTILITY, IRRIGATION COMPANY, IMPROVEMENT DISTRICT & EASEMENT
OF RECORD NOTIFICATION LETTER**

TO: _____

FROM: Montezuma County Planning Department _____

Name of Subject Property Owner / Applicant

A copy of the proposed application is enclosed with this mailing.

This type of application is always first heard by County Staff for determination of the feasibility of said request then scheduled to be reviewed by the Montezuma County Board of County Commissioners (the "Board"). This application will be heard by the Board on Monday, [Month] [date], [year] at [time] PM, in the Board's hearing room located at 109 West Main, Cortez, CO 81321. You and or your representative (*representative documentation may be required*) may attend the meeting to present your oral comments or written comments will be accepted at the meeting or prior to the meeting

If you would like further information regarding the application you can contact the Planning Department by telephone at (970) 565-2801, facsimile (970) 565-3420 or by email at planning@co.montezuma.co.us.

