



WESTMINSTER

EASEMENT and RIGHT-OF-WAY
Vacation/ Encroachment Application

Type of vacation/encroachment (check one): ROW Easement
Type of easement (if applicable): Date:
Legal Description of Property: (Lot number, subdivision name, and County)

Property Address:
Name of Owner:
Owner's Address:
Owner's Phone No.:

Reason: This (check one) VACATION ENCROACHMENT is requested in order to

(i.e. construct a garage, building, retaining wall, relocation of utility, etc.)

APPLICATION FEE (check one): Vacation \$300.00 Encroachment \$50.00
(Payable to City of Westminster)

Table with columns: Approval Signature, Vacation, Encroach. Rows include XCEL ENERGY* (Underground Electric, Overhead Electric, Gas), CENTURY LINK*, XFINITY CABLE*, OTHER*, and CITY OF WESTMINSTER* (Engineering, Public Works & Utilities, Fire).

Comments:

As partial consideration for a vacation, the applicant agrees to fully indemnify and pay for any relocation of any type of utility service necessitated by this request, if said utility services exist within the portion of land being vacated.

Applicant:
Phone No.: Email address:

* All signatures do not need to be on the same sheet.



Processing of the documents will commence only following receipt of the Application for Vacation/Encroachment with the accompanying fee as outlined on the application. The fee is for processing the application, and is not refundable.

ALL COMPLETED APPLICATIONS WILL BE SUBMITTED TO THE ENGINEERING DIVISION 303-658-2120 OR engineering@cityofwestminster.us

I. RIGHT-OF-WAY (ROW) VACATION PROCEDURE:

A public right-of-way is an interest in land. Any vacation of such land requires the approval of City Council by Ordinance. From application to completion, a right-of-way vacation takes **at least** six weeks.

When the City is asked to vacate its interest in a particular right-of-way, a formal request must be made. This request is in the form of an easement and right-of-way vacation application combined with a legal description, exhibit, and processing fee.

In addition to the attached application, the applicant must provide the following exhibits on separate PDF on 8 ½"x 11" format:

A. Description of property to be vacated:

1. Each description shall have an introduction which states the intended use of the property described, the location of the property, (Section, Township, Range, P.M.), and the subdivision name if applicable.
2. The body of the description shall contain sufficient information to avoid any ambiguities or the necessity for assumptions.
3. The description shall close mathematically with a minimum positional tolerance of 1 part in 10,000. Submit closure calculations with the description.
4. The point of beginning shall be tied to an established land corner or to a point identifiable on a recorded subdivision plat.
5. The Basis of Bearing shall be based on the city's coordinate system:

(NAD 1983 StatePlane Colorado North FIPS 0501 Feet also referenced as EPSG: 2231 and USGS NVD 1988) and aligned with the city's quarter section bearings.

6. Metes and bounds descriptions are preferred whenever possible. Centerline descriptions will be accepted only when:



- a) The point of beginning and the point of terminus are described in the text and are tied to independent control points.
 - b) The land described is uniform in width (from the described centerline) throughout its entire length.
 - c) The sidelines of the land described are at all points parallel with the described centerline.
 - d) Land descriptions that deviate from any of the foregoing conditions must be written in a metes and bounds format.
- 7) The area described shall be expressed in square feet and acres.
- 8) Each description shall be signed and sealed in accordance with C.R.S. 12-25-217 (2).
- B. Depiction of property to be vacated:
- An exhibit shall accompany each property description conforming to the following format:
- 1) Submit in PDF printable on 8 ½" x 11"
 - 2) Once approved, the exhibit shall be submitted to the City in either AutoCad DXF format or ESRI shapefile export.
 - 3) Lettering shall be Leroy or professional grade lettering.
 - 4) The following statement must appear on each exhibit:

"THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION."
- C. The applicant must route the completed form and exhibits to the dry utility companies as in Section **IV** below. City of Westminster staff signatures will be obtained by the engineering division, not the applicant.
- D. Once the dry utilities and the appropriate City of Westminster staff have signed off on the application, an ordinance will be drafted by the engineering division and brought to City Council for a formal vacation.



II. EASEMENT VACATION PROCEDURE:

In addition to the completed application, the applicant must provide exhibits that adequately depict the easements to be vacated in PDF format that are printable on 8 ½”x 11”.

- A. The applicant must route the completed form and exhibits to the dry utility companies as outlined in Section IV below. City of Westminster staff signatures will be obtained by the engineering division, not the applicant.
- B. Once the completed form has been signed by all applicable parties, the applicant has two options to vacate an easement:

1) Separate document

- a) The applicant must supply a legal description and exhibit that follows the same protocol as Sections I.A. and I.B. above
- b) Once the description and exhibit have been received, a Quit Claim Deed will be generated by the engineering division and recorded in the appropriate county. At that point, the easements will be officially vacated.

2) Final plat

- a) If a final plat will be generated for the development, the easements to be vacated can be shown as such hatched on the final plat.
- b) Once the final plat is recorded, the easements will be officially vacated.
- c) Utilities that were in the easements must be removed prior to final plat recordation, otherwise these easements will need to be vacated per separate document.

III. ROW/EASEMENT ENCROACHMENT

In addition to the completed application, the applicant must provide the following information on separate PDF, printable on 8 ½”x 11”:

- A. Property boundaries
- B. Subdivision name (or county parcel number if not part of a subdivision)
- C. Lot and block number



- D. Name of surrounding lots or subdivisions
- E. Width right-of-way and street name (if applicable) or width and type of easement.
- F. Depiction of the proposed encroachment with the type of structure

IV. ROUTING APPLICATION FOR SIGNATURES

Prior to submitting any application for vacations or encroachments to city staff, it is the applicant's responsibility to route the application through:

- A. XCEL, Engineering
- B. Century Link (previously Qwest) Communications, Right-of-way
- C. Xfinity (previously Comcast Cable), Construction Department
- D. Any other utility company or agency that may have rights to the easement or right-of-way (ditch company, etc)
- E. The most recent dry utility contact list can be found [here](#). **EACH DRY UTILITY SIGN OFF CAN BE ON AN INDIVIDUAL SHEET, THEY DO NOT ALL NEED TO BE ON THE SAME APPLICATION.**