

7.5.521: PROPERTY BOUNDARY/LOT LINE ADJUSTMENT

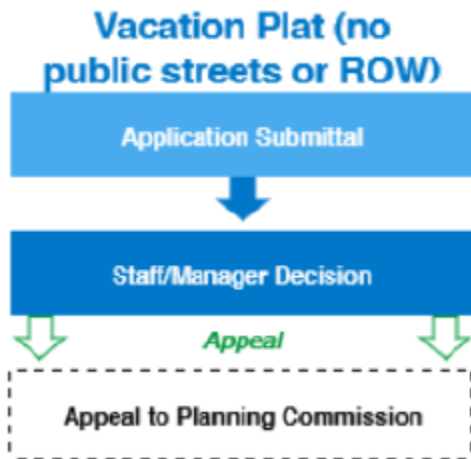
Review Criteria

A. Purpose: The purpose of this Section is to provide a mechanism for the City to evaluate a request to vacate a plat or to vacate a public right-of-way.

B. Applicability: A Vacation Plat is required to revert property to acreage or vacate a dedicated public street or alley.

C. Vacation Plat Process:

1. The applicant shall submit the vacation request and any related information to the Manager.
2. The public notice requirements of Section 7.5.406 (Public Notice) shall apply to a Vacation Plat involving a public street or right-of-way.
3. The Manager shall refer the complete vacation request to other affected City departments or agencies and to other governmental agencies as required by law for their review and comment.
4. If it does not involve dedicated public streets or rights-of-way, the Vacation Plat request shall be reviewed and approved administratively by the Manager in accord with the following procedures.



- a. The Manager shall review and notify the applicant in writing of any required modifications.
 - b. Following review of a complete application, if the proposed Vacation Plat does not contain dedicated public streets or alleys, consideration of the Vacation Plat shall be processed pursuant to the procedures for Final Plats in Section 7.5.518 (Final Plat or Replat).
5. If the proposed Vacation Plat contains dedicated public streets or rights-of-way:



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Vacation Plat (with public streets or ROW)



a. The Manager shall notify the applicant in writing of the comments and recommendations of reviewing agencies. If the Vacation Plat involves an accompanying application requiring Planning Commission action, the Vacation Plat shall be presented to the Planning Commission for consideration in conjunction with the application and then forwarded to City Council for consideration. Otherwise, the Vacation Plat shall be placed on the next City Council agenda for which public notice can be given.

b. The City Council shall approve the Vacation Plat, or approve it with conditions, by adoption of an ordinance, or shall deny the Vacation Plat. City Council shall approve the application only if it complies with the following criteria:

- (1) The right-of-way is no longer needed for public transportation purposes;
- (2) The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes;
- (3) The vacation will not adversely impact the uniform width of the remaining portions of the public right-of-way along the block frontage for which vacation is sought;
- (4) Access to lots or properties surrounding the public right-of-way will not be adversely affected; and
- (5) The vacation is consistent with the purpose of this UDC.

c. An action by the City Council in vacating a dedicated public street or alley shall become final on adoption of the vacation ordinance and may not be reconsidered or rescinded.

d. If City Council approves a Vacation Plat, the applicant shall submit to the Planning Department a mylar copy of the Vacation Plat. The City shall be responsible for recording the Vacation Plat with the Clerk and Recorder of El Paso County.

D. Vacation Plat Requirements:

1. Preparation: A Vacation Plat shall consist of both a Preliminary and Final Plat. The Vacation Plat shall be clearly and legibly prepared by a professional land surveyor licensed by the State of Colorado. The plat shall comply with the provisions of this Section 7.5.522 and state law.



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2. Application Submission: In addition to complying with Section 7.5.403 (Application Submission), the applicant shall submit the required number of Vacation Plats indicated on the application form.

3. Specifications of a Vacation Plat:

a. Sheet Size: The sheet size shall be twenty-four (24) inches by thirty-six (36) inches including one-half inch border with "landscape" orientation. North may be oriented from plus ninety (90) degrees to minus ninety (90) degrees of "True North."

b. Scale: The Vacation Plat shall be drawn to a scale acceptable to the City Engineer.

4. Information Required to Be Shown on a Vacation Plat:

a. Description: A clear description for the title of the area being vacated.

b. Subdivision Name, Subtitle: The name of the subdivision shall be included at the top of each sheet, followed by a subtitle identifying the section, township, and range information along with City, County, and State.

c. Property Description: An accurate and clear property (legal) description of the overall boundary of the subdivision with the acreage of the subdivision. All courses in the property (legal) description shall be shown and labeled on the plat drawing, with all bearings having the same direction as called out in the legal description. The only exception being where more than one description is required, going a different direction over the same course. The direction shall then hold for the description having more weight (i.e., the overall boundary) for purposes of the plat. If both record and "as measured" dimensions are being used, the applicant shall show both and have each clearly labeled on the plat drawing. Point of commencement and/or point of beginning shall be clearly labeled on the plat drawing.

d. Vicinity Map: A vicinity location map necessary to locate the plat.

e. Preparation Date: Date of preparation, scale, and north point.

f. Surveyor's Statement: All Plats shall have a surveyor's statement shall reading as follows:

"The undersigned professional land surveyor licensed in the State of Colorado, hereby states and declares that the accompanying Vacation Plat was surveyed and drawn under his/her responsible charge and accurately shows the described tract of land and vacation thereof, and the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his/her knowledge and belief."

g. General Information: All plats shall have the following statement, with signature blocks for signature by the Mayor and Attestation by the City Clerk:

"Be it known by these presents:

"Pursuant to Ordinance No. _____, made and adopted by the City Council on ____ day of _____, 20__, the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation, does hereby vacate the land set forth on this Vacation Plat and shall be known as " _____ " located in the City of Colorado Springs, County of El Paso, State of Colorado.

City Approval:



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On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying Vacation Plat of "_____".

Mayor

Attest: _____

City Clerk

State of Colorado

County of El Paso

This instrument was acknowledged before me on _____, 20__ by _____, as Mayor, and by _____, as City Clerk, of the City of Colorado Springs.

Witness my hand and official seal.

Notary Signature

My commission expires: _____

City Planning Director Date

City Engineer Date

Colorado Springs Utilities Chief Executive Officer Date"

h. Statement of Ownership and Acknowledgment: All plats shall have a notarized signature of the owner confirming ownership of the land included in the plat and acknowledging the owner's consent to recording of the plat.

i. Layout: The exact layout including:

(1) Boundary Lines: The boundary lines with accurate distance and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(2) Dimension, Relative Bearing, Curve Data: The length of all arcs, internal angles, and points of curvature.

(3) Easements: All existing public drainage and/or utility easements as recorded, may be subject to reservation of said easements as defined in Section 2 of the Vacation Ordinance for existing drainage and utility installations. The Plat shall include a note that states:



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"The vacated portions of right-of-way are subject to the reservation of easements as set forth in Section 2 of the City of Colorado Springs Ordinance No. ____" (if the easement types are known that are going to be retained as described within Section 2 of the Ordinance, that information can be added to the note).

(4) Lots, Blocks, and Identification System: All lines of lots, blocks, identification system and other parcels of land as recorded.

(5) Streets: The plat shall show the right-of-way lines, widths, locations, and street names of all streets as recorded within, and immediately adjacent to the property being vacated.

(6) Inundation Mark: As recorded on the previous plat.

j. Square Footage of Area: The area in square feet of that which is sought to be vacated.

k. City File Number: The city file number shall be shown in the lower right-hand corner within the border on all sheets.

l. Monuments: All monuments used to determine and or describe a boundary (including basis of bearings, point of beginning, and point of commencement shall be shown and clearly labeled. If monuments for corners defined by the plat, or otherwise necessary for an accurate definition of the area contained within the plat, are found to be missing in the field, those monuments shall be replaced and set in accordance with the requirements of the State of Colorado. (See Final Plat requirements for exterior boundary corners being set or recovered).

m. Other: All other information required by State law. (Ord. 23-03)