



DENVER
THE MILE HIGH CITY

Street and Alley Vacation Request: Entrance Requirements

Authority:	Subtitle B Charter, Article II, Part 3, Section 2.3.3 Powers and Duties of Department of Public Works; and Department of Public Works, Engineering Division, Policy Statement Number Five, Street and Alley Vacations.
Purpose of Permit:	A Street or Alley Vacation Request is the process by which the City determines whether to vacate a particular portion of dedicated public right-of-way (ROW). If it is determined that such ROW is no longer needed, then a vacation ordinance is filed with City Council for approval.
Document Date:	August 27, 2007; Version 2
Process Type:	Street <i>or</i> Alley Vacation
Process Definition:	The process includes soliciting comments from various City agencies and utility companies. In addition, Registered Neighborhood Organizations, adjacent landowners, and the general public are notified and given the opportunity to comment on the vacation. ROW will not be vacated if existing utilities occupy said area unless the utilities are relocated, the utility company/companies obtain a private easement, or an easement is reserved by the vacating ordinance for utility purposes. The Manager of Public Works may decide not to forward the vacation to City Council if public protests are found to have technical merit. Once the vacation ordinance is passed by City Council and published, the vacation is effective and the land is no longer ROW.
Process Dates:	The time needed to complete a vacation request varies depending on the responses received during the review and notification process. Expect the process to take at least 12 weeks.
Customer Interface:	All communication will be handled through Public Works Plans Review Services (PWPRS) - specifically through the Case Manager assigned to process the request.
Application:	<ul style="list-style-type: none"> ➤ The applicant (Property Owner or their Agent) must submit an application letter to: <p style="text-align: center;">Public Works Plans Review Services 201 W Colfax Ave, Department 507 Denver CO 80202-5329 denver.row@denvergov.org</p> ➤ The Application letter must include the following information: <ul style="list-style-type: none"> ➤ Outline why the applicant wants the City to vacate the land and the intended purpose or improvement proposed for the vacated land. Include a statement indicating if a hard surface easement will be acceptable or if the intention is to build over the vacated area. ➤ A dimensioned site plan or exhibit (drawing of streets or alleys in the area) clearly showing the proposed vacation area and its size. ➤ The Initial Processing Fee as detailed in the Fees section of this document. ➤ Pertinent contact information for the both the owner and agent (if different) to include: name, address, telephone number, fax number, and e-mail address. <p>It is preferred that all application materials be sent electronically to denver.row@denvergov.org. The following electronic formats are supported: doc., tif., jpg., pdf.</p>





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Department of Public Works

Permit Operations and Right of Way Enforcement

201 W. Colfax Avenue, Dept. 507

Denver, CO 80202

P: 720-865-2782

F: 720-865-3280

www.denvergov.org/pwprs

<p>Reviewing Agencies, Departments & Companies:</p>	<p>Review period is a minimum of three (3) weeks. The vacation request will be reviewed by the following:</p> <ul style="list-style-type: none"> ➤ Colorado Department of Transportation (CDOT) <i>(If vacation impacts State Highways)</i> ➤ Comcast Corporation ➤ Commission for People with Disabilities ➤ Community Planning and Development: Building and Construction Services ➤ Community Planning and Development: Planning Division ➤ Community Planning and Development: Zoning Division ➤ Council District for area ➤ Denver Water Department ➤ Facilities Planning and Management ➤ Fire Department ➤ Metro Wastewater Reclamation District ➤ Office of Emergency Management ➤ Office of Telecommunications ➤ Parks and Recreation Department ➤ Public Works: Development Engineering Services: Construction Engineering ➤ Public Works: Development Engineering Services: Survey ➤ Public Works: Development Engineering Services: Transportation ➤ Public Works: Development Engineering Services: Wastewater ➤ Public Works: Infrastructure Planning & Programming ➤ Public Works: Solid Waste <i>(alley vacations only)</i> ➤ Public Works: Street Maintenance ➤ Public Works: Transportation Engineering Services ➤ Qwest Corporation ➤ Regional Transportation District (RTD) ➤ Xcel Energy
<p>Approval Process and Considerations:</p>	<ul style="list-style-type: none"> ➤ PWPRS assigns a Case Manager and posts the submitted documents on the web. Reviewing entities are notified and requested to respond within three weeks. Their responses are also posted on the web. <ul style="list-style-type: none"> ➤ After the initial 3 week review period expires, a Status Report is sent to the applicant listing all approvals, denials, and conditions. The Initial Processing Fee must be paid prior to release of a Status Report. ➤ The applicant is required to remedy all denial(s) by working directly with the denying agencies. ➤ Upon removal of all denials, the applicant is provided a standard <i>Sign Form</i> and map showing the number and location of where the sign(s) need to be placed. Applicant contacts their Case Manager when the signs have been posted. <ul style="list-style-type: none"> ➤ The Case Manager has an Inspector verify the signs have been properly posted. The 20-day posting period commences the day that confirmation is received. ➤ During the posting period, the Case Manager sends notification letters to all land owners within a 200 foot radius of the proposed vacation area. Additionally, letters are sent to all registered neighborhood organizations in the area. ➤ Any protests to the vacation received during the 20-day posting period and sustained by the Manager of Public Works must be resolved in writing by the applicant and the protesting party(ies). The applicant will try to resolve each protestor's concerns and have them provide written removal of their protest to PWPRS. A public meeting <i>may</i> be held by the Manager of Public Works or his/her designee if no resolution is reached.



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- Before the vacation ordinance can be forwarded to City Council, the applicant must provide two (2) original Legal Descriptions of the area they are requesting the City to vacate. The Legal Description should conform to the standards set on the DES Surveying Web page http://www.denvergov.org/DES_Survey. Questions should be directed to DES Surveying. A Legal Description Review Fee, as detailed in the Fees section of this document, must be included with the submittal.
 - If it has been determined a replacement area for ROW will be required, the applicant will provide two (2) original sets of the Legal Description for the replacement area. The Environmental Health Department MAY request that an environmental study of the replacement area be performed prior to acceptance of the replacement area. The Environmental Health Department or Facilities and Planning Management will notify the applicant if an environmental study is required.
- After the Legal Description has been approved, all **denials** removed, and all protests resolved, the applicant submits the Ordinance Fee to PWPRS as described in the Fees section of this document.
 - PWPRS prepares the *Request for Ordinance* documents which are used to prepare a Council Bill for City Council approval. This process will require approximately 3-4 weeks.
 - The ordinance is effective on the Friday after City Council approval.
 - Once the ordinance is in effect, PWPRS will contact the applicant in writing providing a copy of the ordinance. Vacation ordinances are automatically recorded with the City and County of Denver Clerk and Recorder's Office.

Other Considerations:

- A minimum of twelve (12) weeks is needed for completion of this process. Applicants should anticipate longer intervals if denials or protests are received. It is suggested that the applicant perform some initial communications with the utility companies to ascertain any utility concerns in the proposed vacation area before submitting their application.
- The City only vacates its dedication of and RIGHTS to the dedicated/vacated land and is not concerned with how the title to the land gets distributed upon vacation pursuant to the Colorado Revised Statutes. It is the Owner's responsibility to research how title to the land will go upon vacation.
- If there is an existing encumbrance on the ROW, the applicant will be required to obtain a Street Occupancy Permit for that encumbrance.
- For an alley vacation request, if Solid Waste responds that vacating the alley will require trash pick-up to be moved to the front of adjacent properties, this information will be communicated to the adjacent land owners and the Registered Neighborhood Organizations during the notification process.
- Utilities in the proposed vacation area will need to be relocated at the Owner(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) and restrict what the owner can develop on the vacated land.
- 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.



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Considerations: (Con't)	<ul style="list-style-type: none"> ➤ 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. <ul style="list-style-type: none"> ➤ If applicable, 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 private. Additionally any City signage in the area vacated will be removed per City requirements ➤ For underground facilities, according to Colorado State Law (Article 1.5, Title 9, Colorado Revised Statutes), it is the Permittee's responsibility to join the Statewide Notification Association of Owners and Operators of Underground Facilities. Please contact the Utility Notification Center of Colorado, 12600 W. Colfax Avenue, Suite B-310, Lakewood, CO 80215 303-232-1991 for information regarding membership. ➤ Drawings of the encroachment(s) may require a civil engineering review and/or structural review. Drawings must be prepared and stamped by a Professional Engineer registered in the State of Colorado. Structural drawing must show all structural details and design loads and must be prepared and stamped by a Professional Engineer licensed in the State of Colorado.
Fees:	<p>\$ 1,000.00 Initial Processing Fee (<i>non-refundable</i>)</p> <p>\$ 300.00 Legal Description Review Fee (<i>non-refundable</i>)</p> <p>\$ 300.00 Ordinance Fee (<i>non-refundable</i>)</p> <ul style="list-style-type: none"> ➤ Checks or Money Orders must be made payable to Manager of Finance. ➤ Fees are subject to change and are available on our website www.denvergov.org/PWPRS.
Document Location:	K:\PWDES\Shared\PWPRS\WEBSITE\Vacation Entrance Requirements



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