

PEOPLE'S ORDINANCE NO. 20

SERIES 1989

AN ORDINANCE ESTABLISHING PROCEDURES FOR VACATING STREETS AND PUBLIC WAYS WITHIN THE TOWN OF BRECKENRIDGE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. There is hereby added to the Town Code of Breckenridge a new Chapter 4 of Title 11, entitled "Street and Public Way Vacation Procedures", which shall read in its entirety as follows:

Chapter 4
Street and Public Way Vacation Procedures

Sections:

- 11-4-1 Request for vacation.
- 11-4-2 Public hearing and notice.
- 11-4-3 Vacation only granted if in public interest.
- 11-4-4 Administrative Fee.
- 11-4-5 Reservation of easements and rights-of-way.
- 11-4-6 Further conditions and restrictions.

11-4-1 Request for vacation. A request for vacation of any public street or other public way within the Town shall be made in writing, addressed to the Town Council, and shall include the following:

1. A legal description of the street or public way, or portion thereof, sought to be vacated;
2. A statement of the facts justifying or necessitating the requested vacation;
3. The name and address of the person making the request;
4. An ownership and encumbrance report prepared by a title insurance company, or other documentation acceptable to the Town Attorney, providing the names and addresses of all persons who own real property immediately adjacent to the public way sought to be vacated; and
5. A survey of the public way sought to be vacated, which survey shall have been prepared by a licensed Colorado surveyor and certified or recertified within the six (6) months preceding the request for vacation. Such survey must include all adjacent property lines, recorded or apparent easements over or across the public way sought to be vacated, and all existing features of the public way sought to be vacated.

The costs of all materials required to be submitted to the Town Council pursuant to this Section shall be paid for by the person making the request for vacation.

11-4-2 Public hearing and notice. The Council shall hold a public hearing on the vacation ordinance at the time of the second reading of the ordinance. Notice of such hearing shall be published in a newspaper of general circulation in the Town at least four days prior to such hearing. In addition, the Town Clerk shall mail notice of such hearing to all owners of property adjacent to the public way sought to be vacated as shown in the request for vacation, and to all public utility companies providing service within the Town. Such notice shall be mailed at least four days prior to the public hearing.

11-4-3 Vacation only granted if in public interest. Following the public hearing the Council shall either allow or deny the request for vacation. In making such decision the Council shall determine whether the requested vacation would be in the public interest. No roadway (including any platted or designated public street, alley, lane, parkway, avenue, road or other public way) shall be vacated so as to leave any land adjoining

said roadway without an established public road connecting said land with another established public road. Any action of the Council vacating a public way within the Town shall be done by ordinance as required by Section 43-2-303(1)(a), C.R.S.

11-4-4 Administrative Fee. Except for vacations initiated by the Town, the party requesting a vacation shall pay a fee of \$300.00 to the Town at the time the request for vacation is made. The purpose of the fee is to reimburse the Town for the time expended in the evaluation of the request, the preparation of required staff report, and the legal work required in connection with the request, including the cost of preparation and publication of the vacation ordinance. Such fee is non-refundable.

11-4-5 Reservation of easements and rights-of-way. Any ordinance vacating a public way may reserve rights-of-way or easements for the continued use of existing sewer, gas, water or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

11-4-6 Further conditions and restrictions. Nothing contained in this Chapter shall in any way limit or restrict power of the Council to impose further conditions, restrictions or requirements upon a request for vacation or upon such vacation if so granted.

Section 2. Except as specifically amended hereby, the Town Code of Breckenridge, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. This Ordinance shall be published and become effective as provided by law.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of June, 1989. A Public Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 11th day of July, 1989, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST: Rosemary Ahern
Rosemary Ahern, CMC/AAE, Town Clerk

TOWN OF BRECKENRIDGE
Stephen C. West
Stephen C. West, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 6, 1989.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 11th day of July, 1989.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST: Rosemary Ahern
Rosemary Ahern, CMC/AAE, Town Clerk

TOWN OF BRECKENRIDGE
Stephen C. West
Stephen C. West, Mayor

APPROVED IN FORM

Doyle Berg 7/11/89
Town Attorney Date

This Ordinance was published by title, with amendments, in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 3, 1989.