



# CITY AND COUNTY OF DENVER

## DEPARTMENT OF PUBLIC WORKS

### Engineering Division

Development Engineering Services  
 Public Works Plans Review Services  
 201 W Colfax Ave, Dept 202  
 Denver CO 80202-5330  
 Phone: 720.865.2782  
 Fax: 720.865.3281  
<http://www.denvergov.org/pwprs>

### Street and Alley Vacation Request: Entrance Requirements

<b>Authority:</b>	Revised Municipal Code, Chapter 1, Section 1-6, <i>Miscellaneous Ordinances not affected by Code</i> and Subtitle B <i>Charter</i> Article II, Part 3, Section 2.3.3 <i>Powers and Duties of Department of Public Works.</i>
<b>Purpose of process:</b>	A Street Vacation or Alley Vacation is the process by which the City gives up its ownership interest in a particular area of public right-of-way by an ordinance passed by City Council.
<b>Document Date:</b>	December 30, 2003; Version 1.3
<b>Process Type:</b>	Street <i>or</i> Alley Vacation
<b>Process Definition:</b>	The process is defined by the City and includes soliciting approvals from various City agencies and utility companies. Right-of-way will not be vacated if existing utilities still occupy said right-of-way unless the utilities are relocated OR an easement is retained for utility purposes. Once passed by City Council and published by ordinance, the vacation becomes binding upon the land and becomes part of the title work for the property or properties which received the vacated land. The sale of the property to another will not repeal the vacation ordinance nor void the commitment of the new owner(s) to maintain the additional property.
<b>Process Dates:</b>	Dates will vary from the time a Property Owner approaches the City to vacate the area through the request for the ordinance at City Council and the recording of the ordinance with the Clerk and Recorder which becomes the official record. Owner/Agent(s) should expect at least 12-15 weeks if the documentation is submitted electronically. Longer intervals can be anticipated if the documentation is not submitted electronically.
<b>Customer Interface:</b>	All communication will be handled through the Public Works Plans Review Services (PWPRS).
<b>Affiliated Companies, Departments &amp; Agencies:</b>	The vacation request will be reviewed by the following companies, agencies, departments, or workgroups: <ul style="list-style-type: none"> <li>➤ Asset Management</li> <li>➤ Building Inspection Division</li> <li>➤ Colorado Department of Transportation (CDOT) (<i>If vacation impacts State Highways</i>)</li> <li>➤ Comcast Corporation</li> <li>➤ Commission for People with Disabilities</li> <li>➤ Community Planning and Development: Planning Division</li> <li>➤ Community Planning and Development: Zoning Division</li> <li>➤ Council District for encroachment location</li> <li>➤ Denver Water Department</li> <li>➤ Director of Telecommunications</li> <li>➤ Emergency Management</li> <li>➤ Fire Department (<i>Involving balconies and/or fire escapes in an alley</i>)</li> <li>➤ Metro Wastewater Reclamation District</li> <li>➤ Parks and Recreation Department</li> <li>➤ Public Works: Development Engineering Services: Area Engineer</li> <li>➤ Public Works: Development Engineering Services: City Surveyor</li> <li>➤ Public Works: Development Engineering Services: Construction Inspection</li> <li>➤ Public Works: Infrastructure Planning &amp; Programming</li> <li>➤ Public Works: Street Maintenance</li> <li>➤ Qwest Corporation</li> <li>➤ Regional Transportation District (RTD)</li> <li>➤ Xcel Energy</li> </ul>

**Considerations:**

- A minimum of twelve (12) weeks is required for completion of the process from the initial customer request to the ordinance acceptance. Owner/Agent(s) should anticipate longer intervals if any denials and/or conditions are stated during the agency circulation process.
- In most cases, the land is given back in the way it was configured or divided by original plat. It is the Owner/Agent(s) responsibility to research how the land will be vacated. This is determined by Colorado State Statutes. The City only vacates its RIGHTS to ownership of the land and is not concerned on how the vacated land gets distributed.
- Land Vacation requests involve a long review period. It is suggested that the Owner/Agent(s) perform some initial communications with the utility companies to ascertain any utility concerns in the proposed vacation area before submitting application to PWPRS.
- Utilities in the proposed vacation area will need to be relocated at the Owner/Agent(s) expense. If relocation is not feasible, utility easements may be necessary. Utility easements give a utility company a right to enter onto vacated property to make any necessary repairs or improvements without prior approval from the Owner(s).
  - For existing Storm and/or Sanitary sewer lines a parcel description and exhibit of the proposed easement, prepared by a Land Surveyor, licensed in the State of Colorado, must be submitted for review and approval.
  - The parcel legal description and exhibit should conform to the standard set by the DES Surveying Web page. Review these standards and refer any questions to DES Surveying.
  - Asset Management will prepare the deed for the easement document. If the easement is for an existing storm and/or sanitary sewer line, the deed of easement will be recorded and a copy will be sent to the owner by Asset Management. If the easement is for new construction of a storm and/or sanitary sewer line, Asset Management will hold the executed deed in escrow until the construction of the re-routed line is completed and approved. A copy of the recorded easement document will be mailed to the owner by Asset Management.
  - A phase I ASTM Standard Environmental Site Assessment from the Department of Environmental Health must be obtained for all land to be deeded to the City and County of Denver. The Owner/Agent(s) shall have the Department of Environmental Health inform this office in writing of their approval of the Environmental Site Assessment.
- Drawings for improvements requiring a civil engineering review, if requested, must be prepared and stamped by a Professional Engineer registered in the State of Colorado.
- A Performance Bond may be required to cover the cost of any required right-of-way improvements. The DES Construction Inspection Engineer reviewing the request will make that determination and the amount of bond necessary.
- The Owner will be required to install signage per the Manual of Uniform Traffic Control Devices (MUTCD) indicating that the vacated street and/or alley is now a private drive. Additionally any City signage in the area vacated will be removed per City requirements.
- Notification letters from PWPRS will be sent out to adjoining landowners and the neighborhood organizations concerned with the area in an attempt to keep everyone informed. The area will be posted by the Owner/Agent(s) for a minimum of 20 calendar days.
- Any protests received by the Manager of Public Works during the 20-day posting period must be resolved in writing. Protest resolution shall be attempted in this order. First, the Owner/Agent(s) will try to resolve each protester's concerns and have them provide written removal of their protest to PWPRS. Second, mediation shall be taken through the Denver Mediation Center and the outcome given, in writing, to the PWPRS Supervisor. Lastly, a public meeting *may* be held by the Manager of Public Works or his/her designee.

<p><b>Application:</b></p>	<ul style="list-style-type: none"> <li>➤ The Property Owner and/or Agent for the Owner must submit an application letter to: <p style="text-align: center;"><b>Public Works Plans Review Services</b>  <a href="mailto:Denver.row@ci.denver.co.us">Denver.row@ci.denver.co.us</a>  <b>201 W Colfax Ave, Department 202</b>  <b>Denver CO 80202-5329</b></p> </li> <li>➤ The application letter must include the following information: <ul style="list-style-type: none"> <li>➤ The reason why the Owner/Agent(s) want the City to vacate the land and the intended purpose or improvement proposed for the vacated land.</li> <li>➤ A site plan or exhibit (drawing of streets or alleys in the area) clearly showing where the proposed vacation area lies.</li> <li>➤ The Initial Processing Fee as detailed in the Fees section of this document.</li> <li>➤ Pertinent information of the name, address, telephone number, fax number, and e-mail address (if possible) for the Property Owner and Agent(s) for the property owner(s).</li> <li>➤ It is preferred that all application materials be sent electronically to <a href="mailto:Denver.row@ci.denver.co.us">Denver.row@ci.denver.co.us</a>. If applications are not submitted electronically, a longer review interval should be anticipated. The following electronic formats are supported: doc., tif., jpg., pdf.</li> </ul> </li> </ul>
<p><b>Approval Process:</b></p>	<ul style="list-style-type: none"> <li>➤ PWPRS will distribute questionnaires to reviewing entities listed in the <i>Affiliated Companies Departments &amp; Agencies portion of this document</i>.</li> <li>➤ After the initial review period expires, PWPRS will send to the Property Owner/Agent(s) a Status Report listing any <b>denials, conditions, or non responses</b>. <ul style="list-style-type: none"> <li>➤ The Owner/Agent(s) will need to remedy all <b>denials</b> placed by a reviewing agency, understand and comply with any <b>condition(s)</b> from a reviewing agency, and get any <b>non-responding agency</b> to respond back to PWPRS before the request is processed further.</li> <li>➤ If a replacement area is determined to be required, the Environmental Services Division MAY request that an environmental study of that replacement area be done. PWPRS will notify the Owner/Agent(s) if this is required.</li> <li>➤ Prior to submission for City Council Approval, PWPRS will provide to the Owner/Agent(s) a standard <i>Sign Form</i> to fabricate and post at the property to be vacated. PWPRS will inform the Owner/Agent(s) on where to post and how many sign(s) should be posted as described by the DES Construction Inspector.</li> <li>➤ Once signs have been posted, PWPRS will need to be notified by the Owner/Agent(s) to implement the 20-day posting period. PWPRS will arrange to have the sign(s) inspected for compliance.</li> <li>➤ PWPRS will send out letters to all adjacent land owners within a 200 foot radius of the vacation proposal area. Additionally all neighborhood organizations in the area will be notified in writing of the request.</li> <li>➤ The Owner/Agent(s) will provide two (2) <u>original</u> sets of the Parcel Description, sometimes referred to as a Legal Description. The Parcel Description is the written description of the area and its exhibit (a drawing showing the area) prepared by a Professional Land Surveyor registered in the State of Colorado. A Legal Review Fee must have been provided to PWPRS for review of these documents prior to the submission of the vacation request to City Council. If it has been determined a replacement area will be required, the Owner/Agent(s) will provide two (2) original sets of the Parcel Description for the replacement area also. In this case, we will require only ONE Review Fee for the proposed vacated area and NOT for the replacement area since land is being given to the City.</li> <li>➤ After the Parcel Description has been reviewed, found to be correct, ALL reviewing agencies having responded, ALL <b>denials</b> removed and ALL <b>conditions</b> met, the Owner/Agent(s) shall submit the Ordinance Fee to PWPRS as described in the Fee section of this document a described in the Fee section of this document.</li> <li>➤ If no protests are received in the Manager of Public Works Office within the 20-day posting period, PWPRS will prepare the <i>Request for Ordinance</i> documents in coordination with the City Attorney's Office. These documents will be used to prepare a Council Bill for City Council approval. This process will require approximately 3-4 weeks.</li> <li>➤ The Friday after City Council approval, the City will publish the official "Ordinance" in the <u>Denver Business Journal</u>.</li> <li>➤ Once the Ordinance is published, PWPRS will contact the Owner/Agent(s) in writing</li> </ul> </li> </ul>

	providing a copy of official ordinance. Vacation ordinances are automatically recorded with the City and County of Denver Clerk and Recorder's Office. After the ordinance is recorded, the Office of Asset Management shall commence with the land title work.
<b>Fees:</b>	<p>\$ 1,000.00 Initial Processing Fee (non-refundable)</p> <p>\$ 300.00 Legal Review Fee (non-refundable) <i>(Accepted by PWPRS)</i></p> <p>\$ 300.00 <i>Ordinance Fee (non-refundable) (Accepted by PWPRS only after the vacation request has been approved by all the affiliated companies, departments and agencies, and right before submitting for Council approval. Approximately 12 weeks after initial submittal)</i></p> <ul style="list-style-type: none"> <li>➤ Checks or Money Orders must be made payable to <i>Manager of Revenue</i>.</li> <li>➤ Fees are subject to change and are available on our website <a href="http://www.denvergov.org/PWPRS">www.denvergov.org/PWPRS</a>.</li> </ul>
<b>Document Location:</b>	K:\PWDES\Shared\PWPRS\WEBSITE\Vacation Web