

FREMONT COUNTY
APPLICATION FOR VACATION OF RECORDED PUBLIC
RIGHT-OF-WAY (ROW)

1. Project Name: _____
2. Applicant: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Telephone #: _____ Facsimile #: _____
3. Consultant: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Telephone #: _____ Facsimile #: _____

Please read prior to completion of this application.

No Vacation of Recorded Public ROW (VPR) Application which has been denied by the Fremont County Board of County Commissioners (Board) within the past three (3) years can be resubmitted unless there is valid new evidence or a substantial change in circumstances of the original application.

As with all land use applications, payment of associated fees does not insure approval of the application.

Any application which is not complete or does not include all minimum submittal requirements will not be accepted by the Fremont County Department of Planning and Zoning (Department). Further, any application that is inadequately prepared, or is incomplete, may be subject to postponement (*until an adequate submittal is provided*) of placement on an agenda of the Fremont County Planning Commission (Commission).

The applicant shall provide **one (1) original document and two (2) copies** of the application and all of its attachments (*copies of deeds, contracts, leases etcetera are acceptable*) at the time of application submittal along with the application fee, set as per Resolution of the Board. Submittals shall be made to the Department no later than 3:00 pm on the submittal deadline date.

After an adequate submittal, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter), which will state the submittal deficiencies which must be addressed by the applicant, Department comments and / or questions about the application and the number of revised application packets that must be supplied to the Department in order to place the application on an agenda of the Commission.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 12 would be marked - Exhibit VPR-12.1, the fifth attached document supporting the narrative provided for application item 12 would be marked - Exhibit VPR-12.5*). Exhibit numbers should be placed in the lower right hand area of the exhibit.

An additional full application fee will be charged to the applicant, as per Resolution approved by the Board, if all deficiencies as per the initial D & C Letter are not adequately addressed or provided. Each subsequent D & C

Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

If the application is approved by the Board with contingencies, the contingencies shall be provided to the Department within six (6) months of the approval date. If not, the approval shall be deemed rescinded and the application expired. Re-submittal of the entire application, including fees, and procedural requirements, including public meetings and notices would be required.

The Department, The Commission and / or The Board may require additional information at any time during the application process as may be deemed necessary in order to review the application adequately, to determine if the application is in compliance with all applicable regulations and make an informed decision with regard to recommendations, approval or disapproval of the application.

Note: If the application for vacation is approved, current regulations require a boundary or lot line adjustment, and the deed(s) of record for the lot(s) or parcel(s) shall include the vacated ROW.

For specific regulatory requirements the applicant should refer to the appropriate sections of the Fremont County Zoning Resolution (FCZR) and the Fremont County Subdivision Regulations. In addition, consideration shall be given to the Fremont County Master Plan, in the review of VPR applications.

For further reference the Fremont County Zoning Resolution (FCZR) may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/zoningresolution.pdf> and the Fremont County Subdivision Regulations may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/forms/subdivisionregulations.pdf> and the Fremont County Master Plan may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/forms/masterplan.pdf>

4. Provide a detailed statement describing the reasons for the proposed vacation of recorded public ROW. Discuss why the public will not be adversely affected by the proposed vacation. The more information provided, the easier it will be for the Department, Commission, Board and Public to understand and review the request.

5. What is the description of the ROW to be vacated? Provide ROW name, width, length from one known point to a second known point. _____

If the description is long, an attachment can be made marked as Exhibit VPR-5.1. An exhibit has been attached.

6. What is the general location of the ROW to be vacated? _____

7. Does the ROW provide access to Federal or State land (*BLM, DOW, etc.*)? Yes --- No If **yes**, please explain. _____

8. Will the vacation of this ROW land-lock any parcel? Yes --- No If **yes**, please explain. _____

9. Is the ROW improved? Yes --- No If **yes**, please explain. _____

10. Is the ROW maintained by the County? Yes --- No
11. Does the ROW contain utility improvements? Yes --- No If **yes**, please list the improvements. _____

12. Does the ROW provide access to a State or Federal ROW? Yes --- No If **yes**, please list the State or Federal ROW(s). _____

13. A copy of the recorded document which dedicates the ROW to the public or to Fremont County shall accompany this application marked as Exhibit VPR-13.1. An exhibit has been attached.
14. What is the total acreage of the ROW to be vacated? _____
15. What is the current zoning of the lots adjoining the ROW to be vacated? _____

16. Is the ROW located within the Urban Growth Boundaries or other areas of influence of any municipality? Yes --- No If **yes**, please identify the municipality and area(s) of influence. _____

If **yes**, does the proposed vacation meet the requirements of the municipality influence area, Urban Growth Boundary policies and Master Plan document? Yes --- No Please explain _____

17. Does the ROW lie within three (3) miles of any municipal boundary line and / or a county boundary line? Yes --- No If **yes**, please identify the entity(s). _____

If **yes**, does the proposed vacation meet the requirements of the Three Mile Transportation Plan of the municipality? Yes --- No Please explain _____

18. The **purpose** of the Fremont County Zoning Resolution is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Fremont County, including lessening the congestion of the streets or roads, or reducing the waste of excessive amounts of roads; and protecting both urban and non-urban development. Please provide a statement explaining how the proposed vacation complies with this purpose. _____

19. **Fremont County Master Plan Approval Criteria:** The proposed vacation should comply with the “Goals, Objectives and Implementation Strategies”, in general, of the Transportation Category in Chapter Four of the Fremont County Master Plan. The applicant is familiar with said document and feels that the proposed vacation is in compliance with the document. Yes --- No Please explain. Specifically address Objective A8 which states “The County will not encourage vacating of existing roadways, especially if this action would inhibit public access.” _____

20. **MASTER PLAN - PLANNING DISTRICTS** - The Fremont County Master Plan divides the County into six distinctive planning districts, with objectives and strategies for each planning district that will be used in review of VPR applications as a portion of the justification that the proposed project would meet the intent of the Master Plan. An attachment, marked as Exhibit VPR-20.1, that addresses how the proposed VPR will meet the objectives and strategies of the Planning District in which the subject property is located shall be provided. Specifically address the requirement that the proposed vacation will not place a burden on the existing transportation system or impact future development.

In which Planning District is the proposed project site located?

- District One - The Urban Growth District District Two - The Penrose/Beaver Park District
 District Three - The Mountain District District Four - The Royal Gorge Impact District
 District Five - The Arkansas Valley District District Six - The Plains District
 An exhibit has been attached.

21. Three (3) full size and three (3) reduced (8½"x11" or 11"x17") copies of a site plan drawing, drawn to professional standards, to include, at a minimum, the following (*the Department, Commission or Board can require additional information*) (*More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification*):

- a. Drawing size: twenty-four (24) inches by thirty-six (36) inches;
- b. Drawing scale, unless a different scale is approved by the Department prior to submittal: minimum scale of 1"=100';
- c. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet;
- d. Appropriate title (A VACATION OF [*name and / or description*]);
- e. Complete description and acreage of ROW to be vacated;
- f. Written and graphic scale;
- g. North Arrow;
- h. Public ROW to be vacated shall be illustrated by cross hatching or other method approved by the Department. In addition, the ROW to be vacated should be noted on the drawing.
- i. The ROW to be vacated shall include all dimensions, etcetera;
- j. All lots, parcels, or tracts adjoining the ROW to be vacated, along with the zoning classification for each;
- k. A vicinity map to locate the proposed vacation in relation to surrounding areas, streets, etc.;
- l. Date of preparation and dates of revision, if necessary.

22. At least fourteen (14) days prior to the Commission meeting, the Applicant or his representative shall be responsible for mailing notice of the meeting dates of the Commission and Board (*see FCSR XV.G.1*) to all adjoining property owners, by certified mail, postage prepaid, return receipt requested to the Department, on a form provided by the Department. The notice shall state that the property owner(s) may appear in person or by a designated representative, or if unable to attend, may submit a written statement expressing their comments on the submission. In addition, a vicinity map locating the ROW to be vacated shall be enclosed with the letter to adjoining property owners. A list of names, mailing addresses, and Assessor's Parcel Numbers for all adjoining property owners shall be attached to this application and marked as Exhibit VPR-22.1. An exhibit has been attached.

23. At least fourteen (14) days prior to the Commission meeting, the proposed vacation shall be posted. The sign shall be not less than three (3) feet by three (3) feet in size with letter size being no smaller than two (2) inches in height. The notice shall be legible and on durable material and shall be waterproof. The sign shall state the following: The date and place of the Commission meeting and the Board meeting, the type of hearing to be held, the public authority (Planning Commission and Board of County Commissioners) considering the vacation and the location and telephone number of the Department where additional information can be obtained. The notice shall be posted continuously for at least fourteen (14) days prior to the Commission meeting. If sign is destroyed, non-readable etc., re-posting will be required. The sign shall be posted in plain sight, no further than fifteen (15) feet from the public right-of-way providing access to the property, and on the subject property. The sign shall be readable from the public right-of-way. The Department shall be notified when the posting is completed.

24. In accordance with the Fremont County Subdivision Regulations (*XV.G.2.*) proof shall be provided (*certified mail with return receipt*) that all individuals and entities having any rights of record easements and all applicable utility companies were notified of this application. The notification shall include a form letter provided by the Department and a copy of the proposed plat provided by the applicant. The person(s) and / or entity(s) receiving such notice shall have ten days from the date of receipt to respond in writing to the Department with any comments regarding the proposed vacation. Please provide a copy of the certified mail receipts and letter mailed to each entity and mark as Exhibit VPR 24.1. An exhibit has been attached.

Water source _____ Mail date _____ Received date _____

Sanitation source _____ Mail date _____ Received date _____

Electric source _____ Mail date _____ Received date _____

Natural gas source _____ Mail date _____ Received date _____

Telephone source _____ Mail date _____ Received date _____

Cable Television source _____ Mail date _____ Received date _____

Irrigation source _____ Mail date _____ Received date _____

Right of easement _____ Mail date _____ Received date _____

Other required notice _____ Mail date _____ Received date _____

25. A submittal fee of \$ _____ is attached to this application (Check # _____ cash)

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Fremont County hereby advises Applicant that if the application for vacation is approved, current regulations require a boundary or lot line adjustment, and the deed(s) of record for the lot(s) or parcel(s) shall include the vacated ROW.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Property Owner Printed Name

Signature

Date